

The Maori Land Court's Australian clients

Presentation to the Maori Land Court judges' seminar, 11 June 2008

Overall numbers in Australia

There are today around one in six or seven Maori living in Australia, up from one in 16 in 1986 and one in 50 in 1966. That's a rise from 4,000 forty years ago, to 30,000 twenty years ago, to what will be 110,000 or more today. Looking out to the future, if this kind of absolute and proportional increase continues unabated there could, by mid-century, be between a quarter and a third of all Maori in Australia, or easily upwards of 200,000 people.

Even if the sharp upward trend starts to taper off we are still looking at a situation where Maori society has an increasingly Australian future. Bear in mind that migrants are typically in the young adult age bracket, and so even a modest amount on ongoing net out-migration will see that Australian proportion rise quickly, because of course those young adults will have children in Australia rather than here.

I see that the Minister for Courts, Matt Robson, said in celebrating the new Maori Land Information Service in 2002 that 'a fifth of Maori now live on the eastern seaboard of Australia'. He can't have had any real statistical basis for such a claim, but his estimate wouldn't have seemed out of place to many Maori. The majority of Maori will today have whanaunga in Australia. In fact many Maori I've spoken to recently either have whanau who are about to leave for Australia or are indeed thinking about making that move themselves. A Marae Digipoll from late 2007 revealed that 24 per cent of Maori were contemplating moving across the Tasman.

I think it's timely, therefore, for the court to consider its clients in Australia more specifically. Obviously, the increasing use of computer technology in storing and accessing court records creates opportunities for those clients to manage their Maori land holdings relatively easily, where previously a return trip to New Zealand for them would inevitably have involved a visit or repeated visits to the nearest court registry. What little feedback I've seen from Maori overseas about Maori Land On Line since its launch in 2005 is very positive. But ironically, though, at the same time the sheer rise in the number of Maori in Australia means that the court is less physically connected to an increasingly large proportion of Maori land owners.

That is, of course, if Maori who have left for Australia are indeed land owners. Certainly many of them will be. I note that Ministry of Justice IT consultant Dr Colin Boswell made a conference presentation in 2003 in which he said that 20 per cent of Maori land owners lived in Australia. On a sheer numbers basis, and unless there's some court administrative figures I'm unaware of, that seemed too many to me and I assume that he took the 20 per cent figure from the comments of the Minister the previous year.

Moreover, many people say that those Maori who've moved to Australia are often those who were without assets in New Zealand. A community leader in Melbourne, for example, told me she thought it was 'the marginalised Maori' who migrated to Australia. Certainly, the freedom of movement means that Australia gets a broad

cross-section of New Zealand society as migrants, whereas its immigrants from most other countries tend to be typically well qualified or prosperous. I'd be surprised if a lot of larger Maori land owners had moved to Australia; there seem to me to be a range of cultural and practical imperatives that would keep them close to home.

Be that as it may the court will have a lot of clients in Australia. Let me, then, give you some further information about where Maori are in Australia, why they are there, and how they're getting on.

Geographical spread

So, where are all these Maori in Australia living? Well, the last census revealed that Queensland had overtaken New South Wales as the most popular state for Maori, thus meaning that Maori have fallen into line with the New Zealand-born overall in Australia, who have for some time now gravitated more towards the Queensland sun. Using the official figures – which, for a number of reasons, are a little too low – there were 31,000 Maori in Queensland and just under 30,000 in New South Wales, 14,000 in Victoria, 12,500 in Western Australia, and much smaller amounts of around 2,500 or less in each of the other states and territories.

The significance of this is that Sydney, or Poihakena, has long been the city that Maori visited or moved to in Australia. From the earliest colonial times it was the place Maori went to trade, learn new ideas, and acquire technology. In the 1960s it was Sydney's bright lights that attracted many Maori entertainers. Now I think you can read the figures as showing that the Maori population declined in Sydney from 2001 to 2006. On the Gold Coast, by contrast, it leapt by a staggering 86 per cent, with Brisbane recording a 45 per cent rise.

Another thing to note is that much has been made in the media in recent times about the number of New Zealanders – and particularly Maori – 'flocking' to Western Australia to work in the mines. The rate of Maori and New Zealand-born growth in the state from 2001 to 2006, however, was well below the national average for both these groups.

In terms of urban areas, the city with the highest number of Maori at the last census was still Sydney, with 20,912. But Brisbane was up to 16,577, and if you combine it with the adjacent Gold Coast, which had 7,175 Maori, and Sunshine Coast, which had 1,054, you can see that the biggest concentration of Maori is now in south-east Queensland. There were also 11,196 in Melbourne and 6,922 in Perth. These urban areas are really the key centres of Maori population in Australia.

After Perth there was a big drop down to Adelaide, with 1,651 Maori. But while the Maori population in Australia is typically located in the largest cities, Maori are also to be found right across the continent, which reflects their willingness to undertake labouring or semi-skilled work in rural as well as urban areas. Thus in 2006 there were 63 Maori in Dubbo, 86 in Warrnambool, 197 in Mount Isa, 163 in Alice Springs, 85 in Esperance, and so on.

Why are they leaving?

The survey I carried out for Te Puni Kokiri in 2006, which was answered by 1205 Maori around Australia, revealed the reasons for the migration, and these are set out in my report published last year. There are essentially a range of what you can call 'push' and 'pull' factors.

The pull factors are things like the wages and economic opportunities Australia offers (which seem to be clearly the biggest motivation). Then there are the so-called 'lifestyle' factors such as the sun, the multiculturalism, the shopping and the entertainment options. Then there's the desire to join whanau who are already in Australia – such as grandparents going over to be with their Australian-born mokopuna. Sometimes 30 to 40 members of one whanau will all move over in a kind of chain migration to keep the whanau together.

Then there are the push factors – the negative aspects of life in New Zealand that make people want to leave. These include the constant media focus on negative news stories about Maori, and the perception that Maori suffer from stereotyping and prejudice. Maori climb a few rungs up the race ladder in Australia and the negativity there is largely directed at other groups.

Then there's a desire to get away or keep one's children away from the influence of gangs, the impact of crime and domestic abuse, and the dangers of drugs like P. Australia is simply the place people go to get away from their bad habits or bad company, and to make a clean start.

Then there are reasons which you could describe as wanting to step away from negative Maori factors. Some said things like success wasn't celebrated within their whanau and if one tried to get ahead one was accused of being 'too Pakeha', or they resented the notion that the whanau's interests had to come before their own, or that Maori were 'stuck in a rut', with Pakeha seeing no potential in them and Maori themselves not being able to step outside this limiting paradigm. Some despair over raruraru over Maori land: one woman wrote, for example, that disputes over land 'disgusted' her and were 'the reason why I mainly choose to live in Australia'.

Overall there will be a mixture of reasons in every individual's decision to leave – or to return to New Zealand, for that matter. Economic factors are the key reason for leaving, but if you want to understand the full picture of why Maori are going you have to look at the push factors too.

How are they getting on?

How are they getting on in Australia? Essentially, there are pluses and minuses.

They tend to maintain a strongly New Zealand-focused outlook and have minimal participation in the Australian polity – 75% do not become Australian citizens and they are massively disenfranchised as a result, because they can't vote. Those who do become Australian citizens grit their teeth and call it 'having the operation'. A lot of Maori in Australia don't even realise that they might be eligible for the kind of support the Australian Government provides to help settle ethnic migrants.

They're fighting an uphill battle to retain knowledge of their culture and language. They simply don't have the number of kaumatua and cultural experts that are needed.

They suffer a lack of community cohesion arising from the problematic nature of pan-tribal and kaupapa-based (as opposed to whakapapa-based) representation and governance. It's very hard to claim to represent the Maori of a particular town or city, and fragmentation of effort is a perennial problem.

They lack communally-owned cultural space and face many difficulties, culturally-speaking, when a death occurs. Tangis invariably take place in people's homes, which can be a cause of much added stress to the whanau at a difficult time.

But despite all this, they predominantly report that their finances, employment, housing and social life have all significantly improved since they left New Zealand. With that, a lot of them said they were happier too.

Maori in Australia also report a good degree of acceptance from white Australians. Many say they have never experienced any of the kind of prejudice occasionally meted out by Pakeha at home, or that they are taken by the extent to which Australians express a real interest in Maori culture. There is some historical context for this acceptance – Maori were, for example, the great exception to the 'white Australia' policy. They were guaranteed the vote in Australia in 1902, decades before Aborigines were even accepted as citizens. There are of course various ironies in this, including the fact that Maori are so disenfranchised today.

Many of those in Australia also experience a kind of self-discovery as Maori because of living away from New Zealand. Thus, while many are happy to step aside from tribal politics or scraps over land, and enjoy being able to focus on themselves and their immediate families, they do start to yearn for many aspects of Maori culture that they either took for granted or purposefully turned their backs on. So, for example, the balance of survey respondents believed that Maori in Australia feel more need than Maori in New Zealand to connect with their Maori cultural heritage. With that may come on the part of some a new-found or renewed commitment to their interests in Maori land. As an example of this a contributor to an Australian Maori website forum in July 2006 wrote 'If anything coming to another country has strengthened our own ties to Papatuanuku. No longer do we take for granted what was once right on our doorstep'.

A typical Te Puni Kokiri survey comment was the following from a woman in Western Australia:

I think that we have all given up something to move to Australia and mostly I feel it is the affinity to the land and the closer community sharing. As I have reached my 40s I truly understand what it is to be Maori and am proud of that fact.

Most Maori in Australia intend to return to New Zealand, but that is often just the theory. The practice is that, while they might develop a kind of misty-eyed nostalgia

for their land and culture, they realise that the material benefit of life in Australia outweighs the cultural deficit. And in some ways, of course, they believe that the 'culture' (in a non-traditional sense) is a happier one in Australia.

I want to read to you one more quotation, because I think it sums up a lot of what I've been talking about. It's from a woman in north Queensland, whom I met, who wrote in her survey comments that:

The Maori people have more success in this country than New Zealand. They can afford to educate their children, buy homes, cars and get themselves out of gangs, drugs and alcohol. Whereas in New Zealand they can barely afford to survive and turn to crime or dig themselves into a deep hole of self pity. When we go back to visit friends and whanau after 10 or more years we find our people are still doing the same old thing we were all doing 20 years ago and they are still broke.

We love and miss our country, our land, our water, our people, our culture, our Maoritanga, our friends and whanau, but we've all had a taste of the good life here, and success, and we don't want to come home to New Zealand only to end up struggling and broke again.

When I was living in NZ, I had no interest in my culture, etc. But after a few years in Oz, I find I really miss our culture, our songs, everything about our people and when I meet another Maori we tend to adopt each other as whanau. I am the guitarist in a kapahaka group and really enjoy it.

Relations with Aborigines

It may be of interest to say a little about Maori relations with Australia's indigenous people. To my mind Maori have a somewhat ambiguous relationship with Aborigines. On the one hand, many support Aboriginal causes, greet Aborigines first in mihimihi, seek Aboriginal support or blessing for festivals or community centre projects, and prefer to call Australia 'Te Ao Moemoea' – in reference to the dreamtime – rather than 'Ahitereiria'. Many are drawn to working with Aboriginal people, and feel strongly about Aboriginal rights given the shared colonial experiences of the two peoples. In fact sensitivity about Aboriginal claims to the land often causes some hesitance amongst Maori as to whether it would be appropriate to have anything resembling a marae in Australia.

On the other hand, however, fights between groups of Aboriginal and Maori youths are not uncommon, particularly in towns like Kalgoorlie where some Maori mine workers flaunt their relative wealth and cause Aboriginal resentment, or where Maori bouncers end up manhandling Aboriginal drinkers. There is also, on the part of some Maori, a degree of negativity or occasional racism about Aborigines. I think this partly reflects the way some Maori buy into mainstream negativity about Aboriginal issues, but it also stems from the longstanding willingness to buy into European notions about a descending order of races, and to see themselves as a cut above.

Overall, however, there are good relations, facilitated in large measure by a significant amount of intermarriage. One man in Newcastle, who had an Aboriginal

wife, told me he regarded this as having ‘the best of both worlds’, which I interpreted as implying he felt his children had take tipuna or an ancestral right to the land.

Do they remit?

In terms of their ongoing relationship with the whenua in New Zealand, it is worth also touching on the issue of remittances. Amongst the peoples of the Pacific who have emigrated from their islands to the major English-speaking cities of the Pacific rim, such as Los Angeles, Auckland, Sydney and Brisbane, there exists a remittance culture which continues to see money sent home to the villages. Maori in Australia, however, have no such pattern of behaviour. In fact the rise of the Maori diaspora occurred after urbanisation in New Zealand, and thus Maori overseas are no more potentially remitters than Maori in Auckland or Wellington are. As I said in my report, Maori migration to Australia has also never been consciously organised with remittances in mind – it has rather been ad hoc, within the same labour market, and for personal betterment instead of out of obligation to kin.

Some Maori in New Zealand do feel that Maori in Australia should remit money back to help those maintaining ahi ka at home. Thus one website forum comment addressed to Maori in Australia from a Maori in New Zealand was

if you’re making enough \$ to be as comfortable as you say, then why not send some of the money home for your marae and urupa maintenance? Or do you expect to be buried in an Aboriginal tribe’s stolen whenua?

I have certainly heard stories of resentment from those in New Zealand when whanau return from Australia with a tupapaku and take over the marae for the tangihanga and then are never heard of again. But before we go much further I think it’s necessary to note also that there are many cases of Maori in Australia paying rates on Maori land, in some cases because they are the ones most able to afford it. There are also many Maori who return to New Zealand from Australia with money to invest in the whanau land. One example of this was a man I met in Western Australia. He’d gone there in 1979 to play rugby and work as a welder, and had had a good life. Now he’d inherited 60 acres near the Bay of Islands and wanted to go home and do something with it, such as a tourist venture, to benefit the whole whanau.

What I’m saying is that, in the absence of any adequate research on the subject, it’s important not to underestimate the size of the contribution to the Maori economy made by Maori in Australia. There’s no remittance culture in the traditional sense but one shouldn’t take too narrow a view of what ‘remittances’ entail. Essentially, perhaps it is time to see Maori development as something that occurs beyond the confines of the New Zealand nation state, just as one wouldn’t look at Samoan development solely in terms of the people living on the Samoan islands. To the extent that the Maori Land Court is interested in Maori land development, therefore, it’s going to be increasingly important, I think, for it to factor the Australian-based land owners into its communications and planning.

A survey profile of the court's clients

The survey asked respondents whether they had, while in Australia, taken part in variety of activities relating to Maori land in New Zealand. While nearly 75 per cent of the 1205 respondents said they had taken part in no such activities in Australia, 139 people said they had participated in a Maori Land Court process and 166 said they had been involved in decision-making by owners of Maori land.

I asked Te Puni Kokiri for some further information about those who specifically mentioned a Maori Land Court process in order to give you some notion of their characteristics relative to the rest of the survey respondents. From that it appears that, in comparison to the entire survey group, your Australian-resident clients:

- had significantly higher proportions (amongst the New Zealand-born) who arrived in Australia before the 1990s, including double the overall survey rate for arrivals during the 1970s. Correspondingly, they had lower proportions who arrived between 1990 and 2006; and
- were more inclined than average to return to New Zealand to live one day;

I haven't yet obtained figures I was seeking on their age, gender, location, Maori-speaking ability, identity, and census ancestry responses but I will certainly pass that information on when I get it.

Engagement with Maori in Australia

I concluded my *Maori in Australia* report for Te Puni Kokiri with the suggestion that TPK engage more with Maori across the Tasman, in part through the creation of 'community liaison positions within consulate offices' whose job it would be to:

- assist cultural and community groups access local sources of funding;
- identify opportunities for Maori businesses in New Zealand to enter the Australian market; and
- facilitate cohesion amongst Australian Maori communities.

Such a step seemed logical and inevitable to me given the extent to which Maori development has become a transnational phenomenon. I suspect that some will misconstrue this as a suggestion to act out of obligation, but in reality I meant it in terms of the opportunities that could flow from it.

The Maori Land Court is in a similar yet at once very different position to Te Puni Kokiri. Its clients are its clients, no matter where they live, whereas some will argue that Maori in another country are Te Puni Kokiri's clients no longer. Without getting into the merits of that contention, let me just say I was pleased to see that three Maori Land Court managers spent a week in Sydney in February promoting the court and its services. That will have gone down extremely well with Maori in Australia, who are crying out for greater information from home and who the research shows are often cynical at what they see as an interest being taken in them by those at home only around election time.

I'll finish by quoting from the survey comments of a woman in Melbourne, who made the following plea:

We ... need Maori land court advisors to visit and an office here to supply forms and direction etc, I am a frequent Flyer with MLC!! They know me!! I would do it as voluntary work if MLC paid for the building or office. Please realize that we need this link here. I have studied the Te Ture Whenua Act over here to enable me to look at my Land issues and possible options. In every state there should be an office where all info may be acquired right down to voting etc. I already have a copy of the Unclaimed Monies sent here and I photocopy and distribute but we need everything that is available to Maori living in NZ. ... [F]eel free to contact me if you would like to take up my offer as a Voluntary Liason, Give me training whatever! I am in full time work ... but my passion is in helping people.

If you're keen to take her up on the offer, let me know and I can pass on the contact details, although I might add that most of the court's staff I've met here in New Zealand would be keen to vie with her for the position.