



Te Kaunihera Māori o Aotearoa
New Zealand Māori Council

26 August 2013

He Panui

Tena koutou

Nationwide consultation on the Crown's review of the Community Development Act commences in September 2013, at a time when the New Zealand Māori Council is challenging Crown action on a number of issues vital to Māori rights and interests. These include rights to water, to the radio spectrum, to the benefits of the Crown Forestry Rental Trust, to citizenship and electoral rights and to provide safety to Māori communities through the Māori Wardens.

The Council is concerned that the timing of the consultation process when these cases are pending and the exclusion of the Council as a partner in the consultation process puts at risk the Council's work of advocating for and protecting Māori communities. Details about the Council's current and past action to protect Māori rights and interests are attached to this letter.

This letter encourages you either to attend the consultation hui www.tpk.govt.nz/en/consultation/mcda/ or to relay your views to the Council Secretary, Karen Waterreus (karen@maoricouncil.com).

The unique feature of Council is its statutory mandate to work for and on behalf of the greater Māori community. Council works for all Māori, wherever we are and wherever we are. Council still has a job to do to protect Māori rights and interests and must remain in existence.

Ngā mihi

Maanu Paul
Co Chair

Sir Edward Taihākurei Durie
Co Chair

Current NZ Maori Council action to protect Māori rights and interests

Water

Council is promoting the recognition of Māori rights in water. In the first stage of the claim last year, the Waitangi Tribunal agreed with Council, but the Crown announced it would ignore the findings. After High Court and Supreme Court hearings, the Crown was allowed to sell shares in Mighty River Power on the basis of undertakings from the Crown that Māori claims to freshwater would be addressed. Council is currently engaged in Stage Two of the Tribunal hearings.

Radio Spectrum

Council is seeking recognition that Māori have developmental rights in the spectrum. The Crown has offered Māori \$30 million for a resource estimated to be worth \$4 billion. Council and co-claimants have rejected this and have returned to the Tribunal.

Wardens

Nationally the Wardens are in disarray after the Crown intervened in the Council's statutory mandate to administer the Wardens. Council is seeking clarification from the courts on whether the Crown is acting unlawfully in withholding resources set aside for the Wardens.

Crown Forestry Rental Trust

The Trust was established as a result of the Council's actions. All funds were to be used for claimants, by claimants in ways determined by claimants. This is no longer the case. Funds are now being used in ways that are contrary to the Trust Deed and in ways that undermine the rangatiratanga of the claimant groups. Council is seeking clarification through the courts that Māori rights are not being trampled upon.

Māori Electoral Rights

This year for the first time, Enrolment Services was awarded the contract to enrol Māori voters during the Māori Electoral Option. The result is a significant drop in the numbers of Māori enrolments compared to 2001 and 2006 when enrolments were done by Māori organisations. Council is preparing to take the Crown back to the Tribunal to review the way the Māori Electoral Option has been run this year.

NZ Maori Council's Achievements

For 50 years Council has challenged governments to protect Treaty rights.

Māori Fisheries

Council and iwi leaders successfully negotiated with the Crown leading to the 1989 Māori Fisheries Act and the 1992 Sealords Act together valued at \$700 million. To date \$526 million transferred to iwi.

Māori Land Review

Council led the reform of Māori Land which resulted in the Ture Whenua Māori Act 1993.

Resource Management Act

The Council led the reform of planning laws beginning with the recognition of the Māori association with their ancestral land as a matter of national importance even before the Resource Management Act was established.

Land Banks Created

In 1987 Council took a court case to stop the Crown transfer of assets that had been given by Māori for use by government to state owned enterprises (essentially private companies). Land banks were created and Council negotiated for the Tribunal to make orders on government to stop sales.

Crown Forestry Rental Trust set up

Following the Council's High Court action to prevent the sale of Crown forests subject to Māori Claims the Council established a protective mechanism to prevent the sale of forests. The Crown Forestry Rental Trust set up to assist claimants with research resulting in \$160,740,000 received by claimants with a further \$385,000,000 held in securities.

21 Māori Radio Stations Set up

In 1992 Council took the Crown to the Court of Appeal and then to the Privy Council to appeal the transfer of Broadcasting assets. As a result of Council negotiations, Te Mangai Paho was set up to fund Māori language programming and 21 Māori radio stations provide services to their communities. Te Mangai Paho now spends \$55 million a year to support Māori language programming.

Māori Television Set up

Council forced the Crown to honour its promises of 1993 to set up Māori Television. Close to half a billion dollars has been invested in Māori Television over the past eleven years.

Māori Electoral Option

Council took the Crown to the Tribunal for not upholding Māori citizenship rights as included in the Electoral Act 1991. As a result funds were made available for Māori organisations to enrol Māori and let them know that the electoral option was on. The number of Māori seats increased from four to seven

MCDA Consultation

| Location | Date | Time | Venue | Address |
|------------------|--------------------|--------------|---|--|
| Kaitaia | Tues 3 September | 9-11am | Te Paatu Marae | State Highway One Pamapurua |
| Kaikohe | Tues 3 September | 4-6pm | Kohewhata Marae | 6869 Mangakahia Road, Kaikohe |
| Whangārei | Wed 4 September | 8.30-10.30am | Whangarei Terenga Paraoa Marae | Porowini Avenue, Whangarei |
| Auckland (North) | Wed 4 September | 4-6pm | Orakei Marae | 59b Kitemoana Street, Orakei |
| Auckland (South) | Thurs 5 September | 8.30-10.30am | Te Puea Marae | 41 Miro Road, Mangere |
| Palmerston North | Thurs 5 September | 4-6pm | Kingsgate Hotel | 110 Fitzherbert Avenue, Palmerston North |
| Whanganui | Tues 10 September | 8-10am | Te Taura Whiri Building (TPK Office) | 357 Victoria Avenue, Whanganui |
| New Plymouth | Tues 10 September | 2-4pm | Mururaupatu Marae | Te Arei Road, R.D. 3 |
| Hamilton | Weds 11 September | 8-10am | Rangiaowhia Marae | TWOA, Raroera Campus, Te Rapa |
| Rotorua | Weds 11 September | 1-3pm | Te Papaiouru Marae | Ohinemutu |
| Christchurch | Thurs 12 September | 8-10am | Twiggers | Addington Raceway |
| Nelson | Thurs 12 September | 2.30-4.30am | Whakatu Marae | 99 Atawhai Drive, Nelson |
| Lower Hutt | Tues 17 September | 9-11am | Waiwhetu Marae | Puketapu Grove, Waiwhetu, Lower Hutt |
| Porirua | Tues 17 September | 2-4pm | Takapuwahia Marae | 2 Nohorua Street, Porirua |
| Dunedin | Weds 18 September | 8-10am | Arai I te Uru Marae | 24 Shetland Street, Dunedin |
| Invercargill | Weds 18 September | 2-4pm | Te Tomairangi Marae | Eye Street, Invercargill |