



WAI 1909 – The Waitangi Tribunal Gambling Claim: How will it Improve the Health Outcomes for young Māori People?

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Abstract: In 2008, I lodged a claim with the Waitangi Tribunal in regard to problem gambling and its negative impacts on Māori people. The Tribunal is tasked with hearing grievances related to *Te Tiriti o Waitangi* (The Treaty of Waitangi) signed in 1840 between Māori and the British Crown. It is a historical claim focused on the lack of adequate protection of *taiohi* Māori (young people of Māori descent) and the intergenerational harm caused by problem gambling among their *whānau*, *hapū*, *iwi* (extended families and relatives) and urban Māori communities. However, this begs the question how can a Treaty claim improve the health outcomes of a generation of *taiohi* Māori who have been exposed to commercial gambling and its aggressive and targeted expansion and marketing? This paper frames the WAI-1909 claim as a *Kaupapa Māori* (Māori research approach) derived from the research of three *wahine toa* (warrior women) supporting the claim; and refers to epistemological standpoints of Māori women working in the gambling research space. I demonstrate how the gambling claim challenges the New Zealand government to honour the promises in the articles of *Te Tiriti o Waitangi* and to protect the rights of its citizens, especially *taiohi* Māori. The WAI-1909 gambling claim concludes that whilst the New Zealand Gambling Act (2003) includes a public health approach to problem gambling, it has not adequately addressed the rights of *tangata whenua* (Māori, the first people of Aotearoa/New Zealand) under *Te Tiriti o Waitangi*.

Introduction

I am honored to be invited to contribute an article toward this special issue of *Critical Gambling Studies* on Indigenous gambling. It has been over 12 years since I lodged the WAI-1909 gambling claim and over 2 years since I completed my doctoral research on young people's perspectives on gambling among their families and communities (Herd, 2018). My research was undertaken primarily to gather evidence to support the arguments in my claim. This paper will focus on the WAI 1909 (or 'Pokies') claim, explain its historical background, purpose and rationale and highlight the role of Māori *wahine toa* (women warriors) who are the driving force behind many of the claims that have been heard in recent times by the Waitangi Tribunal.

As I am writing this paper, a hearing is being held to address the *Mana Wahine* claim that was lodged over 25 years ago by several Māori women leaders, some of whom are no longer alive to give evidence. An urgent hearing was granted recently to Ngā MAIA (The Māori Association of Midwives of Aotearoa). This group was represented by Māori lawyer and activist Annette Sykes (2020) who challenged the government about the illegal uplifts of newborn Māori babies from their young

mothers. She shared this exchange with the Tribunal's Judge on the case:

Judge... What do you achieve by challenging Crown policy and practice in Waitangi Tribunal?

Me... Exposing the Structural racism perpetuated by the frameworks and institutions you practice amongst which deny Māori authority over our most precious institutions our children our whānau, our hapū².

Judge... Do you really think you will change anything?

Me... More than you will achieve with that defeatist attitude. Our people deserve change... reimagined opportunity... exposure of the daily oppression they confront... peeling back the layers of colonisation that operate to marginalise them... authority to determine the day to day needs of whānau and resources to navigate that (Sykes, 2020).

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² Families and extended families.

The impetus for the WAI 1909 'Pokies' claim comes from the legacy of several *wahine toa*, two of whom have passed away and will be remembered sadly when it comes time to present the evidence. I had applied for an urgent Tribunal hearing when the Sky City Casino applied for an extension of its licence to build a new convention centre in Auckland, effectively giving them more space to install more pokies. Sykes' (2020) argument speaks of institutional racism that '*deny Māori authority over our most precious institutions our children, our whānau, our hapū*' and makes me more determined to push for a hearing of WAI-1909 gambling / 'pokies' claim and reminds me of the obligation I have to ensure that the evidence I gathered from the young people I interviewed for my doctoral research is presented before the Waitangi Tribunal.

WAI-1909: The 'Pokies' Claim

Māori researchers Lorna Dyall and Laurie Morrison state that problem gambling among Māori is a Treaty issue as it is linked to other health and social ills that have beset Māori since the signing of the Treaty of Waitangi in 1840 (Dyall & Morrison, 2002). The Tribunal makes no promise to return any land, nor compensation for the loss of land. However, the accelerated loss of land, and with that inherently, the language and cultural practices, has in turn diminished Māori *mana* (prestige and dignity). Our physical, mental, emotional and spiritual wellbeing is encompassed by the land. This profound loss has ongoing collateral damage to the health and wellbeing of the future generations. The WAI-1909 claim itself is opened with a *pepeha*, using the appropriate land marks to inform the readers or listeners where my people come from:

Ko Taranaki te maunga - Taranaki is the mountain
Ko Waitara te awa - Waitara is the river
Ko Te Ātiawa te iwi - Te Ātiawa is the nation (Herd, 2008).

I also utilised a quote written in te reo Māori from the preamble to *Te Tiriti O Waitangi*.

Na ko te Kuini e hiahia ana kia wakaritea te
Kawanatanga kia kaua ai nga kino e puta mai ki
te tangata Maori ki te Pakeha e noho ture kore
ana. (Herd, 2008).

My translation follows: The Queen expresses her desire to form a government so that Māori people will not be harmed through the lawless actions of Pākehā (British citizens).

A claimant must be a descendent of a New Zealand Māori. My mother is from Te Ātiawa, a large *Iwi* (nation) of several thousand people residing along the west coast of the North Island and the top of the South Island. Interestingly, my *hapū* and *iwi* in the northernmost part of Taranaki were not signatories to the Treaty of Waitangi. Our close relatives, who migrated further

south, signed copies of the document in the various parts of the country where they were domiciled following inter-tribal warfare, prior to the arrival of Europeans. I was required to name the section of the Act and any subsections.

My name is Ruth Ann Herd. I am a descendent of Ngā Puketūrua and Puketapu Hapū of Te Ātiawa ki Taranaki and wish to lodge a claim to the Waitangi Tribunal under Section 6 of the Treaty of Waitangi Act 1975, (Subsection (1) d.)

The second criteria must give a time frame that the claim relates to and state which article of the Te Tiriti has been breached.

My claim relates to the Crown's failure to monitor and regulate non-casino gaming machines when they were first introduced in New Zealand in 1988, until the introduction of the Gambling Act (2003). The Crown's failure to act in the duty of care and protection of Māori citizens is a breach of Article Three of the Treaty of Waitangi and has resulted in gambling machine venues proliferating throughout New Zealand mostly in areas of high deprivation and with high Māori populations (Herd, 2008).

The WAI-1909 claim is also known as the 'Pokies claim'. That is because the claim argues that Māori problem gambling statistics increased rapidly after Non-Casino Gaming Machines or Pokies were introduced into local bars and clubs. Dyall (2003, 2007, 2009) estimated that Māori problem gambling is two to three times higher than that of non-Māori and that for each problem gambler who is Māori; up to 7 others are negatively affected. The claim asserts that the Crown is responsible for their failure to care and protect Māori youth from the increased exposure to gambling opportunities and the resultant harm from problem gambling among *whānau*, *hapū*, *Iwi* and urban Māori communities. While my claim is not specific to my own *Iwi*, I can also testify as an individual who has witnessed the impacts of gambling through my work in the gambling field and I can also speak to the intergenerational impacts of gambling in my life. The preface chapter of my doctoral thesis may suffice as a testimonial as my research raised awareness of my experiences of gambling-related harm within my own *whānau*. There were numerous research reports generated from the work I did as a problem gambling project coordinator and two doctoral theses were produced since that time that may be used as evidence.

The background to my claim was the formation of a national gambling reference group named *Te Herenga Waka o Te Ora Whānau Trust* in 2001 by Māori health service providers in response to the growing crisis. Its role was to advocate for Māori Treaty rights in regard to the government's proposed gambling legislation known as the Responsible Gambling Bill. Leaders aimed to ensure that the government funded appropriate and

equitable services for Māori, especially women who by this time were calling the Gambling Helpline in greater numbers, disproportionately to Pākehā (NZ European) and migrant groups (Herd & Richards, 2004).

I had attended several meetings of the reference group prior to lodging my claim and raised the idea of developing a claim to the Tribunal. The Trustees asked me to draft a document and present it at a future meeting. I attended another meeting to formally table my request for support for the claim. The Trustees unanimously passed the motion to support the claim that was lodged by me on behalf of young Māori people who were "growing up with gambling". The claim registration number WAI 1909 was received the following year.

Over 2000 submissions were received by the Tribunal prior to the cut-off date. It appeared the government had only envisaged land-related grievances and had no idea what to do with claims around social issues and decided to group similar topics together as *kaupapa* (topical) inquiries. I received a copy of the memorandum of the Chairperson in 2015 informing me about the process that would be conducted in regard to my claim (Waitangi Tribunal, 2015). WAI-1909 was grouped with eleven other claims related to mental health, addictions and other social issues such as the *Mana Wahine* claim. The first *kaupapa* claims hearing was held in November 2019. This was a group claim WAI-2757 lodged by Māori health providers that relates to the provision of health services to Māori.

When I heard that the first *kaupapa* inquiry was underway I contacted the Tribunal to enquire as to the status of my claim. I was told that my claim was not included in this first round but it will be included in the schedule for the second *kaupapa* hearing. I also asked the Tribunal for financial support to prepare evidence for the hearing and named Dr. Lorna Dyall and Dr. Laurie Morrison as my co-researchers. These two colleagues reminded me that the Tribunal is like a lion with no teeth as it only has capacity to make recommendations to the government and compensation would not be offered in these *kaupapa* inquiries, as per the land claims that have reached financial settlements in various parts of the country. Nonetheless, they have both agreed to support the claim when it is time to present evidence to the Tribunal.

Historical Context

The historical context for the claim begins with the original settlers of these beautiful islands and the consequences of European settlement several centuries later. The first of two large islands discovered by Polynesian voyagers was named *Aotearoa* by Kupe's wife Hine-Te-Aparangi who caught sight of the clouds billowing across the horizon and called out "*He Ao! he Ao!*" ("A cloud! a cloud!") (McClintock, 1966). *Aotearoa* literally means "land of the long white cloud".

The first human occupants called themselves *tangata whenua* (people of the land). These Polynesian voyagers

adapted to the much cooler climate in comparison to the tropical islands of the central Pacific and had a complex social system based on shared cultural beliefs, practices and language. *Tohunga* (Seers) were the tribal knowledge keepers, healers and way-showers, including the navigators who were able to read the patterns of the currents and waves in relation to land, and use the positions of the stars, sun and moon and the movement of birds to guide ocean voyages across *Te Moana Nui a Kiwa* (the great ocean of Kiwa).

Aotearoa was governed by a social system based on two main concepts, *tapu* and *noa* (sacred and profane) and a third concept *rāhui* (restrictions) that monitored and controlled peoples' interactions with one another and the natural world. Māori observed these concepts in ceremonial and everyday life activities. Durie (2001) referred to this as the original Māori public health system and suggested that the concept of *rāhui* be adapted to protect people from the ravages of communicable diseases and addictions such as alcohol, drugs and gambling introduced by white settler populations to various parts of the world including New Zealand. While *Aotearoa* is still known as the Land of the long white cloud, some of us cynically also refer to it as "the land of the wrong white crowd".

From the middle of the 15th Century, European monarchies sent explorers to the far reaches of the planet and divided the riches amongst themselves using a mechanism called the "Doctrine of Discovery". This was a blueprint to colonize and conquer non-Christian peoples in order to gain access to the local resources by subjugating local people. If the colonisers were fortunate, they were met with minimal resistance from the natives. Where resistance was encountered, Treaties were written up and presented to leaders to sign to symbolize their agreement.

The first boatload of Europeans to map these islands, captained by Dutchman Abel Tasman, was enroute to find the great southern continent in the 17th century. Tasman named his discovery Staten Landt, thinking it was a landmass near the tip of South America. A cartographer Joan Blaeu later renamed it Nieuw Zealand after a place in Holland. A century later, Captain James Cook circumnavigated the two main Islands and renamed them New Zealand. The name was later transliterated as *Niu Tirenī* in the Māori language and was written as such in the Māori language version of *Te Tiriti o Waitangi*. It was not long before whalers, sealers and traders arrived from various parts of Europe, followed by missionaries of various Christian denominations. The missionaries and some of the chiefs were disturbed by the lawlessness and drunken debauchery that was taking place in Kororareka (now named Russell) and a plan was hatched to draft a Treaty to bring law and order to the new colony. A precursor to the Treaty was *Te Whakaputanga o Ngā Rangatira o Niu Tirenī* (also known as) the Declaration of Independence signed on October 28, 1835 by some thirty Northern

chiefs and a few from the South. Five years later it was superseded by another Treaty.

Te Tiriti o Waitangi/The Treaty of Waitangi was signed on February 6, 1840 between Māori chiefs and Lt. William Busby on behalf of the British Crown. The first of three articles gave the Crown the right to establish a government. The second article guaranteed Māori protection and the undisturbed possession of their lands, forests and fisheries and all their treasures, while at the same time gave the Crown preemption over any land sales. The third article also gave the Crown *kawanatanga* or governance and assured Māori equal rights as British citizens. The key difference between the Declaration and the Treaty was the wording. In the Declaration Tino Rangatiratanga (self-determination) was guaranteed while the Treaty used the term *Kawanatanga* (governance) instead.

Multiple copies of the Treaty were signed by over 500 hereditary chiefs around the country. The first English language treaty was only signed by about 50 individuals. The rest signed the Māori language version. There has been much controversy over the differences in the English and Māori versions of the Treaty and the various copies that were circulated following the signing of the first Treaty document in Waitangi.

There are key differences in the wording of the two versions of the Treaty that continues to be a bone of contention for Māori constitutional reformers such as lawyer Moana Jackson who argues that the Māori language version of the Treaty should be upheld instead of the English language version under the rule of *contra proferentem*, which is defined according to the Ontario Court of Appeal, with reference to *R v White*:

Further, if there is any ambiguity in the words or phrases used, not only should the words be interpreted as against the framers or drafters of such treaties, but such language should not be interpreted or construed to the prejudice of the Indians if another construction is reasonably possible (as cited in Suter, 2014, p. 5).

Several *Iwi* have argued that they never ceded *tino rangatiratanga* (self-determination or sovereignty) including Ngāpuhi, whose chiefs were among the first to sign *Te Tiriti O Waitangi*. The interpretation of the principles of *Te Tiriti* meant that the promises implicit in those principles were never honored and 181 years later Māori suffer a plethora of social issues brought about by the loss of land, language and identity and accumulated trauma. This has led to preventable chronic diseases including, so called "lifestyle" diseases such as diabetes and addictions including alcohol, illicit drugs, tobacco and gambling. The latter has affected a generation of young Māori who grew up with commercialized gambling among their *whānau*, *hapū*, *iwi* and urban

Māori communities (Herd, 2018). My claim relates to all of the articles and the inaction of the Crown to adequately protect our future generations from the harms of problem gambling.

Waitangi Tribunal

The Waitangi Tribunal is a permanent commission of inquiry and its role is to hear the grievances brought by Māori against the Crown - the co-signatory to the Treaty of Waitangi in 1840. The Tribunal was set up in 1975 following the historic *hiko*i - Māori Land March - in 1974. Led by the iconic matriarch Dame Whina Cooper, a few hundred people marched on foot from Te Hāpua at the northernmost tip of the North Island, and by the time they reached Parliament buildings in Wellington they were joined by thousands more. The *hiko*i leaders delivered a petition with the catch cry "not one more acre of land" to halt the continual sale of Māori land.

When the Waitangi Tribunal was initially formed there was no cap set on claims. It was not until the mid-1980s that the New Zealand government attempted to limit the total of the claims to one billion dollars. This was called the fiscal cap or envelope. The government's Māori members of parliament were tasked with introducing this cap to tribal claimants. Without exception the fiscal cap was met with disdain. While many *Iwi* welcomed the politicians with *haka* (made famous by our iconic rugby team the All Blacks), my *iwi* kinspeople *Te Ātiawa* recreated the welcome given to constabulary at Parihaka on November 5, 1881 (New Zealand History). On that fateful day in 1881, one thousand people from numerous tribal regions assembled in the courtyard awaiting the troops in the early hours of the morning. Their chiefs stood on a podium and warned them not to resist the constabulary³ (Scott, 1995). The contemporary demonstration of non-violent protest featured over one hundred young people who sat in silence on the ground with blankets draped over their shoulders and wearing a *raukura* (plume) of white albatross feathers in their hair. Sir Wira Gardiner, Minister of Māori Affairs at the time, who was part of the Fiscal envelope delegation at the time, referred to the protest action as "unnerving" (Douglas, 1996). The proposed Fiscal envelope was eventually abandoned.

The Tribunal has settled many historical claims across the country with *Iwi* and has now turned its attention to the 2000 contemporary claims lodged by groups and individuals. The National Government had set a cut-off date for historic claims up until September 1, 2008. This date was significant for the public health workforce as we had also chosen this date for a national Gamble Free Day.

³Constabulary were settler-soldiers, who took part in suppressing the rebellion of natives under the Rebellion Act (1881)

Māori and Gambling

Dice and card games were introduced to Māori by early whalers and traders. Gambling, defined as wagering or betting goods on the outcome of an event or game, was unknown among Māori prior to European arrival (Grant, 1994). *Ngā mahi- a-rēhia* referred to games and pastimes enjoyed by adults and children alike (Best, 1925). Since there was no form of gambling among Māori, there was also no name for gambling. *Tupono* is the closest word in our language that approximates risk taking but does not refer in itself to a game of chance. Gambling modes have expanded considerably since this time. *Housie* (Bingo), Lottery, Horse racing and Poker and other card games were and still are a popular pastime for many New Zealanders (Grant, 1994). The word used to describe gambling today is derived from the Māori language transliteration of betting – *petipeti*.

During my doctoral research I discovered a gaming story of my people of Te Ātiawa (Niwa, n.d.). This tribal narrative was carved in the gateway entrance to *Owae marae* (community gathering complex) and refers to a *teka*, a magical dart or gaming device that was known to have caused discord among the young men of a small community during an inter-tribal gaming contest. Although it was set almost 400 years in the past, the themes of this tribal historical narrative closely mirrored the findings of my doctoral study into modern Māori youths' perspectives on gambling among *whānau*, *hapū*, *iwi* and urban Māori communities.

In the early 1980s electronic gaming machines were introduced into New Zealand pubs and clubs from Australia. These so named "fruit machines" or "pokies" were imported by pubs and clubs and were largely unregulated until the Casino Control Act (1990). The Gambling Act (2003) integrates the Casino Control Act (1990) and the Gaming and Lotteries Act (1977) into a single act (Department of Internal Affairs, 2020).

The section of the Act called "Harm prevention and minimization regulations" was amended in March 2015 to tighten up the control of non-casino gaming machines in pubs and clubs. This was 12 years after the Gambling Act was passed into law and resulted in research that found this form of gambling to be extremely harmful for New Zealanders in general but for Māori almost double that of the general population (Dyall, 2003). Gambling research is currently funded by the Ministry of Health and informs the government's policy and planning in regards to the gambling legislation. Much of the research prior to 2003 was commissioned by the Department of Internal Affairs who still has responsibility for implementing the law in regards to compliance and licensing of gambling venues and casinos and managing the levy that the casino and community trusts pay each year.

The question of Indigenous gambling rights is far from settled in New Zealand. The Crown does not recognize Māori tribal groups' claims to sovereignty in the same way as that Native American Nations do under

the Indian Gaming Regulation Act (1988). Under *Te Tiriti o Waitangi*, Māori *hapū* were deemed to have signed away *tino rangatiratanga* (self-determination or sovereignty). However, in 2008 Lorna Dyall stated that Māori should have Treaty rights to establish casinos in their territories. Dyall's stance was heavily criticized by the late anti-casino lobbyist Maureen Waaka, who prevented the establishment of a casino in her local town of Rotorua, which is ironically known as RotoVegas, a popular holiday destination with a number of small gaming venues.

Auckland City's casino bid was contested by Ngāti Whātua, the *mana whenua* (local authority) of Tāmaki Makaurau (Original name of Auckland). The tribe lost out to Harrah's, a multi-national corporation. The Sky City Entertainment Group is now New Zealand owned and has floated public shares on the Stock Exchange. Under the Gambling Act (2003), *iwi* are unable to establish casinos independently from government. The WAI-1909 claim itself does not seek changes to the law in regard to Māori ownership of casinos as this will not turn back the clock in terms of the damage that has already been done. However, it will be a consideration when the time comes to present the evidence of the impact of commercial gambling industry on Māori families and youth (Levy, 2015).

Wahine Tūpono and Wahine Toa (Women who Stand in Truth and Warrior Women)

In 2001, I began work in the public health field as a gambling health-promoter on the Manukau Community Action Project for problem gambling. Manukau is situated in South Auckland, an area characterized by its low socio-economic status, and where a large percentage of the population is Māori and migrant peoples. The Gambling Helpline reported that a third of their callers were Māori women living in the Manukau area. There were very few services catering to this group at the time. While the women were not attending face-to-face counseling in great numbers, they were calling the 0800 number frequently as there was a Māori gambling helpline that employed several Māori women counsellors. Following a meeting with the Māori gambling helpline, a *Kaupapa Māori* programme was developed in collaboration with Māori women researchers, counselors and health promoters working in the problem gambling sector. The programme was named *Wahine Tūpono* (women who stand in truth). My role at the time was to incorporate health promotion messages and cultural interventions alongside a practicing addictions counselor. As a fledgling researcher, I had engaged with *Kaupapa Māori* Research theory through my university studies and also with *Mana Wahine* theory but had not seen the work of Indigenous Australian scholar Aileen Moreton-Robinson who explains her engagement with feminist standpoint theory in the following way:

We [indigenous women] are involved in a constant battle to authorize Indigenous knowledges and methodologies as legitimate and valued components of research. Furthermore, Indigenous scholars have engaged in and developed decolonizing strategies, but do not explicitly engage with or deploy feminist standpoint theory. (Moreton-Robinson, 2004, pp. 331- 332)

My doctoral research positioned three Māori women gambling researchers as *wahine toa* (warrior women). The protectors' role on the marae is usually reserved for men but in the years since the Waitangi Tribunal has been in operation, many Māori women have taken the lead in the claims processes. Māori women have also taken an active role in leading and development of problem gambling services around the country and are also taking the lead in their communities with regard to reducing gambling-related harm through the use of localized health promotion messages. There have been conflicts between these localized approaches and the national health promotion campaigns designed by non-Māori. These Māori women have prevailed by refusing promotional materials that did not meet their requirements and continuing to design and deliver their own unique messages to their communities in ways that the communities are able to understand.

We as Māori women are critically aware of our power as a collective and actively engage in strategies to support other Māori women working in the field in order to effectively help our people (many of them women) experiencing gambling-related harm. I was inspired by the two doctoral candidates who worked alongside us and I later completed my own study on the educational experiences of women who contributed to the development of the programme (Herd, 2005) and published an article on *mana wahine* and *tinu rangatiratanga* (Herd, 2006). I interviewed some of the developers of the *Kaupapa Māori* programme and several participants of the group and analysed the data utilizing a *Mana Wahine* (women's influence) discourse framework developed by Linda Tuhiwai Smith (1992). The framework engages with four key sites of struggle for Māori women, namely *wairua* (spirituality), *whānau* (extended family), the state (including schools and the church), and also Māori vs. white women's discourses. Māori women academics have developed *Mana Wahine* theory as a kaupapa Māori form of feminism (Pihama, 2001 as cited in Stewart, 2021).

The research found that a few of the women participants and the programme developers did not finish high school and left school without any qualifications. Some also left school due to adverse family circumstances including the death of their mothers. Some had dysfunctional relationships with their mother and left home while still very young. Most were now mothers themselves and spoke about breaking the intergenerational cycles of family violence

and how they struggled to overcome addictions of various kinds. Most of them did not recognize gambling as an addiction and instead referred to it as their "time out" from stressful family situations and overwhelming responsibilities. All of these situations are risk factors for gambling and documented by researchers in numerous gambling research reports (Dyall, 2003, 2004, 2005, 2009; Herd & Richards, 2004; Morrison, 2008, 2011, 2013a, 2013b).

The Wahine Tūpono programme ran for over four years from a community house in Otara, working with locals who were keen to see gaming venues banned from the Otara Town Center. They formed a community action group with this goal in mind and started a petition. The outcome of this petition and community action work was that the Manukau City Council approved a 'sinking lid' policy whereby if a gaming venue closed, the machines could not be relocated to another venue in the same area. A formative evaluation of the project was conducted (Williams & Moewaka-Barnes, 2002) and the action group and support group were seen as a great success by the local community.

Tirohanga Taiohi – Māori Youth Perspectives on Gambling

As a Māori research fellow for the Youth2000 project of the Adolescent Health Research Group at the University of Auckland, I focused on adolescent and young people's health and wellbeing in regard to gambling. I was involved in the pilot testing of an existing questionnaire with young people (Rossen, 2008). The findings for youth gambling were inconclusive, perhaps because there were more pressing issues for young people at that time and because participants were not questioned about the extent of close family members' gambling. I decided a few years later to focus my research on young urban Māori perspectives of gambling among *whānau*, *hapū*, *iwi* and urban Māori communities.

Recruitment was done through local community groups and through Māori media networks. I had great support from my community networks, friends and family, one of whom became my research assistant. Between us, we managed to recruit 22 young people between the ages of 16 to 24 years old, who took part in small focus groups. In each group, the young people were known to one another and were either friends, work colleagues or members of a family group. The cohorts were drawn from a range of backgrounds and included some who were students at university and at school, or employed. All identified as Māori and most had grown up outside of Auckland. Two participants identified as *mana whenua* (local tribal authority). Interviews took place in homes, schools, community service providers' premises or *marae* (community gathering place).

It took me over eighteen months to complete the interviews with the youth participants. After each focus group, I wrote reflections in my journal as each set of

interviews would trigger some memories of my own adolescence when I accompanied my mother to Housie (Bingo) two or three nights during the week and often on the weekends as well. I wrote about my experiences in the preface of the thesis. Three major themes were identified in the study and named using participants' quotes:

- 1) Gambling: It's a fact of life;
- 2) We are our own worst enemy; and
- 3) Young people just want support.

Each theme had three sub- themes that related to the main theme. The first theme spoke about the normalization of gambling amongst families and within communities. Some spoke about the fundraising activities that enabled them to take part in outdoor adventure activities, sports trips or *kapahaka* (traditional performing arts). *Taiohi* also spoke about casual betting on sports games, attending events where gambling was taking place and going out to socialize with friends only to find themselves in a gaming venue.

The second theme "We are our own worst enemy" was based on the views of *taiohi* who worked in gaming venues or who witnessed other family members or colleagues who were gambling excessively. They reported that often family members appeared to be spending a long time in the venue and would only leave when they had exhausted all cash or credit facilities. The third theme was about young people who were engaged in alternative activities, and talked about teachers or sports coaches, leaders and/ or mentors in their community who made a huge difference in their lives.

In an interview with Darrel Maniowabi (featured in this special issue) Sheila Wahsqonaikezhik spoke about her observations of First Nations young people she worked with in remote communities who understand gambling in the wider context of their everyday lives (Maniowabi & Wahsqonaikezhik, 2021). My findings were similar. The *taiohi* who spoke with me did not necessarily view gambling as a problem that needed fixing. My research revealed that *taiohi* are resilient and adapt quickly when faced with problem gambling among their *whānau* members, seeking help they need from teachers, guidance counselors and coaches from their community or at school (Herd, 2018). I translated my results into a generic model called TEKA. This is an acronym of the name of the magic dart used in the *Pakiwaitara* (historical narrative) by the protagonist in search of his identity, a sense of belonging and a home.

Conclusion

A key question was asked at the beginning of this article: How will the treaty claim improve the health outcomes of a generation of young Māori who have been exposed to commercial gambling's aggressive and targeted expansion and marketing? When I started

on my research journey, I had read initial articles by Lorna Dyal (2004, 2005, 2009) who described legalized gambling as a social hazard for Māori and a poisonous chalice for Indigenous peoples globally, and later on we co-authored a paper on housework as a metaphor for public health action (Dyal et al., 2012) due to the Crown's inability to clean up the mess it has made with commercial gambling.

Sadly, I do not believe the claim by itself will improve health outcomes for those *taiohi* impacted by problem gambling now or in the near future, because the government is dependent on revenue from gambling and will continue to allow commercialized gambling in New Zealand. This is unlucky for those *whānau, hapū and Iwi* members and the urban Māori communities who are undoubtedly footing the bill for this dependence. My doctoral research findings were hopeful that *taiohi* were resourceful and able to seek support within their communities for gambling-related harm.

Research findings by Abbott et al. (2018) has shown there has not been a decrease in the prevalence of Māori problem gambling in over 25 years. The onus therefore, remains with the New Zealand government as the representative of the Crown, to consider the unequal burden of gambling-related harm that is placed upon its citizens of Māori descent and seek ways to address this issue in partnership with their Treaty partners. The New Zealand government has paid out over a billion dollars in compensation to the Waitangi Tribunal claimants since it began 45 years ago. Many *Iwi* have invested their settlement funds well and are increasing their self-determination by providing social services, housing and education programmes to support their people. Raising awareness of problem gambling as an issue before the Waitangi Tribunal will also highlight the various harms of gambling that has impacted our people through generations and as a problem that the *Iwi* are now building capacity to address through social investment in their descendants. A few of the current *Iwi* and urban Māori service providers are delivering gambling harm-reduction programmes.

WAI-1909 will get a hearing eventually. I may not be happy with the outcome but I am looking forward to exercising my rights as an equal citizen of New Zealand under Article Three of *Te Tiriti O Waitangi*.

Glossary⁴

Aotearoa	Māori name for New Zealand
Haka	A form of dance used by men prior to battle (or sports games)
Hapū	Extended family grouping
He ao	A cloud
Hiko	Walk, march in protest
Iwi	Nation, descendants of an eponymous ancestor
Kaupapa	Topic, agenda, purpose
Mana	Influence, personal prestige and dignity
mana whenua	Local people with authority over a district
mana wahine	Prestige, dignity of women
Ngā Mahi a Rēhia	Games and pastimes
Noa	Ordinary
Pakiwaitara	Historical narrative
Pepeha	Personal introduction using landmarks as reference
Petipeti	Betting (transliteration)
Pokies	Electronic gaming machines
Rāhui	Restriction, ban
Raukura	Hair adornment made from feathers
Te Tiriti o Waitangi	The Treaty of Waitangi (1840)
Taiohi	Youth, young person, adolescent
Tangata whenua	The indigenous people
Tapu	A set of laws that protect people from danger
Teka	A dart used for gaming and in ceremonial rituals
Tikanga	Rules, regulations
Tino Rangatiranga	Self determination
Te moana nui a Kiwa	The vast ocean of Kiwa (an early explorer).
Tohunga	Knowledge keeper, medicinal healer, navigator
Tūpono	Chance or risk taking
Wahine	Woman
Wahine toa	Warrior woman
Wahine Tūpono	Women who stand in truth
WAI-1909	The 'Pokies' claim
Whānau	Family group
Niu Tireni	New Zealand (transliteration)

⁴ Māori words have been italicised in the text. Names are in plain text.

References

- Abbott, M., Bellringer, M., & Garrett, N. (2018). *New Zealand National Gambling Study: Wave 4* (2015). Report number 6. Auckland: Auckland University of Technology, Gambling and Addictions Research Centre.
- Aotearoa, from An Encyclopaedia of New Zealand, edited by A. H. McLintock, originally published in 1966. *Te Ara - the Encyclopedia of New Zealand*. <http://www.TeAra.govt.nz/en/1966/aotearoa>
- Best, E. (1925). *Games and pastimes of the Māori*. A.R. Shearer, Wellington. New Zealand.
- Casino Control Act. (1990). New Zealand.
- Department of Internal Affairs. *Gambling Laws*. Wellington, New Zealand. <https://www.dia.govt.nz/Gambling-legislation-laws>. Retrieved 14 December 2020.
- Dyall, L., & Morrison, L. E. (2002). Māori, The Treaty of Waitangi and gambling. In Curtis B (Ed.), *Gambling in New Zealand*. Palmerston North, New Zealand: Dunmore Press.
- Dyall, L. (2003). *Kanohi ki te kanohi: A Māori face to gambling*. (Doctor of Philosophy Unpublished PhD thesis), University of Auckland, Auckland, New Zealand. <https://researchspace.auckland.ac.nz/handle/2292/3123>
- Dyall, L., & Herd, R. A. (2004). Māori. In John Raeburn & Ruth. A Herd (Eds.), *Te Ngira: A workplan*. Palmerston North, New Zealand: Problem Gambling Purchasing Agency.
- Dyall, L. (2004). *Community action and tino rangatiratanga: Can this be achieved in New Zealand?* Paper presented at the Child Poverty Action Group, Wellington, New Zealand.
- Dyall, L. (2005). Gambling: A social hazard. *Social Policy Journal of New Zealand/Te Puna Whakaaro*, 21, 22-40.
- Dyall, L. (2007). Gambling, social disorganisation and deprivation. *International Journal of Mental Health and Addiction*, 5(4), 320-330. <https://doi.org/10.1007/s11469-007-9085-5>
- Dyall, L. (2009). Gambling: A poisonous chalice for indigenous peoples. *International Journal of Mental Health and Addictions*, 8, 205-213. <https://doi.org/10.1007/s11469-009-9212-6>
- Dyall, L., Hawke, Z., Herd, R. A., & Nahi, P. (2012). Housework metaphor for gambling public health action: An Indigenous perspective. *International journal of mental health and addiction*, 10(5), 737-747. <https://doi.org/10.1007/s11469-011-9370-1>
- Dyall, L., Thomas, Y., & Thomas, D. (2009). *The impact of gambling on Māori*. Paper presented at the Nga Pae o Te Maramatanga., Auckland, New Zealand.
- Durie, M. (2001). *Mauri Ora: The dynamics of Māori health*. Oxford University Press, Dunedin, New Zealand.
- Douglas, T. K. (1996). Return to sender: What really happened at the Fiscal Envelope Hui? *Wira Gardiner. He Pukenga Korero*. Kōanga (Spring) 2(1).
- Gambling Act*. (2003). New Zealand.
- Gambling (Harm Prevention and Minimisation) Regulations. (2004). New Zealand. <http://www.legislation.govt.nz/regulation/public/2004/0276/latest/DLM283934.html> retrieved 4 Dec, 2020.
- Grant, D. (1994). *A history of gambling and lotteries in New Zealand*. Victoria University Press, Wellington. New Zealand.
- Herd, R. A., & Richards, D. (2004). Wahine tupono: A kaupapa Maori intervention programme. *Problem gambling: New Zealand perspectives on treatment*. In Tan, R. & Wurtzburg, S (Eds.). Christchurch, New Zealand: Steele Roberts in association with Pacific Education Resources Trust. 172-181.
- Herd, R. A. (2005). *Wahine Tupono: A kaupapa Māori intervention programme*. (Master of Education), University of Auckland, Auckland, New Zealand.
- Herd, R. A. (2006). Mana wahine me te tino rangatiratanga: Māori women's dignity and self determination. *Te Komako, Hotoke*, 14-21. <https://anzasw.nz/wp-content/uploads/Te-Komako-Winter-2006-Articles-Herd.pdf>
- Herd, R. A. (2008). *Claim to the Waitangi Tribunal Māori problem gambling*.
- Herd, R. A. (2018). *Tirohanga Taiohi: Taiohi perspectives on gambling among whānau, hapū, iwi and urban Māori communities*. (DHSc Unpublished doctoral thesis), AUT University, Auckland, New Zealand. <http://hdl.handle.net/10292/11675>
- Indian Gaming Regulatory Act* (1988). Statute. <https://www.govinfo.gov/content/pkg/STATUTE-102/pdf/STATUTE-102-Pg2467.pdf>
- Levy, M. (2015). *The impacts of gambling for Māori families and communities: A strength-based approach to achieving Whānau Ora*. Pou Tuia Rangahau, Te Rūnanga o Kirikiriroa. Hamilton.
- Manitowabi, D., & Wahsquaonezhik, S. (2021). "This is not about gambling, it's about our lives": An Interview with Sheila Wahsquaonezhik. *Critical Gambling Studies* 2, 159-165.
- Ministry of Health. (2002). *He korowai oranga - Maori health strategy*. Wellington, New Zealand: Ministry of Health.
- Moreton-Robinson, A. (2013). Towards an Australian Indigenous women's standpoint theory: A methodological tool. *Australian Feminist Studies*, 28(78), 331-347. <https://doi.org/10.1080/08164649.2013.876664>
- Morrison, L.E. (2008). *Maori women and gambling: Every day is a war day!* (Master of Psychology), University of Waikato, Hamilton, New Zealand. <https://researchcommons.waikato.ac.nz/bitstream/handle/10289/2537/thesis.pdf>
- Morrison, L.E. (2011). Māori women and gambling: A social issue for Māori communities and Whānau Ora. In T Macintosh & M Mulholland (Eds.), *Māori and Social Issues* (Vol. Special issue 12). Wellington, New Zealand: Huia Publishers. 187-207.
- Morrison, L.E., Lyndon-Tonga, L., & Bolton, A. (2013a). Reversing the harmful effects of gambling in Indigenous families: The development of the Tu Toa Tu Maia intervention. *Pimastiwini: A Journal of Aboriginal and Indigenous Community Health*, 11(2), 255-268.
- Morrison, L.E., & Wilson, D.L. (2013b). Ngā Pou Wahine: A framework of empowerment for Māori women and gambling misuse. *MAI Journal*, 2(2), 91-104.
- New Zealand History. *Orakau*. retrieved 16 December 2020. <https://nzhistory.govt.nz/keyword/orakau>
- Niwa, J. No date. Pamphlet on the story of the gateway at Owae- Whai Tara marae.
- Rossen, F. (2008). Adolescent gambling in New Zealand: An exploration of protective and risk factors. Thesis (PhD, Behavioural Science) University of Auckland.
- Scott, D. (1995). *Ask That Mountain: The Story of Parihaka*. Penguin Books Ltd. New Zealand.
- Smith, L, T. (2019). Māori Women: Discourses, Projects and Mana Wahine. (Eds) Pihama, L. Smith, L.T., Simmonds, N. Seed-Pihama, J. and Gabel, K. *Mana Wahine Reader: a collection of writings 1987-1998 Volume I*. Te Kotahi Research Institute Hamilton, Aotearoa/ New Zealand. 39-52. <http://www.puketeraki.nz/site/puketeraki/Mana%20Wahine%20Volume%201.pdf>
- Stewart, G. T. (2021). Academic-Māori-Woman: The impossible may take a little longer. *Educational Philosophy and Theory*. 1-6. <https://www.tandfonline.com/doi/full/10.1080/00131857.2021.1892484>
- Sykes, A. (2020). Personal communication <https://www.facebook.com/asykes61/posts/10224070556808830>
- Suter, B. (2014). The Contra Proferentem rule in the reports of the Waitangi Tribunal. *The Waitangi Tribunal and New Zealand Legal History*. LLM Research paper. Laws 547. Faculty of Law, University of Victoria. New Zealand. <https://core.ac.uk/download/pdf/41339669.pdf>
- Treaty of Waitangi Act*. (1975). New Zealand.

- Waitangi Tribunal. (2015). Memorandum of the Chairperson regarding the Kaupapa Inquiry Programme. 1 April 2015. <https://waitangitribunal.govt.nz/assets/Documents/Publications/WT-Kaupapa-Inquiry-Programme-Direction.pdf>
- Waitangi Tribunal. (2020). Meaning of the Treaty: A Treaty of two texts. Retrieved 16 December, 2020. <https://waitangitribunal.govt.nz/treaty-of-waitangi/meaning-of-the-treaty/>
- Williams, L. and Moewaka-Barnes, H. (2002). *Evaluation of the Manukau Community Action Project for Problem Gambling*. Auckland, New Zealand. Massey University: Te Ropu Whariki.

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