



Statement on proposed changes to the Maori Community Development Act 1962

Introduction

The New Zealand Maori Council is not making a detailed submission on the proposed changes to the Maori Community Development Act 1962 as it is Council's view that the process for developing the discussion paper and the consultation hui is wrong. Council's reasons for this position are set out in our claim to the Waitangi Tribunal (Wai 2417 attached).

In summary, the Māori Community Development Act 1962 gave effect to an agreement to recognise a measure of Māori self-government through the Māori Council system. This included a national body to represent Māori interests generally, and District Councils, with wardens and community officers, to promote Māori development at a local level. The Council's Waitangi Tribunal claim is against the reform of the Act, with the prospective loss of the Council system, by a process led exclusively by the Crown.

Agreements that settle historic claims with Māori cannot be changed by one side alone. If reform is needed, the reform process should be agreed and should fit with the Treaty of Waitangi and the United Nations Declaration of the Rights of Indigenous Peoples.

1999 Review of the Maori Community Development Act

While recent consultation process was promoted as the "first comprehensive public consultation on the Maori Community Development Act since it was enacted...", at the 3 September 2013 Te Paatu Marae consultation hui, Mr Ian Peters spoke about his 1999 report to the then Minister of Maori Affairs, the Hon Tau Henare. The Peters' report had been prepared following distribution of a Cabinet-approved discussion document to 11,100 organisations and individuals, a series of 36 hui, consideration of 79 submissions and subsequently a series of focus groups convened by the Minister. A copy of the Peters' report is attached.

Observations at Consultation Hui

Council received written and oral feedback from people attending all the consultation hui (apart from Invercargill). This feedback shows that the vast majority of those speaking at the hui argued to keep the Maori Community Development Act, for Maori Wardens to remain with the New

Zealand Maori Council and for the restoration of Community Officers as intended in the Act. This feedback reinforces the position of the New Zealand Maori Council set out below.

The Council's position

With changed circumstances in 1962, Council invites reform but says:

- Māori autonomy is not located in one place. Council, Urban Groups and Iwi Leaders all have a role.
- Official recognition is critical for credibility within the organs of government.
- Māori should develop its kaupapa or position, the Crown should develop its, and the two should be negotiated under the mana of the Treaty.
- The Wardens should continue to be appointed by communities and kept accountable to them under the Council system. Their original purpose, to bring problems and issues before community committees, should be restored. They should have no police powers. These are old kaupapa which are as right for today as they were in 1860.

30 October 2013

Attachments:

1. Wai 2417 Maori Community Development Act 1962 reform claim
2. 1996 Report to Minister of Maori Affairs on review of the Maori Community Development Act 1962