

WAITANGI TRIBUNAL

Wai 2417

CONCERNING

the Treaty of Waitangi Act 1975

ANDthe New Zealand Māori Council
Māori Community Development
Act Claim**MEMORANDUM-DIRECTIONS OF THE PRESIDING OFFICER**

1. On 12 February 2014 I issued a memorandum-directions informing parties that following the Tribunal's review of the joint Statement of Issues and the Crown's statement of defence, a final joint Statement of Issues will be released by 17 February 2014 (Wai 2417, #2.5.13).
2. After considering the joint Statement of Issues the Tribunal has kept the issues identified jointly by the parties and added two additional issues for essential context and addressing the extent and remedy for potential prejudice.
3. The final Statement of Issues for Wai 2417, the New Zealand Māori Council Māori Community Development Act Inquiry is as follows:

Essential Context

- a) What were the origins and intent of the Māori Community Development Act 1962?

First Claim

- b) What is the role of Māori in the review and reform of the Māori Community Development Act 1962?
 - i. How are Treaty principles applied in determining that Māori role?
 - ii. How is the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) relevant to the interpretation and application of Treaty principles in answering question (b)?
- c) What is the role of the Crown in the review and reform of the Māori Community Development Act 1962?
 - i. How are Treaty principles applied in determining that Crown role?
 - ii. How is UNDRIP relevant to the interpretation and application of Treaty principles in answering question (c)?

d) In light of the answers to questions (b) and (c) above, is the current review of the Māori Community Development Act 1962 consistent with Treaty principles?

Second Claim

e) How does the Māori Wardens Project relate to the Māori Community Development Act 1962 regime in respect of Māori Wardens?

f) In light of the answer to question (e) above, is the Māori Wardens Project consistent with Treaty principles?

Prejudice

g) If the Tribunal finds that there is breach of Treaty principles, what is the prejudice to the claimants and what recommendations should the Tribunal make to remedy it?

The Registrar is directed to send a copy of this direction to counsel for the applicants, Crown counsel and all those on the distribution list for Wai 2417, the New Zealand Māori Council Māori Community Development Act Claim.

DATED this 17th day of February 2014



Deputy Chief Judge C L Fox
Presiding Officer

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