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E nga rangatira o Te Puni Kokiri, tena koutou.

I have read the TPK *Discussion paper on proposed changes to the Maori Community Development Act 1962*; the TPK *The Maori Community Act – Options for change*; and the press statement by Hon Pita Sharples "No hidden agenda in public consultation on Maori Community Development Act 1962."

I now offer a personal submission. Although the TPK documents appear to be directed exclusively to Maori, I would assert that a healthy Treaty of Waitangi-based relationship between the Crown and Maori is a matter of constitutional importance for all New Zealanders. Hence as a tangata Tiriti with a long term commitment to Treaty issues I offer my comments on the options for change. I offer no comments on the options concerning Maori Wardens nor on the no longer operating Community Officers. I do have some strong views on the future of the New Zealand Maori Council.

At the outset I observe how difficult it has been for Maori over many generations to be taken seriously at the national level on a pan-tribal basis. The enormously successful Maori War Effort Organisation was refused recognition in the immediate aftermath of World War Two. It was thought wonderful that Maori from all iwi should combine their efforts to support the Maori Battalion and the war effort generally, but in peace time the Government swiftly reverted to its total centralised control over Maori Affairs through the Department of Native, then Maori Affairs or Maori and Island Affairs. The 1962 Act was a momentous breakthrough in recognising not just marae level, district level or tribal level structures but also a national level of representation for Maori as a whole. It was no doubt true that the Labour Party wished its four Maori constituency members of that time to be seen as representative of all Maori but they always operated as Labour Party members. That sort of difficulty remains to this day. There are a significant number of Maori who are MPs in the current Parliament but they are more or less (usually more) obliged to put the interests of their political party and the orders of their whips first and foremost, rather than seek to speak to the national interests of Maori as a whole. There are many occasions when it is necessary for a wider perspective on behalf of Maori as a whole to be advanced in national debates. The New Zealand Maori Council, especially since its famous efforts in the *SOE Lands Case* in 1987, has fulfilled that role with great determination and some significant successes along the way. As we move into the post-Treaty Settlements era there are now many mandated Post-Settlement Governance Entities that represent iwi/hapu. But they are just that – representatives of iwi/hapu. In recent years the Crown has sought to devise its own arrangements for pan-tribal consultations through groups such as Iwi Leaders Forums or Groups. In my view this is constitutionally unacceptable. Rangatira mandated for tribal leadership have no mandate for pan-tribal leadership unless some mantle of authority is bestowed on them by Maori from iwi other than their own. In some special circumstances ariki such as those of Kingitanga and Ngati Tuwharetoa have achieved some form of mandate on national issues. But there is no ongoing structure to support that and the

experiment with the National Maori Congress (including also the head of the Ratana Church) was unable to be self-sustaining.

I would wish to insist as a tangata Tiriti Pakeha that the Crown has no constitutional right to pick and choose with whom it will consult, and on which issues. There must be a vibrant national Maori organisation. If the NZ Maori Council needs to lift its operational and functional capacities, then that may be well and good. But it is for Maori to go about that work – not for the Crown to undercut the Council and strip it of its current wide ranging brief to engage in national Maori issues and concerns. The Council needs to be properly funded to carry out its work and the source of that funding needs to be negotiated in good faith.

My answers to the Options questions are as follows:

Yes - there is a need for a national pan Maori advocacy and leadership body such as the NZ Maori Council.

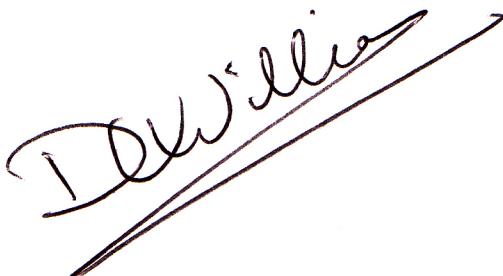
Yes – the NZ Maori Council should continue to do its national advocacy work.

No - to the option that a new refocused national Maori organisation should concentrate only on community social issues. Indeed community social issues is precisely an area in which mandated local iwi entities should be further empowered rather than national entities.

As to whether the Council structures are streamlined or modified in some ways – that is a task of revitalisation and renewal for the Council itself to pursue. It is not the Crown's business in general, or TPK's business in particular, to dictate how reforms may be implemented.

Noho ora mai ra.

Na,

A handwritten signature in black ink, appearing to read "Dr David V Williams". The signature is fluid and cursive, with the "D" and "V" being more distinct at the beginning.

Dr David V Williams
Professor of Law