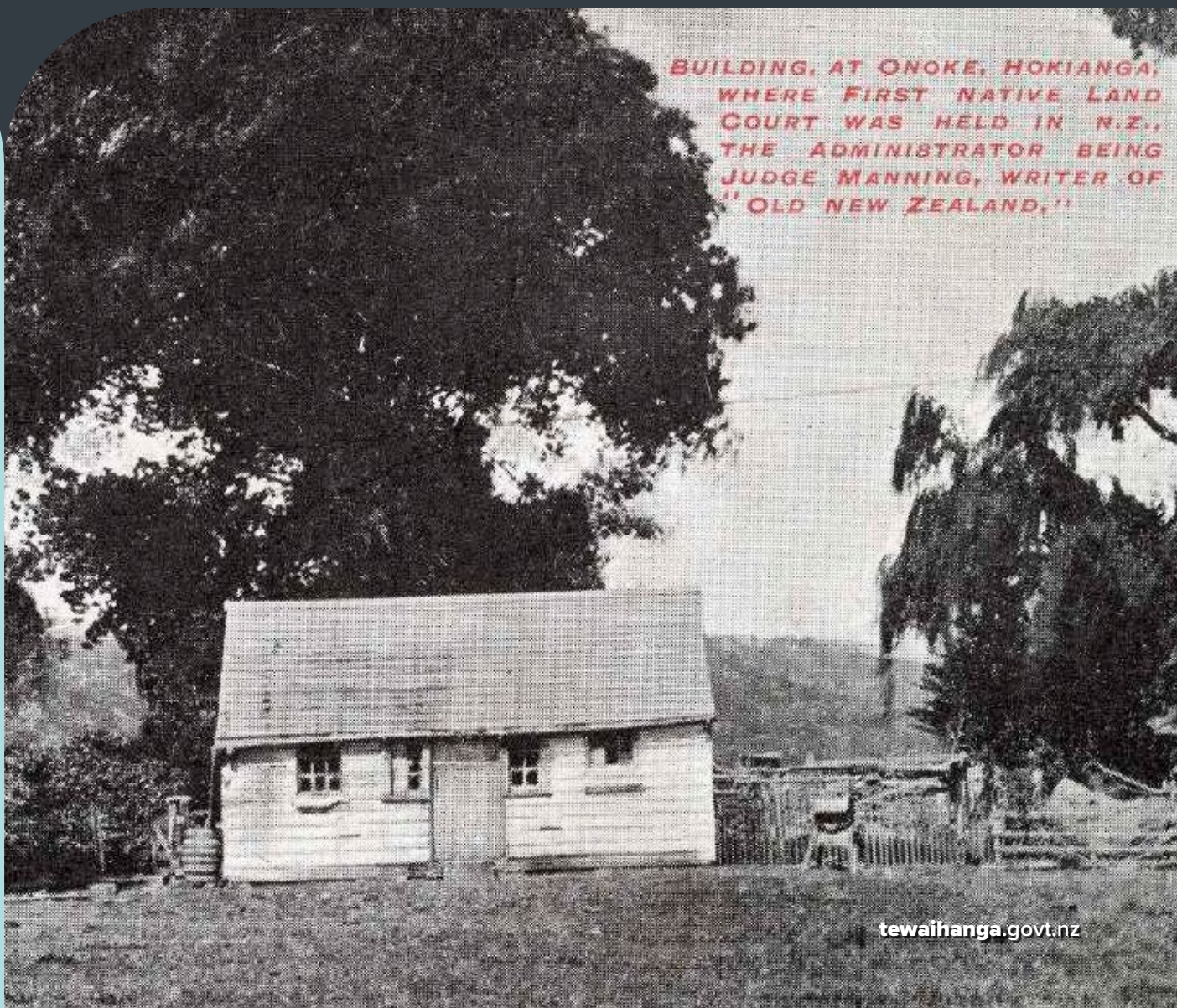


Past Māori experiences of infrastructure development

Ngā wheako Māori o mua mō te
whanaketanga hanganga

State of Play



BUILDING, AT ONOKE, HOKIANGA,
WHERE FIRST NATIVE LAND
COURT WAS HELD IN N.Z.,
THE ADMINISTRATOR BEING
JUDGE MANNING, WRITER OF
"OLD NEW ZEALAND."

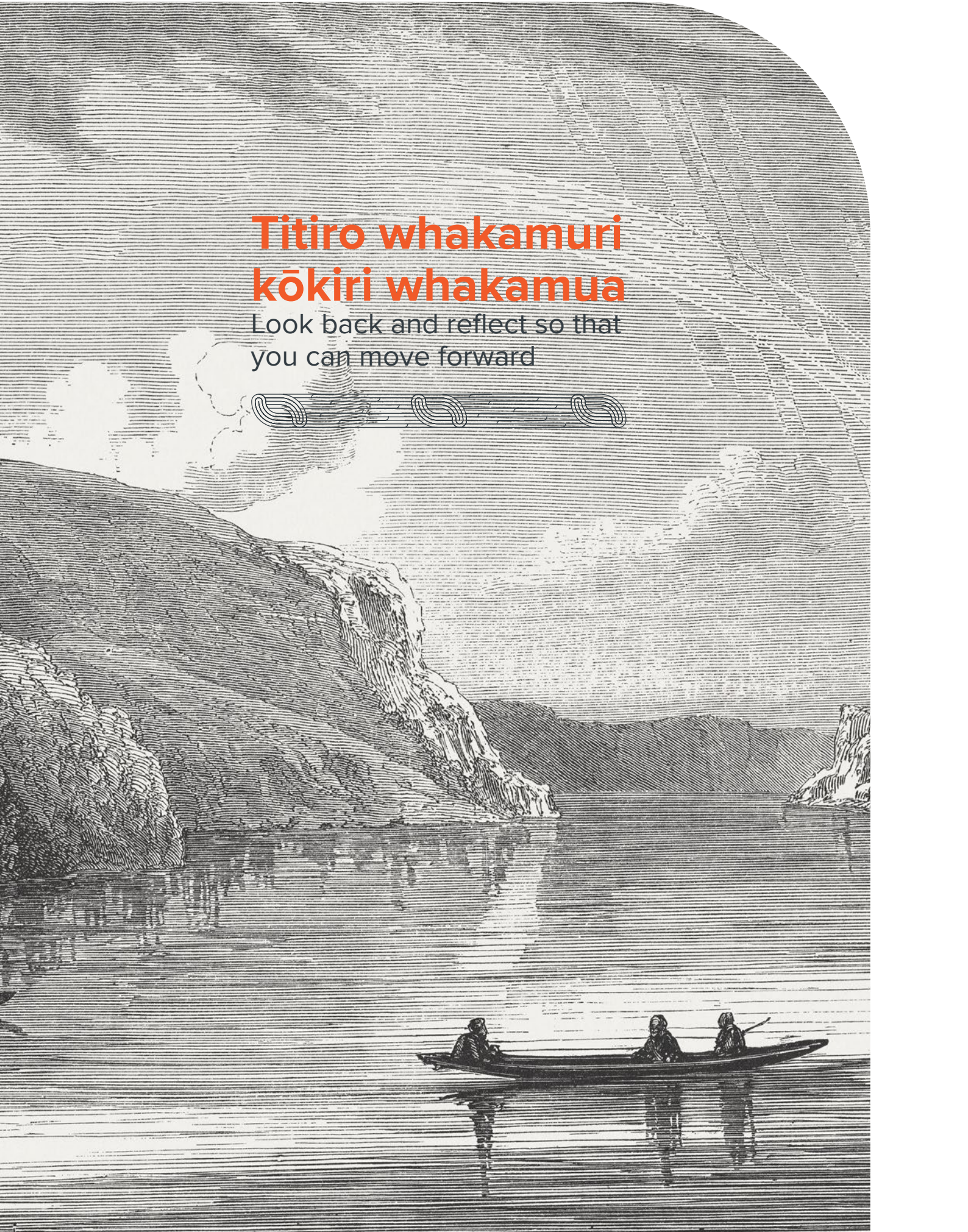
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Titiro whakamuri kōkiri whakamua

Look back and reflect so that
you can move forward



New Zealand Infrastructure Commission | Te Waihanga

New Zealand's infrastructure is the roads we use to get to work or move goods to market, the power connections that heat our homes, the schools where our children learn, the hospitals that heal us. It's a system, supporting almost everything we do, and this means the decisions we make about it affect us all. Because of the long life and size of our infrastructure, these decisions can also have an impact for decades, even centuries and involve millions or billions of dollars.

The New Zealand Infrastructure Commission | Te Waihanga (Te Waihanga) helps government and others to shape this system, to grow wellbeing and drive a strong economy. We look to the long term, identifying issues and the actions New Zealand can take to improve. We developed New Zealand's first Infrastructure Strategy, using research, evidence and the views of New Zealanders to set out the issues we face, and the changes needed over the next thirty years to build a better New Zealand | Aotearoa. Following its release, we're working to help track progress against this Strategy and be a catalyst for its success. We continue to share critical insights into issues that impact our infrastructure, carrying out our own investigations and engagement, shining a light on further opportunities for change.

How to cite this document

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Why are we talking about Māori past experiences of infrastructure development?



Kaitawa hydro electric power station under construction, at Waikaremoana. Tourist and Publicity.

This report provides at a very high-level a chronicle of the impacts of New Zealand infrastructure development on Māori. The paper focuses on transport, energy, wastewater, education, and health infrastructure but many of the issues discussed have also arisen in relation to other types of infrastructure.

Many of the matters discussed in this paper have been, or are currently, the subject of settlements of claims in relation to historical breaches of the Treaty of Waitangi | Te Tiriti o Waitangi (Treaty | Te Tiriti). In places this document refers to statements regarding historical breaches recorded in Treaty | Te Tiriti settlement legislation. It is acknowledged that those statements were negotiated between the Crown and the claimant groups, often many years after the events referred to occurred.

The paper has been prepared (as part of Te Waihanga research into the state of play of Māori engagement in infrastructure) to recognise and acknowledge that when Māori groups engage with government in relation to infrastructure planning or development that engagement is very often influenced by past experiences of the types discussed here. Similarly, Māori groups' intentions and aspirations in relation to infrastructure development or investment are shaped by that history.

A point we are consistently hearing as we undertake our state of play research is that, when engaging with a Māori group in relation to infrastructure it is important to seek to understand that particular group's past experiences of infrastructure development. This paper is not a substitute for obtaining that kind of Māori group-specific knowledge.

The document also does not explore te ao Māori perspectives, including mātauranga Māori (Māori knowledge), relevant to Māori past experiences of infrastructure development. Potentially useful places to start are Rout et al's article on a Māori approach to environmental economics (Rout et al., 2021) and a 2020 thesis (by Te Whata, 2020).

In this paper we adapt a framework, described by Morgan et al (2022)^{1 2} and divide New Zealand infrastructure development, and Māori experiences of that development, into three stages:

1. a first stage including both the pre-contact era (the period when Māori settled New Zealand prior to Captain James Cook landing near Gisborne in 1769) and the pre-colonial era (from 1769 to the signing of the Treaty | Te Tiriti in 1840) - Morgan et al refer to this as te ao tohunga (the old world) where a Māori world view was dominant
2. the stage from the signing of the Treaty | Te Tiriti to approximately the 1970s when non-Māori world views became the dominant paradigm, te ao hurihuri - the changing world
3. the period from the 1970s onwards, in which mātauranga Māori is reemerging as a paradigm that is drawn on, te wheiao – the transitioning world.

The cut-off date for events referred to in this paper has been set at around 2019, with more recent and emerging developments being treated as part of the current state of play.



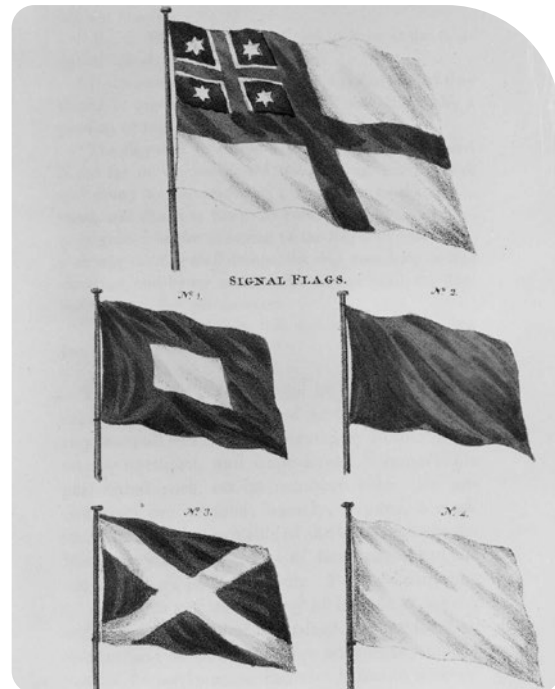
Barry, James, active 1818-1846. Barry, James: [The Rev Thomas Kendall and the Maori chiefs Hongi and Waikato].

Te ao tohunga – to 1840

In te ao tohunga Māori lived in hapū groups averaging approximately 50 people (although several hapū living together could result in significantly larger settlement sizes) (Pomeroy, 2019). Rights to occupy land and use resources were held collectively by members of a hapū or iwi (Pomeroy, 2019). Whānau moved as needed to take advantage of available resources and to trade.

Infrastructure in the broad sense during te ao tohunga was less reliant on fixed built infrastructure and more on ways of knowing aligned to local ecosystems (Morgan et al., 2022). However, as discussed below, built infrastructure was developed.

Other than brief contact between a Māori group and the Dutch in 1642, contact between Māori and Europeans was established when an English ship, captained by James Cook, landed near Gisborne in 1769. Until 1825 the number of non-Māori who lived in New Zealand was very low. From the late 1820s the numbers began to rise – to approximately 2,000 in 1839 (Phillips, n.d.). There is uncertainty around what the Māori population was in either 1769 or 1840 (Chapple, 2017) but a figure used recently for the Māori population in 1840 is that it was approximately 70,000 (Christoffel, 2022).



Standard of New Zealand, a flag accepted by Maori as their national flag in the 1830s. Making New Zealand: Negatives and prints from the Making New Zealand Centennial collection.

On 28 October 1835 a gathering of 34 northern Māori rangatira signed He Whakaputanga o Rangatiratanga o Nu Tirenī | the Declaration of Independence of the United Tribes of New Zealand. Under the Declaration the tribes of New Zealand to the north of Thames declared the

authority and leadership of their lands under the title Te Wakaminenga o ngā Hapū o Nu Tireni | the Confederation of Tribes of New Zealand. They stated that sovereignty/kingship and the mana from the land of that Confederation belonged solely to the true leaders of that gathering and they would not allow any other group to frame laws or establish governorship on the lands in the Confederation unless they were people appointed by them to carry out laws they had enacted in assembly. By 1839 there were 18 further signatories to the Declaration, including rangatira from Hawke's Bay and the Waikato (Te Rua Mahara o te Kawanatanga | Archives New Zealand, 2022).

Land transport

During the te ao tohunga period travel by water was the most common form of transport, particularly for transporting goods.

However, there was an extensive network of walking tracks (Watson, 2010). Richard Cruise, who spent most of 1820 in New Zealand, commented (McDonald, 2011, p. 21):

"... there was scarcely a part of the island visited by our people ... to which one or more pathways did not lead. They are wide enough for only one person to walk, nor do they diverge on account of the nature of the ground, or the obstructions offered by rivers or morasses. They lie over the highest hills and the deepest ravines: where a river winds it is necessary to pass it several times; and the heath on either side of the pathway is so high, or the underwood so thick, that it is impossible to go from [the pathway]."

At various points along these walking tracks (McDonald, 2011):

- steps were dug into slopes
- wooden pegs (ara tiatia) were driven into steep faces to provide handholds and footholds
- flax ropes, or ladders made of rata and flax, were installed for ascending or descending cliffs
- layers of bracken or manuka brush were used to build up tracks across wetlands.



Sainson, Louis Auguste de, b 1800: 3. Missionnaire de la Nouvelle-Zelande avec sa suite. Tom. 2, pl. L. [Voyage] pittoresque [autour du monde. Paris. 1836]. Sainson, Louis Auguste de, b 1800: [Twelve engravings from Dumont d'Urville's "Voyage pittoresque autour du monde" (Paris, 1836)].

Streams were crossed using felled trees tied across rivers as bridges (for rivers rafts and waka would be left on banks to enable crossing) (McDonald, 2011; Watson, 2010). There is an anecdotal account of poles being lashed together to form tripods to construct a temporary bridge (McDonald, 2011). Very heavy loads might be pulled on skids (Watson, 1996).

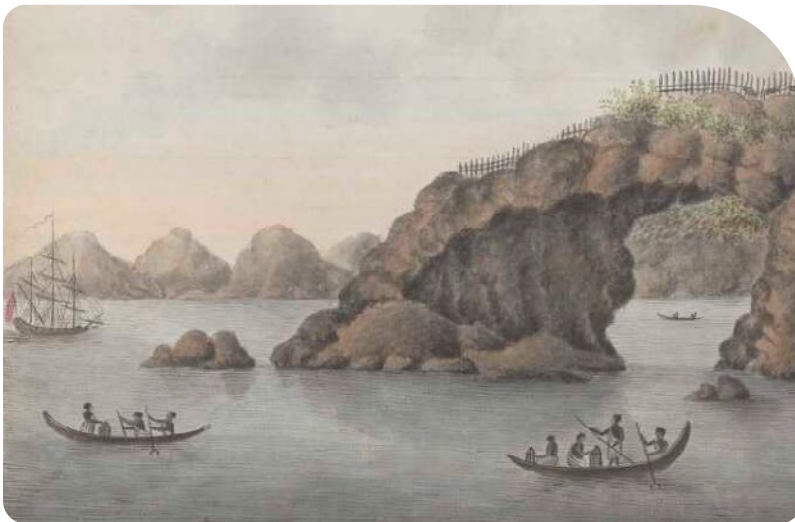
Energy

In the pre-contact and pre-colonial periods, wood-fuelled fires were the main source of heating and light. Cooking houses (whare umu, kāuta) were built to protect earth ovens (umu) (Hiroa, 1949).

In some areas, geothermal hot pools and springs were used for cooking, bathing, healing, recreational purposes, and curing and dyeing flax and other materials (Waitangi Tribunal, 1998).

Wastewater

Traditional fortified hill pa included sanitation systems. Captain Cook observed “[e]very house, or every little cluster of three or four houses, was furnished with a privy, so that the ground was everywhere clean” (Christoffel, 2022, p. 40; Hiroa, 1949, p. 140). Privies were generally built at the top of a steep place, hole or cliff (Christoffel, 2022).



Artist unknown: Gezicht van een verschanst Dorp op eene doorboorde Rots gebouwd, in Nieuw-Zeeland [1769. Copied ca 1785]. Artist unknown: Views in the South Seas [1769-1779. Drawn 1780s?].

After European contact many Māori left hilltop settlements for flat land and, generally, did not recreate that latrine sanitation system in those lowland settlements (Christoffel, 2022).

Health and education

The kāinga or pā (Hiroa, 1949) was where Māori health care and education were primarily undertaken.



Webber, John, 1751-1793. [Webber, John] 1751-1773: [The inside of a hippah in New Zealand, 1778-1779. Plate] 69 [Etched by] Fumagalli. [Milan? G. Ferrario, 1827?].

There are oral accounts that, if someone in a Māori community was significantly ill, they were shifted either to a separate structure constructed for the purpose or into the open air. Consistent with this, on at least one occasion local Māori insisted that a structure be constructed outside an early settler hospital to house a critically ill patient (Trubuhovich, 2009).

Māori learnt cooperatively in groups. Te Whata (2020, p. 73) quotes a description by John Rangihau of traditional approaches to knowledge sharing which have continued into te ao hurihuri.

“The essence of community apprenticeship was young people learning by participating, by becoming carriers of wood, by chopping the wood and by setting up the hāngi. As you grew older you moved on to being in charge of the butchers, the hāngi men and the people who gathered food. You went through all these processes. Then you were allowed to go and listen to elders speaking on the marae and in the meeting houses. So you progressed by observing and becoming involved in all the activities of the marae. That traditionally was the way a young man fitted into place ... [k] inship binds us together in this situation.”

Those with appropriate lineage sometimes attended where wānanga, or equivalent institutions known by different names in different areas, for example organisations known as where kura (Waitangi Tribunal, 1999). There were also more specialised practical learning institutions, where pora (for weaving), where mātā (for bird snaring and fishing) and where tātai arorangi (for astrology). Learning at those institutions was conducted in a state of tapu away from the kāinga (Calman, 2012a).

Tohunga were priests or experts who exercised religious duties or had specialised knowledge in one or more important skills a community required, such as house construction, medicine and healing, moko, the weather, religion, education, canoe building, agriculture, fishing and carving (Hiroa, 1949).



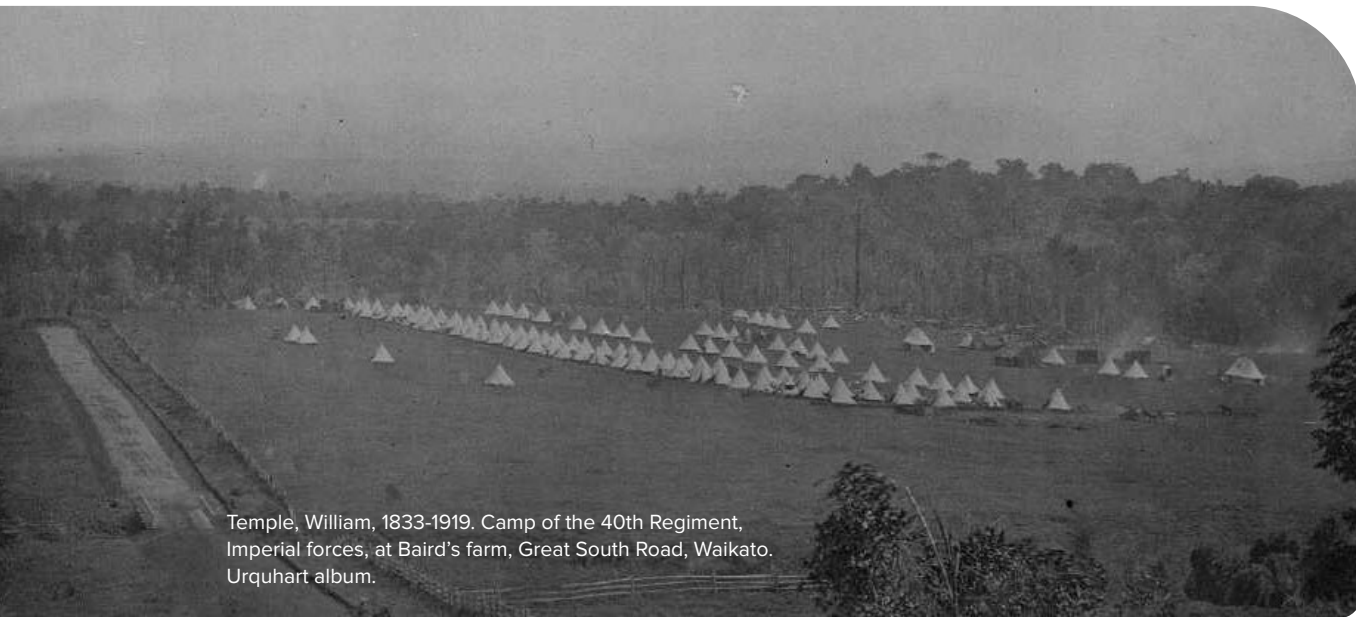
Earle, Augustus, 1793-1838: Aranghie, the tattooer of New Zealand / Drawn by A. Earle. Engraved by J. Stewart. Published by Longman & Co., London, May 1832.. Earle, Augustus, 1793-1838: A narrative of a nine months residence in New Zealand in 1827. London, Longman, 1832.

Missionary Thomas Kendall established an Anglican Missionary School for Māori in Rangihoua in the Bay of Islands in 1816 which operated for two years. From 1822 there were schools attached to Methodist mission stations and, from 1838, schools attached to Catholic mission stations (Calman, 2012a). Teaching in mission schools was confined to the scriptures and reading and writing in Te Reo Māori (Walker, 2016). On the East Coast of the North Island, Ngāti Porou established informal schools at which whalers and traders taught reading (Waitangi Tribunal, 1999).



Turner, Nathaniel (Rev), 1793-1864. Turner, Nathaniel 1793-1864: [Wesleydale Mission Station, Kaero, Whangaroa, Northland. 1825 or 1826?].

Māori returned from mission station schools to their kāinga and established their own schools. In the Hauraki in late 1840, the colonial government's Chief Protector of Aborigines found a Māori-run school in nearly every village he visited (Calman, 2012a).



Temple, William, 1833-1919. Camp of the 40th Regiment, Imperial forces, at Baird's farm, Great South Road, Waikato. Urquhart album.

Te ao hurihuri – 1840 to the 1970s

The Treaty | Te Tiriti

On 30 January 1840 Captain William Hobson of the British Royal Navy published a proclamation in the church in Kororāreka (later known as Russell) which announced that the Queen of Great Britain had issued documents extending the boundaries of the Colony of New South Wales to include any part of New Zealand which the Crown might acquire sovereignty of.

On 5 February 1840 a large number of rangatira met with Captain Hobson at Waitangi. English and Te Reo Māori versions of a proposed treaty were read aloud and a number of rangatira spoke. An account of those discussions published in an English language newspaper in April 1840 records that at first there was opposition by many rangatira present to the idea of a governor being appointed that would exercise authority over them. It records rangatira as stating that

“[t]hey had been told that if they signed the Treaty they would become slaves, hewers of wood [and] drawers of water, and be driven to breaking stones on the road” (New Zealand Gazette and Wellington Spectator, 1840). At about four o'clock on 5 February the hui was adjourned. On the following day the rangatira asked to meet Captain Hobson and at that meeting over 40 of the rangatira present, Captain Hobson and several English residents signed the Treaty | Te Tiriti (New Zealand Gazette and Wellington Spectator, 1840).

Similar gatherings were held elsewhere in New Zealand over the following seven months and in total the Treaty | Te Tiriti was signed by over 500 rangatira (although some chiefs refused to sign and some were never reached) (Te Puni Kokiri, 2001).



Taylor, Richard, 1805-1873: A view of the feast given by the Governor to the natives at the Huarake Hokianga Capt Macdonalds station Horeke [13 February 1840]. Taylor, Richard, 1805-1873: Sketchbook. 1835-1860.

An English translation of the Te Reo Māori version of the treaty, records Te Tiriti o Waitangi as providing that:

- the chiefs of the Confederation and all the chiefs who had not joined the Confederation gave absolutely to the Queen of England for ever the complete government over their land (Article 1)
- the Queen agreed to protect the chiefs, the subtribes and all the people of New Zealand in the unqualified exercise of their chieftainship over their lands, villages and all their treasures (Article 2)
- the chiefs would sell land to the Queen at a price agreed to by the person owning it and the person buying it (the latter being the Queen's purchase agent) (Article 2)
- concerning the Government of the Queen, the Queen would protect all the ordinary people of New Zealand and give them the same rights and duties of citizenship as the people of England (Article 3).

Overview of infrastructure development in te ao hurihuri

The period from 1840 to the 1970s is when the bulk of New Zealand's current infrastructure system was constructed – roads, railways, significant electric power generation assets, the National Grid, the Kapuni gas pipeline, sewerage systems, hospitals, primary and secondary schools, and higher education institutions (as well as infrastructure not specifically discussed here such as radio and telecommunications, ports, and airports).

At the beginning of this period, Māori held very significant amounts of land and resources. As Coleman et al put it (2005, p. 9):

“Māori rapidly adopted much European technology, including new crops and farming techniques, new food processing equipment including flour mills, and new transport equipment including quite large ships.”



Maori flax mill and dwellings. Holder, Miss: Photograph albums.

Māori shipped food to the Australian market (Pomeroy, 2019).

However there is evidence that by the 1870s, at least in the Hokianga, many Māori had moved away from commercial agricultural production finding it more profitable to dig for kauri gum, mill timber, or build roads on contract for the government (Coleman et al., 2005).

Throughout the 19th century and early 20th century Māori and non-Māori societies were generally quite separate with Māori largely living in rural areas or separate neighbourhoods in small towns and provincial centres (Pomeroy, 2019). During the middle third of the 20th century there was rapid urbanisation of Māori – in 1945 26% of Māori were urban in 1966 62% were (Pomeroy, 2019).

Later following the loss of large tracts of Māori land, including as result of Crown confiscation during and following the New Zealand Wars and the conversion of communally-owned Māori land into separate land titles, the role of Māori in infrastructure development was dominated by the conversion of remaining Māori resources to infrastructure use. Sometimes this was infrastructure specifically for Māori but largely delivered in accordance with Government-led policy (as in the case of the native schools discussed below). However, more often it was infrastructure for economic development or general public use (including for facilities such as universities and hospitals located in urban centres which the Māori population had difficulty accessing).

Legislating the acquisition of Māori-owned land for infrastructure and individualisation of land titles

Use of Māori land for public works 1840s to late 1850s

From 1840 until the late 1850s, acknowledged Māori land was protected from any compulsory purchase legislation at the insistence of the British Colonial Office. It was the Crown's policy for most of that time to acquire Māori land by a process of purchase and negotiation.³ However, both when negotiating purchases and when investigating pre-1840 land sales, Crown officials applied an underlying belief that Māori were only entitled to land they occupied on a permanent basis (such as kāinga and cultivation sites) and the remainder was 'waste' land which would become Crown land (Marr, 1997).

During this period public works were constructed largely on land set aside from land sold, or understood to have been sold, by Māori (although they were often constructed even if the purchase or the ownership of the land was disputed). In some cases, Māori agreed in advance that any land reserved for their use under land sales could have public roads constructed through it. Māori sometimes gifted land for public works, but had expectations that land would be returned if it was no longer needed for that work (Marr, 1997).

Some lands Māori had required to be reserved for their use were appropriated for other public purposes during this period. For example, as discussed below, in 1851 and 1853 the Crown appropriated 23 acres of Māori reserve land in Wellington for hospital, educational, and religious endowments (that is, as land that could be utilised to generate income to fund hospitals, schools and churches).

Confiscation and acquisition from 'rebel' Māori

A disputed land purchase sparked war between Māori and the colonial government in Taranaki in 1860, and by 1863 Government troops had invaded the Waikato. In 1863 the Government

passed several laws relating to those wars, including the New Zealand Settlements Act which empowered confiscation of Māori land (Marr, 1997).

In 1864 the Public Works Lands Act authorised central government to take Māori land for public works purposes. Under that Act any Māori customary land compulsorily acquired from 'rebel' Māori could be acquired without the payment of compensation. There was no need to give prior notice of a taking and no provision for acquisition by agreement.

Individualisation of land title

In the early 1860s, the colonial government passed Native Lands Acts which established a Native Land Court to determine ownership of Māori land and convert customary title into land held by Crown grant. A Crown grant title under the 1865 Native Lands Act could only be granted to up to 10 identified individuals.⁴

The 1865 Native Lands Act allowed the taking of up to 5 percent of Māori Crown-grant land for roading without compensation. The ability to take land without compensation remained within relevant legislation until 1927. The 1894 Public Works Act extended the right to take land for roads (and railways) to Māori land where ownership of the land had not been determined by the Native Land Court (Marr, 1997).



Donald McLean purchasing land at Wairoa, Hawke's Bay. Rhodes, Beatrice, fl 1978: Photographs.

Further takings for public works

Under the 1905, 1908 and 1928 Public Works Acts, officially the taking of land by Proclamation or Order in Council (as opposed to acquisition by negotiation) did not take effect until the Proclamation or Order was published in the New Zealand Gazette ('gazetted'). Until that occurred



no right to compensation existed. In some cases public works takings were not gazetted for many years, delaying compensation payments. For instance, work commenced on the Tauranga-Te Maunga motorway several years before the taking was gazetted (Ngāi te Rangi et al., 2013).

The Public Works Act 1928 had different provisions regarding notification and compensation for the taking of Māori land for public works than it did in relation to taking general land. For the large proportion of Māori freehold land that was not registered under the Land Transfer Act, public works takings could be made by Proclamation without prior notification. Until the 1930s the Crown seldom undertook formal negotiations over public works takings of whenua Māori.

Until 1962, compensation for general land taken for public works under the 1928 Act was assessed by the Compensation Court, while compensation for Māori land was assessed by the Native/Māori Land Court. Between 1887 and 1962 it was the responsibility of the taking authority to apply for compensation to be paid to Māori owners. There could also be significant delays in ascertaining compensation once an application for compensation was made.

Between 1962 and 1974 the Māori Trustee was appointed statutory negotiator when someone wished to acquire Māori land with multiple owners, which removed Māori landowners from participating in the negotiation process.

Further individualisation of Māori land title

The Māori Affairs Act 1953 provided that where any Māori freehold land or general land owned by Māori was unoccupied, not being kept properly cleared of weeds, or subject to unpaid rates or not farmed or otherwise managed “with due diligence” so that the land was “not being used to proper advantage” a local authority or “any person interested” could apply to the Māori Land Court to appoint the Māori Trustee as the agent of the owners. It also enabled the Māori Trustee to sell any Māori land or interests vested in, or acquired by, them to the Crown for the purposes of the Māori Housing Act or any scheme for the development of Māori land.

In 1962 the Government established the New Zealand Māori Council. The stated intention was to create “a completely independent body representing Māoridom ... able to speak with one

voice for the Māori people as a whole” and to be “the two-way channel of communication and the individual Māori groups”.⁵



Second annual conference of the New Zealand Māori Council, Wahiao, Whakarewarewa, Rotorua. Westra, Ans, 1936-2023: Photographs.

However, approximately five years later, the Māori Affairs Amendment Act 1967 introduced compulsory conversion of Māori freehold land with four or fewer owners into general land and increased the powers of the Māori Trustee to compulsorily acquire and sell “uneconomic” interests in Māori land (including enabling them to sell land to the Crown for any purpose). There were strong objections from the New Zealand Māori Council and protests, including street demonstrations (Ministry for Culture and Heritage, 2019).⁶

The impacts of the Crown’s actions in relation to whenua Māori were long lasting. For example, the legislation settling Treaty I Te Tiriti claims by iwi from the top of the South Island:⁷

“The Crown is sorry that its actions rendered Ngāti Rārua virtually landless in their rohe. This had a devastating impact on the social and cultural well-being of the people of Ngāti Rārua that continues to be seen today. The Crown also accepts that the loss of their land and their restriction to inadequate reserves has significantly marginalised Ngāti Rārua from the benefits of economic development, and limited the autonomy and ability of the iwi to exercise customary rights and responsibilities throughout the Ngāti Rārua rohe.”

The Act includes similar acknowledgements in relation to other top of the South Island iwi⁸ and in other Treaty I Te Tiriti settlement legislation including, for example, the legislation settling claims by Ngāi Tahu, Ngāti Porou and Maniapoto.⁹

The development of roads in te ao hurihuri

Following European contact, bullock-drawn wheeled carts and horses were introduced into New Zealand (Cook, 2010). Bullock and bridle tracks were constructed.

Because goods and people continued to be primarily transported between towns by coastal shipping, initially there were limited roads. What roads there were generally linked ports to towns or were streets within settlements (Walrond, 2016).



Wrigglesworth, James Dacie, 1836-1906. Clements, E (Mrs): Photograph of Clay Point during excavations.



British soldiers at a redoubt in Rangiriri. Haines, Bernard Gilpin, b 1842: Photographs compiled while on active service with the 18th Royal Irish Regiment during the New Zealand Wars.

Work on the Great South Road from Auckland to the Waikato began in 1843. Largely built by British soldiers, it was constructed to counter a perceived threat to the Auckland settlement from Waikato-based Māori. The road reached Drury on the banks of the Waikato River in 1855 and Māori contracted to cut a bridle track through the bush into the Waikato, which was later widened into a road (Lennard, 1986). The road was used by Colonial troops invading the Waikato in 1863 (Marr, 1997).

Droving routes were developed. One of the major reasons given for the development of the Napier-Taupō Road during the 1850s was to enable Hawke's Bay farmers to drive cattle to the Auckland market (Watson, 1996).

In the South Island a road was built over Arthur's Pass in 1866-1867 linking Christchurch to the gold fields on the West Coast. Roads were built in Otago to enable the transport of heavy equipment for gold dredging and sluicing to the gold fields (Walrond, 2016).

At the end of the 1863-1869 Taranaki War, 74 members of the Pakakohi Ngāti Ruanui hapū who had surrendered, were found guilty of treason and sent to South Island jails (Ngāti Ruanui Claims Settlement Act, 2003). Pakakohi prisoners were engaged on public works in Dunedin, including the building of roads (Waitangi Tribunal, 1996).

In 1870, when the New Zealand economy had stagnated following the New Zealand Wars, Julius Vogel, the then Colonial Treasurer, announced a major public works and assisted-immigration programme to be funded by borrowing from London (Ministry for Culture and Heritage, 2018). The works would include the telegraph network, roads, public buildings, port facilities and railways. Vogel argued that the works would open up previously closed or isolated, often Māori-owned, land for settlement and provide employment for new immigrants (Cleaver & Sarich, 2008).



Morris, John Richard, 1854-1919. Sir Julius Vogel. Youngman bequest: Portrait of Sir Julius Vogel and a photograph of the Osterley (ship).

The Tūhoe Treaty | Te Tiriti claims settlement legislation acknowledged that: ¹⁰

- Te Whitu Tekau, a governing council of Tūhoe chiefs established in 1871, objected to land dealings and road construction and the operation of the Native Land Court
- “despite Te Whitu Tekaua policies, the Crown eventually exerted pressure to open up Te Urewera to surveying, Native Land Court sittings and roads”
- between 1896 and 1921, Crown purchasing in and around Te Urewera (some of which was illegal) and roading and survey costs imposed on Tūhoe resulted in a significant loss of land
- the Government broke promises to construct arterial roads in Te Urewera and misled Tūhoe into thinking they were obligated to contribute nearly 40,000 acres for construction of the roads, land which was not returned despite Tūhoe requests and for which they were only partly compensated 37 years later
- Tūhoe economic development was hindered by Crown land acquisition, lack of access to finance and the inaccessibility of some of their remaining land due to lack of roads.

Road sealing began, at first on city streets, around 1900. However, it was expensive and by 1927 less than 3% of the roading network was sealed. Road sealing accelerated in the 1950s and 1960s, with the road between Auckland and Wellington being fully sealed in 1954.

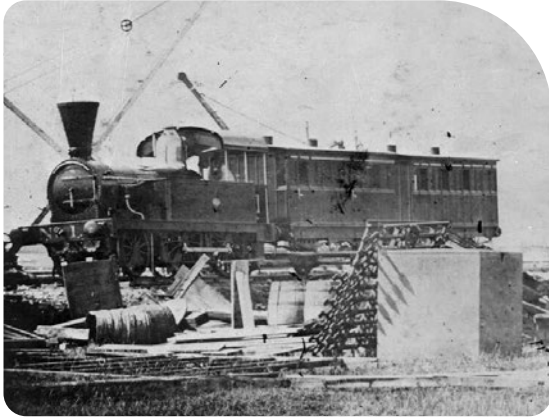


Creator unknown: Photograph of workers sealing the Paekakariki-Paraparaumu road.

The first stretch of motorway, between Takapu Road and Johnsonville in Wellington, opened in 1950 (Walrond, 2016). The Auckland Harbour Bridge was completed in 1959.

The coming of the railways

A railway using steam locomotives began operating between Christchurch and Ferrymead in 1863 (Watson, 1996).



The first train to run in New Zealand, Canterbury Railways No. 1, steam locomotive "Pilgrim". Godber, Albert Percy, 1875-1949: Collection of albums, prints and negatives.

As noted above the Vogel plan of the 1870s included a major railway building programme.

The Immigration and Public Works Act 1872, provided that in any case where:

- a road or right to build a road was included in a Crown grant of title for land
- the Crown had a right to take land for roads after a 'road line' had been surveyed,

it was lawful to construct a railway on that road line or part of a road line, even though the road may not have been made.

Under the Native Lands Act 1873, land could be taken for railway purposes under the same conditions as applied to land taken for roads (Marr, 1997). That power appears to have been applied to land taken for the North Island Main Trunk line from 1900 (Cleaver, 2012). Māori lands were also taken for roads constructed in connection with the railway and for the preservation of scenery along the railway (Cleaver, 2012).

By 1880 there were 2000 km of working railways, run by the Government-owned New Zealand Railways, three quarters of it in the South Island.

No further progress could be made on the North Island Main Trunk Line until the relevant iwi agreed that the railway could be constructed through the 'King Country' or Te Rohe Potae (Cleaver & Sarich, 2008). In the negotiations the Crown made a number of promises. In the settlement of the Ngāti Maniapoto Treaty | Te Tiriti claim the Crown acknowledged that it did not uphold its promises to (Maniapoto Claims Settlement Act, 2022, sec. 9(10)(f)):

- extend the powers of Native Committees in Native Land Court processes and local government
- acquire only as much Ngāti Maniapoto land for the North Island Main Trunk railway line as would be needed for its construction
- apply no pressure on Ngāti Maniapoto to sell land they wished to lease
- provide for Ngāti Maniapoto to sell or lease any land they wished to alienate in open market.



Digging the first sod for the Main Trunk Railway, at the confiscation line at the southern bank of the Puniu River. Beere, Daniel Manders, 1833-1909: Negatives of New Zealand and Australia.

The North Island Main Trunk line was completed in 1908.

Rail line building continued through the 1920s, but the economic depression of the early 1930s led to significant branch line closures (Atkinson, 2016). In 1936, the Crown moved to protect rail freight by preventing trucks from carrying loads more than 30 miles (48 km) on roads and restricting new trucking operators to those that could prove a need for their services (Heatley & Schwass, 2013).

Railway construction resumed again in the late 1930s. The South Island Main Trunk Line was completed 1945 (Heatley & Schwass, 2013). By 1953 there were nearly 5,700 kilometres of railway (Atkinson, 2016). The inter-island ferry link, which completed the national rail network, began sailing in 1962 (Heatley & Schwass, 2013).

However, in the second half of the 20th century car ownership became more common and jet aircraft made flying cheaper and faster (Watson, 2010). Rail branch line closures began again in the late 1950s (Atkinson, 2016).

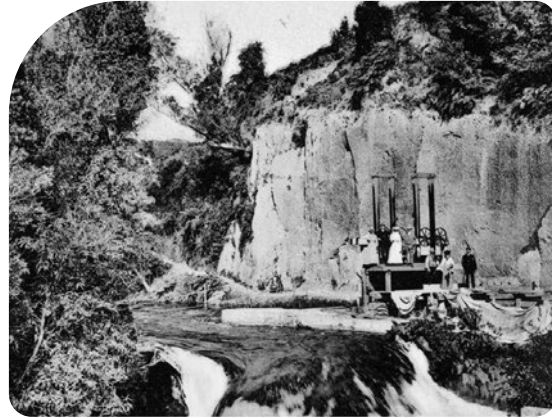
Energy

In the early colonial period, water-powered machinery was used in factories and mills (for example in flax and timber mills, printers, and dairy factories) but wood continued to be the main fuel for industrial and domestic purposes. Coal was also used for domestic heating and cooking and to provide power for factories and (later) steam-powered trains and ships. In addition to wood and coal, geothermal water was used in Rotorua to heat homes, businesses and institutions (MBIE, n.d.).

Hydro-electricity

The Electrical Motive-Power Act 1896, provided that private enterprises could no longer gain control over any New Zealand waterway to produce hydroelectric power, and local government could not grant permission to generate electric power without central government consent.

The first central government hydro-generation scheme (at Okere Falls on the Kaituna River near Rotorua) began operating in 1901 to drive sewage pumps and some public buildings in the tourism centre of Rotorua.¹¹ Two years later, the Water-power Act 1903 vested in the Crown the sole right to use water in lakes, falls, rivers or streams for the purpose of generating or storing electricity or other power (Kapoor, 2019). That Act gave the Governor the power to acquire any existing rights and any land required for such purposes (Marr, 1997).



Okere Falls Power Station. O'Loughlen, Miss, fl 1972: Photographs.

The first large-scale central government hydro scheme (at Whakamataua, Lake Coleridge) began generation in 1915. Other central government hydro schemes were constructed throughout the 1920s and 30s.

The Public Works Act 1928 exempted land taken for hydro power from the usual notification and lodging of objection processes, and provided that notification of the owners was only required after a land taking had been proclaimed.

Two hydro power stations affecting Lake Waikaremoana in the Ureweras were constructed from the late 1930s to 1940s – the Piripāua and Kaitawa power stations. Seven hydro stations were constructed along the Waikato River from 1953 to 1970. On the Waitaki River the Tekapo A station began operation in 1951, Benmore began operating in 1965, and Aviemore in 1968. The Roxburgh Dam on the Clutha River began operation in 1956.

Treaty | Te Tiriti settlement processes have identified breaches of the Crown's obligations which occurred in the development of hydro-electric power stations. Two examples are noted below.

- The Crown failed to consult Tūhoe before commencing the construction of the Kaitawa power station, which ultimately led to some of the lakebed becoming dry land and the degradation of fishing stocks (Tūhoe Claims Settlement Act, 2014, sec. 9(35)).
- The development of hydroelectric dams on the parts of the Waikato River within the rohe of Ngāti Hauā resulted in the submerging of an urupā reserve containing precious tapu rocks dating back to the battle of Taumatawiiwii (Ngāti Hauā Claims Settlement Act, 2014, sec. 9(12)(a)).

Geothermal generation

The Geothermal Energy Act 1953 vested the right to “tap, take, use, and apply geothermal energy on or under the land” in the Crown (MacArthur & Matthewman, 2018).

Wairakei, New Zealand’s first geothermal power plant, was commissioned in 1958 and completed in 1963. The Crown has acknowledged that (Ngāti Tūwharetoa Claims Settlement Act, 2018, sec. 9(42)):

- the construction of the power station resulted in “profound negative disruption and damage to the Wairakei geothermal field, which ... resulted in extreme distress for Ngāti Tūwharetoa”
- in “the Ōnekenekē Valley, ... thermal springs have been significantly degraded as a result of urban and commercial development and the construction of the Wairakei Power Station, and the Waipahihi geothermal stream is no longer able to sustain the needs of the Waipahihi marae ...”.



Wairakei; Wanganui River, and interview with Phil Amos. Westra, Ans, 1936-2023: Photographs.

The National Grid

In the decades immediately before and after the First World War local authorities and central government began to set up the National Grid, the high voltage electricity transmission network which connects power stations to the substations that feed local electricity distribution networks and directly feeds some large industrial customers. All New Zealand cities and many towns were connected to the National Grid by 1920. However, some rural areas were not connected until after World War Two. In 1965 the Cook Strait cable began transmitting power from the South Island to the North Island (Cook, 2010).

In some cases transmission lines were constructed without the owners of whenua Māori being aware of their compensation rights. For example, this occurred in the construction of:

- lines over Hineuru lands in Tarawera and Tātaraakina (Hineuru Claims Settlement Act, 2016, sec. 9(26))
- the Tauranga-Mount Maunganui power transmission line over Ngāi Tukairangi land at Matapihi (Ngāi te Rangi et al., 2013).

Natural gas

The Petroleum Act 1937 extinguished landowners’ pre-existing interests in petroleum (including natural gas) present under their land and vested the ownership of the resource in the Crown. This was done without any compensation being paid to landowners or any obligation to pay royalties being imposed.

In 1959 the large Kapuni natural gas condensate field was discovered offshore of the Taranaki region. The field began commercial production in 1970 (Waitangi Tribunal, 2011). The Government-owned Natural Gas Corporation of New Zealand was established in 1967. The functions of the Corporation included purchasing, transporting and marketing natural gas procured from the Kapuni field or from other sources.

Construction of the pipeline to carry natural gas from Kapuni to Auckland and Wellington began in 1968.

Wastewater

Local authority provision of reticulated sewerage systems in New Zealand urban areas began in the late 1800s, with the impetus for introducing such systems increasing as result of factors such as the Wellington typhoid outbreaks in the 1890s (Christoffel, 2022). From the early 1900s septic tanks were installed in areas that lacked sewage reticulation (Dann, 2010).

In 1914 a new Auckland City Council sewer pipe resulted in crude sewerage being discharged to shellfish beds opposite a Ngāti Whātua ki Orakei village. The pipe also impeded drainage causing flooding on a papakāinga housing area at the village, which worsened when a road was built over the pipe along the beach. The papakāinga area itself was not served by the sewerage system (Christoffel, 2022).



View of Orakei Bay, Auckland. Price, William Archer, 1866-1948: Collection of post card negatives.

There is evidence that, around 1900, a number of Māori settlements did not replicate the latrine systems they had used pre-contact and had no wastewater infrastructure (Christoffel, 2022). However, by the 1920s privies were installed in communal meeting-houses and in many private homes in Māori settlements (Christoffel, 2022).

Māori townships were not generally connected to town sewerage networks. After several decades of effort, the townships of Ōhinemutu and Whakarewarewa were connected to the Rotorua sewerage network in the 1930s, with a material part of the costs being met by the Te Arawa Trust Board (Christoffel, 2022).

In the 1950s approximately 40% of New Zealand municipal sewage was being discharged untreated into waterbodies, with the remaining 60% receiving only primary treatment (removal of solids) or minor secondary treatment (aeration to reduce biological content) (Dann, 2010).

Health

In 1848 Henry Kemp, acting on behalf of the Crown, purchased over 13 million acres of land in the South Island from Ngāi Tahu. This was followed, in 1953 by the sale of a large tract of the land to the south of the Kemp Purchase (the Murihiku Block) to the Crown. In 1991, the Waitangi Tribunal found that the expectation of being provided with schools and hospitals Ngāi Tahu obtained from Crown purchase agents was an inducement to Ngāi Tahu in selling the Kemp and Murihiku Blocks, the Crown failed to act promptly to provide these benefits, and Ngāi Tahu was disadvantaged by the delay in meeting its expectations (Ngāi Tahu Claims Settlement Act, 1998, para. M).

In other Crown purchases of Māori land, Crown agents also promoted the benefits that would come from community amenities such as roads, schools, and hospitals when trying to convince Māori to sell land and in setting a price (Marr, 1997).

Public hospitals

Public hospitals were set up in Wellington and Auckland in 1847, New Plymouth in 1848, Dunedin and Whanganui in 1851, and Christchurch in 1862. Māori and poor non-Māori were treated for free. Governor Grey believed that these hospitals would help introduce Māori to European culture.

New Plymouth hospital was made tapu after Te Āti Awa chief Rāwiri Waiau died there in 1854. This resulted in it providing mainly outpatient services for a period (Bryder, 2018).



Colonial hospital, New Plymouth, New Zealand. Nicholl, Spencer Perceval Talbot, 1841-1908: Photograph albums.

The first Wellington Hospital was built on land reserved for Māori. Subsequently, in 1851 and 1853 the Crown appropriated 23 acres of land in Wellington that had been reserved for Māori for hospital, educational, and religious endowments. That land was alienated by the Crown without the consent of the Māori beneficial owners of those reserves (Quinn, 1995). Māori were not compensated for the appropriation of that land until 1877 (Waitangi Tribunal, 2003). The Wellington Hospital Loan Act 1874 allowed the hospital trustees to mortgage or sell the endowment lands in order to raise money to build a new hospital, and in 1876 the hospital sold over an acre of the endowment land (Waitangi Tribunal, 2003). In 1881 the hospital moved, from the former reservation land in Thorndon, to new buildings in Newtown.

The Waitangi Tribunal has stated (2001):

“During the last three decades of the nineteenth century, hospitals expanded as they enhanced their reputation as places of healing rather than refuges for the indigent poor. Increasingly, they came to be regarded as core social institutions, and proliferated during successive waves of immigration. Local hospitals providing basic facilities were built to serve many small town and rural communities. They were commonly scaled to the needs of their supporting Pākehā communities.

As urbanisation accelerated after the turn of the twentieth century, cities and regional towns became the driving force. Most acquired hospitals, which expanded and diversified their range of services. As the catchment populations expanded and, during the 1920s and 1930s, motorised transport extended their geographical outreach, large urban hospitals became more prominent, and economies of scale more significant in hospital planning.

...

Cities and towns, the centres of hospital development, were overwhelmingly Pākehā. ... Many rural Māori lived far from a rural hospital, and even farther from the expanding hospitals in the regional centres.”

Free hospital treatment for Māori ended in the 1860s. Free public hospital treatment for all was introduced in 1938 and free treatment in State psychiatric hospitals was introduced in 1939.

As urbanisation increased, Māori use of public hospitals increased. However, the Waitangi Tribunal has expressed the view that hospitals remained, “monocultural institutions that made few concessions to tikanga Māori” (Waitangi Tribunal, 2001).

In 1904 the Government set up public maternity hospitals around the country (known as St Helens hospitals), which were run by midwives and provided subsidised maternity care (Bryder, 2018). National Women’s Hospital was established in 1946 to provide more beds for women giving birth and train doctors in obstetrics and gynaecology (Bryder, 2018).



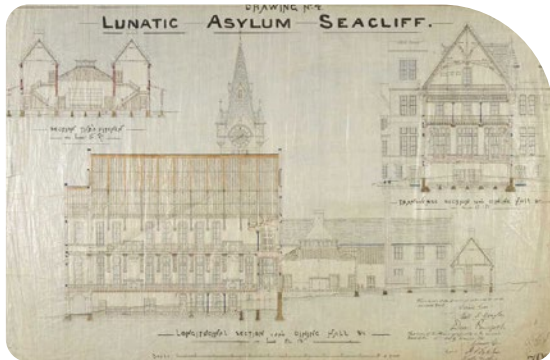
Saint Helens Hospital for women, Dunedin. Smith, Sydney Charles, 1888-1972: Photographs of New Zealand.

Mental health services

The first facilities specifically for people suffering from mental health issues in New Zealand were buildings attached to the Wellington and Auckland gaols, both established in 1844. Under the Lunatics Ordinance of 1846 a person certified to be a ‘lunatic’ could be held in a gaol, a public hospital or an asylum (but there were no specialist asylums in New Zealand in 1846) (Brunton, 2022).

In the 1850s to 1870s purpose built ‘mental asylums’ were established by provincial governments, usually on the edge of provincial capitals – Karori, Wellington in 1854, Dunedin and Sunnyside, Christchurch in 1863, Whau, Auckland in 1867, Seaview, Hokitika in 1872, and Nelson in 1876. From 1876 (when provincial government was abolished in New Zealand) public mental health institutions were under the control of central Government. Seacliff, Dunedin was

opened in 1879 (replacing a temporary asylum sited next to Otago Boys' High School between 1863 and 1884) and Porirua opened in 1887 (Brunton, 2022).



Lawson, Robert Arthur, 1833-1902: Lunatic Asylum, Seacliff. [Longitudinal and transverse sections]. Drawing No. 4. 1881.. Lawson, Robert Arthur 1833-1902: Lunatic Asylum, Seacliff. 1881.

Tokanui Psychiatric Hospital, near Te Awamutu, was opened in 1912. The Crown had compulsorily acquired a large amount of Ngāti Maniapoto land for the hospital without sufficiently detailed planning which led to an excessive amount of land being acquired (Maniapoto Claims Settlement Act, 2022b, sec. 9(29)).

After World War One 'half way houses' were set up to treat nervous breakdowns, shell shock and borderline mental health issues. With developments in psychiatry some public hospitals set up observation wards or outpatient clinics for mental health issues (Brunton, 2022).

Education

Primary Schools

The following summary of the early history of primary schooling in New Zealand is taken from a Parliamentary Services paper *The government's changing role in the governance of New Zealand's schools since 1847* (Alliston, 2019).

"Following colonial settlement in New Zealand, settlers followed a model of administration they were familiar with, where education (mostly at primary level) was largely in the hands of churches or private enterprise."

... The Constitution Act 1852 established a system of representative government for the colony, with a parliament and six provinces. Over time, each province set up an education board that provided grants for existing schools and provided funding for additional schools.

...

Separate funding streams for Māori education were administered centrally. The Native Schools Act 1858 provided subsidies for 'native' mission boarding schools, which were required to teach in English. Most of these schools were closed as a result of the New Zealand Wars."

As noted above, the expectations of Ngāi Tahu when entering into the Kemp and Murihiku Block purchases were that the Crown would provide schools. Under the Native Schools Act 1858, £200 was granted by Governor Browne towards a school for Māori purposes at Kaiapoi, which was followed by some further grants totalling £500 from the central and provincial governments and road compensation money. However, with the exception of Kaiapoi, up until 1867, when the Native Schools Act of that year was passed, the Crown did not provide schooling for Ngāi Tahu (Waitangi Tribunal, 1991).

The Native Schools Act 1867 provided (Alliston, 2019):

"... funding to establish local primary schools, administered centrally from Wellington by the Native Department."¹² Lessons in these schools ... had to be delivered in English where possible. Māori communities that wanted a 'native' school had to form a school committee and supply the land. Until 1871, they also had to pay half the costs of the buildings and a quarter of any teacher salaries. They often experienced significant delays (sometimes of many years) before a school was opened, due to bureaucratic issues."

The impacts of the discouragement of the use of te reo Māori in Native Schools on retention of culture by Māori groups have been acknowledged in legislation settling Treaty I Te Tiriti claims, including claims by Ngāti Kōata, Ngāti Porou, Ngāti Rangī and Maniapoto.¹³

Many Māori settlements could not afford the building, salary, and other costs to establish a native school. However, a number of native schools were established. Using the Hokianga as an example (Coleman et al., 2005):

- by 1872, 15 acres had been donated for the first school, and sixty pupils were enrolled
- in 1874 there were three schools, with 100 students
- by 1879 attendance had increased to 250 in six schools
- a further four were opened by 1885.



Pupils displaying their work outside the Kawhia Native School. New Zealand Department of Maori Affairs: Maori School Picture Book.

The Native Schools Amendment Act 1871 removed the requirement for Māori communities to contribute to building costs and teacher salaries where they were unable to do so, “or where it [would] be conducive to the promotion of education” (Alliston, 2019).

The New Zealand provinces and provincial governments were disestablished in 1875. In 1877 free secular primary school education for children aged 7 to 13 was established and made compulsory for non-Māori, and 12 regional education boards were established (Alliston, 2019). School attendance for Māori children (at either a State or native school) became compulsory in 1894.

The school bus service was introduced in the 1920s which allowed schools to be consolidated. This resulted in a reduction in the number of primary schools, from a maximum of 2,601 in 1927 to 1,900 in 1947 (as smaller country schools were closed) (Swarbrick, 2012).



Children boarding a Department of Education school bus.

In 1969 control of the, then, 105 Māori schools was transferred to the regional education boards (Alliston, 2019).

Secondary Schools

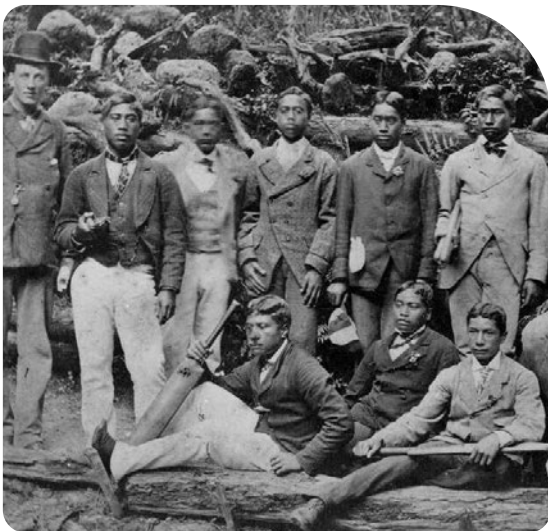
In the early part of te ao hurihuri receiving a secondary school education was uncommon. The first state secondary school in New Zealand, Nelson College, opened on 7 April 1856 with a roll of just eight boys (Ministry for Culture and Heritage, 2021). Other early secondary schools included Otago Boys' High School (1863), Wellington College (1867), and Auckland Grammar School (established in 1869). The first girls' secondary school, Otago Girls' High School, opened in 1871 (Swarbrick, 2012).

In Wellington some Māori reserve land between Cambridge Terrace and Tory Street in Te Aro was taken by the Government for endowing a college or grammar school. The lands were rented out from 1854 and provided a steady and increasing income to the college, which opened as Wellington College in 1867. Until 1874 the college was located in old military barracks on Māori reserve land but it then moved to land taken out of the town belt with new buildings financed by a loan made on the security of the endowment land (Anderson & Pickens, 1996).



Basin Reserve, Wellington, and surrounding area. Holmes, Robert West, 1856-1936: Album of photographs relating to Wellington.

In 1878 John Thornton was appointed principal at Te Aute College for Māori boys in Hawke's Bay. He prepared senior students for the matriculation exam to enable them to go on to university and taught an academic curriculum (whereas the policy of Government education officials was to steer Māori pupils towards manual labour and domestic service roles) (Walker, 2016). In 1906, following a Royal Commission of Inquiry into its teaching practices, Te Aute College was directed to comply with an educational curriculum of manual and technical classes in agriculture, but continued to teach academic subjects, resulting in the withdrawal of government scholarships (Theodore et al., 2016).



Prefects, Te Aute College. Williams, Charles Athol, 1899-1990: Photographs of Te Aute Station, Mangakuri Station, the Williams family, and Gallipoli Peninsula in Turkey during World War I.

Legislation passed in 1914 required secondary schools to offer free education to students who passed a proficiency examination, funded by government grants. In 1944 secondary school education became compulsory until the age of 15.¹⁴ This led to rapid growth in the number of secondary schools – from 39 secondary schools, 96 district high schools and 21 technical high schools in 1940 to 102 secondary schools, 96 district high schools, and 41 technical high schools in 1960 (Swarbrick, 2012). With increasing urbanisation of the Māori population more Māori attended general state secondary schools. However, for reasons discussed by Walker and others, in 1969 79% of Māori left secondary school with no qualifications (Walker, 2016).

Tertiary education

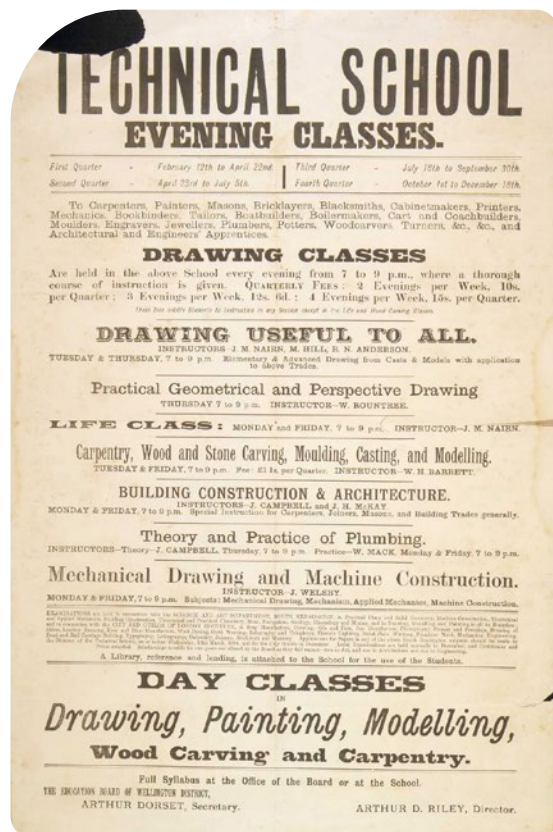
In 1868 the New Zealand Government passed the University Endowment Act which confirmed the reservation of some Crown land (including land described as “confiscated land in the Province of Taranaki” and “confiscated land in the Province of Auckland”) for the purpose of an endowment for a colonial university.¹⁵

The first New Zealand university was established in the Otago province in 1869 and opened for teaching in 1871. In 1870 the University of New Zealand was legally established. Colleges affiliated to the university were established in Canterbury (in 1873), Auckland (in 1883) and Wellington (Victoria University College, in 1889). The former Otago University became a college affiliated to the University of New Zealand in 1874. Examination papers were marked in the United Kingdom until the beginning of World War Two, in 1939 (Pollock, 2012).¹⁶



Auckland University. Auckland Star: Negatives.

Technical schools provided evening trades training. The first technical school, the Wellington School of Design, opened in 1886. From 1905, day classes were added for students who had been awarded Government technical scholarships and the schools became known as technical high schools or colleges. In the early 1960s these colleges were divided into secondary schools and tertiary education institutions – polytechnics or institutes of technology (Swarbrick).

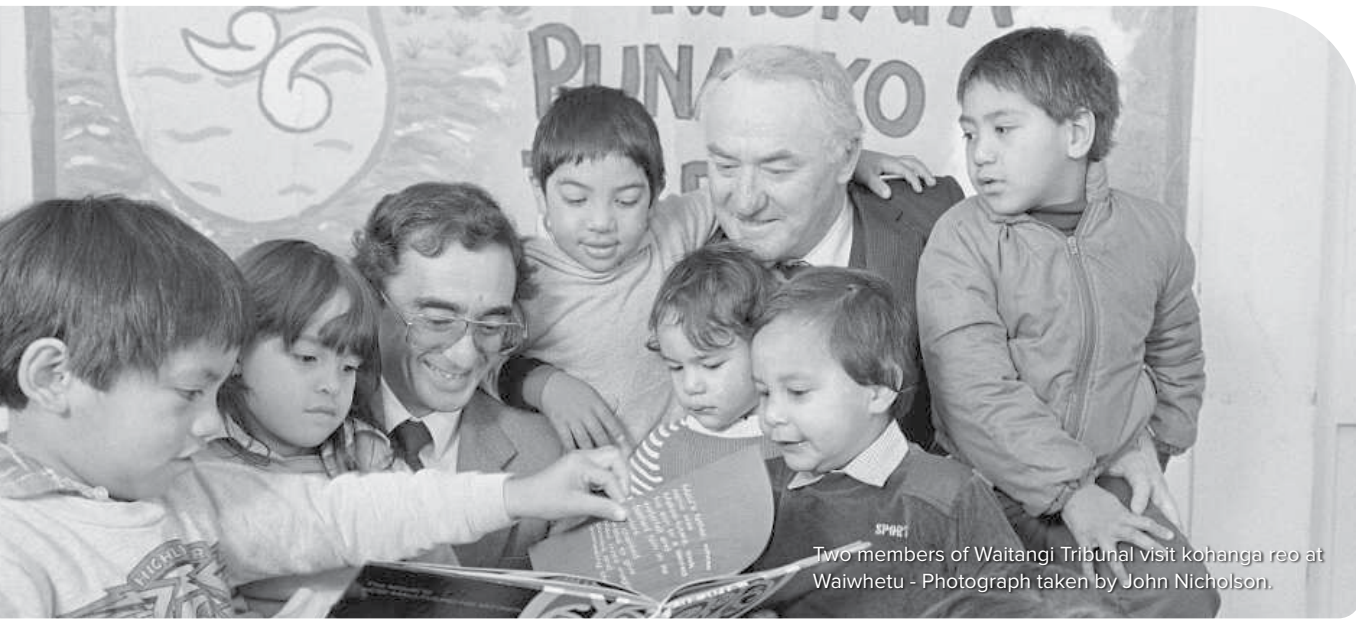


Cleveland, Francis Leslie, 1921-2014. Wellington Technical School: Technical School evening classes ... Drawing classes are held in the above school every evening from 7 p.m. to 9 p.m.... Day classes in drawing, painting, modelling, wood carving and carpentry... Arthur D Riley, Director. 1895.

Between 1949 and 1951 three Māori academics were appointed at Auckland University - Maharaia Winiata as a tutor in adult education, Bruce Biggs as a junior lecturer in Māori in the Anthropology Department and Matt Te Hau as a junior lecturer in adult education. They were instrumental in establishing Māori studies at Auckland University, including holding courses off-campus on marae in Māori communities (Walker, 2016).

However, when the J K (Jack) Hunn prepared a report on the Department of Māori Affairs in 1960 he noted that there was a 'statistical blackout' of Māori in higher education (Walker, 2016).

The findings in the Hunn report and other information, such as the rates of rangatahi facing criminal charges, together with the increasing urbanisation of Māori making "the extent of their relative deprivation all the more palpable for Pākehā" raised non-Māori awareness that there was a significant problem (Catalinac, 2004).



Two members of Waitangi Tribunal visit kohanga reo at Waiwhetu - Photograph taken by John Nicholson.

Te wheiao – the 1970s onwards

The 1970s and 1980s

The Treaty of Waitangi Act was passed in October 1975. It established the Waitangi Tribunal to hear claims by Māori that Crown action had been prejudicial and was in conflict with the principles of the Treaty | Te Tiriti (Catalinac, 2004). Initially claims could only be made for issues occurring after 1975. In 1985 the Act was amended so that the Tribunal can investigate Treaty | Te Tiriti claims dating back to 1840. (Ministry for Culture and Heritage, 2019).

In 1973 the Arab oil producing nations imposed an embargo on sales to Israel's allies. World oil prices tripled, and by 1976 inflation hit nearly 18%. New Zealand was in recession from 1976 to 1978. Also in 1973, Great Britain joined the European Common Market and the access of New Zealand's agricultural products to that market significantly reduced. The revolution in Iran in 1979 triggered another oil shock and the cessation of lamb exports to Iran. The New Zealand Government decided that the answers to these, and other, issues were economic

stimulus, diversification of the economy, self-sufficiency in transport fuels, and use of New Zealand's natural gas for petrochemicals and this could be achieved by investing in large capital projects, known as 'Think Big' projects (Boshier, 2023). Those projects were the construction of new petrochemical plants, the expansion of existing large industrial facilities (including the Tiwai Aluminium Smelter), the Clyde hydro-electric power station and the electrification of the North Island Main Trunk Line from Palmerston North to Hamilton (Boshier, 2023).

Increasing road freight and railway electrification

During the 1970s and 1980s New Zealand's motor vehicle fleet greatly increased (by 24% more than the population from 1972 to 1991) (Lee & Rivasplata, 2001). In the 1980s the Government restriction on the maximum distance road freight could be transported (which had increased from 48 km to 150km) was phased out and use of the roading network for freight movements greatly increased (Heatley & Schwass, 2013).

Electrification of the Palmerston North to Hamilton section of the North Island Main Trunk Line was completed in 1988. However, railway branch line closures continued throughout this period and up to the early 2000s (Atkinson, 2016).

Hydro-electric power generation development continued

Crown hydro-electric power stations continued to be constructed – Maraetai II on the Waikato River and the Manapouri scheme in Southland were commissioned in 1971, the Tokaanu power station forming part of the Tongariro Power Scheme in 1973, Tekapo B on the Upper Waitaki in 1977, Rangipo in 1983, and Ohau B on the Upper Waitaki in 1984.

The Ohaaki geothermal power station was commissioned in 1989.

A number of Treaty | Te Tiriti breaches occurred during the construction of these schemes, including:

- the development of the Tongariro Power Scheme merging waters from different waterways with one another in a manner that Ngāti Tūwharetoa consider to be inconsistent with the mauri of those waters and the excavation of the Tokaanu Tailrace destroying the Te Waiariki pā, urupā and māra (gardens) (Ngāti Tūwharetoa Claims Settlement Act, 2018)
- the Crown diverting most of the water flowing from Mount Ruapehu into tunnels and hydro-electric power stations for the Tongariro Power Development scheme without consulting Ngāti Rangī (Ngāti Rangī Claims Settlement Act, 2019).

The Huntly Power Station was commissioned in 1983. The site it was constructed on included the site of the Te Wharekura Rakaumanaga native school originally established in 1896 (Genesis, 2022). Following lobbying by the community the school was relocated in 1974 (Te Wharekura o Rakaumanga, n.d.).

The creation of ‘State-owned enterprises’

In 1986 the Government created a new form of statutory entity, known as a ‘State-owned enterprise’. This was part of an overall Government policy to corporatise some Government departments and functions because the Government believed that (*New Zealand Maori Council v Attorney General*, 1987):

- many Crown resources were inefficiently managed within the traditional departmental framework
- the resources would better managed if they were managed by businesses required to be run as profitable organisations.

State-owned enterprises are limited liability companies in which all the shares are owned by the Minister of Finance and the Minister for the relevant sector. Significant infrastructure assets (for example, the rail system, the National Grid and electricity generation assets) were transferred from the Crown to the new companies.

Following a Court of Appeal decision (*New Zealand Maori Council v Attorney General*, 1987) the State-Owned Enterprises Act was amended so that where land was transferred from the Crown to a State-owned enterprise the Crown could resume ownership of it if it was needed as redress for Treaty | Te Tiriti grievances (Laking, 2015).



Maori leader Mark Metekingi leading a haka outside the Court of Appeal in Wellington. Dominion Post (Newspaper): Photographic negatives and prints of the Evening Post and Dominion newspapers.

In 1987 the State-owned enterprise Petrocorp became a publicly listed company, with the Government selling 30% of its shares. In 1988 the Crown proposed to sell the remaining 70% of its Petrocorp shares to a subsidiary of Fletcher Challenge Limited. Representatives of Taranaki Māori sought to halt the sale while relevant claims before the Waitangi Tribunal were resolved. The High Court struck out those proceedings on the basis that (*Love & Ors v Attorney-General*, 1988):

- there was no statutory obligation on the Crown in exercising its powers to sell its shares for it to have regard to Treaty | Te Tiriti
- it was only a possibility that the Waitangi Tribunal would recommend that the Crown transfer any of its remaining Petrocorp shares to the claimants (as had been suggested) and any such recommendation would not be legally binding on the Crown.

Opposition to the discharge of untreated sewage

By the early 1970s the percentage of municipal sewage being discharged untreated into waterbodies was still around 20%. The discharge of raw sewage to the sea continued in Wellington until 1998 and the Hutt Valley until 2001 (Dann, 2010).

The 1970s saw public opposition by some Māori groups to the discharge of untreated sewerage to water bodies. In the late 1970s the then Ministry of Works and local authorities developed a proposal to pipe treated effluent from the Rotorua sewerage systems 20 km and discharge it into the Kaituna River. In 1978 Ngāti Pikiao lodged a claim in the Waitangi Tribunal opposing that proposal. The Tribunal recommended that the scheme be abandoned (Waitangi Tribunal, 1984). It found that:

- the introduction of technological advances in effluent treatment at the Rotorua wastewater treatment plant and discharge of the treated wastewater into Lake Rotorua at Sulphur Bay would provide a better alternative to the pipeline proposal
- more could be done to explore the possibility of disposing the treated effluent to land and urgent research should be undertaken in relation to that possibility.

In relation to the alternative of better treatment and discharge at Sulphur Bay, the Tribunal stated (Waitangi Tribunal, 1984, p. 32):

“... Even this means of disposal is in the nature of a compromise. To mingle the effluent with the waters of Lake Rotorua is offensive to Māori spiritual and cultural values.”

The Crown subsequently subsidised a scheme involving the disposal of treated Rotorua wastewater by spray application onto, then Crown-owned, land in the Whakarewarewa pine forest.¹⁷

Reduction in the number of hospitals

The Waitangi Tribunal has stated that “the downgrading or closure of a general hospital or equivalent health facility will rarely fail both to rank as ‘truly major’ for its catchment population and raise Treaty implications” (Waitangi Tribunal, 2001, p. 68).

By 1990 45 former public hospitals¹⁸ closed, were amalgamated with other hospitals, became birthing units, or became a private facility (for example a private rest home) (Chuah, 2012).

The St Helen’s maternity hospitals also closed or were absorbed by general public hospitals from the late 1960s to the early 1990s (Bryder, 2018).

During the 1970s and 1980s there was a move away from institutional care for mental health issues and people with intellectual disabilities. In 1973 all patients resident at psychiatric hospitals were assessed and 26% of those patients suffering from a psychiatric disability and 46% of the patients suffering from an intellectual disability were recommended for accommodation outside psychiatric hospitals. Most psychiatric hospitals were closed, sold or repurposed by the 1990s (Brunton, 2022).

However, significant additions or rebuilds were undertaken at other hospitals (for example a new children’s wing at Wellington Regional Hospital opened in 1988).

The establishment of wānanga and kura kaupapa

In 1975 at Otaki local iwi established the Whakatupuranga Ruamano, Generation 2000, programme to increase knowledge of te reo Māori. This programme involved Māori-language immersion at marae venues (Walker, 2016). In 1981, growing out of that programme, Wānanga o Raukawa was established in Otaki.

Te Wānanga o Aotearoa (originally called the Waipa Kokiri Arts Centre) was established by Ngāti Maniapoto in Te Awamutu in 1984.

The two wānanga were established on a site leased from the Otaki and Porirua Trusts Board and the Te Awamutu College rubbish tip respectively (Waitangi Tribunal, 1999). During the 1980s the, then, two wānanga were treated by government as no different to commercial private training organisations (Calman, 2012b; Waitangi Tribunal, 1999).

The first kura kaupapa Māori primary school,¹⁹ Te Kura Kaupapa Māori o Hoani Waititi, opened in West Auckland in 1985 (Alliston, 2019).

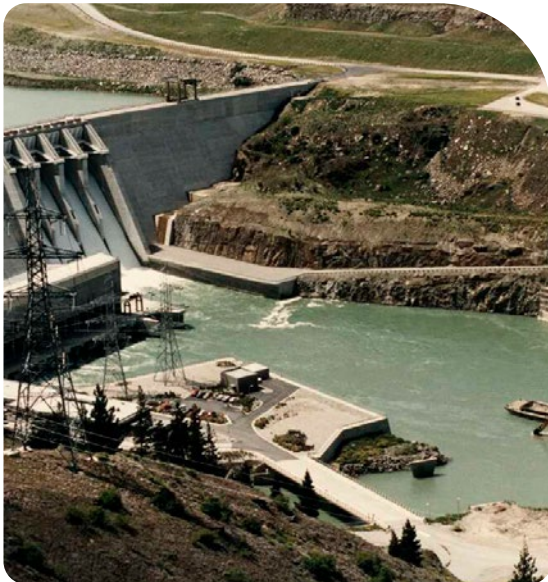
The *Administering for Excellence: Effective Administration in Education* report (Picot report) was released in 1988. In response, as part of an initiative known as ‘Tomorrow’s Schools’, the Government made individual school boards

self-managing, autonomous Crown entities. The responsibility for making property related management decisions, specifically on capital renewal and operational maintenance, fell to individual schools (Ministry of Education, 2020).

The 1990s

In the 1990s there was substantial corporatisation and privatisation of New Zealand infrastructure assets.

- In 1993 New Zealand's rail system was sold to a private consortium, which included United States rail company Wisconsin Central, and renamed 'Tranz Rail' (although the land beneath the rail network continued to be owned by the New Zealand Railways Corporation).
- In 1994, Transpower New Zealand was split off from the Electricity Corporation of New Zealand (ECNZ) as a separate State-owned enterprise to manage the National Grid.
- The Clyde Dam was completed in 1993. In 1996 Contact Energy Limited was split off from ECNZ as a power generation company – owning among other things the Clyde Dam, the Roxburgh power station, and the Wairakei geothermal power plant. Contact Energy was fully privatised in 1999.



Reid, Philip John, 1954-. Clyde Dam, Otago - Photograph taken by Phil Reid. Dominion Post (Newspaper): Photographic negatives and prints of the Evening Post and Dominion newspapers.

In 1998 The Ministry of Transport released a reform proposal, "Better Transport Better Roads". This proposed establishing publicly owned "road companies" to manage and control all roads according to commercial principles (Coull, 2000). That proposal was not implemented.

Changes began to occur in the energy generation sector

In 1994 the Tuaropaki Power Company Limited was established by an Ahu Whenua Trust.²⁰

In 1996 the company purchased the Crown's interests in geothermal wells on lands subject to the trust and in 1999 constructed the first stage of a geothermal power station on the land (Tuaropaki, n.d.).

The 1990s saw the development of the first large biogas power plants in New Zealand utilising gas resulting from decomposition at landfills. It also saw the first and second commercial wind farms being established in New Zealand, Hau Nui in the Wairarapa in 1996 and Tararua in the Manawatu in 1999 (New Zealand Wind Energy Association, n.d.).

Further hospital consolidation

Hospital closures continued in the 1990s. Between 1990 and 1999 53 public hospitals²¹ closed, were amalgamated with other hospitals, became birthing units, or became private facilities (Chuah, 2012).

One of the hospitals closed was Napier Hospital (in 1999). In the settlement of the Ahuriri Hapū Treaty | Te Tiriti claims the Crown acknowledged the longstanding dissatisfaction the Hapū have felt about the provision of hospital and health services for Māori in Napier (Ahuriri Hapu Claims Settlement Act, 2021, sec. 9(14)).

The Starship Children's Hospital in Auckland opened in November 1991.

Kaupapa education institutions increase and gain official status

In 1990 the Government began supporting the development of new kura kaupapa schools (prior to that whānau had to fundraise to start kura) (Alliston, 2019).

A third wānanga, Te Whare Wānanga o Awanuiārangi, was established in Whakatane in 1992 (leasing a site that had been confiscated from Ngāti Awa as a result of the New Zealand wars of the 1860s) (Waitangi Tribunal, 1999).

In 1993 Te Wānanga o Raukawa and Te Wānanga o Aotearoa were registered as wānanga under the Education Act and, therefore, became Crown tertiary education institutions. Te Whare Wānanga o Awanuiārangī was recognised as a registered wānanga in 1997.



An open day at Te Wānanga o Raukawa, Otaki - Photograph taken by Mark Coote. Dominion Post (Newspaper): Photographic negatives and prints of the Evening Post and Dominion newspapers.

Prior to 1990, the Crown provided new Crown tertiary education institutions with substantial capital funds to purchase any necessary lands and buildings and set up necessary infrastructure. Changes made to the Education Act in 1990 meant that tertiary education institutions were required to cover all costs, including capital costs, from an annual bulk funding grant with the Government retaining the ability to make discretionary capital funding injections.

In 1999 the Waitangi Tribunal found that that change in policy placed the three wānanga at a distinct disadvantage in comparison to other tertiary education institutions, all of which had received pre-1990 establishment funding. It also found that there was no consultation with iwi or the wānanga about the proposed changes to the previous capital funding policy (Waitangi Tribunal, 1999). Following the release of that report the Crown negotiated and agreed amounts of capital funding to be paid to each of the three wānanga (New Zealand Government, 2010).

In 1995, as a result of a Treaty | Te Tiriti settlement, the land on which the Waikato Polytechnic and Waikato University are sited was vested in Waikato-Tainui.



Members of Tainui iwi in public gallery of Parliament, Wellington. Dominion Post (Newspaper): Photographic negatives and prints of the Evening Post and Dominion newspapers.

The beginning of the 2000s²²

The rail network is repurchased

Between 2002 and 2008 the central government bought back the New Zealand rail network:

- In 2002 the central government bought Auckland's suburban railway system from Tranz Rail
- In 2003 it repurchased the remainder of New Zealand's rail infrastructure
- In 2008 it bought back the New Zealand rail and interisland ferry businesses.

In 2012, a new State-owned enterprise, KiwiRail Holdings Limited (KiwiRail), was created. KiwiRail owns and operates the rail network, including the Interislander ferry business.

By 2015 the Auckland suburban rail routes were electrified.

Roads of National Significance

From late 2008 investment in land transport focused on seven 'Roads of National Significance' (RoNS) within or near main centres (NZ Government, 2010). RoNS projects included some major roading projects that had been under consideration for decades including the Mackays to Peka Peka expressway on the Kapiti Coast and the Western Ring Road and Waterview Tunnel in Auckland.²³

The proposal that ultimately resulted in the construction of the Mackays to Peka Peka expressway was subject to two different challenges in relation to issues of significance to Māori.

An iteration of the proposal (known as the 'Kapiti Western Link Road') was opposed by the trustees of a registered wahi tapu area (the Takamore Trustees). In 2004, the High Court found that, on the specific evidence before it, it was open to the Environment Court to come to a conclusion that there were unlikely to be koiwi present in wetland areas that would be affected by the project. However, the High Court noted (*Waikanae Christian Holiday Park & Ors v Kapiti Coast District Council*, 2004, para. 50):

- it was of "utmost importance that proper recognition be given to evidence by kaumatua of the oral traditions"
- strict rules of evidence should not be applied to such evidence.

The consented alignment for the Mackays to Peka Peka project would have resulted in a cycleway/shared pathway and cutting located on Māori freehold land, owned by the novelist Patricia Grace, where her well-known ancestor Wiremu Parata Te Kakakura had lived.²⁴ In considering Ms Grace's objection to the land being compulsorily acquired the Environment Court identified that the proposed route for the project could be realigned within the existing designation to avoid Ms Grace's land and, therefore, compulsory acquisition of the land was not fair, sound and reasonably necessary as required under the Public Works Act 1981 (*Grace v Minister for Land Information*, 2014).

The Canterbury rebuild

Following major earthquakes affecting Canterbury in 2010 and 2011 the Government established a new central Government department, the Canterbury Earthquakes Recovery Authority (CERA) to oversee recovery from the earthquakes. The Canterbury Earthquake Recovery Act 2011 required CERA to develop a Canterbury Earthquake Recovery Strategy in consultation with both relevant local authorities and Te Rūnanga o Ngāi Tahu.²⁵ Research commissioned in partnership with Ngāi Tahu notes the importance to Ngāi Tahu of having the same status as the local authorities under that legislation (Phibbs et al., 2015).

As part of that recovery an alliance was established to rebuild most of the horizontal infrastructure damaged by the earthquakes.

Renewal energy generation and mixed ownership model companies

The start of the 2000s also saw the further development of commercial windfarms. Nineteen were commissioned between 2004 and 2016, including some commissioned by the State-owned enterprises Meridian Energy Limited, Genesis Energy Limited and Mercury New Zealand (New Zealand Wind Energy Association, n.d.). The early 2000s also saw further commissioning of geothermal power stations.



Wind Turbines Makara Beach, Wellington, New Zealand

In 2009 the Environment Court declined an application for consent to build a wind farm near the Te Waka Range in Hawke's Bay. A key reason for decline was the very special significance of the Te Waka Range to local Māori (*Unison Networks Limited v Hastings District Council*, 2009).

In 2011 the New Zealand Government proposed transforming four State-owned enterprises, including Meridian, Genesis, and Mercury, into mixed ownership model companies, under which the Government would sell 49% of the shares of each of the companies to private shareholders.

The New Zealand Māori Council lodged an urgent claim with the Waitangi Tribunal claiming that Māori have claimed proprietary rights to freshwater and geothermal resources and that the sale of shares in one of those State-owned

enterprises, by inhibiting resolution of those claims, would cause prejudice to Māori in breach of the Treaty | Te Tiriti (Waitangi Tribunal, 2012). The Council and two trusts also applied to the Courts for declarations that proceeding with the share sales would materially impair the ability of the Crown to act on any recommendations the Waitangi Tribunal might make in relation to Māori rights to water.

The New Zealand Supreme Court held that the Crown was required to comply with the principles of the Treaty | Te Tiriti before deciding to sell the shares and the proposed privatisation might limit the scope for the Government to provide some forms of redress. However, it ultimately found that the sale of the shares would not materially impair the Crown's ability to provide appropriate redress in regards to Māori interests in freshwater should the Waitangi Tribunal recommend that redress be provided (*New Zealand Māori Council & Ors v the Attorney General & Others*, 2013).

The sale of 49% of the shares in the four State-owned enterprises went ahead in May 2013.

Hospital facilities

Closures of older hospitals continued in the early 2000s, along with rebuilds and additions to other hospitals, for example a \$60 million redevelopment of Waitakere Hospital which opened in 2005.

In 2006, the Mason Clinic, a secure psychiatric care facility in Auckland, opened a Te Papakāinga o Tane Whakapiripiri unit designed like a kāinga with a meeting house, dining hall and courtyard as well as accommodation areas (Brunton, 2022).

The education sector

In 2009 the Government agreed to allow tertiary education institutions to obtain the legal ownership of Crown-owned assets under their management and to retain a portion of the net proceeds of the disposal of surplus Crown-owned assets. On one occasion where the land in question had been gifted to the Crown by an iwi an iwi trust objected to the transfer of title away from the Crown. As a result the title to the land was not transferred and instead the land was leased to the tertiary education institution by the Crown (with the Crown's ownership interest in buildings and other improvements on the land transferred to the institution) (Tertiary Education Commission, 2021).

In 2010 as part of its Waikato River the Treaty | Te Tiriti settlement, \$20m was settled on the Waikato Raupatu River Trust to "support the vision of Sir Robert Mahuta for ...

Waikato Endowed Colleges at Hopuhopu, as an educational centre within a national and international community of scholars, providing leadership, innovation, research and scholarship in indigenous development and practices" (Waikato-Tainui, 2009, sec. 15.1).

In the 2010s the Government established Partnership Schools/Kura Hourua. These were private entities that were publicly funded but had greater flexibility than state schools over some aspects of governance and management, for example they could appoint some unregistered teachers and could choose their own curriculum. The schools were intended to serve groups of students that the system has not served well, including Māori students (Martin, Jenkins & Associates Limited, 2018). The first of these schools opened in 2014 but, following a change in Government, all 17 were closed by December 2018 (Alliston, 2019).

In 2019, the Government released a response to the findings of an independent review it commissioned into Tomorrow's Schools. That review had found that there was significant variability in the condition of primary, intermediate and secondary schools and how well they were maintained. In its response the Government announced its intention to reduce the burden on schools by simplifying or removing infrastructure management and maintenance responsibilities from school boards and centralising key services, such as planned and preventative maintenance (Ministry of Education, 2019).



Acknowledging history, lived experience and previous challenging relationships

The aim of this report has been to provide, at a very high-level, a chronicle of the impacts of New Zealand infrastructure development on Māori.

As Haemata Tapui Limited has noted in its research into Māori perspectives on public accountability (2022, p. 14)

“Ultimately, trust is lost when the public sector engages with Māori without acknowledging the history and lived-experience that has impacted on where we are today – a person’s whānau, hapū, iwi and any previous challenging relationships with the Crown.”

For the reasons set out above, this is likely to be acutely true in relation to history, lived experience and previous challenging relationships relating to infrastructure.

Images | Ngā Whakaahuatanga

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Notes

- ¹ Drawing from a paper written by Matthew Rout, Shaun Awatere, Jason Paul Mika, John Reid and Matthew Roskrige (Rout et al., 2021).
- ² Morgan et al also discuss a fourth, potentially emerging, phase, *te ao mārama* – the world of light where new paradigms across three scenarios are possible – *te ao Pākehā*-centred, *te ao Māori*-centred or partnership-based approaches.
- ³ During this period only the Crown could purchase Māori land.
- ⁴ Although title to an area of land exceeding 5,000 acres could be granted to a “tribe”.
- ⁵ Speech of Hon. J R Hanan (Minister of Māori Affairs) (New Zealand Parliament, 1961) page 343.
- ⁶ The Act was repealed by the incoming Labour Government in 1973.
- ⁷ Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014, sec. 13(5)).
- ⁸ *ibid*, sec 10(3), 11(8) and (9), 15(13) and (14) and 17(9).
- ⁹ Maniapoto Claims Settlement Act 2022. sec 8(9) and 9(3); Ngai Tahu Claims Settlement Act 1998, para 2 (of apology); Ngati Porou Claims Settlement Act 2012 sec 7(23)
- ¹⁰ Tūhoe Claims Settlement Act 2014, sec. 8(4) and 9(14), (32)(c) and (d) and (38).
- ¹¹ The Okere Falls stations was decommissioned in 1936.
- ¹² Responsibility for those schools was transferred to the Department of Education in 1879.
- ¹³ Maniapoto Claims Settlement Act, 2022, sec. 9(38); Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014, sec. 9(15); Ngāti Porou Claims Settlement Act 2012, sec. 7(23); Ngāti Rangi Claims Settlement Act, 2019, sec. 9(32) and (33).
- ¹⁴ The requirement for proficiency certificates had been abolished in 1936.
- ¹⁵ 32 Victoria 1968, No. 65.
- ¹⁶ In 1896 Canterbury University College’s School of Agriculture became a separate institution, the Canterbury Agricultural College (the predecessor of Lincoln University). Massey University College was created from the amalgamation of the Auckland and Victoria University College Agricultural Schools in 1927. Waikato University was established in 1964, after the dissolution of the University of New Zealand in 1961. Auckland University of Technology (AUT) was originally established as a technical school in 1895 and became a university in 2000 (AUT, n.d.).
- ¹⁷ Rotorua Lakes Council and relevant *mana whenua* groups are currently in the process of seeking an alternative to disposal of treated wastewater to land in the forest.
- ¹⁸ Including some psychiatric and maternity hospitals. For hospitals closed prior to 1988 the date of closure is often unclear from the information we have seen (Chuah, 2012).
- ¹⁹ Kura kaupapa Māori are schools that operate within a *whānau*-based Māori philosophy and deliver the curriculum in *te reo Māori*.
- ²⁰ A trust to facilitate the use and administration of land owned by Māori constituted under Te Ture Whenua Māori Act 1993.
- ²¹ Including some psychiatric, maternity hospitals and birthing units. An additional public hospital was closed but relocated and Porirua psychiatric hospital was re-configured.
- ²² As noted above, the cut-off date for events discussed in this document has been set at around 2019 with more recent and emerging developments being treated as part of the current state of play.
- ²³ The author was involved in all three of these projects either while working as a lawyer in private practice or when working as an inhouse lawyer at the New Zealand Transport Agency (Waka Kotahi).
- ²⁴ In 2014 Ms Grace obtained a recommendation from the Māori Land Court that that land be set apart as a Māori reservation (Grace—Ngarara West A25B2A, 2014). If that recommendation was not overturned on appeal and the land was gazetted as a Māori reservation it could not be compulsorily acquired under the Public Works Act 1981.
- ²⁵ The Act also required CERA to provide Te Rūnanga o Ngāi Tahu with an opportunity to provide input into the development of a Recovery Plan for the Christchurch CBD.

