



Waitangi Tribunal

Te Rōpū Whakamana i te Tiriti o Waitangi
Kia puta ki te what ao, ki te ao mārama

1 October 2013

Wai 2417/0

C/- Donna Hall
Woodward Law Offices
PO Box 30-411
Lower Hutt

Tēnā koe

REGISTRATION OF NEW CLAIM – WAI 2417

We are pleased to advise you that your claim filed with the Waitangi Tribunal on 27 September 2013 was registered on 1 October 2013.

Your claim has been allocated the reference number Wai 2417 and is titled 'The New Zealand Māori Council Māori Community Development Act Claim. Please use this Wai number when referring to the claim in all communications relating to it.

Please find enclosed a copy of the direction registering your claim. Those parties who have an interest in your claim will receive notice of its registration in due course.

If you require any further information regarding the claim please do not hesitate to contact me on DDI (04) 914 3011 or e-mail: james.skinner@justice.govt.nz. In any case, the Claims Co-ordinator now processing the claim will be in contact with you.

Nāku noa, nā

James Skinner
Registrarial Assistant
WAITANGI TRIBUNAL

WAITANGI TRIBUNAL

Wai 2417

CONCERNING

the Treaty of Waitangi Act 1975

AND

a claim by Cletus Maanu Paul,
Sir Edward Taihakurei Durie,
Desma Kemp Ratima and
Anthony Toro Bidios

MEMORANDUM-DIRECTIONS OF THE CHAIRPERSON

The Registrar will please enter this matter on the register of claims and give it the next available Wai number. The claim was received on 27 September 2013.

The claimant should please take note of the 'Wai' number reference at the top of the page. Please use this claim number in any communication with the Tribunal.

This claim is lodged by Cletus Maanu Paul and Sir Edward Taihakurei Durie, co-chairs of the New Zealand Māori Council (NZMC) and chairs of the Mataatua and Raukawa District Māori Councils respectively; Desma Kemp Ratima, chair of the Tākitimu District Māori Council and chair of the NZMC's Wardens committee; and Anthony Toro Bidios, chair of the Te Arawa District Māori Council and co-claimant for Ngāti Rangiwewehi in the NZMC's Water Claim. The claimants bring this claim on behalf of themselves, the groups to which each belong and for Māori generally.

This claim concerns the reform of the NZMC and the administration of Māori Wardens. Firstly, the claimants allege that they, the groups to which they belong and all Māori are prejudiced by the acts of the Crown in seeking to reform the NZMC and Māori Wardens. They also allege that the current consultation process is inconsistent with the principles of the Treaty of Waitangi, having regard to the historical Crown-Māori relationship, principles of self-government, and the principles of the UN Declaration on the Rights of Indigenous Peoples.

Secondly, the claimants allege that the acts of the Crown in administering Māori Wardens are contrary to the principles of the Treaty of Waitangi, in that they are unlawful and diminish the authority of the NZMC to undertake that function and are prejudicial to Māori in that they subvert an important aspect of Māori self-governing rights.

Thirdly, the claimants allege that the timing of the consultation is contrary to the principles of the Treaty of Waitangi in that the decision was not made in good faith in the circumstances and was prejudicial to the NZMC in undermining its business.

The claimants seek findings in their favour, recommendations on how the Crown and Māori might proceed in a Treaty compliant manner, and a specific recommendation for the phased return of the administration of Māori Wardens to the NZMC.

The claimants may amend this claim at a later stage. In any case the Tribunal will require the claimants to prepare a fully particularised statement of claim before the claim can be heard.

When the time comes for the claim to be prepared for hearing, the Tribunal will decide whether there are any matters in the present claim that the Tribunal may not inquire into. The claimant needs to be aware that there are some matters that the Tribunal is not allowed to inquire into, such as any Bill that has been introduced into Parliament (unless the Bill has been referred to the Tribunal under section 8 of the Treaty of Waitangi Act 1975). Also, when historical claims are settled, the settlement legislation usually forbids the Tribunal from inquiring further into the matters that have been settled.

The Tribunal runs a district inquiry programme, where claims are grouped by district. This claim, however, does not relate to a specific geographical area and is categorised as a 'generic issue' or 'kaupapa' claim. It is currently unclear how or when the Tribunal will inquire into claims that fall within this category. More information will be issued about this when a plan is made.

The claimants also need to be aware that the Tribunal does not make settlements. After the Tribunal has completed an inquiry into claims, it writes a report making recommendations to the Crown. It cannot tell the Crown what to do; it may only recommend that the Crown acts to address the negative consequences of its breaches of the principles of the Treaty.

The Registrar is to send a copy of this direction to the claimants and to:

- Crown Law Office;
- Office of Treaty Settlements;
- Crown Forestry Rental Trust;
- Legal Aid Services; and
- Te Puni Kōkiri;

Any questions about the contents of this document should be directed to The Registrar, Waitangi Tribunal, DX SX 11237, Wellington; phone (04) 914 3000, fax (04) 914 3001; email wt.registrar@justice.govt.nz.

DATED at Wairoa this 1st day of October 2013



Chief Judge W W Isaac
Chairperson

WAITANGI TRIBUNAL