

Photoessay

11. Seeing the wood for the trees:

Media coverage of the Ngatihine Forestry Block legal dispute 1976-8

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ABSTRACT

The first Nga Tamatoa protest at Waitangi in 1971 launched a new era of assertiveness in the struggle for Māori Treaty, land, and cultural rights. Such events as the Māori Land March (1975) and the occupations at Bastion Point and Raglan (1978) received prominent treatment in mainstream media of the day. However, how well equipped were the then predominantly monocultural news organisations to understand underlying issues behind such protests? Four decades on, media commentators have observed the propensity of majority culture media structures to frame their treatment of such events through their own cultural constructs and ignore crucial social, cultural and historical factors that ought inform a more thorough and relevant coverage of such minority culture issues. Although not achieving the same degree of prominence in the media as these other cases, the Ngatihine Land/Forestry legal dispute in Northland, New Zealand, in 1976-8 exposed the inabilities of the media at that time to adequately see past cultural 'blind spots' (Morgan, 2009) and take into account important historical and sociological factors in their reportage on this issue. This was something that non-mainstream media were more comfortable with

doing. This article examines how the participants in this struggle had to first discover this necessity themselves and then present these frameworks to the media in order to encourage them to produce a more relevant coverage of this land dispute.

Keywords: culture, development communication, framing, indigenous, land rights, Māori, Ngatihine

IN HER address at AUT University in May 2007, Professor Arlene Morgan from the Columbia Graduate School of Journalism challenged journalists to see past what she described as ‘blind spots’ and report with authentic voice and integrity. She called on them to ‘do the right story’ by going beyond their own assumptions, and ensuring that, for minority groups, their reporting was inclusive and accurate. Their work should fill in ‘knowledge gaps’ and bring about greater understanding of matters concerning minority cultures that the wider community was not previously aware of. (2009, p. 98). The word ‘right’ might normally be very subjective but in this article I take its use here to mean a story that features its subjects in a way that takes into consideration Professor Morgan’s expressed concerns.

Sue Abel and others have observed how the media defined social problems and influenced the reactions of policymakers’ reactions while ignoring the influence of historical-social contexts such as colonialism. This influenced the discourse around Māori crime or education. Dr Abel recognised that all this is not necessarily deliberate or that journalists are racist, when in a 2010 public lecture, she commented on

...the sheer power and longevity of the dominant media’s way of framing issues and events. This can be so powerful that it becomes commonsense, and it is hard for those of us not actually involved in the event to frame it any other way (Abel, 2010).

The first Nga Tamatoa protest at Waitangi in 1971 launched a new era of assertiveness in the struggle for Māori Treaty, land, and cultural rights. Such events as the Māori Land March (1975) and the occupations at Bastion Point and Raglan (1978) received prominent treatment in mainstream media of the day. However, how well equipped were the then predominantly monocultural news organisations to understand underlying issues behind such protests? Four decades on, media commentators have observed the propensity

of majority culture media structures to frame their treatment of such events through their own cultural constructs and ignore crucial social, cultural and historical factors that ought to inform a more thorough and relevant coverage of such minority culture issues.

My own interest in issues of media coverage comes from an involvement in a complex legal dispute over a Māori-owned land block 35 years ago, during which I had much contact with journalists of the day, at a time when the media landscape was much less ethnically diverse. Of the 41 or so 'mainstream' journalists I had varying contact with over a 24 month period from 1976 to 1978, 36 were Pakeha, three were Māori (one of these a trainee) and two were Samoan.¹ I was effectively presenting a minority culture issue to media workers overwhelmingly of the majority culture. I discovered that the subject was virtually unknown territory to these journalists. This was certainly a 'blind spot' issue.

The site of the actual dispute was the Ngatihine Block, a 5500 ha amalgamation of more than 70 separate Māori land titles in the heartland of the Ngatihine people of mid-Northland. The land, covered in secondary growth bush with remnant pockets of native forest, was mostly unused and sizeable back rates were owed to the local county council. The lack of active, hands-on management by the owners themselves was a legacy of 19th century colonialist land legislation. This system was implemented from 1865 onwards by the Native Land Court, described by the late Dr Hugh Kawharu in 1977 as '... a veritable engine of destruction for any tribe's tenure of land anywhere' (1977, p. 15).

Traditional tribal stewardship of land was replaced with European ownership concepts, which eased the land's sale to the colony's settlers. The less appealing, poorer quality land that survived into the 20th century was passed down to increasing numbers of descendants as shares were split and divided among them (Webster, 1975, p. 135). Land under this system became more vulnerable to lease or sale. The response of officialdom was not to remedy these deficiencies to encourage a more active and involved ownership group. Instead, legislators established a new status quo of proxy decision making frameworks, such as s.438 of the 1953 *Maori Affairs Act*, which placed into the hands of a Court-appointed trust board '... all such powers and authorities as are necessary for the effective performance of the trusts'. Any person could be appointed as a trustee, whether or not they were owners or even Māori. These historical-social situations informing the 'Māori narrative' provide the

background to this story. However, it was a context not generally acknowledged by the news media. A salient approach to defining history through an indigenous perspective on news is the Todorov five stages of narrative model. According to Todorov (cited by Stuart, 2002, p. 49), every narrative begins with a *status quo*:

Stage two is a *disruption* to that that status quo, followed by stage three, a *deterioration* of conditions. Stage four is a working through the issues to a *resolution* and stage five is the *restoration* of the status quo, or the establishment of a new status quo.

Using Todorov's model as a benchmark, these historical situations represent the 'disruption' and the 'deterioration' phases of the Māori narrative (cited by Stuart, p. 51).

In the case of the Ngatihine lands, the potential threat of charging orders from the local Bay of Islands County Council over unpaid rates activated earlier proposals to join up the many titles. In anticipation of this, its rating officer, a shareholder in some of the blocks, canvassed forestry sector interest in 1971, in an attempt to produce some development income from the land. After plans were presented to some of the shareholders at local *hui* (community meetings), the Māori Land Court (MLC) amalgamated the lands in March 1974.

Friction arose over the following months, however, when one of the seven Court-appointed trustees, Graham Alexander (my maternal uncle), refused to join the other trustees in signing a forestry lease. He had become disturbed at how the trust was treating solely with one interested company, Carter Holt Farm and Forests Ltd, instead of calling for fresh tenders among the wider forestry industry. Also an owner, he and his siblings (including my late mother) held land shares on the very northern edge of the block near our own Ngaitewake-ki-uta tribal area.

In spite of considerable pressure on him to back down, Alexander held his ground, thus stalemating progress on the 99-year lease. For such legal documents to be valid, all trustees must sign. (Following Todorov, as cited by Stuart, these news events and their aftermath would be the 'disruption' and 'deterioration' phases of the Pakeha narrative.) After consultation with the Māori Land Court, an application was made to it by the secretary of the Trust, which succeeded in having Alexander removed. Alexander refused to submit, and at considerable personal legal expense, sought reinstatement onto

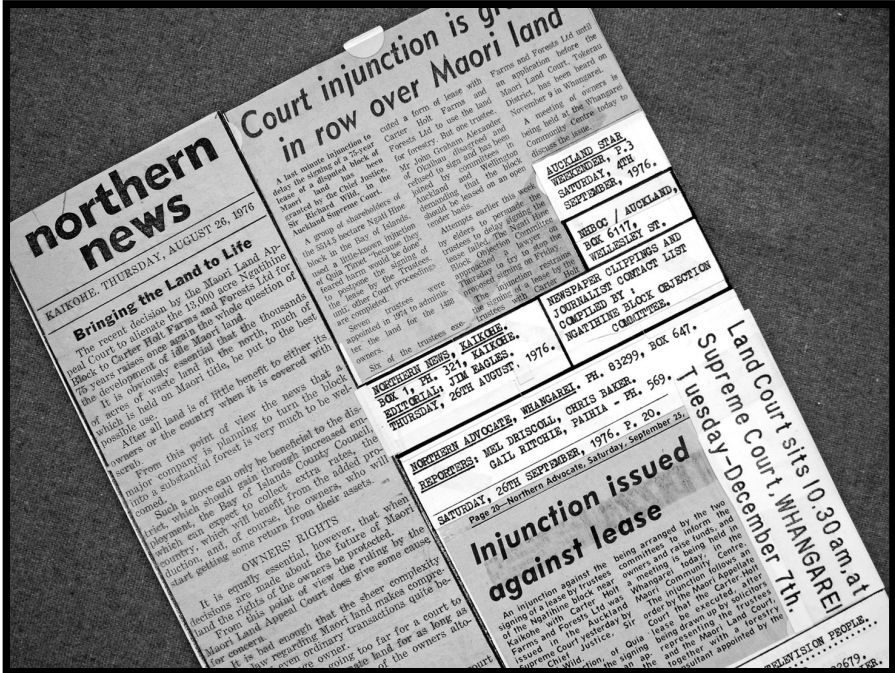


Figure 1: See-saw actions of Ngatihine court orders and appeals.

the trust board. By 1976, this delay was holding up the whole project but also led to many more of the ownership group going to Alexander’s support as news of the proposed lease spread and people became more concerned about the loss of direct control over their land.

For the next couple of years, seesaw actions of court orders and appeals occurred between the two factions over Alexander’s removal (Figure 1). Finally, a pivotal Supreme Court action in Auckland was heard before Justice Peter Mahon, in July 1978 (Court decisions, 1978). In his reserved decision later that month, Mahon ruled that the Māori Appellate Court (MAC) had acted without jurisdiction in altering the Trust deed to require execution of the Carter Holt lease by the Ngatihine trustees. He reinstated Alexander to the Trust (Judge sets aside, 1978).

Historical ethos

I became more deeply involved after the final MAC hearing, in August 1976, when I recall being most confused and perplexed by the judges’ decision.

I did not understand the historical ethos underlying the Māori Land Court's functions, but erroneously assumed that it was a neutral party not running its own agendas. I ingenuously believed that the wishes of the owners expressed to the Court would have been heeded, according to the principles of natural justice and the UN Declaration of Human Rights.

Following its judgment, I realised that the Court placed more store on facilitating 'development' than taking into account the wishes of the majority of aware shareholders who opposed the lease. Representations by some owners alleging inadequate consultation went unheeded by the judges. This Appellate Court decision could well have signalled a victory for the proponents of the whole Carter lease proposal and end of the road for Alexander's single-handed resistance to it. It is true that other shareholders had begun to rally around him and offer moral support. However, huge obstacles still remained if the lease signing were to be prevented.

1. Alexander's own legal initiatives had ended because of a lack of funds—there were no further actions holding up any lease.
2. A large number of the wider shareholding group remained either totally ignorant of or unfamiliar with the whole matter, there being scant media coverage of the issue, which could have alerted them—the August MAC session passed totally unreported (journalists were excluded by the Chief Judge, citing the commercial sensitivity of anticipated submissions by the forestry industry).

Given the above, I quickly realised that the shareholders who had come to support Alexander's stand needed to organise much more effectively and:

1. Rally ongoing support for him in his refusal to sign the lease,
2. Engage legal counsel to represent the shareholders' interests,
3. Search out and notify more shareholders and enlist their moral and financial support, and
4. Generate media interest in the case to reach yet more shareholders and enlist support from other Māori and Pakeha civil rights groups and the public at large.

This last task was extremely crucial and posed a number of difficulties. After the August court hearing, I recall experiencing a sense of hopelessness at how the issue was playing out almost completely under the radar of the media—one that was being treated as a peripheral minority matter, the subject of dry court reports which only scratched the surface (New evidence, 1976).

The real issues underlying this arcane legal wrangle needed to be exposed if these aims were to be achieved.

I became quite angry at what I uncovered during my research into the foundations of the MLC system; none of this was adequately dealt with in the secondary education system with the result that most New Zealanders, including the journalists I was dealing with, were ignorant of these processes. The 1929 edition of JB Condliffe's *A Short History of New Zealand* used in schools as late as 1957, made no mention of the Native Land Court and its dire consequences at all.

That said, there seemed no real excuse for media ignorance of these contexts. The works of historians Alan Ward (1973, pp. 212-3), Keith Sinclair (1960, p. 143) and Keith Sorrenson (1956, pp. 185-7, 191-2), which described the corrosive effects of the Native Land Court on the fabric of Māori social and economic life, were already in the public domain. However, this lacuna meant that I had to explain all this as best I could to journalists whom I approached. Over this period and beyond, I compiled various writings (quoting heavily from source material) that placed the Ngatihine case into a historical



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Figure 2: Detailed logs of Ngatihine telephone conversations.

context of paternalistic, neo-colonial attitudes, of which mainstream society remained unaware or chose not to confront. These took the form of various papers written for seminars, contributions to non-mainstream newspapers and newsletters, booklets and some university sociology lectures.

I also began to keep a detailed log of phone call conversations (Figure 2), which has proved invaluable in compiling this account. During this immersion in the Ngatihine issue, I did not completely abandon my photographic activities but managed to photograph some of the protagonists at Court cases or *hui* and the land itself as well as other land disputes occurring elsewhere such as Bastion Point land occupation in Auckland (to frustrate an urban housing subdivision) and Raglan in the Waikato (to reclaim golf course land originally appropriated for a 2nd World War airfield).

Immediately following the August 1976 Appellate Court hearing, I joined forces with other shareholders in both Auckland and the North to establish a formal organisation, the Ngatihine Block Objection Committee (NHBOC) to support my uncle's position.² I became the coordinator and spokesperson for the Auckland branch, which was chaired for the first 12 months by the former Māori Battalion captain, Dick Kake, a member of Ngatihine, resident in South Auckland. Funds were raised to engage a solicitor and further legal initiatives quickly followed. We gained some breathing space with a 'Quia Timet' Supreme Court injunction that froze the forestry lease proposal ahead of an application from the NHBOC to dissolve the trust (Court injunction, 1976).

Over the next 24 months I used my writing skills and media contacts to get our side of the case across wherever I could. An early achievement was getting TV2 to do a *News at Ten* report on the issue. David Beatson (a contact from recent Labour Party Conference days) put me in contact with Paul France and I spent a couple of days in the newsroom library, xeroxing off background material on the case for France to use. (At this time, I was most surprised to come across *News at Ten's* director Jan Wharekawa in the newsroom, Māori women on the production side of TV being almost unheard of in those days.) The *News at Ten* item went to air on August 20 and dealt purely with the legal angles. No historical-social perspectives were investigated—I was not yet fully aware of these so was unable to brief France on them (he also had tight time constraints on his report).

Throughout the period of the dispute, the daily newspapers generally stuck to reporting it as a series of courtroom actions without delving deeper (Ngatihine Trustee, 1977) They did not, for example, question how these

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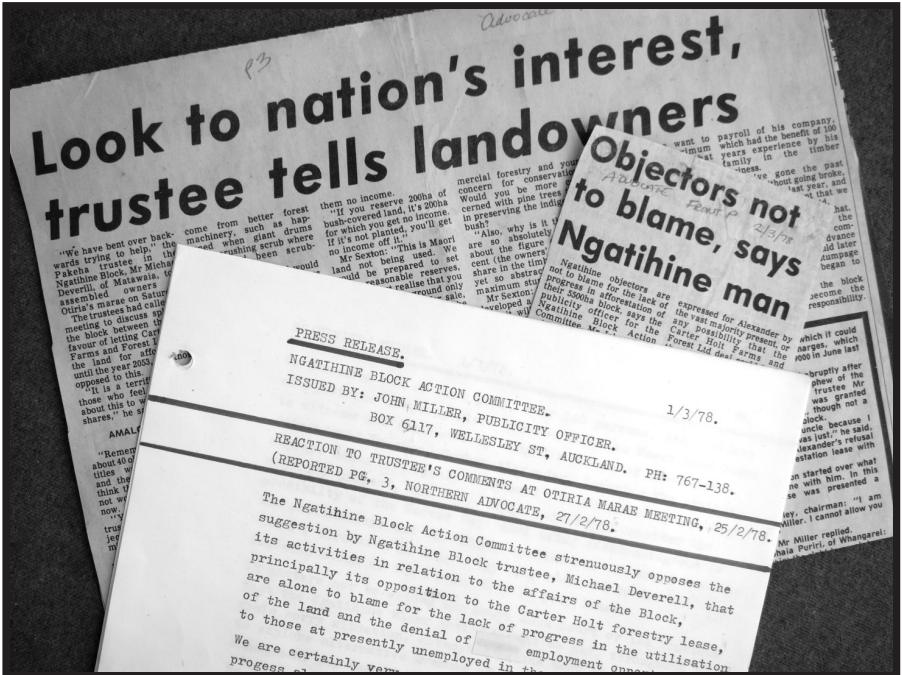


Figure 3: Mainstream media coverage took for granted the status quo of the Pakeha narrative.

lands came to need trustees appointed to administer them in the first place, or why the land’s owners had become so fragmented and disorganised. Nor did they show how a Court was able to enforce a course of action over land while opposed by many of its owners—a situation that Pakeha land owners would have found intolerable.

Māori narrative of colonial disruption

To directly confront these questions, the Māori narrative of colonial disruption and dispossession of the tribal estate needed to be acknowledged and used to contextualise the reportage on the dispute (Figure 3). Instead, journalists, ignorant of these factors, took for granted the status quo of the Pakeha narrative (ie. Maori lands are *ipso facto* unproductive and under the control of incompetent and disinterested owners). They just reported court proceedings and reactions of a recalcitrant trustee and obstructive shareholder groups, reflecting a view that these were disruptions that held up progress and beneficial economic development (Look to nation’s interest, 1978).



Figure 4: Ngatihine shareholders hold an impromptu meeting after a Māori Land Court session. Kawakawa, Northland, 14 November 1977.



Figure 5: Videographer Darcy Lange about to interview local NHBOC committee member/shareholder, Motatau Shortland. Matawaia Marae, November, 1977.



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Figure 6: Shareholders and supporters arrive for a Ngatihine Block Action Committee meeting. Matawaia Marae, 24 June 1978.

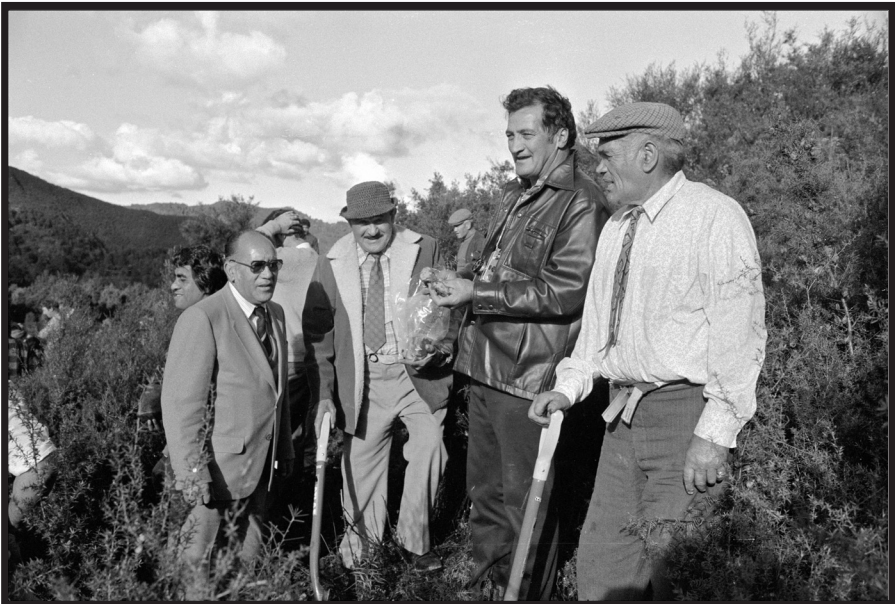


Figure 7: The first ceremonial forest planting at Matawaia Marae, late 1981. From left: Dick Kake, Wiremu Coffey, Graham Alexander and Witari Peihopa.

Coverage concentrated on the minutiae of Alexander's ongoing dispute with the trustees and little appeared reflective of fundamental principals that motivated the dissenting shareholders. (Forestry scheme, 1976). For some, the open tender matter had evolved in to the greater issue of regaining control of the land itself.

However, the *Northern Advocate* did publish two articles on my organising activities and the Māori narrative I was trying to bring to more prominence (The Māori struggle; Researcher discusses, 1978). It extensively reported one of the trustees meetings where shareholders were upset at restrictions on speaking rights (I was one of those silenced) while Carter Holt representatives spoke unimpeded, and initial attempts to prevent journalists reporting the gathering produced angry reactions from local elders and comments on the desirability of their presence on the marae (Press not; Man angry; Press pose, 1978).

One journal that early on bucked the prevailing trend was Jim Eagles' *Northern News* in Kaikohe. Having been supplied by Alexander, in 1976, with a box of documents about the case, Eagles took a more critical perspective in an editorial on the MAC's decision. However, the article took the the breach of personal property rights angle and did not delve into the historical narrative itself (Bringing the land, 1976).

By the first part of 1977, I had begun my personal research, and from then on, added material from these to some of the 15 press releases I issued over a period of 23 months. The background piece that the late Warren Berryman wrote for *National Business Review* (NBR) incorporated much of my information in his article. This was unwelcome publicity for Carter Holt and its spokesman Richard Carter was reported to be '...most upset if anything were published at this time' (Berryman, 1977).

If most of the mainstream was taking a narrow approach, the alternative press was more searching. The Socialist Action League's publication, *Socialist Action*, printed in 1977 a number of critical articles about the case, in one instance, actually recycling some of my historical perspectives from Berryman's *NBR* article (Ngatihine land, 1977). It also ran an edited version of a paper on historical processes and Māori land that I wrote for a Public Service Association race relations seminar, later republished almost verbatim by the *PSA Journal* (The great Māori, 1977). Using my research, *Socialist Action* also began to examine more broadly the forestry sector's leasing of

thousands of hectares of other Māori land blocks elsewhere in the country (Forestry giants, 1977).

The Auckland University Students Association (AUSA) newspaper *Craccum* also printed articles referencing historical factors, two written by MA political studies student Virginia Shaw and one that I wrote myself (Shaw, 1977; Miller, 1978).

I was also invited to relate the historical narrative underlying the case in a guest article for the industry sector magazine *Forest Industry Review*, then edited by Gary Taylor. This appeared alongside one by Carter Holt chairman Alwyn Carter, which predictably presented his justifications for his company's compliance with the directions of the Māori Appellate Court and his characterisation of our shareholders group as 'disturbing elements' (Māoris say no, 1978).

The increasing number of press clippings featuring the case also became valuable for informing the Ngatihine landowners of developments. I would recut the articles to fit a page format for xeroxing and



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Figure 8: A compilation of Robert Jones articles in the 8 O'Clock.



Figures 9a and 9b: Matawaia Marae vista looking east, 1977.

Below: Figures 10a and 10b: The same vista 31 years later in 2008.





Photos: © JOHN MILLER

Title page 169: Original forest cover vista, Ngatihine Block, southern section, November 1977.



distribute them in mail outs (Figure 1). One small article I wrote for the November 1977 *Epicentre News* circular had unexpected consequences (Miller, 1977). It was spotted by *8 O'Clock* journalist Robert Jones who quickly contacted me to learn more of our situation. Jones came from a working class background and knew about injustice and dispossession. He empathised with Alexander's underdog position confronting inflexible bureaucracy and big money (Figure 8). In a series of articles extending over several months, he covered Alexander's stand opposing the lease, my organising activities and historical researches and the Taranaki videographer Darcy Lange's Māori land video project, some of which covered the Ngatihine case (Peters, Miller, 2008, pp. 144-5).

Jones' investigations culminated in his four-part series 'the Northland Wars of 78', which detailed his explorations of several land issues (including Ngatihine) during a trip around Northland (Jones, 1978). At that time, the *8 O'Clock's* management was considering expanding its scope beyond that of just a sports results paper and Jones' articles were indicative of the material an expanded social section would contain, especially if envisaged evolution into a full on Sunday paper had ever taken place (R. Jones, personal communication, October 2008).

In this media review, one has to place the Ngatihine case into the wider news environment of the times. Concurrent with this particular issue, a number of other struggles in which I had some involvement, were also occupying the media's attention. Disputes over Bastion Point, the Raglan golf course and the Te Hapua 42 Māori land/forestry project near Cape Reinga were making it a crowded field (Te Hapua 42, 1977). Some commentators independently took up issues I was pressing: Dr Ngatata Love and Rev Hone Kaa expressed alarm over the wholesale leasing of Māori Lands by forestry companies and other researched articles on the inadequacies of the Māori Land Court system subsequently also later appeared (Kaa, 1978; Love, 1980; Reynolds, 1982).

Concluding comments

All this ferment provided a background where Māori land issues were becoming more prominent and emphasised the need for members of the media to deal with them in more depth. Although most of the journalists I dealt with were unfamiliar with the Māori narrative and only a few chose to investigate that direction, some became very sympathetic and interested in our case as

they recognised that something was occurring here that they saw as being fundamentally unjust and unfair. The reports that they wrote or broadcast did play a part in raising awareness among the Ngatihine shareholders and informing a supportive public. Some actually stepped outside their neutral reporting role and helped us directly, like radio journalist Colin Feslier at 1ZN who put me on to officials of the Whangarei Trades Council. This led to the placing of a union ‘green ban’ on the block—reported of course by 1ZN (Unions intend, 1977).

Given the environment of the day, in which the present collection of Māori radio stations, print media and TV channels were entirely absent, I believe that our efforts achieved some success in shaping the media’s response to the Ngatihine issue. I will leave it to others much more qualified than me to comment on whether the media as a whole have improved their sensitivity to bicultural matters in the intervening three decades.

Following the 1978 Mahon decision, a compromise in the Ngatihine dispute was achieved in 1980, after personnel changes in the Māori Affairs Department and Māori Land Court. This saw a reconstitution of the Ngatihine Trust, where a Principal Trustee was appointed along with number of Advisory Trustees selected from shareholders and locals who had been on both sides of the earlier dispute. After a new round of negotiations with the forestry industry, a 33-year lease was signed on 1 October 1981, which contained significant improvements and enhancements over that first proposed in 1974 (Lease signing, 1981). The present-day Ngati Hine Trust has evolved into a well-run entity, which administers kiwifruit farms and a housing portfolio as well as the original forestry block on which the first rotation is now being harvested (Prayers for, 2009; Ngati Hine Forestry Trust).

Notes

1. Figures are extracted from the author’s original documentation and phone log records.
2. The name was changed to Ngatihine Block Action Committee (NHBAC) on 3 November 1977.

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INVESTIGATIVE JOURNALISM

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Finally, the author would like to pay tribute to all those who were part of this story and have since passed on; and to all the people of Ngatihine (and their many outside supporters) who joined with John Miller's late uncle in bringing this land dispute to a happy and successful conclusion.

Na reira, haere atu rā koutou, moe mai rā i roto i te moenga roa o o tūpuna mātua. Ahakoa, kua wehe atu koutou, kei te ora tonu te kaupapa ranga tira nei. Nga mihi nui ki te iwi o Ngatihine whānui, na koutou tōku matua i tautoko i roto i tenei āhukatanga.
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