

CHAPTER 2

TE WHANAU O WAIPAREIRA

2.1 INTRODUCTION

In its publicity material, Te Whanau o Waipareira Trust describes itself as:

a democratically run, charitable organisation, providing many forms of assistance to the people of West Auckland. It offers a caring service with dignity to all who request support. By doing so, the Trust aims to foster a greater understanding of matters Maori.¹

This statement complements the trust's founding kaupapa, which appears on its letterhead:

A Public Forum of the people of West Auckland, concerned with ensuring that facilities and resources are better utilised to benefit and assist the Maori community. Promoting Training and Employment, Economic, Social and Community Development.

It is followed by the whakatauki 'Kokiritia i roto i te kotahitanga' ('progressively act in unity').

It was impressed on the Tribunal, and accepted by all who took part in the inquiry, that Te Whanau o Waipareira Trust Incorporated is a major, positive force in West Auckland. It has a multi-million dollar budget and in 1993 had accumulated funds of \$3,090,590.² In 1993–94, it was involved in a large number of programmes concerning education, housing, employment, vocational training, health, and community services. It also has a corporate arm that provides professional 'innovative financial and business investment services'.³ As it was boldly put in the chairperson's 1993 annual report, 'this is a whanau on the move and it is definitely not going backward'.⁴

Reclaiming the Maori name for the region, Te Whanau o Waipareira has a self-defined catchment area in the West Auckland region from Waterview to Helensville.⁵

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1. Document A21(b)
 2. Document A21(g), p 26
 3. Document A21(a)
 4. Document A21(g), para 7.3
 5. Claimant witness Naida Pou explained why Helensville is regarded as falling within Te Whanau o Waipareira's area of operation (doc A8(i), p 3):

Twenty-five years ago Henderson was the shopping centre for Helensville. The Department of Maori Affairs was mainly in Auckland but it has a sub-branch out here in Henderson. When the Helensville Court House closed down, the people would come to Henderson for any Hearings. Therefore Helensville is a natural part of Waipareira and extended part of west Auckland.

Twenty-eight thousand eight hundred Maori live in its area, including 16,800 Maori who live in Waitakere City (ie, 12 percent of Waitakere City's population), the largest concentration of whom live in Te Atatu North.⁶ The trust's chief executive, John Tamihere, provided further demographic information in his evidence:

- b. We [ie, Maori] make up approximately 35% of the social welfare caseload work in the Western region. (Department of Social Welfare reportage)
- c. We make up 22% of the unemployed people which translates into a staggering 3 out of 4 Maori families in the Western region that obtain some form of Government benefit. (Census 1991)
- d. The average income of Maori in the Western region is \$12, 400 per annum. (Census 1991)
- e. We make up approximately 40% of all Police enquiry work which translate[s] into around about a 38% charge rate on a ethnic factor. (Police statistics)
- f. We make up approximately 55% of the Youth Justice work in the Western region. (CYPS/Justice statistics)⁷

Ninety percent of Maori in Waitakere City over the age of 15 have no formal schooling qualification and only 0.399 percent have any form of university degree.⁸

Albert Williams, the director of the Department of Maori Affairs in the Auckland region from 1978 to 1985 (and, at the time of the Tribunal's inquiry, the national manager of the Operations Division of the Ministry of Pacific Island Affairs), told the Tribunal that 'West Auckland is the fastest growing area in New Zealand, it has a staggering growth rate. The families who are coming into West Auckland are primarily young, and often solo parents.'⁹

2.2 THE ORIGINS OF TE WHANAU O WAIPAREIRA TRUST

2.2.1 Urbanisation

Claimant witnesses emphasised that the trust 'did not just happen in a vacuum over night'; 'The Kaupapa for Te Whanau o Waipareira Trust goes back many years, long before . . . the Trust officially incorporated.'¹⁰

The organisation known today as Te Whanau o Waipareira came into being in 1981 and gained its present structure as an incorporated charitable trust in 1984. However, its origins date from conditions and events that occurred between 30 and 40 years ago, when Maori urbanisation was rapidly taking place and West Auckland, which until the end of the Second World War consisted of small, isolated, rural communities, was itself emerging as a new major urban settlement.¹¹

6. Document A19, app 1, p 10

7. Ibid, para 4.1

8. Ibid, app 1, p 10

9. Document A8(e), para 9

10. Document A17, para 23; doc A16, para 7

11. Document B6, app 5, paras 2.1, 3-5

2.2.2 Social disruption

Mavis Tuoro was amongst the first Maori to move into the West Auckland area, arriving with her husband in the 1950s to find work in the city. In discussing the difficulties that the new urban setting presented, Ms Tuoro said:

The root of the problem . . . arose from the breakdown of the traditional whanau links. These Whanau links were no longer a guarantee in the new urban environment. Maori were not used to meeting responsibilities like mortgage payments. These were never a concern back home. Unemployment was not a huge issue at the time, in fact there was plenty of work. Our commitments were rather with budgeting and the matter of alcohol abuse by our men in the local pubs. These were the social problems of the time.

Education was a priority for our children. Our children were very affected by the move with their parents into the city. You would have the problem of children going to school with no lunch and because their parents were struggling to adapt to the urban environment, children suffered. Often they had poor clothing and poor health. We really needed to motivate these children into being education oriented.¹²

Drawing on her 31 years of experience working at the Department of Maori Affairs, Connie Hanna said:

Groups of Maori school leavers aged between 16 and 18 would arrive from the rural areas during the period 1960 to 1962. . . .

Around [1967] we began getting many inquiries from Maori who would tell us that they [had] lost their jobs, had no money or food and no where to stay. Many of them wanted to go home. . . . These people would come to us because they had no families in the city or had fallen out with their families.¹³

She related how the social problems grew in the late 1960s and through the 1970s:

Key issues were housing. Many of [the] clients were also very lonely, and often came as individuals to the city. They were isolated from their whanau support networks. In my view if Maori had strong whanau ties in the city they would not have come to us as frequently as they did.

During this time nearly two thirds of the housing mortgages administered by Maori Affairs were in arrears. Ada Bratten was in charge of this arrears portfolio. She would get a tongue-lashing from some of the people she visited in relation to their mortgage arrears. She dealt with our Maori men who would give her a hard time. These people were having serious problems with real life skills like budgeting. They would spend all their money on alcohol. . . . We were sometimes called upon by the woman [of] the house when serious arrears were occurring. By the time we were called upon to assist with arrears or other matters, the whole family was usually falling apart.

12. Document A17, paras 4, 5

13. Document A25, paras 20, 32

Over crowding caused serious domestic problems . . . Women would end up carrying a tremendous share of the burden which family had put upon her. . . .

Around 1975 and 1977 what we were beginning to see was the emergence of gangs like Black Power, Mongrel Mob and Head Hunters. . . .

These gang members were the children of those Maori who came from the rural areas to the cities in the early 1960s. They were the product of the breakdown of whanau links in the cities during those years.¹⁴

Maori in West Auckland responded in a number of ways to the new challenges city life presented.

2.2.3 Maori community organisations

One of the chief responses was through Maori committees established under the Maori Welfare Act 1962.¹⁵ The committees were the most ‘grass-roots’ level in a system of non-tribal Maori associations that included Maori executive committees, district Maori councils, and the New Zealand Maori Council. According to Ms Tuoro:

The purpose of these [committees] was to get together to see what could be done for people who had left their own homes in rural areas and moved to a new environment. The [committees] which developed as a result of this shift by Maori into these Cities covered many aspects and tackled many problems that people were having.¹⁶

A number of committees formed in West Auckland, including the Henderson Maori Committee and the Te Atatu Maori Committee. Although the committees were statutory in origin, claimant counsel concluded that ‘Maori of the time obviously welcomed these developments because the committees were active and innovative from a very early stage’,¹⁷ a conclusion supported by evidence from claimant witnesses. Naida Pou, for example, a Maori health manager and trustee of Te Whanau o Waipareira Trust (as well as a Treaty of Waitangi fisheries commissioner, a trustee of Te Runanga o Ngati Whatua and Te Roopu Mataihi, and, at the time of the Tribunal’s inquiry, the chairperson of the Auckland District Maori Council), stated:

The Maori Committees that I was involved with handled a great deal of social disruption in the Community. Those Maori involved gave their time voluntarily, even this took [its] toll on the providers though. These same Maori voluntarily went into Courts, to support Parents and their Children.¹⁸

14. Document A25, paras 34–36, 38–39

15. The predecessor of the Maori Welfare Act 1962 was the Maori Social and Economic Advancement Act 1945, which established tribal committees and tribal executives and provided for district conferences. Significantly, the 1945 Act was based on tribal groupings, whereas the 1962 Act was not. The submissions to the Tribunal generally referred to the 1962 Act as the Maori Community Development Act.

16. Document A8(f), para 1

17. Document B7, para 2.4

18. Document A8(i), para 5

Ms Pou also observed how Maori committees initiated family group conferences in the mid-1970s, well before they became formalised in law under the Children, Young Persons, and Their Families Act 1989.¹⁹ According to Tai Nathan, a former chairperson of the trust:

there were many initiatives by Maori Committees all over West Auckland to advance and promote Tikanga Maori, Te Reo, Business, Horticulture, Health, Education, and other social needs in a holistic way.²⁰

Mr Tamihere commented on the link between the committees and the growth of pan-tribalism in West Auckland:

As a consequence of the Maori Committee structure a number of strong networks grew in the Waipareira region. Names such as Monty Wikiriwhi, Brownie Puriri, Peter Awatere, John Waititi and others helped Maori, perhaps unconsciously, organise against the integration and assimilation policies pursued in the 50's and 60's. Consequently, significant organisational Maori networks based on a pan-tribal nature were embraced fully in the Waipareira area.²¹

Like the Maori committees, Maori wardens (who also derived their authority from the Maori Welfare Act 1962) and the Maori Women's Welfare League provided West Auckland with strong leadership 'in dealing with the social problems happening at the time as a result of the move by Maori families into the city and the resulting breakdown of traditional whanau ties'.²² They, too, were pan-tribal and, together with the Maori committees, dealt with cultural, social, educational, and health issues. 'What unified us in the early days in the Maori Women's Welfare League, Maori Wardens, and the Maori Committees,' said Ms Tuoro, 'was the desire to continue our culture and tradition in the cities. We wanted to recreate whanau, hapu, iwi structures for our people in the city.'²³

Central to that objective, and to the evolution of Te Whanau o Waipareira Trust, was the development of Hoani Waititi Marae.

2.2.4 Hoani Waititi Marae

(1) Origins of Hoani Waititi Marae

Ms Tuoro was one of the witnesses who explained to the Tribunal how and why Hoani Waititi Marae developed:

The focal point for West Auckland was sown 36 years ago when Hoani Waititi emerged as an idea. At the time, the then Mayoress Mrs Wiltshire was active on the Committees around West Auckland. She suggested we needed a Marae. The kaupapa for the Marae was something we put on ourselves. We needed to educate Pakeha to

19. Ibid, para 3; see also, for example, doc A8(h), para 2

20. Document A18, para 9

21. Document A19, para 1.11

22. Document A17, para 19

23. Ibid, para 23

understand us and we wanted to educate our own Maori who did not know about Marae and their whanaungatanga links. With so many Maori coming to live in West Auckland, and many of them increasingly out of touch with their families at home and their culture and traditions we sought to establish a place where they could learn from and which they could belong to and identify with. We wanted to continue our culture and traditions in the cities as well as at home.

We recognised that the Marae had to be a place to help educate and motivate our people, a place we could bring manuhiri aboard and do things Maori, like having hui and tangihanga. Tangi are one of the most important occasions in Maoridom. We used houses to have our tangi, before the Marae was built. . . .

John Waititi was a prominent Maori Educationalist who with Peter Awatere and Barbara Devonshire of Maori Affairs made a real drive for Adult Education in West Auckland. . . . The marae was named because of the qualities that we saw in John Waititi. He exemplified everything that we wanted Maoridom to be. . . .

The enthusiasm for developing Waititi marae was great. We needed an enormous amount of money to get it off the ground. We began to look at land. We had a very supportive Mayor Jack Colvin, who really got in behind our efforts with this. . . . The place we wanted originally was on Edmonton Road, however the zoning requirements would not permit us to buy the area at the time. There was also an attitude that probably the people didn't want a whole lot of Maori running around the middle part of Henderson in the fashion that seemed to be envisaged by Pakeha.

I went with Letty Brown to have a look at the original 8 acres at the present [site] of Waititi Marae. It was nothing but a lot of muddy land with [a] lot of rubbish and trees growing all over it. These were cleared by many of the Periodic Detention workers led by Denis Hansen. I remember being extremely disappointed with the property when I first saw it. Pine Taiapa blessed the area originally and he was to work with his brother Hone on the carvings of the Marae, many years later. This gave the Marae a lot of Mana.

Many supportive business people at the time helped with the process of getting the Marae up and running. We brought Pakeha in initially for the expertise at finding money which we needed to fund the Marae. I believe that at the time we really underestimated our own abilities to do these tasks ourselves. We did heaps of fundraising like car raffles and walkathons. . . . In organising funding for the Marae we got Mr Spencer from Caxton Paper Mills to donate a car which we then proceeded to raffle. The great thing about this project is that you really got to know everyone in the community. . . .

In building Waititi Marae we got a blessing if we all succeeded, and if we all failed then we went down together. . . . Many of those who were so actively involved with the Marae at the time were to later involve themselves with Waipareira Trust.²⁴

(2) A pan-tribal initiative

Ms Tuoro also explained the pan-tribal kaupapa of Hoani Waititi Marae:

Waititi Marae was meant to be pan-tribal. [It] left no room for the tribal bit. You had to leave your tribalism at the door. Some didn't necessarily like this. What we were trying to create with this Marae was a sense of family and a sense of belonging when people were no longer able to readily access their whanau ties in the areas they were

24. Document A17, paras 8–10, 15–18

originally from. We seriously thought about these kinds of issues at the time. We wanted to recreate whanau ties in the city. This was something the League and the Maori Committees were trying to do as well.²⁵

Mr Nathan added to Ms Tuoro's account:

It did not matter that many of us were not related when it came to building this Marae. There was a family spirit driving it. The effort invested, was pure aroha. Although many of the people who were initially involved with this Marae were not originally from West Auckland, they have since been buried in Waikumete Cemetery and have kept their link with the land that way.

For those Maori who did not belong to West Auckland, Waititi became a formal focal point for belonging. . . . Waititi was about belonging and identities. It was a place we could continue our cultural ways.²⁶

Dr Pita Sharples, a driving force on Hoani Waititi Marae, described how the building of the marae reflected the growing sense of community among Maori in West Auckland:

it became apparent that various groups were trying to build a marae in West Auckland. We approached a number of our people, and half were for and half were against. The half against said, no, my marae is Ngati Porou and that's it, or my marae is Te Arawa, in Te Arawa, and that's it, you can't have a marae in town. Yet we looked at what we were doing, when we needed a marae, we just hired the hall and turned it into a marae. The street was our marae, our houses were our marae when tangi came up, our schools were our marae. So we said, well, that may be all right, that we have our own marae, but we still need a place; and so suddenly there was a group of, ah, marae planned in Auckland City, and so on, and this one came about.

And I mention this because in a way it was typical of how the trust was constituted, that this place was built by the people, for the people, and Waititi was chosen as an ideal that we might all aspire to. So with permission from Ngati Whatua elders, Tommy Downes, [inaudible], when they were alive, to have a marae here; and with permission from Te Whanau a Apanui to carry John's name, we built this marae.

And all those people on the marae committee today, and on the marae committee when we had nothing, no site, no constitution, nothing, all those people were people strong in their marae tradition back at their homes; so they knew who they were, where they hoped to be buried, and all that. So they set about building this place, which could be like a takawaenga, an intermediary marae, for the many thousands of Maori that live in the city.

And it worked. Because we noticed that Maori moving to the city were transferring their kinship relations to non-kin. No longer were they living in the hapu, so instead of borrowing a cousin's car, they borrowed mine. But because mine broke down, they borrowed Tuck Nathan's! . . . So steadily, those obligations and privileges which we enjoyed with our aunties and uncles and our cousins and our children back home, we were extending to our fellow Maori resident neighbours. So suddenly, Te Atatu became

25. Ibid, para 4

26. Document A18, paras 5, 7

a Maori community, Henderson and so on, and with the building of this marae, West Auckland; and the development of the Trust reinforcing that in West Auckland here.

So to me it is very clear that the time for recognition . . . of non-tribal residents if you like, of Maori people in urban areas, has got to be recognised.²⁷

(3) Focus for cultural revival

Hoani Waititi Marae was 'the first urban marae built in Auckland on the non-tribal secular principle of an elective committee',²⁸ and has been the impetus for the establishment of other marae such as Kotuku and Kakariki Marae based from schools.²⁹ It is considered to be the marae matua in the Waipareira region. Mr Tamihere put it this way:

It is extremely important for the Tribunal to note that Maori of my generation born in the cities find comfort, solace, support and coverage as a Maori under the umbrella of our Matua Marae Waititi and Te Whanau o Waipareira. . . . there are now third generation babies that know no other marae than this pan-tribal marae. . . . Our Matua Marae which has been acknowledged nationally . . . is a symbol to pan-tribalism and multi-culturalism. It is a symbol to the progression of our people into the urban areas and a statement that we can continue to practice tikanga Maori in a new environment.³⁰

June Mariu, a founding trustee of Waipareira and former national president of the Maori Women's Welfare League, said, 'Waipareira exists to accommodate the transition from the Home marae'.³¹ Dr Sharples emphasised how Hoani Waititi Marae provided a natural venue for the teaching and promotion of Maori culture in West Auckland:

This is a training ground, and I've watched . . . people, who are principals of schools in the country who are main speakers on their marae, and they learned Maori here, learned to whaikorero here. There are kaikaranga who are teaching us now, who learned their stuff here, went home [to] the gun people in their areas, have learned more and have come back and are teaching us now. So in that way I think that serves as an example how things that are happening in the urban area which goes back to the hapu.³²

Building Hoani Waititi Marae served to unify and provide a focus for Maori in West Auckland, but a further development was to take place before Te Whanau o Waipareira emerged as a distinct entity.

2.2.5 Tu Tangata and the Kokiri programme

That development was the introduction of the Tu Tangata programme by the Department of Maori Affairs in 1978. Literally meaning 'the stance of the people', Tu

27. Dr Sharples, oral evidence, first hearing, 1 September 1994, tapes 3, 4

28. Document A23, p 12

29. Document A8(n), para 5; see also doc A24(a), para 42

30. Document A19, paras 1.20, 8.11–8.13

31. Document A8(o), para 7

32. Dr Sharples, oral evidence, first hearing, 1 September 1994, tapes 3, 4

Tangata was, as Marea Brown (the trust's chief executive officer from June 1987 to 1990) put it, intended to let 'culture be the catalyst': 'it incorporated the need for both Government and non-government organisations to recognise just how the Maori Community wished to position itself in the World at large.'³³ As another witness put it, 'The Tu Tangata programme was an attempt to empower the people, and to change focus from a Government Department with all the power concentrated at one level.'³⁴

Part of this new philosophy was the Kokiri community administration programme 'designed to assist the passage of a great deal of departmental decision-making from the bureaucratic centre into the community's own hands'.³⁵ Albert Williams told the Tribunal:

The issues which the Kokiri Units dealt with were very holistic. These Kokiri Units were given money, decision making power and administrative support from Maori Affairs. The Kokiri Units operated very effectively in meeting needs at the local level and stimulating community involvement in many action programmes such as education, women's programmes and youth projects.³⁶

The Kokiri programme came to Auckland in April 1982, and the following month Connie Hanna, who was then working for the Department of Maori Affairs, notified the Maori community and the Government departments in the Waipareira area that a Kokiri unit was to be established:

As a result of this action the first meeting of the Waipareira Community was held at Hoani Waititi Marae on Wednesday, 2nd June 1982 at 6:30 pm. . . . At this meeting the concept of Kokiri Community Administration and Kokiri units [was] explained and the guidelines for a Waipareira Community Management Group were set down.

The Guidelines were the following:

- (1) That the group be made up of representatives from any Maori organisation and/or any other interested parties in the Community, whether it be a group, club, family or individual.
- (2) Meetings would be held at least once a month and there would be no structured committees.
- (3) Anyone who is in attendance at the meeting immediately becomes a member of the Community Management group. This Community Management group may not necessarily consist of the same people each month, therefore whoever is in attendance at a particular monthly meeting [becomes] the Community Management Committee for that month.
- (4) That a Chairperson, or Chairpersons be elected to head [the Group].³⁷

Sixty people representing 23 different organisations attended that first meeting, and June Mariu was elected as the Waipareira Community Management Group's first chairperson, assisted by Ossie Peri and Jerry Taingahue as co-vice-chairpersons.³⁸ As

33. Document A6, p 1

34. Document A8(c), para 5

35. Document A6, p 2

36. Document A24, para 17; see also doc A8(e), p 10

37. Document A6, p 2

38. Ibid, p 3

a Kokiri unit – one of seven in Auckland (the others being based at North Shore, Auckland City, Panmure, Otara, Mangere, and Papakura) – the management group also included representatives of the Departments of Maori Affairs, Social Welfare, Labour, and Justice and of the police.³⁹ The Kokiri units seemed to enjoy a measure of success generally, resulting in ‘an upsurge of active participation by Maori people in matters that have always concerned them but were too often left to be actioned within Government Departments’.⁴⁰ However, the Tribunal was told that the Waipareira unit was ‘unique’ in that it was ‘directly community utilised, directed and in essence controlled’.⁴¹ According to Albert Williams:

The Waipareira Kokiri stood out . . . because of [its] impressive track record. It was often chosen to pilot many programmes such as Matua whangai because of [its] track record.⁴²

2.3 TE WHANAU O WAIPAREIRA AND TE WHANAU O WAIPAREIRA TRUST

The next meeting of the Waipareira Community Management Group, on 7 July 1982, decided:

That the name of the management group and Kokiri unit be ‘Te Whanau o Waipareira’ and not Waipareira only, as the ‘Family of Waipareira’ seemed a more suitable name and in keeping with the whanau concept of helping and supporting each other.⁴³

Commenting on the name, Mr Nathan said in his evidence:

We acted like a whanau. It was our actions and feelings, our wairua, which knitted us together as a whanau. We made a conscious, unified effort to protect Maori values, and nurture them in the urban environment.⁴⁴

On 10 August 1983, Te Whanau o Waipareira passed a resolution to set up a charitable trust, and on 30 May 1984, 20 trustees signed a deed to constitute Te Whanau o Waipareira Trust.⁴⁵ The trust was incorporated under the Charitable Trusts Act 1957 on 24 August 1984.⁴⁶

39. Document A6, p 1; see also doc A8(h), paras 4–5

40. Document A24, para 18

41. Document A19, para 1.14

42. Document A24, para 17; see also doc A8(c), p 5

43. Document A6, p 3

44. Document A18, para 11

45. Document A5, p 2

46. Document A6, p 3

2.3.1 An umbrella group

The Tribunal was told that a trust structure was adopted in order to further the whanau's ability to provide for West Auckland Maori. In particular, the trust provided an administrative arm by which the numerous active but fragmented groups working in West Auckland could be coordinated. As Ms Hanna put it, the groups making up Te Whanau o Waipareira 'were aware that because of the looseness of their open community forum structure, funding agencies would not look upon them favourably'.⁴⁷ In Ms Mariu's words:

When Whanau o Waipareira first incorporated as a Charitable Trust there were many fragmented groups. There was Hoani Waititi Marae spearheaded by Dr Pita Sharples as well as other voluntary groups like the Te Atatu Maori Womens Welfare League, Waipareira Maori Womens Welfare League and several Maori Committees scattered over West Auckland. The High Schools like Rutherford established Marae which promoted Maori Culture and Language. These groups basically worked in their own areas, linking into Government programmes of Training and Employment . . . What the Trust . . . sought to do was to collate with key players and others in West Auckland who wished to make things happen for Maori People in a more co-ordinated fashion.⁴⁸

According to Ms Brown:

The advantage of bringing groups together under one umbrella, were the economics to be gained from pooling resources, and the benefits of pooling talents. We had a stronger commercial voice on many political issues, such as legislation like the Resource Management Act. We frequently lobbied Government, especially on education issues. We sought to develop a consensual and collective approach, rather than a competitive approach, for resources among the groups which made up the Trust umbrella.⁴⁹

These fragmented groups thus became the trust's affiliates – 'those organisations which in essence make up Te Whanau o Waipareira'.⁵⁰ In his evidence, Mr Tamihere explained that:

[a] number of affiliates do not have the capacity to place funding out and run into difficulties with basic GST reportage let alone other matters of detail required to be reported on in terms of contractual outputs. In this sense Te Whanau o Waipareira [Trust] was set up as an administrative and facilitative structure to ensure that

47. Document A25, para 56

48. Document A8(o), para 3

49. Document A8(r), para 25

50. Document B5, para 7.1. In the trust's funding bid to the NZCFA for the 1993–94 year, the following affiliate groups were identified as making up the trust's social service delivery mechanism: Piringatahi o te Maungarongo Marae, West Harbour; Haere Whakamua, Massey; Henderson Maori Committee, Henderson–Swanson–Ranui; Hoani Waititi Marae, Glen Eden–Titirangi–Sunnyvale; Te Kotuku Marae, Te Atatu; Te Roopu Manaaki a Iwi, Waitakere; Te Ruruhau o Te Whau, Avondale–New Lynn; Te Maranga Trust, psychiatric care; Wahine Whare Toa, women's refuge; Tika Maranga, women's refuge; and Waipareira Community House, women's programme.

resources won on the basis of representing the Maori community were applied to their fullest capacity in the Maori Community. As a consequence affiliates arrive at our whanau meeting, present their package and a rationalisation as to why they should be affiliated and once they are approved at the whanau meeting they are noted as an affiliated member. This gives them our political coverage, administrative management and seeding finance coverage . . .⁵¹

The trust's 1993–94 bid to the CFA further explains the rationale of the trust as an 'umbrella' organisation:

Whilst from one cultural perspective it could be seen that the Whanau, [its] Trust and [its] affiliates are separate identities this is not so in reality and practice. Each is bound by common cultural, historical and philosophical links. These bonds ensure that the whole remains together whilst maintaining the dignity of each component part. These ensure that the service delivered is close to the real need of the whanau and community by people who are part of that network, community and milieu. In turn each contributes not only to meeting the needs of their own area but to the community as a whole. . . .

The organisation is collected under the legal identity of Te Whanau o Waipareira Trust to ensure that the work of each group can access support, resources and expertise to carry out the function that is [theirs] in each area that make up Waipareira.⁵²

And as Kimball Stewart, the trust's community services manager, said in his evidence:

The concept of having our affiliates involved in the delivery [of social services] is that they are representative of the localities of Waipareira and as such can contribute insight and contact with the area in which they operate. . . .

In institutional terms the place of affiliates could be expressed as a team structure not unlike that used by the Department [of Social Welfare].⁵³

2.3.2 Affiliates retain autonomy

This organisational structure was promoted as a flexible one that does not constrain the constituent bodies from becoming independent. For example, Te Roopu Mataihi o Kaipara Social Services, initially an affiliate of the trust, no longer comes under its umbrella, having 'gone out on [its] own'.⁵⁴ Indeed, the trust's chief executive, Mr Tamihere, indicated in cross-examination that this is a process that the trust encourages. He stressed, also, that the decision to become independent is made by the

51. Document B3, para 6.4

52. Document B5, app 7, p 25

53. Ibid, para 7.1. A social worker for 16 years, Mr Stewart was employed between April 1988 and April 1992 in a variety of DSW community service positions, including that of acting regional coordinator of the south-west region and senior (or acting senior) social worker in the Henderson, New Lynn, and West Auckland offices. Joining the CFA as an outreach worker in South Auckland upon the agency's formation in 1992, Mr Stewart resigned eight months later to take up his position with Te Whanau o Waipareira Trust (ibid, paras 1, 6.1).

54. Document A8(i), para 9

affiliate and not by the trust. He gave as an example the experience of a sewing cooperative that had begun as an affiliate:

For two years the women that run [the cooperative] were mentored with administrative, legal, and other support, marketing, and the like, from the Trust. As of April this year they were a stand alone company – eight women. . . . but it took two and a half years to get it there. Their first contract they worked 12 hours a day, six days a week, and they had to pay them \$2.40 for it. They over ordered and they did everything wrong. Now they are doing everything right . . . and they are very happy, and they're the ones that said when they're happy to go alone. So, that is a decision not made by Waipareira but by an affiliate group of women.⁵⁵

Claimant witnesses gave evidence that the affiliate model and philosophy succeeded. According to Robert Newson, a trustee at the time of the Tribunal's inquiry:

Every group sought their own funding in tandem with this movement. . . .

The Trust was a good initiative to source funding. The attitude was always united we stand. We never wanted to compete with each other for funds. We preferred to work together, otherwise we would all wind up with nothing.⁵⁶

Te Whanau o Waipareira Trust was therefore constituted in such a way that it reflected the diverse groups coming under its umbrella. Its 20 trustees were people of standing, community leaders who represented marae committees, Kokiri units, Tu Tangata groups, and Maori women's welfare committees and who gave the trust 'credibility'.⁵⁷ A notable feature of the trust board as it was originally constituted was the inclusion of senior Government officials, including the director of social welfare in Henderson, a trustee until 1991, and the assistant director of social work in New Lynn, a trustee until 1985.⁵⁸ The inclusion of these officials and others from the Department of Justice on Te Whanau o Waipareira's trust board indicates the closeness of the trust's working relationship with those governmental bodies and that those departments 'were keen to see the Trust succeed'.⁵⁹ Claimant counsel saw it as 'confirming the partnership between the Crown and the Maori community in dealing with the problems the [West Auckland] community faced'.⁶⁰

2.3.3 Growth of the trust

(1) *Small beginnings*

The trust had few resources when it came into life. Initially, accommodation was in the top floor of rented premises in Ratanui Street, Henderson, which the trust had

55. Document B10, p 18

56. Document A8(b), paras 5, 16

57. Document A6, pp 3–4; doc A17, para 24

58. Document B5, para 4.2; see also doc A8(h), para 5; doc A19, para 1.14; doc A25, para 56

59. Document A8, para 13

60. Document E6, para 3.5

obtained as a Kokiri unit. Operating with a skeleton staff and heavily reliant on voluntary workers, the trust had funds amounting to \$733.47 upon establishment.⁶¹ Even when Ms Brown began as the trust's chief executive officer in 1987, 'there was [only] \$800 in the kitty'.⁶² Patrick Hanley stated that, when he was appointed coordinator of the trust in September 1987, 'the Whanau had \$4,000 in the bank'.⁶³

Claimant witnesses indicated that the trust's initial year or two were slow and that it took time for the trust to become not only functional but also aware of its power and potential: 'In the early days the Trust had very few systems in place.'⁶⁴

(2) Steady growth

Three years after the formal establishment of Te Whanau o Waipareira and one year after the incorporation of Te Whanau o Waipareira Trust, Ms Brown wrote a paper that offers a valuable snapshot of the whanau and the trust at that time. She wrote:

Since that first meeting was held in June 1982, the Whanau o Waipareira has held regular monthly meetings on the last Wednesday of each month, with the average monthly attendance of 65 people representing 44 different organisations. . . .

These monthly meetings take the form of a public forum and Maori values prevail. Meetings always commence (in keeping with tradition) with a karakia and mihi, and many members when presenting their take, do so in Maori. Meetings are often lengthy and filled with debate, and a wide range of topics are discussed. . . . The minutes of each meeting are available to any person who wishes to be on the mailing list. Membership is very loose. It is multi-tribal and consists of any person who is interested in assisting and benefiting the Maori people in West Auckland.

Because of the growth and strength of the Whanau o Waipareira over the past 3 years, it has become an autonomous body in its own right. It no longer looks to the Maori Affairs Department as a means to solving its problems but rather to the people in the Community where communal decisions are made. Maori Affairs Departmental Officers generally keep a low profile and are there to offer advice if and when it is requested by the larger Communal group.

Much of the work done by the Whanau members is social work. Many of the members who are involved in this type of work are volunteers, who when they are not working in paid employment spend their leisure time trying to sort out the problems of their wider communal group. Many hours weekly are spent trying to overcome the many social problems facing the Maori people in West Auckland. These volunteers are involved with unemployment, Prisoners Aid, Maori patients in Carrington Hospital, emergency housing, budgeting, health problems, street kids, and providing Community services like discos to name a few. Other groups are involved with programmes like, 'Te Piki Ora', Rapu mahi, homework centres, Kohanga Reo, Education, Maatua Whangai, Kokiri work schemes, Labour Department Work schemes, reviewing legislation, foster homes and establishing and supporting local Marae.

61. Document A8(b), para 5; doc A8(r), para 15; doc A25, para 56

62. Document A8(r), para 15

63. Document A8(h), para 13

64. Document A8(r), para 18

During the three years that the Whanau o Waipareira has been operating many changes have taken place. . . . One of the greatest difficulties that the organisation faces is to be able to discuss any topic in depth or at length, purely because of the logistics of the numbers attending the meetings. . . . Therefore sub-committees have had to be formed to discuss the issues relevant to them, and they in turn report back their findings to the Whanau. When the Whanau was initially organised, issues tended to be more local; however nowadays, many of the issues that the Whanau is involved with are national issues which are debated in the political arena. Therefore, subcommittees have been formed to specifically look at these national issues. These committees however still report to the Whanau and look to the Whanau for endorsement and support for the work that they are doing.⁶⁵

With a thoughtful eye to the future, Ms Brown wrote:

However the Whanau o Waipareira will need to be careful in that it does not grow too quickly as it could well outstrip the resourcefulness of the people who are its members. Even though attendance over the past three years has been constant, and many of the people who were original members are still very much involved, the sorts of issues which are coming to the notice of the Whanau now, take much more time and expertise to handle. Although there will always be local concerns . . . the greater national and political issues demand professional people with specific skills of whom there are only a handful in the Whanau and who without careful handling could well suffer from burn-out due to over commitment.⁶⁶

2.3.4 Maatua Whangai

Through its success as a Kokiri unit, Te Whanau o Waipareira was chosen to pilot the Maatua Whangai programme in 1983, a joint venture between Maori communities and the Departments of Maori Affairs, Justice, and Social Welfare:

Because of the fact that we were doing so well in our area it was stated at the first National Conference of Social Workers for the Department of Social Welfare that Waipareira was to pilot the Maatua Whangai programme.⁶⁷

The programme, founded on the Tu Tangata concept of community decision making, was trialled in 1983 and implemented nationwide the following year.⁶⁸ Ada Lau'ese who, at the time of the hearing was working as a voluntary social worker for the trust, became part of the Maatua Whangai team for West Auckland. She explained to the Tribunal that the 'primary objective' of the Maatua Whangai programme was, as she saw it:

to encourage and help support Maori people to take care of, and guide those of their children who were 'at risk'. The initial step in attaining this objective, was for the team to try and link the child at risk up with their own whanau or tribal group, who would

65. Document A6, pp 3, 7, 8-9

66. Ibid, p 9

67. Document A8(c), para 5; see also doc A8(m), para 5

68. Document C1(15), para 37

assume responsibility for caring for that child, with support from the Team in terms of the child's health, education and welfare.⁶⁹

In this way, the programme aimed to deinstitutionalise Maori youth and facilitate alternative whanau care.⁷⁰ Ms Lau'ese told the Tribunal that her duties:

ranged from doing Case Histories on children referred to us, trying to improve the whanauship of the child by helping them to identify with their own whanau or tribal group, working with children and their whanau as well as liaising with other people and organisations relevant to this relationship, and helping to arrange meetings.⁷¹

Ms Hanna also discussed the Maatua Whangai programme:

We tried to get our kids back with their Whanau. Our kids didn't know who they were. That is the root of many of the problems today. These children have no Marae, Kawa or identity. . . . We wanted to tie these kids in with their tribal networks to give them a sense of belonging and identity. We wanted them to have strong positive role models who would mentor them and that they could relate to.⁷²

2.3.5 Roopu kaumatua

To achieve these ends, kaumatua in West Auckland helped to provide a link between children in need and their iwi. As a result, a roopu kaumatua was formed, as Ms Hanna explained:

[Daryl] Cross who played a major role in Maatua Whangai was instrumental with our group in helping get the Roopu Kaumatua together. We met monthly to establish the Roopu Kaumatua group. We actively and actually went out to meet them. We would go up to people in the Malls and ask them if they were Maori. Sometimes they would turn out to be Tongan or Samoan, but that wouldn't deter us, we would just say hi and move on until we found another old Maori person.⁷³

Although the 'first Kaumatua team had representatives from a number of different tribal groups, such as Sam Waiti and Jerry Taingahue from Ngati Porou, Robert Clark and [Ms Lau'ese] from Ngai Tahu, Aaporo Murphy and Jack Manuel from the North, Pat Heremia and Sonny Waru from Taranaki, but to name a few', the kaumatua did not opt for a tribal approach.⁷⁴ Ms Hanna told the Tribunal that the:

Kaumatua did not think that setting up tribal groups would be any good in Auckland. They preferred a pantribal approach. They saw the taurahere roopu approach as divisive, by this I mean that groups based on iwi links were viewed by our Kaumatua as not necessarily functioning well in the present environment.⁷⁵

69. Document A22, para 21

70. Document C1(15), para 7

71. Document A22, para 23

72. Document A25, para 49

73. Document A8(c), para 6

74. Document A22, para 22

75. Document A25, para 51

2.3.6 Maori Access and Mana schemes

A significant factor in the development and growth of the trust was its designation in 1987 by the Department of Maori Affairs as a Maori authority for West Auckland. As a result, the trust was authorised to implement the Mana Enterprises and Maori Access schemes in West Auckland. Whereas the Maori Access scheme was aimed at training and retraining Maori, the Mana Enterprises scheme was employment-oriented and had as its objective to:

provide assistance to enterprises for them to develop and become financially viable, with the aim of creating unsubsidised employment, and with the aim of increasing the earnings and employment potential of Maori workers.⁷⁶

Albert Williams informed the Tribunal that:

One of the underlying philosophies of the MANA scheme was the concept of nurturing. The approach taken to applicants and loan recipients was one of the characteristics of [the] MANA [scheme] which made the scheme different from the operations of most commercial lending institutions.⁷⁷

To be designated as a Maori authority, the trust first had to satisfy the Department of Maori Affairs that it had the capability to administer the schemes. To that end, the trust employed Mr Hanley as its first coordinator to set up the necessary management and administrative systems.

(1) Facing the challenge

Mr Hanley gave his view of the trust at that time:

When I became coordinator of the Trust the dynamics on the Trust Board were very exciting and at times stormy. When I began the Whanau had \$4,000 in the Bank. Their focus was essentially to help Maori families in emergencies. Within a year the Trust had a budget of approximately \$2,000,000 and that meant lots of changes in the way in which the Trust operated. The changes that had to be made were not easy and there were often strong, opposing views on how best to achieve our objectives. A lot of learning occurred and for some Trustees the changes were hard to understand and the associated responsibilities somewhat frightening.⁷⁸

Up to that point the Trust had no experience in the delivery of programmes. It therefore had to quickly develop appropriate structures and systems to enable it to undertake the responsibilities of a Maori authority.⁷⁹

We therefore set about setting up the necessary committees, appointing staff and putting the administrative systems in place to administer MANA and MACCESS.⁸⁰

76. Document A19, app 2, paper A, schedule

77. Document A24, para 26

78. Document A8(h), para 13

79. Document A8(t), p 3

80. Document A8(h), para 2

Mr Hanley outlined how the trust operated the schemes:

The model for MANA and MACCESS schemes, as developed by the Trust was for the Trust to act as an agent for other Maori organisations who wished to provide training or establish a business. The Trust would not be a provider in the first instance unless no other provider was able to meet the need. We sought to act as a resource to other Maori groups both in terms of funding and advice and support for their initiatives. We wished first of all to support groups like Hoani Waititi Marae, Kotuku, Kakariki Marae and others. We placed a lot of emphasis on staff training, forward planning and the development of practical solutions to the problems they were experiencing. The model worked because we were expanding the base of skilled and experienced Maori capable of running training and employment programmes appropriate to Maori. We attempted to constantly reinforce this basic kaupapa.

The model we established did not preclude the Trust from itself becoming a provider. But it was not intended that the Trust take over from existing providers. An example was the catering service which the Trust established. There was no other comparable scheme and there was a need for this type of training module because there was seen to be employment opportunities in this area. So the Trust decided to fill the gap. We tried to keep a firm line between training and employment. We did not wish to see unemployed people exploited as cheap labour or training schemes operating as businesses with no real training for the trainees. So we monitored both training schemes and businesses very closely to ensure they would [operate] efficiently and effectively in the interests of the trainees or employees. We had our own staff monitoring and advising providers in a way in which no outside agency could do because we had the authority and mana of the Trust and Whanau behind us. We were very successful in making providers accountable first of all to the Whanau and secondly to funding agencies.⁸¹

According to Ms Brown, the Mana and Maori Access schemes fitted in well with the trust's constitution: 'There was a very holistic approach overall which is totally consistent with the Maori way of doing things. The approach was always collective and consensual.'⁸² By participating in the schemes, the trust believed that it was moving 'in a direction consistent with prevailing government policy' by putting 'into operation a model of Maori self-determination directed towards overcoming dependency and stimulating genuine socio-economic development among Maori in West Auckland'.⁸³

(2) Some frustration

However, Mr Hanley and Ms Brown outlined a history of frustration in the trust's involvement with the Mana and Maori Access schemes. According to Mr Hanley, despite the Government's stated policy of devolution:

There was no opportunity for the whanau or the Trust to be involved in programme design or policy development. . . . The [Mana and Maori Access] contracts did not

81. Document A8(h), paras 8–9

82. Document A8(r), para 10

83. Document A8(t), p 3

reflect a partnership approach between Maori Authorities and the Crown but rather established Maori Authorities essentially as agents of the Crown administering programmes established by the Crown with no 'substantive power' being devolved to Maori.⁸⁴

Giving an example of the difficulties the trust experienced, Mr Hanley stated that:

Attempts were made by Maori Affairs to have all Trust staff employed as Maori Affairs staff thereby removing their day to day accountability to the Whanau and the Trust. This would have also removed the responsibility for the Trust to hire staff.⁸⁵

Furthermore:

frequent administrative changes and arbitrary decisions made by government in respect of MANA and MACCESS and the lack of resources provided, inhibited the development of the Trust's own internal organisation. It also [affected] the Trust's ability to broaden its local base within West Auckland.⁸⁶

Ms Brown presented similar views:

A problem with the Mana Programme was the Board of Maori Affairs made the decisions at a national level and then later [at] a regional level. This took the power away from the Trust Boards in making good decisions. The Trust Board really just processed the loan. There was little negotiation or consultation with the Trust Boards. This reeked of paternalism and really reflected a desire to hold onto power rather than to share it. The Trust became more autonomous in administering the Mana Programme in 1989, when the Trust Board was given the authority to make the final decision on any particular proposal which was presented to them.⁸⁷

A further difficulty was the negative publicity given to the programmes in spite of their successes. According to Mr Hanley:

One of the important points to realise about the success of the MANA programme in West Auckland was that these businesses were being established at a time when business failures in West Auckland and unemployment were increasing at unprecedented rates.⁸⁸

Nevertheless:

Even with 85% success in loan repayments the failures got all the publicity and were used to promote the idea that Maori could not run commercial enterprises.⁸⁹

84. Ibid, p 4

85. Ibid

86. Ibid, p 5

87. Document A8(r), para 5

88. Document A8(h), para 10

89. Ibid, para 17

(3) *Real growth*

Whatever the difficulties, however, the schemes brought profound benefits for the trust:

The strength of the MANA programme was that it had the potential to transfer real power to the Trust. Because the interest earned on the loans became the property of the Trust this had the potential to generate a self funding economic base. By lending \$450,000 annually on an average of 10% per annum the Trust could earn \$45,000 a year. This amount could grow as the loans were repaid and reinvested.⁹⁰

In fact, interest which the trust earned from the Mana and Maori Access schemes enabled it to purchase the former Henderson police station on the corner of Edmonton and Great North Roads where its current premises are located. Although no longer operating by the start of the 1990s, the schemes provided a ‘model which was easily measured and easily managed’ and ‘were the building blocks for the Trust in [its] present format’.⁹¹

At the same time as it became involved in the Mana and Maori Access schemes, the trust continued to develop other initiatives. According to Mr Hanley:

[it] also took the opportunity . . . to apply for Community Organisation Grants Scheme (COGS) funding to establish a Whanau Liaison Worker position to focus on social issues of concern to Maori in Waipareira at the time. Tuini Hakaraia was appointed to this position and did an excellent job of liaising with other Maori organisations and government departments on behalf of the Trust. Through the efforts of Tuini and the Trustees themselves we were able to open the doors with Justice Department, the courts, Social Welfare, Housing Corporation, city Council and others. The whanau had always had informal links with these agencies but we wished to [establish] linkages based on the role of Te Whanau o Waipareira as THE Maori Authority in West Auckland.⁹²

2.3.7 Trust advocates for Maori

The trust was also pursuing its role as a lobbyist, making ‘frequent submissions to Task Groups and Commissions established by Government including the Royal Commission on Social Policy’⁹³ and on legislation before Parliament such as the Runanga Iwi Bill and the Resource Management Bill.⁹⁴ In 1988, the trust proposed to the Local Government Commission the establishment of Maori Authorities under the Local Government Act:

It proposed that, as the Local Government Act made provision for two types of local authorities, territorial local authorities and special purpose local authorities, that two types of Maori Local Authorities could also be established. Iwi Authorities could be

90. Document A8(h), para 20

91. Document A8(r), paras 8, 14

92. Document A8(h), para 2; see also doc A8(d), paras 4, 5

93. Document A8(t), p 6

94. Document A8(r), para 12

established as territorial local authorities and in addition authorities such as Waipareira could be recognised as special purpose authorities with responsibility for Maori socio-economic development in areas such as West Auckland. By this means Maori Authorities could be established with ‘substantive power’ consistent with New Zealand’s existing constitutional arrangements.⁹⁵

Mr Hanley told the Tribunal that ‘These proposals were never acknowledged by the Local Government Commission’.⁹⁶ He maintained that at no stage did the trust’s proactive stance result in:

any Government Department actually setting down with the Trust Board or Whanau to negotiate and plan strategies to enhance the social and economic well being of Maori people in Waipareira. The Trust was constantly having to react to government initiatives while never having the opportunity to plan and evaluate future strategies. The outcome was growing frustration and even antagonism towards government in respect of Maori issues and concerns.⁹⁷

2.3.8 Links with local bodies

However, in 1988, through its local government linkages, Te Whanau o Waipareira and the four local bodies in West Auckland jointly commissioned a study on social services in the region:

The objective of the study was to examine social services in West Auckland and the impact of [current and impending] local government reform on these services. The responsibility of the local council in respect of the Treaty was also included within this study. The study recommended, supported by the Whanau, the establishment of a co-ordinating committee to plan and evaluate the provision of social services in West Auckland. This committee was to be a committee of the new Council and include representation from the Trust as the Maori Authority.⁹⁸

It was also intended that the committee would monitor the performance of Government departments in West Auckland:

All government departments would be required to submit their annual plans for consideration by this committee and the following year the departments would be evaluated from a community perspective on their performance. This represented a model of dual accountability and partnership between the city Council and the Trust.⁹⁹

95. Document A8(t), p 6

96. Ibid

97. Ibid, pp 5–6

98. Ibid, p 6. The local bodies were the councils of Glen Eden Borough, Henderson Borough, New Lynn Borough, and Waitemata City. They no longer exist. The study, *West Auckland Community Social Services Review Report* (doc B6, app 5), was prepared by Social Planning and Research Consultants. The principal consultant preparing the report was Mr Hanley, who, from September 1987 to June 1988, had been employed as the coordinator of Te Whanau o Waipareira Trust. (In document B6, at page 2, Mr Hanley states that he was the trust’s coordinator from September 1986 to June 1987.)

99. Document A8(t), p 6

While the recommendations of this study were not fully implemented, Te Whanau o Waipareira subsequently gained representation ‘within the City Council structure’ through formal membership of the Waitakere City Council’s Taumata Runanga, comprising ‘representatives from iwi and other organisations selected by the Maori community’. Robert Harvey, the mayor of Waitakere City, explained to the Tribunal that the runanga was set up:

to ensure Maori values are upheld in Council’s decision-making, that Council meets its statutory obligations to tangata whenua and that Council provides effective services for, and communication with, Maori people in our City.¹⁰⁰

Claimant witness Monty Rihari informed the Tribunal that, at the time of the hearing, there were 10 Maori on the Taumata Runanga. He described the runanga as ‘a doorway for procedures between Maori and the Council’:

Each member is responsible for the area they represent. We deal with a wide range of issues. An example which comes to mind would be discussing the management of the Urupa which is being proposed for Waitakere City Council. . . .

We are very in touch with the community. I am able to carry across the knowledge I have for the benefit of both Waipareira Trust and the Council. So, I have an awareness of the medical, housing, educational needs in West Auckland. We are always kept very up to date and are therefore well able to inform our community whether it is the whanau or the Council or the Roopu Kaumatua of what is happening.¹⁰¹

In further concerted action, the trust, the Waitakere City Council, and ‘other key community organisations . . . conducted a joint planning and evaluation exercise in respect of Health needs and services in West Auckland’.¹⁰² This was a further extension of the Whanau’s involvement in health initiatives:

The Whanau had early on established a health sub-committee and it was also represented on the West Auckland District Health Committee which was established to work with the Auckland Area Health Board before its demise. Te Piki Ora had been established at [Hoani] Waititi Marae to promote Maori health. But this and other health initiatives were never funded adequately and all that we could do was address the most glaring gaps. The late Don Rameka and Tuini Hakaraira were, along with many others very active in advocating for resources for Maori to address their own health needs. Their dream was to establish a Maori model of health provision which could work alongside the Area Health Board.¹⁰³

2.3.9 Links with the DSW

Throughout this period, Te Whanau o Waipareira Trust maintained a close relationship with the DSW. Departmental officials were trust board members, for

100. Document A27, para 2

101. Document A8(s), pp 5, 6–7

102. Document A8(t), p 6

103. Document A8(h), para 12

example, and the trust was represented on the department's local district executive committee, established on the recommendation of the 1986 report *Puao-te-Ata-tu*.¹⁰⁴ Some claimant witnesses spoke positively of the relationship with the department over this time, at least until the establishment of the CFA in 1992. Mr Tamihere, for instance, told the Tribunal:

It would be true to say that up until the advent of the Community Funding Agency Waipareira was tracking a very healthy and progressive relationship with officials from the Department of Social Welfare. There was an expectation ... in their policy documentation in terms of *Puao-Te-Ata-Tu* and the principles of the Treaty of Waitangi, [that there] would grow a stronger relationship.¹⁰⁵

However, Mr Hanley, the trust's coordinator from September 1987 to June 1988, presented some criticism of the relationship:

despite these linkages, we had critical problems with DSW Henderson because of their, in my view, inability to work in partnership with a Maori Authority and the wider whanau and attempts by them to impose, counter to what we believed to be Government policy, pakeha solutions and bureaucratic dictates on Maori despite the evidence that such approaches were failing Maori. We found there was lack of support from DSW Henderson for Maori Social Work staff and Maatua Whangai staff to the detriment of maori families and good working relationships between DSW and the whanau. DSW management appeared to lack the necessary training and commitment to DSW policy in respect of Maori.¹⁰⁶

2.4 CORPORATE PLANNING AND THE TRUST'S SOCIAL SERVICES PROGRAMME

2.4.1 Prompted by Government cutbacks

In the early 1990s, the trust responded to what it regarded as a 'massive down-sizing ... in the New Zealand bureaucracy', which had resulted in a 'vacuum' of social services to the Waipareira community, with a decision to 'expand and upgrade its facilities'.¹⁰⁷ Consequently, in 1991, now under the administrative leadership of Mr Tamihere as its chief executive officer, Te Whanau o Waipareira Trust developed a corporate plan with the purpose of acknowledging the problems facing the people of

104. As already noted, the assistant director of social work in New Lynn was a trustee until 1985 and the director of social welfare in Henderson was a trustee until February 1991, although not always an active trustee. Furthermore, Mr Stewart, who, from April 1988 to April 1992, was an employee of the DSW, became a trustee in 1989 'in major part as a representative of the Department'. He remained a trustee until November 1992 and in January 1993 became the trust's community-social services manager (doc B5, para 4.2).

105. Document A19, para 6.5

106. Document A8(h), para 5

107. Document A21(h), ch 2. As an example of this reduction, Mr Tamihere cited the closure of the Kokiri unit in Henderson on 29 June 1989. According to Mr Tamihere (doc A19, para 6.2), 'The Iwi Transition Agency was supposed to install an Iwi Development Manager in [the] Waipareira region with the appropriate resources. This did not occur and Waipareira has had to fill this vacuum completely without any funding from the Iwi Transition Agency or Government.'

Waipareira and determining how to obtain the resources to implement long-term sustainable solutions to them. In his evidence to the Tribunal, Mr Tamihere emphasised how the trust now realised that:

Long term sustainable solutions were only going to be available to us in the event that we as an organisation became the provider and in effect the operational deliverer of goods and services directly to our community. . . .

Te Whanau o Waipareira concluded in 1991 that as we were a pan-tribal group operating in the urban area and had a long history as being an acknowledged provider of a range of services that we should start to target and understand and appreciate where we might be able to expand in terms of lifting our socio-economic status in a long term sustainable way.¹⁰⁸

2.4.2 Socio-economic development

Mr Tamihere also drew a link between the absence of primary resources available to Maori who had migrated to West Auckland and the importance of the Waipareira community developing social services in the attempt to establish an economic base and thus break the poverty cycle:

Obviously when we do not have primary resources such as forests, land, fisheries and the like to work up, service related industries in the city take on a significance of some degree.

As an urban based Maori people suffering the difficulties that we have expressed it was extremely important that we look around for employment opportunities. Consequently, we invested significantly in systems to run a vision where we would start to advocate and tender on merit and performance that we could actually manage better our problems. . . .

In the first instance we would win resources which would uplift our socio-economic status and obviously being the whanau moving into the ascendancy we would appoint our own to provide service in a significant service industry. We are all aware that one of the biggest industries in any nation[']s economy is the social service sector. . . . Under no circumstances were we inclined to continue to be merely clients. It was extremely important in an attempt to break out of our poverty cycle that we became providers of the service.¹⁰⁹

2.4.3 Economic and State sector reforms helpful

Mr Tamihere acknowledged that the State sector reforms of the 1980s and 1990s that introduced the so-called funder-provider split (ie, the policy by which Government agencies providing funding for services were separated from those providing the services) were important in assisting the trust to carry out these intentions:

108. Document A19, paras 5.1–5.2

109. Ibid, paras 5.3, 5.16–5.17

The division of the funder from the provider of services was one of the most exciting and stimulating occurrences for us as a people in the history of the development of this country. It allowed us the opportunity to put in place systems to deliver services to our own people and at the same time impact dramatically on our socio-economic status.¹¹⁰

As an example of how the trust took advantage of this development in governmental policy, Mr Tamihere explained how the trust had obtained money through the Education and Training Support Agency to train over 140 people to certification A level toward a diploma in social work.¹¹¹

Mr Hanley also spoke positively of the restructuring undertaken by the Government over the previous decade and how it could continue to provide real opportunities for Maori, if power were to be shared:

The new structure of the Public Service is not a straight jacket. There are many variations already in place which reflect the ability of the general model to be adapted to meet a range of needs. There are over 2,600 locally elected School Boards of Trustees in this country responsible for the delivery of educational programmes with accountability relationships to both government and their communities. There are COGS committees, CHE's, RHA's, Lottery Grants Board, and so on all organised in a variety of ways to meet different needs. Perhaps the best known example in respect of Maori programmes is the structure of Te Kohanga Reo. It is whanau based but includes a National Trust who is contracted by the Ministry of Education to administer and maintain standards. There is a formal tripartite monitoring agreement between the National Trust, Te Puni Kokiri and the Ministry of Education.¹¹²

Pat Hohepa, Professor of Maori Language at the University of Auckland, was another claimant witness to comment on the effect of the Government's reforms on Te Whanau o Waipareira Trust:

Waipareira has taken over many of the duties of Government Departments, particularly so since Departments have restructured so that non-government agencies are empowered to take over its various functions and duties.¹¹³

2.4.4 Trust's infrastructure developed

To further develop its role as a service provider, however, the trust had to learn how to manage systems on a larger scale. As Mr Tamihere observed, West Auckland Maori had played their part in labour projects of the past, 'but never had [they] been allowed to supervise and manage projects on any scale'. In the first six months of 1991, therefore, the trust spent \$250,000 'implementing state-of-the-art management systems and bringing in-house its own chartered accountancy operation, legal operation and quality management assurance systems'.¹¹⁴ This investment of money

110. Ibid, para 5.18

111. Ibid, para 5.20

112. Document B6, p 15

113. Document A8(j), para 7

114. Document A19, paras 5.19, 5.21

enabled the trust to replace its cash-book accounting system, under which ‘financial management . . . was limited to the reporting of bank balances’, with an in-house operation based on cost-centre accounting, including a cost centre for social services. Under the new system, and through the hard work of dedicated, high-calibre staff, the trust overcame a 2½-year backlog of accounts and, with detailed financial reportage possible, ‘was now in a position to manage its operations in an appropriate and prudent manner’.¹¹⁵

2.4.5 First contracts with Social Welfare

In 1991, Te Whanau o Waipareira Trust moved from providing services based on ‘goodwill and voluntary labour of [the] Maori community’ to funded services under the name Te Whanau o Waipareira Social Services. This development arose from a two-year contract with the DSW to provide a homebuilders service followed by a further contract in April 1992 to provide child and family support services.¹¹⁶

The homebuilders programme, later renamed home and marae-based services, provided ‘a casework service . . . aimed at the practical support of families and children’.¹¹⁷ According to Mr Stewart:

This was the first time that a service which purported to have a Maori Kaupapa had been attempted. There was an attempt to meet both cultural imperatives and departmental contracts and approval requirements.¹¹⁸

Ms Hanna told the Tribunal how the homebuilders programme was part of the trust’s holistic approach to social services:

One of the great things about the Trust is that it is such an holistic outfit. For example one worker here [at the trust] . . . deals with many of the Domestic Problems that occur, particularly in relation to Homebuilders which concentrates on families in stress. We might then link these people in with some of these Psychological experts in our Health Unit . . . In addition to this it may be that a child needs to be removed from a particular home. We are then able to place them in care if this is necessary. We attempt to look at the whole person and because of the networks that we have developed and these Services that are in place at the Trust we are able to do this.¹¹⁹

Isabella Mano, a Te Whanau o Waipareira trustee, indicated some frustration with the homebuilders programme:

Really we try to get the family back on a Marae, but it is seen as impractical by The Children [and] Young Persons Service. So why call it a Marae Service if they are not funding us to do this.¹²⁰

115. Document B4, pp 4-13

116. Document B5, app 7, p 27; doc A8(k), para 7

117. Document B5, app 8

118. Document A8(k), para 7

119. Document A8(c), para 9

120. Document A8(g), para 8

In 1991, in tandem with these developments, the trust formed the Waipareira Social Services Committee, made up of representatives of all its affiliates. The committee's role was to oversee and manage, in conjunction with the community services manager, the delivery of social services by staff, the whanau support workers. According to Ms Hanna, the committee was 'charged with the responsibility of ensuring that everyone involved was accountable, and performing their jobs properly'.¹²¹

2.4.6 Contact with the police

Te Whanau o Waipareira Trust was also establishing a working relationship with the West Auckland police. A committee, comprising trust representatives Jack Wihongi, Heta Tobin, and Ms Mariu, was formed 'to establish Iwi contacts' and to 'assist in the implementation of the District responsiveness plan for Maori as part of [the] Treaty of Waitangi obligations of West Auckland Police'. Through this relationship, the trust has had input into matters such as the recruitment of Maori police and the Auckland Institute of Technology police generalist course and the police have been provided with 'an excellent Management information resource'.¹²²

2.4.7 Maatua Whangai abolished

In 1992, the Maatua Whangai programme then operating within the Children and Young Persons Service finished and the money used in that programme was transferred to the CFA for Maori service provision. Mr Stewart said in his evidence that since the demise of Maatua Whangai and the transfer of funding he had seen 'a noticeable decline in the ability of the Department to access and deal with Maori families in an appropriate manner. The Department now relies on Waipareira to fill that vacuum'.¹²³

2.4.8 Trust's social services expanding

At the same time as the Children and Young Persons Service's Maatua Whangai programme ended, Te Whanau o Waipareira Trust was continuing to develop its range of social services. Ms Lau'ese, who began working as a voluntary social services worker for the trust in 1992, told the Tribunal that the trust established a number of new services in 1992 and early 1993 including a food cooperative, a foodbank, the provision of budgeting advice, holiday programmes for children at risk, and a health clinic. She indicated that over this time 'client demand had increased dramatically':

A lot of people were using the services set up under these programmes because they knew the Trust could offer them these services. This was especially so for Maori people,

121. Document A25, para 68

122. Document A20, paras 38, 40, 41, 46. Under the New Zealand Police 1991–92 corporate plan, each district police commander was required to develop a district 'responsiveness plan' for implementation by 30 June 1993, as part of the police's commitment to Maori (ibid, para 33).

123. Document B5, para 5.3

largely because the Trust had Maori Personnel, whom the Maori people felt comfortable with.

... The Trust was fortunate enough to have the support of the community and Affiliate Groups, to help cope with demand. Also a number of Voluntary workers, like myself, had been brought on board to help cope with the demand. The administrative support staff employed, were invaluable in co-ordinating between the various groups we were involved with.

What is also important to note is that once more and more people were coming to us, we noticed that many of them had a number of different other social problems as well. Many of these problems were of a severe nature.¹²⁴

2.4.9 Alternative school started

In August 1992, the trust significantly expanded its role in the education field by providing for the educational needs of a group of about 17 'street kids'. The trust board responded by directing 'management to [implement] some form of regime to clearly target this problem area'.¹²⁵

Information about the trust's Transition Education Unit was provided by the head of the unit and in three reports prepared by Mr Tamihere in June 1994, the principal of Rutherford High School in August 1994, and the Special Education Service in August 1994.¹²⁶

The principal of Rutherford High School provided this history of the unit:

The unit was developed on the premise that the community should acknowledge and take ownership of its problems. Community owned and driven solutions do work.

In March 1992, a Waipareira Trust Board member advised the Board that he had identified up to 17 'street kids' aged from 13 to 17 who were creating a significant degree of community difficulty through truancy, loitering, burglary and other offences.

It was evident that their particular needs precluded them from mainstream school campuses. The students were identified by the Police and Children and Young Persons Service as creating social disharmony totally out of proportion to their numbers. This small group were identified as being a major cause of youth offending in the western district.

As a consequence, the Trust Board decided to act on this problem. A pilot scheme, now known as Waipareira Alternative Unit, was now set up. It was always intended that after an initial period of funding by the Trust, there would be a need for other Government and non government agencies to share in the burden of providing resources. Two major evaluations of the Unit were carried out by the Special Education Service.

... Both reports are supportive of the Unit's work, highlighting the need for a resource such as this to remain. Other supportive reports have been provided by the Correspondence School and Rutherford High School's Computer Assisted Learning Programme.¹²⁷

124. Document A22, paras 41-49

125. Document A26, app 2, p 12

126. Ibid, apps 1, 3, 4

127. Ibid, app 3, p 2

The Special Education Service report began with this description of the unit:

The Unit was set up to meet the needs of Maori Youth in West Auckland, who are no longer in the school system and have become alienated from society. Students are aged between 13 and 16 years. They are brought to the Unit by Youth Justice Workers; Social Workers from Children & Young Persons Service; Special Education Service Visiting Teachers, Psychologists and Kai Takawaenga, Youth Aid, Boards of Trustee members and parents. The roll of the Unit is approximately 20.

The Unit is staffed by a trained teacher and a youth worker. They are supported by Correspondence School staff and an itinerant special needs teacher (1 day a week).

The programme aims to reverse alienation and anti social behaviour of the students.¹²⁸

The aims of the unit are stated in Mr Tamihere's report as being unchanged from the time it was piloted. They were:

- a. To provide a safe and supportive environment for clients for whom school years have been unproductive.
- b. To provide life skills education for the non-academic.
- c. To provide literacy and numeracy skills using the ARLA philosophy.
- d. To provide study opportunities for those who need extension in academic or technical areas.¹²⁹

The report of the principal of Rutherford High School elaborated on these by listing three further objectives of the unit:

- To deliver the National Curriculum through attachment to the Correspondence School.
- To return students to mainstream educational settings where appropriate to their needs.
- To place students in mainstream training programmes where appropriate to their needs.

The over-riding aims will be for clients to achieve positive, long-term, behavioural and attitude changes through a co-operative student-based programme.¹³⁰

The same report described the way in which the unit's programme was delivered:

The programme depends on the active co-operation of a number of agencies. The leisure/fitness activities are usually carried out in facilities supplied by Waitakere City Council. Health education is provided by the Waipareira Trust, outside agencies and the teaching staff. Computer Assisted Learning Programmes utilise Rutherford High School's facilities while academic programmes are the responsibility of the [Unit's] staff members Sue and John, the Te Waka Ora Support Staff [an itinerant unit attached to Green Bay High School] and in the main by the Correspondence School, as are Link and Transition Programmes. Meals and transport . . . as well as staff salaries, buildings,

128. Ibid, app 4, p 2

129. Ibid, app 1, p 27

130. Ibid, app 3, p 3

administrative support, heat, light, power and telephone, social services and programme assistance are provided by the Waipareira Trust. Counselling is offered by Te Waka Ora.¹³¹

The unit was housed in a leased factory, which was described as being:

a great improvement on the previous locations. There is provision for flexible teaching spaces and also for recreation facilities, toilets, small lounge and office space. There is a need for more complete kitchen facilities and on a long term basis heating needs to be greatly improved. Any new premises would need to be leased on a long term basis so that it can be developed as a teaching space.

The furniture and fittings have been provided by both the Trust and the former Owairaka Boys Home School.¹³²

The Special Education Services report discussed the prior schooling and the homelife problems of six students at the unit and then examined their attendance record, their communication and social skills, and their achievement of educational goals. Favourable comments were made about the students' progress in all areas.

2.4.10 Corporate and social service divisions of the trust

(1) Trust restructured

Early in the 1990s, the trust underwent some restructuring itself. The chairperson's 1993 annual report stated:

We have restructured significantly in the manner in which we conduct business. All programme areas are now structured as separate business units and the development of each programme area will slowly be devolved into each business unit so that each takes on a greater degree of autonomy yet continues to operate under the umbrella of the Trust Board.¹³³

Part of this restructuring involved the establishment (sometime in 1992 or 1993, it appears) of two operating arms: one a corporate arm, based in premises purchased in New Lynn, to look after the trust's commercial and investment interests; the other a social services and health arm, based at the trust's Henderson property on the corner of Great North and Edmonton Roads.

(2) Waipareira Corporate

Publicity material about the commercial and corporate arm stated:

Waipareira Corporate is about commitment to economic development, locally and nationally, and invites opportunities for potential investment. Waipareira Corporate understands the composition of business in New Zealand and that 'small' business is

131. Document A26, app 3, pp 5, 6

132. Ibid, p 2

133. Document A21(g), para 3

‘big’ business. As a result, we are dedicated to the development of all business and investment opportunities.¹³⁴

The original statement of claim dated 16 December 1993 explained the theory behind the trust’s commercial work, likening it to the business of Fletcher Challenge Limited. In short, it stated that ‘The commercial arm of the Trust goes out and endeavours to obtain large contracts and then sets out to employ.’¹³⁵

In his 1993 annual report, trust chairperson Mr Wihongi explained:

It is intended that our Training and Employment and Commercial arm will be necessary in breaking the cycle of dependency . . . The Social Services and Health arms are vital in our shorter term strategy as they provide sustenance and assistance to our known social plight.

The Trust is now fully committed to investment opportunities securing a far more solid and long term economic base for the Board so that it can invest directly in longer term sustainable projects. As a consequence the Board is no longer in to on-lending but is committed to reviewing investment opportunities to increase [its] own balance sheet and income.¹³⁶

He also explained a further rationale behind the development:

It is important that profound statements are made to our community as we develop. We desire to show that we can be competitive and that it is not beyond us to operate at any level of business or commerce. Our children have been hosted at our New Lynn venue and introduced to role models so that they may know that business technology or professionals are not mythical or unattainable.

We must concentrate on adding value to everything in West Auckland, employing from West Auckland, building in West Auckland and the like. If the West Auckland economy is moving forward this will provide greater employment opportunities and we are strongly committed to promoting this region.¹³⁷

Ms Mariu, a former chairperson of the trust, told the Tribunal that the development of the commercial and corporate arm was part of ‘a long history of being very proactive and creative. . . . The corporate phase the Trust has entered is part of the natural evolution which the Trust has undergone in the past 30 years.’¹³⁸

(3) Aim to generate income

In cross-examination, Michael Tolich, the trust’s financial manager, confirmed that, while the purpose of Waipareira Corporate was to increase the trust’s ‘own balance sheet and income’, profits gained from its business operations must be applied in

134. Document A21(a)

135. Claim 1.1, para 8(d)

136. Document A21(g), paras 2, 3.1

137. Ibid

138. Document A8(o), para 13

accordance with its constitution as a charitable trust.¹³⁹ Tested further by the Crown on the relationship between the trust's investment approach and its status as a charitable trust, Mr Tolich responded by saying:

if we had a dream . . . the dream would be simply this – that we wouldn't need any State money, that we had it all ourselves . . . The dream is that we will employ all our people, that when they want the housing we will provide the money for them, that when they want a doctor we will give them a doctor for nothing. That's our dream. That is what the trustees dream about. That's what our kaumatua dream about. And all our companies are is a vehicle to do it.¹⁴⁰

(4) To fund social services

In cross-examination, Mr Tamihere also drew the link between the trust's corporate and social service divisions, emphasising that developing employment opportunities through commercial investment and development was viewed by the trust as very much 'a social service result':

if you look at our whole development process and plan it's integrated and it is a community development plan, regardless of whether you like to confine it in terms of the way we have had to, business units, cost units, all these sorts of things, the reality is that . . . everything it does is providing a social service outcome.¹⁴¹

By 1993, the trust's corporate division was 'attracting invitations to join significant commercial opportunities'. It had established profitable trading companies 'in the Building Industry, Sewing Apparel Design, In and Out Catering, Training & Employment, Labour Hire and Business Advisory Services' and, assisted by West Auckland business people, was providing legal, accounting, and management support to assist those in the community who were commencing their own business. The division had given business plan training to over 60 people in preparation for their entry to self-employment. The division's work in this area had been acknowledged by a certificate from the Minister of Business Development.

The chairperson's 1993 annual report indicated that a significant policy decision had been made to discontinue the trust's large sports sponsorship programme and direct that money into employment creation programmes in West Auckland.¹⁴²

139. Document A21(g), para 10; doc B10, p 55, see also pp 15, 33. A member of the New Zealand Society of Accountants since 1986, Mr Tolich was employed by the trust in 1990. From 1973, he held various accountancy positions with organisations including the Alex Harvey Group of companies, New Zealand Steel, Arthur Yates and Company Ltd, and Apparel Holdings DIC Group. At the time of the hearings, Mr Tolich was the chairperson of the national advisory committee of the community organisation grants scheme (COGS) and of the COGS local distribution committee for Waitakere City (doc B4, p 1).

140. Document B10, p 56

141. Ibid, p 13

142. Document A21(g), paras 3.2, 3.5, 3.6, 7.3. A wide range of sports codes, including rugby, rugby league, netball, 10-pin bowling, rowing, athletics, and martial arts, had previously received sponsorship from the trust (ibid, para 7.3).

2.5 TE WHANAU O WAIPAREIRA TRUST AT THE TIME OF THE TRIBUNAL'S INQUIRY

2.5.1 Structure

The Tribunal received in evidence Te Whanau o Waipareira Trust Board's corporate plan for 1993–94, prepared after consultation with the whanau, and the chairperson's annual report for 1993.¹⁴³ These documents, in addition to other evidence presented by claimant witnesses, were valuable in providing the Tribunal with an up-to-date account of the trust's management structure and operations at, and leading up to, the start of the Tribunal's inquiry in August 1994.

2.5.2 Trust board and management

Following the adoption of new rules, the trust's amended constitution provides that the board of trustees comprise between seven and 15 members, who are to be 'elected from Te Whanau o Waipareira' at an annual general meeting of the trust, except for one trustee who is nominated annually by Te Runanga o Ngati Whatua as a standing representative of the tangata whenua of Auckland. At the time of the hearing, the board of trustees had a full complement of members under the leadership of Mr Wihongi. Ms Pou was the Ngati Whatua representative on the board and the board's deputy chairperson.¹⁴⁴ According to Mr Tamihere, 'Every waka is represented on [the] Trust Board.'¹⁴⁵

The corporate plan explains that:

The Trust Board now works on a tri-annual basis. That is, each year, five trustees offer themselves for re-election or retirement and stand with any new nominations that may come from the wider whanau. A poll is held at the Annual General Meeting to determine the five successful members to the Trust Board.¹⁴⁶

2.5.3 Accountability to the community

The plan stresses that not only is the individual accountability of the board members tested by way of election to the board every three years but:

More importantly a Hui-a-whanau is held on the last Wednesday of every month. Consequently, any individual in West Auckland can stand and ask for support, criticise or require information on every facet of [the trust's] existence from financial detail to policy.¹⁴⁷

Claimant witness Dr Sharples put it this way:

143. Document A21(g), (h)

144. Document A8(i), p 3. The remaining trustees are listed at page 3 of the 1993–94 corporate plan (see doc A21(h)).

145. Document A19, para 3.5

146. Document A21(f), p 7

147. Ibid

Accountability is in terms of one, the constitution, in terms of what the trustees have to do formally; and there's another kind of accountability which is your personal accountability to the people generally. And, because this area is so old in terms of people having lived here, Maori, a lot of the people living here have done their time, if you like, in West Auckland, it's got a very strong sense of censure, and of support for good initiatives. So there is, in people fronting up, an accountability to the people, as well as their requirements in terms of the legal constitution.¹⁴⁸

The trust also reports weekly to the wider West Auckland community through a 'Whanau o Waipareira page' in the West Auckland newspaper the *Western Leader*.¹⁴⁹

The trust's new rules provide that, in addition to public notice of the annual general meeting, 'Separate notification shall be forwarded to known members of the Whanau in respect to the date time and place of the proposed meeting and the proposed agenda' (r 8).¹⁵⁰

Matters arising at any annual general hui are to be decided by a majority vote with the chairperson having a second or casting vote where voting is equal (r 3(h)). However, while questions arising at any meeting of the board are decided by a majority vote, 'in the case of an equality of votes the Chairperson shall not have a second or casting vote' (r 5(b)).¹⁵¹

Rule 6 enables certain matters to be referred to a meeting of the whanau:

- a. In the event that seven (7) or more Trust Board members determine by notice in writing to the Chairman that an issue of importance to them has arisen the matter must then be referred to a Hui a Whanau called within fourteen days of the written notice to the Chairman.
- b. Whilst the matter is being referred to the Hui a Whanau all action in regard to the matter raised . . . will be caveated pending resolution by a majority vote at the Hui a Whanau.
- c. A matter addressed at a Hui a Whanau called in accordance with this clause shall be raised and dealt with once only.¹⁵²

The trust board's new rules allow it to establish executive committees to carry out delegated powers, duties, and responsibilities of the board and management committees in order to inquire into, superintend, or carry out any business of the board.

2.5.4 Kaumatua committee

The rules also stipulate that there 'be a special committee of the Board known as the Kaumatua Committee'. Rule 12 states:

148. Dr Sharples, oral evidence, first hearing, 1 September 1994, tapes 3, 4

149. Document A21(g), para 7.5

150. Document A5, app B, p 5

151. Ibid, p 4

152. Ibid

- b. The members of the Kaumatua Committee shall be Nga Kaumatua-O-Waipareira and membership shall be determined in accordance with Tikanga Maori O Waipareira.
- c. In the administration of the affairs of the Trust Board the Board Members may consult with the Kaumatua Committee and the Kaumatua Committee may advise the board Members on any matter relating to the affairs of the Trust Board PROVIDED THAT the Kaumatua Committee shall not be deemed to be trustees in respect of the objects set forth in Appendix A hereof. [Emphasis in original.]¹⁵³

In his 1993 annual report, chairperson Mr Wihongi praised the work of the kaumatua committee, describing the group as an ‘inspiration’. Later in the report, he wrote:

My Trust Board and myself are extremely proud of the tremendous increase in activities and numbers that our Kaumatua Komiti has reflected this year. There are presently 90 registered kaumatua in this Komiti and they have provided absolutely invaluable assistance in the hosting of dignitaries and in the quiet methodical way they provide advice to the whole of the community and the whanau.

It is necessary to let our kaumatua know that they have a meaningful and rightful position to play in terms of all our initiatives, the Mauri, the Ihi and the Wehi in which they have continued to act as elder statesmen, advisors and the dignity and humility that they have exhibited in solving a number of problems in our community have not gone unnoticed.¹⁵⁴

2.5.5 Executive and staff

Rule 7 enables the board of trustees to ‘appoint an Executive Officer to oversee the proper functioning of its affairs’, together with other staff to whom it may delegate certain powers.¹⁵⁵ The trust’s chief executive reports monthly to the trust board and more frequently if necessary.¹⁵⁶

The chairperson’s annual report for 1993 says of its staff:

Our personnel leading our Management teams . . . bring tremendous private and public work experience to the Trust. We are pleased to advise that all of the Senior Managers are Degree qualified . . .

The Trust is building a multi-disciplinarian and multi-functional work force.¹⁵⁷

The 1993–94 corporate plan sets out the following management strategy for management and staff to work to:

153. Ibid, pp 7–8

154. Ibid, pp 4, 20

155. Document A5, app B, p 5

156. Document A21(h), ch 7. There is a discrepancy on reporting frequency in the evidence, however. On page 18 of the chairperson’s 1993 annual report, it states that ‘we’ report to the trust board fortnightly, whereas elsewhere in the same document it is said to be monthly (eg, see doc A21(g), p 28).

157. Document A21(g), paras 1.2, 1.3

- 1 That the whanau is our key resource.
- 2 That service to our community is an operational imperative.
- 3 That accountability and consultation with the community must be optimised.
- 4 That joint decision making between the Trust Board, staff and community will set down the action strategies to address priorities.
- 5 That accountability to our contractors and community is a priority.¹⁵⁸

2.6 THE TRUST'S PROGRAMMES PRIOR TO THE HEARING

Leading up to the Tribunal's inquiry into this claim, Te Whanau o Waipareira Trust was involved in a large number of programmes in the areas of education, training and employment, economic development, community and social services, and health. The trust's involvement in each area is summarised below.

2.6.1 Education, training, and employment

The Tribunal was told that Te Whanau o Waipareira Trust had become acknowledged as a provider of second-chance training and education; indeed, it was the largest provider of training and employment services to the West Auckland community.¹⁵⁹

In 1993–94, the trust was 'administering, initiating and supporting' a large number of educational and employment-oriented programmes including courses in agriculture, bone carving, car maintenance, carpentry, catering, computer training, Te Ataarangi Maori language course, fundamental retailing, home maintenance and building, secretarial work, sewing, shoe-making, spray painting and panel beating, and telemarketing.¹⁶⁰ The trust had been approved to deliver the Government's Training Opportunities Programme and had negotiated with polytechnics and universities to have trust courses cross-credited to qualifications gained at tertiary institutions. It had entered into a joint venture with the Auckland Institute of Studies and the trust's Maori Performing Arts Academy was based on the institute's campus. The majority, if not all, of its courses had been accredited by the New Zealand Qualifications Authority.¹⁶¹ Over 200 West Aucklanders had been placed in employment through the trust's employment arm between 30 June 1992 and 1 July 1993.¹⁶²

By the time of the hearing, the trust had become, or was about to become, part of the 'Parents as First Teachers' scheme. Kohanga reo, kura kaupapa Maori, and wharekura Maori education systems in the Waipareira area were well established and

158. Document A21(h), ch 4

159. Document A21(g), para 2.1

160. Document A21(b)

161. There is a discrepancy in the evidence on this point. The 1993–94 corporate plan states that 'all 21 [of the trust's] courses have been accredited by the New Zealand Qualifications Authority' (doc A21(h), ch 9), while other evidence labelled 'Excerpt from Te Whanau o Waipareira Corporate Plan' states that 'the majority of [its] programmes are officially recognised by the New Zealand Qualifications Authority' (doc A19, app 1, p 6).

162. Document A21(g), para 2.5

showing ‘dynamic growth’.¹⁶³ The trust supported West Auckland students with educational scholarships.¹⁶⁴ A Waipareira education agency, comprising Maori teachers in West Auckland schools, had been set up to pursue policy development and curriculum changes in institutional education. The Alternative Education Unit, established in 1992, had moved from a borrowed prefabricated classroom where it had first existed without educational books or equipment to leased factory premises, with room not only for educational activities but also for indoor recreation and social activities.¹⁶⁵ The Tribunal received in evidence evaluative reports that praised the unit and the achievements it had made. The director of the Correspondence School wrote:

The project . . . clearly offers a constructive and rehabilitative education alternative for ‘at risk’ youth in West Auckland based on sound principles and offering considerable potential for successful outcomes.¹⁶⁶

In her evaluation report on the unit by the Special Education Service, Justine Tennant, a registered psychologist, concluded:

In my opinion this unit represents not just alternative education but a real effort to achieve quality education for alienated students. That they have continued their efforts now for two years is amazing, given their limited resources and lack of financial security.¹⁶⁷

Claimant witnesses impressed upon the Tribunal the strategic importance of the trust’s education, training, and employment programmes as a way of empowering whanau members:

It is important . . . that we change attitudes and that we provide self-esteem so that as many of our trainees as possible are granted greater empowerment and the ability to be more productive for themselves, their family and our community.¹⁶⁸

The trust’s 1993–94 corporate plan set out the following priorities in this area:

Training and Employment

- a. Become a Private Training Establishment.
- b. Have 90 percent of the Training Programme validated under the NZ Qualifications Authority.
- c. Negotiate better courses for clients staircased into higher tertiary institutions
- d. Upgrade our facilities by way of a capital purchase and improvement programme which will link in with our economic development.
- e. Continue upgrading of staff.

163. Ibid, p 14. ‘Kohanga reo’ are ‘language nests’ providing pre-school education in Maori; ‘kura kaupapa Maori’ are Maori language immersion primary schools; ‘wharekura Maori’ are Maori language immersion secondary schools (doc A19, para 1.22).

164. In the 1992–93 financial year, the trust provided 20 \$1000 educational scholarships.

165. Document A21(h), ch 9; doc A26, app 1, app 3, p 4

166. Document A26, app 3, p 15

167. Ibid, app 4, p 8

168. Document A21(g), para 2.2

f. Develop and implement more Joint Ventures with Industry, Commerce and other Tertiary Institutions offering enhanced educational opportunity.

Education

- a. Increase the retention rate of Maori children at schools.
- b. Review the performance of schools relevant to Maori beneficiaries under Trust Boards at these schools.
- c. Develop alternative curriculums.
- d. Develop homework centres.
- e. In tandem with our Community Development, develop Whanau Committee at every school.
- f. Upgrade the facilities offered to our Alternative Education Unit (13 to 17 year olds).¹⁶⁹

2.6.2 Economic development

At the time of the Tribunal's hearing, Waipareira Corporate was offering services relating to venture capital financing, investment analysis, business development, business skills seminars, business services, legal advice, business communications, desktop publishing, central and local government policy development, and work with central and local government.¹⁷⁰ According to its 1993–94 corporate plan:

The Trust is the largest contracted agent to deliver small enterprise business entrepreneurial training to the West Auckland region and was one of 6 organisations chosen nationally to pilot a capitalization scheme offering up-front cash to kick-start businesses.¹⁷¹

Mr Tolich informed the Tribunal that the trust board was operating the following seven companies providing training and employment opportunities for West Aucklanders: Wai-Tech (to run the trust's training division), Wai-Health (to run its health services), Waipareira Building Company, Man-Tech Waste Disposal, New Zealand Guard Services, Waipareira Properties, Waipareira Sewing Company, and Waipareira Developments.¹⁷²

The trust's 1993–94 corporate plan established the following priorities for the trust in the area of economic development:

Economics

- a. Sponsor and operate business management programmes.
- b. Provide small facilities of venture finance.
- c. Provide legal and accounting management assistance.
- d. Implement community co-operative company models.
- e. Develop a holistic product marketing policy.

169. Document A21(h), sec 8

170. Document A21(a)

171. Document A21(h), ch 9

172. From Crown counsel's questions of Mr Tamihere, the Tribunal learned that the sewing company was no longer an affiliate of the trust. Whether the trust still had shares in the company is not clear from the evidence.

- f. Develop Joint Ventures, Partnerships and Consortiums to strengthen the economic base of the Trust.¹⁷³

2.6.3 Health services

Endeavouring to ‘take advantage of the philosophy behind the health reforms’, the trust was providing medical, dental, and community health care to the West Auckland community and had shown ‘dynamic growth and dynamic results’. In its 1993–94 corporate plan, the trust identified its health care priorities as being:

Health

- a. Implement free medical service to tamariki.
- b. Continue to develop the Waipareira Medical Clinic.
- c. Enter into comprehensive contracts with the Northern Regional Health Authority.
- d. Play a more proactive role in the health consultation process to ensure appropriate resourcing of our client.
- e. Co-ordinate our capacity to contest better health delivery to our clients.¹⁷⁴

Its health services were designed to be high quality, accessible, and affordable, and a successful innovation had been the provision of its health services through mobile units to places such as schools and marae. Demonstrating the integrated nature of the services, the trust had developed under its employment and training arm a health resource certificate providing instruction in the operation of the health system. The course ‘had met with tremendous feedback and success’.¹⁷⁵ The trust’s health services also included the provision of education and counselling in relation to drug, alcohol, and substance abuse.¹⁷⁶

2.6.4 Community and social services

The trust’s community work priorities for 1993–94 were:

Community

- a. Increase the distribution potential of the Food Co-operative.
- b. Develop a totally integrated Social Servicing delivery system.
- c. Develop monitoring, accountability, and evaluation methods subject to client confidentiality.
- d. Develop and implement Social Work training programme in Joint Venture with other Tertiary organisations.
- e. Support use of Kaumatua Committee.¹⁷⁷

173. Document A21(h), sec 8

174. Ibid

175. Document A21(g), paras 4, 6.1, 6.3

176. Document A21(h), ch 9

177. Ibid, sec 8

In his evidence, Mr Stewart outlined the specific CFA categories into which the trust's services fell. These were: child and family support services (including care services for children and young people), home- and marae-based services, youth activities services, family resource services (including a food bank servicing 300 families), budgeting services, and anger management programmes.¹⁷⁸

However, difficulties with the trust's community and social services were the catalyst for this claim. The details are canvassed in chapter 7. At this point, it is sufficient to say that for nine months from 1 July 1993 the trust refused to accept the CFA's offer of funding for the trust's programmes. Instead, the trust fully covered the costs of providing its social services until 10 March 1994, when it entered into a without prejudice contract with the agency pending the outcome of the trust's claim to the Waitangi Tribunal. However, despite increasing client demand, the trust was forced to decrease significantly the range of services it could offer and became, predominantly, a 'referral service'.¹⁷⁹ Mr Tamihere explained that, as a 'fiscally responsible organisation' that relied on Government funding to maintain its infrastructure, the trust 'could not continue to operate such an expensive service and survive'.¹⁸⁰ Consequently, in May 1994, Te Whanau o Waipareira Trust's social services division officially closed and the 15 whanau support workers it employed lost their jobs.¹⁸¹

(1) Drastic cutbacks

In her evidence, Ms Hanna, who was the executive officer of the trust's social services division, informed the Tribunal that, before the closure, the trust was providing the following social services:

- (a) whanau support workers for families under stress;
- (b) youth workers for young people;
- (c) outdoor activities for at-risk youth;
- (d) budgeting services;
- (e) anger management programmes;
- (f) emergency housing for families, pregnant young mothers, solo mothers, and women under stress;¹⁸²
- (g) accommodation and care for teenage boys;
- (h) accommodation and care with approved caregivers for children or young people;
- (i) court workers in the District, Youth, and Family Courts; and
- (j) supervision of men, women, and youth referred by the Children and Young Persons Service and the justice system to do community work, community care, and community service.¹⁸³

178. Document B5, p 20. More information about these services is to be found in Te Whanau o Waipareira Trust's social services business plan for 1994-95 (doc B5, app 8).

179. Document A22, para 52(c)

180. Document B3, paras 3.8-3.9

181. Document A25, paras 67-68

182. According to the 1993-94 corporate plan, the trust provides 15 such houses (doc A21(h), ch 9).

183. Document A25, para 69

Ms Hanna also explained that at the time of the hearing the trust was providing only the services referred to in (f) to (j) above and that it received funding for only (g) and (h):

Apart from a little funding from the Youth Justice Section of Children [and] Young Persons Service, all other current social services work is being done on a voluntary basis.¹⁸⁴

Mr Tolich also emphasised the contribution the trust had made in its delivery of social services in the 1992–93 and 1993–94 years and the difficulties caused by the failure to reach agreement on the amount of agency funding the trust should receive in the 1993–94 year:

In the 1992/93 year, \$87,000 of our own funds go into social services to bolster it. In the 1993/94 year something like \$90,000 of our own funds go in there to bolster it. We have a further problem in 1993/94 – we have to cash flow it for 9 months . . . and the Trustees have to back the management of the Trust to say ‘We will continue to pour money into social services in the hope that you will solve your difficulties with the CFA and get a contract.’¹⁸⁵

(2) *Trust in crisis*

The sense of urgency that the trust clearly believes surrounds the social circumstances of Maori, both in West Auckland and more generally, was captured by Mr Tamihere’s reference to the ‘race against time’ in which the Treaty partners are participating:

The goodwill this Treaty partner has exhibited has not been met with any positive response from the Crown. The employment creation, commercial side of the Trust is bleeding to death and the Trust will collapse completely if we continue to haemorrhage in servicing our deprivation. We are breaking the cycle of dependency in our commercial arm and to survive we have had to cease funding our Social Services. This step has not been taken lightly. This whanau was born out of our social plight. We will not be driven back into dependency when we know millions of dollars are expended in the Social Welfare area with no tangible result for us. It appears the actions of the Community Funding Agency are symptomatic of a policy to tie us to dependency. The unfair negotiation, consultation process has impacted dramatically on our integrated system.¹⁸⁶

184. Ibid, para 70

185. Document B10, p 47. Elsewhere, Mr Tolich said in evidence (doc B4, para 28):

In addition to the Whanau’s contribution of human resources the Trust contributed \$87,991 of its own funds to support the delivery of Social Services. This represents 59% of the contracted CFA funds for the same year. The \$87,991 represents a significant loss of opportunity to the Trust and its whanau. The money would have been much better spent in investment and employment generating ventures here in West Auckland.

186. Document A19, para 8.16

Mr Tamihere emphasised to the Tribunal that the trust's 'Social Service response had not ceased' but that people were now doing the work 'for pure aroha because they cannot bear to see the work being left undone'. In his evidence, he went on to say:

Providing social services to our people is absolutely fundamental to the operation of Waipareira as a whole. It strengthens our relationship with our own community, particularly that part of our community which is most in need. It provides the glue that holds our network together and it also ensures that Waipareira sustains a critical mass which in turn can sustain our infrastructure and systems. Without it the whole organisation comes under threat.¹⁸⁷

Nevertheless, according to Mr Stewart, the manager of those services, the trust's ability to fund social services was severely constrained. He told the Tribunal that:

our budgeting service is down to one volunteer, social work intervention has only two workers now voluntary and anger management programmes that were once running to full capacity are barely functioning.¹⁸⁸

2.7 CONCLUSION

Te Whanau o Waipareira has been actively helping the people of West Auckland, and specifically targeting Maori people there, for about 40 years. That the people have needed, and continue to need, such help was not challenged in the inquiry. Claimant witnesses stressed, however, that:

An organisation such as Waipareira does not have the historical structures or levels of resources either internal or external such as other organisations like Salvation Army or Barnados.¹⁸⁹

Despite this, Te Whanau o Waipareira has successfully provided a broad network of effective and often innovative services. Their effectiveness was not questioned in the inquiry. Mr Stewart, himself a social worker of 16 years' experience, gave the following opinion of the social services provided by the trust:

The quality and commitment of our Social Workers is admirable. The Workers that we have on board have a long and successful history of Social Work in West Auckland. These Workers have well developed networks and impressive track records. Those that come to mind include Connie Hanna, Ada Lau'ese and Bella Mano for example. The Social Services network which we have sought to develop is recognised as a model mechanism for the urban Maori Community throughout the Country.¹⁹⁰

187. Document B3, paras 2.2, 4.3

188. Document B5, para 6.2

189. Document A8(k), para 9

190. Ibid, para 10

2.7.1 Community support

Other evidence endorsed Te Whanau o Waipareira's work. Superintendent Donald McConnell of the West Auckland police said:

I am aware that the Trust has always been regarded as Whanau for urban Maori in West Auckland. Waipareira has always sought to fill the role which the traditional Marae with [its] support system provided. It does not differentiate as to which tribe you descend from.

It is important that with the Police emphasis on preventing family violence, and Police commitment to community policing, and therefore community and social service organisations, that this Act [the Children, Young Persons, and their Families Act 1989] be enforced as best as it is able to be. Clearly Waipareira Trust is the only Maori Organisation in West Auckland which Henderson Police deal with, relevant to fulfilling the emphasis in the Act, on dealing in a culturally sensitive way with Maori.¹⁹¹

Mr Harvey spoke positively of the relationship between his council and the trust:

Council recognises Te Whanau o Waipareira as a key representative of urban Maori in the district and supports the members of the Trust in their determination to address the needs of the Maori community through practical and effective delivery of programmes. Te Whanau o Waipareira is the product of the Maori community of this City. It is a truly 'grass-roots' organisation. Through years of hard work, Te Whanau o Waipareira has won the respect of Council and of the wider community of Waitakere City; Council recognises Te Whanau o Waipareira as the main representative of pan-tribal urban Maori in Waitakere City.¹⁹²

Mr Stewart told the Tribunal:

We have been visited by other Iwi and Maori social service providers from throughout the country looking to Waipareira as a model. I have personally met with the people of Whangaroa, a consultant employed by Ngati Wai, the Hatepe Incorporation of Taupo and social work students from Taranaki Iwi on placement from their social work courses. I have also been visited by the Ministers of Social and Family Services of Victoria and South Australia. These dignitaries I understand were referred to us by the most senior levels of the Department [of Social Welfare] as a role model of indigenous social services.

Further Te Whanau o Waipareira has been consulted by a vast array of iwi . . .¹⁹³

2.7.2 Relations with tangata whenua

Claimant counsel noted in his summary to the Tribunal that 'none of the iwi voices [that spoke at the hearings of this claim] questioned the good work being carried out by Waipareira'.¹⁹⁴ Although some of those voices did question the trust's relationship

191. Document A20, paras 24–25

192. Document A27, para 10

193. Document B5, para 7.3

194. Document E6, para 3.2

to the tangata whenua of Auckland, the trust's position on that point was stated unequivocally by Mr Tamihere:

We have no desire to usurp in any way the status of manawhenua iwi. Our claim is at a different level. . . .

It is important and significant for the Tribunal to note that under no circumstances does Waipareira Whanau hold itself out as advocating or having an ability to speak on behalf of Ngati Whatua or Tainui.

Having stated the above clearly and succinctly we do not at the same time see Maori relevant to the services we deliver and rate them on the basis of what tribal affiliations they have. For example, in the event that some of our people are desirous of our support we do not say to them, 'you are Ngati Whatua you must go to Ngati Whatua ki Orakei, you must go to Ngati Whatua ki Kaipara'. At the same time we do not say to any Tainui people 'you must head back to Tamaki ki Raro, Huakina or Ngaruawahia'.¹⁹⁵

Another claimant witness spoke of 'an unbroken bond' and a 'physical and spiritual relationship' between Ngati Whatua and Te Whanau o Waipareira Trust.¹⁹⁶

During the course of the inquiry, the Tribunal was reminded 'to reflect on the way in which Te Whanau o Waipareira was conceived' and in particular to recall that it was 'born out of Maori protocol'.¹⁹⁷

No single statement encapsulates all of the various attributes of Te Whanau o Waipareira, but we close this descriptive account with these words of claimant witnesses:

What the Trust . . . represents is a collective conscientiousness of people. For Maori it's more about aroha and awhi, and creating a sense of identity and belonging, where the good of the whole is paramount.¹⁹⁸

The Whanau o Waipareira is the oldest and most significant of all those organisations in West Auckland. . . . Whanau members comprise both Maori and Pakeha committed to dealing with the situation of Maori in West Auckland's urban environment. This is what sets Waipareira apart from many other organisations in that it is very much family oriented in its approach to community matters and what concerns [its] members. The attitude was and still is a sense of responsibility for [its] members from birth to death.¹⁹⁹

The Trust's role in countering the disempowering effects which Government policy and programmes had on Maori in West Auckland, was reflected in a concern to empower Maori in West Auckland with an ability to operate programmes that were community based, Maori owned and operated, and developed to appeal to the collective consciousness of Maori, based on awhi, manaakitanga, whanaungatanga and aroha.²⁰⁰

195. Document A19, paras 3.1, 3.6–3.7; see also doc B10, p 28

196. Document A8(i), para 8

197. Document A19, para 3.5

198. Document A8(r), para 17

199. Document A8(p), p 3

200. Document A8(r), para 24