



**BUSINESS SCHOOL**

## Course Outline 2017

### **PROPERTY 382: MĀORI LAND ISSUES (15 POINTS)**

#### **Semester 2 (1175)**

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#### **Course Prescription**

History of land conflicts in New Zealand, Waitangi Tribunal process, and development of portfolio management strategies.

#### **Programme and Course Advice**

Prerequisite: 90 points from PROPERTY 211-281

#### **Goals of the Course**

To provide students with a clearer understanding of the historical and prevailing issues surrounding Māori and land, together with a working knowledge of Māori land ownership, stewardship, management and development, to assist in the development and management of property in a present-day setting.

The Maori economy and asset base has been estimated to approximate \$40 billion of which less than \$8 billion is from treaty claim settlements. Consequently, contemporary case studies in Māori property management and development are a key focus and demonstrate how Māori and iwi are increasingly contributing to New Zealand's economy.

Students will research Maori land block ownership, and the significance of tikanga Māori (Māori protocol) when working with Māori and Māori organisations. An effective process of engagement with Maori organisations will also be discussed.

Maori land tenure and land alienation, as well as, Waitangi Tribunal and Treaty settlement processes and outcomes will be looked at.

**Learning Outcomes** By the end of this course it is expected that the student will:

1. **be familiar with** historical and contemporary Māori land tenure system, alienation, land ownership, stewardship, management and development;
2. **develop an understanding** of the Waitangi Tribunal and the Treaty claims settlement process and outcomes;
3. **gain an appreciation and understanding** of the significance of tikanga Māori (Māori protocol) when engaging with Māori and Māori organisations;
4. **be able to research** the history of a Māori land block from its title investigation, registration, ownership and succession through to the present day;

5. **be able to review and critically analyse** case studies in contemporary Māori property management and development; and
6. **demonstrate knowledge** of the growing Māori economy and asset base, and how Māori and iwi are increasingly contributing to New Zealand's economy.

## Content Outline

An outline of the course content (i.e. Weekly Timetable) is at the end of this Course Outline and is subject to change.

## Learning and Teaching

This course consists of a total of 36 hours of lectures and in-class workshops. Classes are held at the city campus and are based on formal lectures and interactive discussions supplemented with guest lecturers. There is a mid-semester in-class test, an organised marae visit, a research proposal and research assignment, and a two-hour formal examination.

The class will meet for three hours each week. Class time will be used for a combination of lectures, examples and workshops. In addition to attending classes, students should be prepared to spend approximately six hours more per week on activities related to this course. These activities include carrying out the required readings, undertaking assignments, and preparing for the test and final exam.

Copies of relevant handouts are provided periodically throughout the Course. A summary of lecture notes will also be available on the university intranet after the lecture has been given (excluding some guest lectures). It is the responsibility of students to take all necessary lecture notes in addition to the information provided electronically. Visual aids will be used to reinforce lecture points. The lectures will not be recorded.

You are required to:

- Attend lectures
- Read the suggested material in the course book
- Complete an in-class mid-semester Test
- Participate in an organised field trip to the university marae
- Submit a Research Proposal
- Submit the completed Research Assignment
- Sit a 2-hour Final Examination at the end of the semester

## Teaching Staff

**Kiri Dell** teaches the course with some guest lecturers. Office hours will be notified on Canvas. To make an appointment for Office Hours, email [k.dell@auckland.ac.nz](mailto:k.dell@auckland.ac.nz)

## Learning Resources

The required reading resource for this course is the **PROPERTY 382 Course Book** which can be purchased from the Business School Bookshop, Level 0, OGGB.

There are a number of recommended books that students ought to familiarise themselves with. Excerpts from some of these books have been reproduced in the Course Book. Full copies are available in the library or online, or available to be purchased from the University Bookshop and other reputable academic retailers.

### Recommended Reading:

- Belgrave, M., Kawharu, M., & Williams, D. V. (2005). *Waitangi revisited: perspectives on the Treaty of Waitangi* (2nd ed.). Auckland, N.Z.: Oxford University Press.
- Boast, R. (2004). *Maori land law* (2nd ed.). Wellington, N.Z.: LexisNexis.
- Boast, R. (2008). *Buying the land, selling the land: governments and Maori land in the North Island 1865-1921*. Wellington, N.Z.: Victoria University Press: Victoria University of Wellington Law Review.
- Boast, R., & Hill, R. S. (2009). *Raupatu: the confiscation of Maori land*. Wellington, N.Z.: Victoria University Press.
- Brookfield, F. M., & Baragwanath. (2006). *Waitangi and indigenous rights: revolution, law and legitimization* (Updated ed.). Auckland, N.Z.: Auckland University Press.
- Durie, M. (1998). *Te mana, te kāwanatanga: the politics of Maori self-determination*. Auckland, N.Z.: Oxford University Press.
- Gilling, B., O'Malley, V., & Stout Research Centre (Wellington N.Z.). Treaty of Waitangi Research Unit. (2000). *The Treaty of Waitangi in New Zealand history*. Wellington, N.Z.: Treaty of Waitangi Research Unit, Stout Research Centre, Victoria University of Wellington.
- Hayward, J. (2003). *Local government and the Treaty of Waitangi*. Melbourne, Vic.: Oxford University Press.
- Nana, G., Khan, M., Schulze, H., New Zealand. Te Puni Kōkiri, & Business and Economic Research Limited (Wellington N.Z.). *Te ohanga Maori 2013 - Maori economy report 2013*.
- New Zealand. Te Puni Kōkiri. (2011). *The Maori economy* (pp. 1 electronic document (8 p.)). Retrieved from <http://www.tpk.govt.nz/en/in-print/our-publications/fact-sheets/the-maori-economy/download/tpk-maorieconomy-2012.pdf>
- O'Malley, V., Stirling, B., & Penetito, W. (2010). *The Treaty of Waitangi companion: Maori and Pākehā from Tasman to today*. Auckland, N.Z.: Auckland University Press.
- Ward, A. (1999). *An unsettled history: treaty claims in New Zealand today*. Wellington, N.Z.: Bridget Williams.
- Wheen, N. R., Hayward, J., & New Zealand Law Foundation. (2012). *Treaty of Waitangi settlements*. Wellington, N.Z.: Bridget Williams Books with the New Zealand Law Foundation.
- Williams, D. V. (1999). *'Te Kooti tango whenua': The Native Land Court 1864-1909*. Wellington, N.Z.: Huia Publishers.

### **Assessment**

The following assessments will be conducted throughout the term to determine the grade for the course:

| Assignment                                 | Course Mark         |
|--|---------------------|
| 1. Participate in the marae field trip     | 5% of course marks  |
| 2. In-class Test                           | 15% of course marks |
| 3. Research of Māori Land Block Proposal   | 5% of course marks  |
| 4. Research of Māori Land Block Assignment | 15% of course marks |
| 5. Case Study Analysis                     | 15% of course marks |
| 6. Final Examination                       | 45% of course marks |

|                            |          | Learning Outcomes   |  |  |  |   |  |
|----------------------------|----------|---|--|--|--|---|--|
|                            |          | 1   | 2  | 3  | 4  | 5   | 6  |
|                            |          | Be familiar with historical and contemporary Māori land tenure system, alienation, land ownership, stewardship, management and development; | Develop an understanding of the Waitangi Tribunal and the Treaty claims settlement process and outcomes; | Gain an appreciation and understanding of the significance of tikanga Māori (Māori protocol) when engaging with Māori and Māori organisations; | Be able to research the history of a Māori land block from its title investigation, registration, ownership and succession through to the present day; | Be able to review and critically analyse case studies in contemporary Māori property management and development; and, | Demonstrate knowledge of the growing Māori economy and asset base, and how Māori and iwi are increasingly contributing to New Zealand's economy. |
| <b>Assignment</b>          |          |   |  |  |  |   |  |
| <b>Marae Trip</b>          | <b>1</b> |   |  | <b>X</b>   |  |   |  |
| <b>In-Class Test</b>       | <b>2</b> | <b>X</b>  | <b>X</b>   | <b>X</b>   |  |   |  |
| <b>Research Proposal</b>   | <b>3</b> |   |  |  | <b>X</b>   |   |  |
| <b>Research Assignment</b> | <b>4</b> |   |  |  | <b>X</b>   |   |  |
| <b>Case Studies</b>        | <b>5</b> |   |  |  |  | <b>X</b>  |  |
| <b>Final Exam</b>          | <b>6</b> | <b>X</b>  | <b>X</b>   | <b>X</b>   | <b>X</b>   | <b>X</b>  | <b>X</b>   |

## Inclusive Learning

Students are urged to discuss privately any impairment-related requirements face-to-face and/or in written form with the course lecturer.

## Student Feedback

Since previous student feedback has been used to maintain the delivery method and session structure for this course, current students may be asked to complete formative mid-course evaluations.

You will have an opportunity to complete a formative mid-course evaluation and course and teaching evaluations during and at the end of the course. I encourage everyone to take time and provide feedback on the course so we can continually improve the quality of the course.

## In the Event of an Unexpected Disruption

We undertake to maintain the continuity and standard of teaching and learning in all your courses throughout the year. If there are unexpected disruptions the University has contingency plans to ensure that access to your course continues and your assessment is fair, and not compromised. Some adjustments may need to be made in emergencies. In the event of a disruption, the University and your course coordinators will make every effort to provide you with up to date information via canvas and the university web site.

**Note:** The details set out in this outline are subject to change. Any changes will be notified in lectures.

| Week No. | Date        | Day   | Lecture Topic  |
|----------|-------------|-------|--|
| Week 01  | 26 JUL 2017 | WED   | <b>The Early Years 1250 AD - 1840</b> - The Early Years -- Maori arrival; Early encounters, church, settlers, Crown; Early Maori economy, trade and enterprise; Early land purchases; Declaration of Independence 1835; Treaty of Waitangi 1840; Settler Government.<br><i>Guest Lecturers, Ted Douglas and Manuhiri Huatahi</i> |
| Week 01  | 27 JUL 2017 | THURS | <b>Maori Worldview</b> – Traditional Maori context; Maori Worldview; Having regard for Maori values;<br><i>Guest Lecturer, Amber Nicholson and Manuhiri Huatahi</i>  |
| Week 02  | 2 AUG 2017  | WED   | <b>The Economy of Mana</b> - Maori customary land tenure; Maori Land attachments; Application of Maori cultural values in present-day property development; Consultation and liaison with Tangata Whenua;<br><i>Guest Lecturer TBC</i>   |
| Week 02  | 3 AUG 2017  | THURS | <b>The Economy of Mana</b> - Relational vs transactional economies, Incorporation into design process and principles; Protocols of engagement, personifying the built environment; Project considerations<br><i>Guest Lecturer TBC</i>   |
| Week 03  | 09 AUG 2017 | WED   | <b>Tikanga of Maori Protocols</b> - Marae Field Trip - Waipapa Marae, University City Campus   |
| Week 03  | 10 AUG 2017 | THURS | <b>Tikanga of Maori Protocols</b> Review – Marae Field Trip Q & A  |
| Week 04  | 16 AUG 2017 | WED   | <b>Maori Land Research Tutorials</b> -- Databases, Native Land Court Minute books, Maps; Research Assignment explained; Examples (4); Process for pair work; Key dates; Kate Edgar Commons collection overview information; Booking procedure.<br><i>Guest Lecturer, Manuhiri Huatahi, Subject Librarian UoA</i>                 |
| Week 04  | 17 AUG 2017 | THURS | <b>Maori Land Legislation and Institutions</b> , Native Land Acts and Native Land Court  |
| Week 05  | 23 AUG 2017 | WED   | <b>Maori Land Legislation and Institutions</b> - Maori Land Court - establishment, role and functions of Court; explanation of current review,<br><i>Guest Lecturer – Maori Land Court Representative</i>  |

|                           |             |        |   |
|---------------------------|-------------|--------|---|
| Week 05                   | 24 AUG 2017 | THURS  | <b>Te Tiriti – Attempts to address Crown Breaches</b> - Waitangi Tribunal, Court cases and Treaty Settlements; Treaty of Waitangi Act and amendments; Court Cases and Treaty principles; negotiation process, schedule/timetable; progress; Crown apologies<br><i>Guest Lecturer – Te Kani Williams</i> |
| Week 06                   | 30 AUG 2017 | WED    | Mid-Semester Test   |
| Week 06                   | 31 AUG 2017 | THURS  | Recap Lecture before Mid Semester break   |
| <b>Mid-Semester Break</b> |             |        |   |
| Week 07                   | 20 SEP 2017 | WED    | <b>The Modern Maori Economy</b> 1990 - 2017 -- Shifting from Maori dependence to Maori development -- post-settlement entities and development of Maori economy;<br><i>Guest Lecturer TBC</i>   |
| Week 07                   | 21 SEP 2017 | THURS, | <b>The Modern Maori Economy</b> Maori economy, size, national and regional highlights. The Maori economy and its contribution to the nation's wealth.   |
| Week 08                   | 27 SEP 2017 | WED    | <b>Maori Property Perspectives</b> – Papakainga Development, Maori housing initiatives, Ngati Whatua Ki Orakei perspectives<br><i>Guest Lecturer TBC</i>  |
| Week 08                   | 28 SEP 2017 | THURS  | <b>Maori Property Perspectives</b> – Valuing Maori Land rating.<br><i>Guest Lecturer Vance Winiata</i>  |
| Week 09                   | 4 OCT 2017  | WED    | <b>Maori Property Perspectives</b> - Resource Management Act and Maori Property<br><i>Guest Lecturer Keita Kohere</i>   |
| Week 09                   | 5 OCT 2017  | THURS  | <b>Maori Property Perspectives</b> - Maori Commercial Properties and Developments<br><i>Guest Lecturer Tama Potaka</i>  |
| Week 10                   | 11 OCT 2017 | WED    | <b>Maori Property Perspectives</b> Ngai Tahu Property Case Study<br><i>Guest Lecturer TBC</i>   |
| Week 10                   | 12 OCT 2017 | THURS  | <b>Maori Property Perspectives</b> - Small land holdings and multiple owners  |

|             |             |       |  |
|-------------|-------------|-------|--|
| Week 11     | 18 OCT 2017 | WED   | <b>Maori Property Perspectives</b> Maori Property Investment and Finance<br><i>Guest Lecturer TBC</i>              |
| Week 11     | 19 OCT 2017 | THURS | Where to from here?  |
| Week 12     | 25 OCT 2017 | WED   | Final Examination Preparation Q & A  |
| Week 12     | 26 OCT 2017 | THURS | Course summary and evaluation  |
| Week 12     | 27 OCT 2017 | FRI   | Lectures end – Case study analysis assignment due, Maori Land Block Research Report Due, OGGB, level 0, 3 pm today |
| Study Break |             |       | Saturday, 28 October – Wednesday 1 November  |
| Final Exams |             |       | Thursday, 2 – Monday 20 November   |