



MĀORI, SOCIAL SECURITY AND WHĀNAU ORA: 75 YEARS OF AMBIVALENCE

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Ko te mea tuatahi ka nui taku mihi ki a koutou kua whakarauika nei kei roto i tēnei whare karakia mō tēnei kaupapa. Heoi anō, tēnā koutou, tēnā koutou katoa.

There are three main points I hope to demonstrate in my presentation tonight. Firstly - The 1938 Act that we are here to celebrate tonight was simply not designed to cater for Māori people. The administration of that Act deliberately and actively precluded Māori from the full entitlements and benefits of the system. Secondly, while this situation only formally lasted until the mid 1940s, just after the Second World War, New Zealand governments have never actively pursued Māori solutions to Māori welfare problems. One reason for this is because Māori welfare has been intimately tied up with Māori self determination and notions of rangatiratanga, however that might be interpreted. A brief review of the history of social security in New Zealand shows that the New Zealand state's distrust of Māori ambitions has often meant the neutering of Māori initiatives that could have effected better Māori welfare outcomes. The third point I hope to make is that understanding the Māori welfare journey therefore necessitates an exploration of initiatives outside the Social Security Act 1964 and, to a large extent, outside the New Zealand legislative framework. Although a government funded and sanctioned approach, Whānau Ora is the latest in the long series of such initiatives. As an approach to achieving Māori wellbeing, rather than a definable framework, it may offer some real hope for improving Māori welfare outcomes.

To start somewhere, I would like to start with an exchange of letters between Michael Joseph Savage and Lou Parore in 1936-1937. Lou Parore, of Te Roroa and Ngā Puhi descent was a Native Assessor and well known leader, fed up to the back teeth with the restrictions and impositions placed on Māori by Native land laws and in regards to banking and financial

transactions. In late 1936 he wrote to Michael Joseph Savage in order to express some of his frustrations.¹

You will appreciate the fact, that Pakeha penetration more or less destroyed tribal organisation, without providing an adequate substitute, and that after many years of dangerous experimenting, the Maori people are stripped of their health and wealth, remaining, only bleeding stumps.

The tendency has been to disrobe the Maori of his Mana, to rob him of the soil, curb his vigor and vitality, deny him liberty and freedom, and reduce him to become a worker. Whereas after a hundred years contact with Civilised peoples, the Maori should be surrounded by wealth, but now he is more like the driftwood on the ebb-tide. Legislative provisions are introduced, and funds created for the preservation of Native plant life, Native game, to collect our history, and dig up our bones, but nothing is done for the Native human beings. At present there are no laws granting, the full rights and privileges of British subjects, to the advanced Maori, to freely put into operation all that he has learned in the development of the country. And in spite of all his theoretical and practical training, his secondary and university education, the law of old – savage peoples unable to govern themselves must be governed and protected by civilised peoples – which applied to his untrained grandparents, must also apply to him. Where is the progress?

In early 1937 Michael Joseph Savage responded; and his reply is illuminating:²

I have received your letter of the 18th November last in which you describe the difficulties under which the Maoris labour as regards their business and financial transactions owing to the legislative restrictions which exist at present. I am not unmindful of these restrictions which as you know have been imposed for the protection of the Maori partly against himself no doubt but more particularly against the designing pakeha.

I would like to think that the time had arrived, or might soon arrive when it would be prudent to allow the Maori to manage his own affairs untrammelled by this protection but while there may be some Maoris who like yourself are versed in business technicalities, the greater number are still in need of some measure of protection.

This exchange, I feel, encapsulates both Māori distrust of Crown promises of rights and citizenship to Māori as well as the ambivalence of the Crown to Māori ambitions to self management, and a lack of belief in Māori capacity to manage money.

¹ Parore to Savage, 18 November 1936, MA, acc W2459, 1/1/3, pt 1, box 1, Criticism of Departmental Policy 1936–59, NA Wellington. Cited in David Williams 'Crown Policy Affecting Maori Knowledge Systems and Cultural Practices' Report commissioned by the Waitangi Tribunal 2001, 57

² Savage to Parore, 30 December 1936 (dispatched 5 January 1937), MA, acc W2459, 1/1/3, pt 1, box 1, Criticism of Departmental Policy 1936–59, NA Wellington. Cited in David Williams 'Crown Policy Affecting Maori Knowledge Systems and Cultural Practices' Report commissioned by the Waitangi Tribunal 2001, 58

Yet the 1938 legislation is often considered to have established welfare as a right of New Zealand citizenship. Indeed, the Long Title of the Act refers to providing benefits 'designed to *safeguard the people of New Zealand* from disabilities arising from age, sickness, widowhood, orphanhood, unemployment or other exceptional circumstances" [emphasis added].

In 1937, when questioned about the Labour Government's Native housing policy, GP Shepherd, the under-secretary of Native Affairs, included in his response the following observation: 'To put it in the broadest sense we must assimilate the Maori into useful and self-respecting citizenship.'³

The necessary implication from Savage's response to Parore and GP Shepherd's comment is that Māori were not considered to be fully capable of entering into citizenship in the fullest sense of the word. And, unsurprisingly in view of these observations, Māori were to be included in the new 1938 Act, but because they (in the main) could not be trusted to manage money and did not live lives of the same standard as other New Zealanders, they would not receive the same entitlements as other New Zealanders. The discrimination that had been incorporated within earlier legislation, such as the Old Age Pension Act 1898, would remain by virtue of the use of administrative discretion under the Social Security Act 1938.⁴

Yet pamphlets released in Māori at the time of the passage of the Social Security Act 1938 told Māori they would have the same entitlements as Pākehā.⁵

Ko nga Maori ratou ko nga pakeha e whai mana ana ki nga orange i whakaritea e te Ture.

However, it became clear over the succeeding decades that Māori, as they *really* were, had never been envisaged as being at the heart of the Act in the same way other New Zealanders were. Such realisations fuelled Māori protests as it became clear that the laudable protective ethos of the welfare state as designed in the 1930s was to be interpreted very differently for Māori than for Pākehā.

This protective, albeit paternalistic, attitude was a hallmark of the assimilationist policies of the earlier decades of 20th century Crown policy towards Māori. As identified by David Williams, succeeding decades saw the imposed protection of Maori based on an assumption of inequality replaced by an imposed integration of Maori based on an assumption of equality.⁶ But neither assimilation nor integration offered *Māori* the freedom to make substantive decisions about Māori welfare outcomes.

Indeed Māori welfare outcomes and experience are, to some degree, obscured by the 1938 Act. To explore Māori welfare initiatives that sought Māori welfare outcomes we have to move

³ Native Department, 9 February 1937, MA, acc W2490, 36/3, pt 1, box 74, Health and Hygiene 1932–56, NA Wellington. Cited in David Williams 'Crown Policy Affecting Maori Knowledge Systems and Cultural Practices' Report commissioned by the Waitangi Tribunal 2001, 5

⁴ For further information about the discrimination faced by Māori by way of the administration of social security legislation see McClure, M. (1998). *A Civilised Community: A History of Social Security in New Zealand 1898-1998*. Auckland: Auckland University Press (in association with the Historical Branch, Department of Internal Affairs).

⁵ 'Ngā utunga moni i raro i te ture whakapūmau oranga, 1938: he pukapuka whakaatu i ngā tikanga me ngā āhuatanga i raro i te ture whakapūmau oranga hei whakahaere mā te iwi Māori' (Government Printer, 1939, 1)

⁶ David Williams 'Crown Policy Affecting Maori Knowledge Systems and Cultural Practices' Report commissioned by the Waitangi Tribunal 2001, 5b

beyond the Social Security Act 1938 framework entirely. More particularly, we have to look at efforts made by Māori to gain some degree of political control over Māori social outcomes.

As a very brief foray I want to mention three examples whereby Māori constantly sought, often through legislation, to gain political as well as social control over Māori welfare outcomes. These three examples are:

- Rūnanga of the 19th century
- The Māori Councils Act 1900
- The Māori War Effort Organisation

In the post-war era of the 1830s, 1840s and beyond, rūnanga and newly coined komiti (committees) were collective committees or group processes whereby decisions could be reached and disputes settled, with the use of tikanga Māori.⁷ The Crown saw the potential of these processes and there are some extraordinary accounts, in mid century sources, of rūnanga being used by Māori as a way of making important political and social decisions over Māori lives. The Crown attempted to capitalise on these processes by way of the establishment of the District Rūnanga system by way of the Native Districts Regulation Act 1858. This was short-lived, but similar thinking was behind the Māori Councils Act 1900. Thirty councils were set up with more than 200 village councils. The Act originally granted a limited amount of self-government to Maori communities, and gave councils limited power of self-regulation, often pertaining to Māori social well-being:⁸

- The health and personal convenience of the inhabitants of Māori villages;
- Enforcing the cleansing of houses and other buildings in a dirty and unwholesome state;
- The suppression of common nuisances;
- The prevention of drunkenness and sly grog selling.

The councils also dealt with dog registration, the branding of cattle, registration of tohunga, the water-supply, schools, sanitation and general social matters. The councils were effective for some years but never fulfilled their potential as hoped, largely because they were hopelessly under-resourced. By the Second World War, Māori councils were largely ineffective. But the War prompted the growth of another critically important Māori organization concerned with welfare outcomes for Māori: the Māori War Effort Organisation, which took upon itself the task of recruiting Māori to be part of the war effort, leading to the establishment of the Māori Battalion along tribal lines. But the organisation's role did not end there. It set up 21 districts and more than 300 tribal committees. Beyond recruitment the MWEEO facilitated a good deal of welfare work carried out by the Organisation, and the village committees with considerable success and efficiency.⁹ Recruitment, also came to have a welfare function. The MWEEO's collective approach to welfare and their tikanga-based methods were a move towards

⁷ See for example V O'Malley "English Law and the Māori Response: a Case Study From The Rūnanga System in Northland", 1861-65 *The Journal of The Polynesian Society*, 2007 7-33

⁸ See s16 of the Māori Councils Act 1900.

⁹ *Te Ao Hou* No. 1 (Winter 1952) 23

rangatiratanga.¹⁰ As the War ended Māori had very high expectations that they would benefit from their incorporation, at a very high price, into full New Zealand citizenship. As an attempt to ensure the momentum of developments gained by way of the MWEO continued, MPs Eruera Tirikatene and Paraire Paikea formed a committee with the intention of capturing those gains and that momentum by way of legislation. They drafted early versions of the Māori Social and Economic Advancement Act 1945 which was supposed to herald a new dawn of Māori cooperation and involvement in decision making with the state, including the then Native Affairs Department. The Act that was eventually passed bore little true resemblance to that which was originally drafted, and to some commentators it seemed to be an opportunity missed for Māori to have some genuine control of Māori social outcomes.¹¹

The next Act I want to mention very briefly is the Māori Welfare Act 1962 (later called the Māori Community Development Act 1962). This Act established 14 district Māori councils and the national body, the National Māori Council. Some commentators have suggested that the National Māori Council was formed in partial response to the Māori Women's Welfare League established in 1951, a highly effective welfare body. Like the Māori councils, these new bodies also had welfare objectives such as those set out under s18:¹²

- 18(1) to promote, encourage, and assist Māoris
- (i) to conserve, improve, advance and maintain their physical, economic, industrial, educational, social, moral, and spiritual well-being;
 - (ii) to assume and maintain self-reliance, thrift, pride of race, and such conduct as will be conducive to their general health and economic well-being [...]

This whistle stop tour of these initiatives show how Māori have made strenuous efforts to work within the legislative framework to achieve Māori welfare outcomes, with varying degrees of success. The state of Māori welfare was examined in the 1986 *Pūaoteatātū* report, whereby an independent committee, led by the late John Rangihau, consulted with Māori communities about the effectiveness, for Māori, of the Department of Social Welfare. The consultations involved meetings at 65 marae around the country, and the committee reported back that a major theme of what they heard from Māori communities was that Māori needed to be able to turn to Māori-run organisations for their welfare needs.¹³ But there are obstacles in the way of Māori providing such services to Māori that this brief traverse of Māori attempts to engage in providing for Māori welfare reveals:

- a reluctance by the Crown to devolve its welfare services to other organisations;

¹⁰ M Tennant (2007). *The Fabric of Welfare: Voluntary Organisations, Government and Welfare in New Zealand, 1840-2005*. Wellington: Bridget Williams Books, p 89

¹¹ See for example Richard Hill, *State Authority, Indigenous Autonomy: Crown-Māori Relations in New Zealand* Wellington, Victoria University Press, 2004, 186ff

¹² Note that public consultation is being carried out on this Act over September and October,

<http://www.tpk.govt.nz/en/newsevents/news/government-consults-on-maori-community-development-act-1962/>

¹³ Ministerial Advisory Committee on a Māori Perspective for the Department of Social Welfare (1986). *Pūaoteatātū – Daybreak*. Department of Social Welfare: Wellington.

- a lack of available resources for iwi and Māori service providers to sustain their own comprehensive welfare services; and
- an inability of Māori providers to deliver services that are heavily regulated by statute.

There are a few iwi who, in the post settlement era, have taken on some very limited policies to provide financial assistance for their members. Ngāi Tahu's Whairawa policy (including the provision of small annual grants to all kaumatua over the age of 65) proves the exception, not the rule.¹⁴

*Whānau Ora*¹⁵

Originally derived from He Oranga Korowai, the Māori health Strategy, Whānau Ora is an approach that underpins a framework for working with families. This framework is based on exploiting and effecting strengths within whānau rather than focusing on fixing the deficiencies exhibited by the individuals within that whānau. Funding is available for whānau to create their own whānau plans, and funding is also made available for the implementation of those plans, with the whānau working alongside whānau navigators. The approach is underpinned by some key principles:¹⁶

- **Ngā kaupapa tuku iho** (the Māori values, beliefs and obligations that guide a whānau in day-to-day life);
- **Whānau opportunity** (the notion that all whānau should have 'chances in life that will enable them to reach new heights');
- **Best whānau outcomes.** (The understanding that the success of Whānau Ora is to be measured by increased whānau capacity to achieve wellbeing for whānau and its members);
- **Coherent service delivery.** (The establishment of unified intervention to ensure that the divisions and distinctions between agencies involved with whānau do not frustrate, subvert, or undermine the needs of the whānau);
- **Whānau integrity.** (The presumption that all whānau have a code of responsibility that would ensure dignity, accountability and innovation. This principle is important to ensure that each whānau is strengthened in its ability to follow such a code, notwithstanding stressors or events that may undermine or subvert it);
- **Effective resourcing** (Whānau must be resourced according to their needs, in order to achieve the best possible results for that whānau. Also, results must reflect the resources utilised with whānau, as demonstrated by clearly set out indicators of success);
- **Competent and innovative provision.** (Acceptance of the fact that to be successful, Whānau Ora will need to ensure skilled practitioners work with whānau who are able to "go beyond crisis intervention" to assist whānau to build their own capacity).

¹⁴ see <http://ngaitahu.iwi.nz/whanau/whai-rawa/>

¹⁵ see also M Stephens "The Whānau Ora Approach" in M Claire Dale, Susan St John and Mike O'Brien (eds) *Left (Further) Behind: How social and income inequalities continue to damage New Zealand Children*. Child Poverty Action Group (Child Poverty Action Group Incorporated, Auckland, 2011) pp 33-44

¹⁶ Whānau Ora Taskforce "Whānau Ora: report of the taskforce on Whānau-centred Initiatives" (April, 2010) <http://www.tpk.govt.nz/documents/Whānau-ora-taskforce-report.pdf>

For our purposes however the notion of ‘competent service’ delivery (unified intervention to ensure that the divisions and distinctions between agencies involved with whānau do not frustrate, subvert, or undermine the needs of the whānau) comes smack up against the monolithic nature of our existing social security system. Sir Mason Durie mentioned, in an address at the opening of the Whānau Ora Research Centre in 2012, that decreased reliance on benefits could be an indicator of the success of Whānau Ora that could be measured.¹⁷ But, the individualistic nature of social security benefits and their highly targeted nature since the very early days of the system, reveals that there is no specific mechanism with which to achieve a lowered reliance on benefits. Indeed there is no mention of Whānau Ora within MSD strategic documents, nor within WINZ strategic documents or operative policies that case workers use in their work with beneficiaries. Lowered reliance on benefits has to be achieved then outside of the social security system.

In fact there is no legislative basis whatsoever for Whānau Ora. It is a policy-based approach. On one level this is concerning; what protections is there for the policy in the absence of a legislative framework? On the other hand, as has been outlined in this presentation, Māori have tried ceaselessly to work within a legislative framework to achieve welfare outcomes for Māori, with limited or mixed success. Maybe working outside the legislative framework might glean better results. I think there is some cause for optimism in the Whānau Ora approach by virtue of its operation outside of the legal framework. Time will tell if this optimism is misplaced. But tensions, of course, (and vulnerability) remain. As just mentioned, the primary tension in regards to social security is the collectivist approach of Whānau Ora that conflicts with the individualistic system of benefit entitlements. Another example: if one of the driving factors of Whānau Ora is whānau autonomy, how is that principle undermined by the imposition of the new social obligations imposed in the latest round of social security law amendments?

Heoi anō kua pau te wā. Kia ora koutou!

¹⁷ <http://whanauoraresearch.co.nz/videos/prof-sir-mason-durie-address-at-te-anga-mua-seminar-2012/>