



Te Puni Kōkiri  
REALISING MĀORI POTENTIAL

# Summary of oral and written submissions in response to proposed changes to the Māori Community Development Act 1962

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July 2014





# Introduction

It has been 52 years since Parliament passed the Māori Community Development Act 1962 (the 1962 Act), establishing the New Zealand Māori Council, Māori Wardens and Community Officers.

In 2010, the Māori Affairs Select Committee completed an inquiry into the 1962 Act and recommended the government undertake comprehensive consultation on its future.

The Government announced public consultation on the 20th of August 2013 and released a discussion paper seeking feedback on possible areas for change. An advertising campaign inviting people to have their say by attending hui and sending in written submissions took place from August to October 2013. The public were directed to the Te Puni Kōkiri website (<http://www.tpk.govt.nz/en/consultation/mcda/>) or their nearest Te Puni Kōkiri office for further information. The submission period closed on the 31 October 2013.

This summary of oral and written submissions has been compiled by Te Puni Kōkiri. Te Puni Kōkiri recognises that there will inevitably be scope for differences of opinion about what particular speakers said at hui, and what interpretation might be put on oral and written comments when grouping views into common themes. To minimise the scope for errors, the hui notes were checked by others present at each hui.



# Engagement

Approximately 2000 people engaged in the consultation on the Māori Community Development Act 1962 in 2013.

- More than 1000 people attended and more than 300 made oral submissions at 20 consultation hui held across Aotearoa between 3 September 2013 and 26 September 2013.
- 86 unique written submissions were received from: 24 organisations; 10 Māori Warden organisations; 27 individual Māori Wardens; and 25 individuals.
- 1,193 form written submissions supporting the New Zealand Māori Council were received from 1,193 individuals.
- An 840 signature petition stated support for Māori Wardens.

This summary provides an overview of oral and written submissions. Although it was not possible to include every response, every submission was read or heard and key points were recorded. Annex A lists details of the 20 Hui and Annex B provides details of the written submissions.

## Key Themes

There was strong support for the retention of the New Zealand Māori Council and particularly for its Māori advocacy role.

There were a number of submitters who believed parts of the 1962 Act were outdated. However, there were different opinions on what needed to be changed and how this should happen.

There was also strong support for the continued role of Māori Wardens, but whether Māori Wardens should remain with the District Māori Councils or have their own stand-alone independent entity was a key discussion point.

There was a concern articulated by many submitters that the consultation process was designed to get rid of the New Zealand Māori Council and breached various pieces of legislation.

## Next Steps

On 11 December 2013 the Government announced no changes would be made to the Māori Community Development Act 1962 in respect of the New Zealand Māori Council, but further work was required on future arrangements for the Māori Wardens.

# Historical

## Origins of the 1962 Act and the New Zealand Māori Council

There were a number of submitters who said the 1962 Act and the New Zealand Māori Council had its origins in historical struggles for Māori legal and political independence or tino rangatiratanga; and led to the creation of a national Māori voice through the establishment of the New Zealand Māori Council.

## New Zealand Māori Council role in advocating for Māori

There were a large number of submitters who referred to the New Zealand Māori Council's long and successful record of challenging the Crown; and taking legal action to uphold rights guaranteed to Māori under the Treaty of Waitangi.

There were many submitters who felt this record was central to the achievement of many important Treaty of Waitangi rights.

There were a few submitters who stated that the 1962 Act gives the New Zealand Māori Council a unique constitutional status.



# Options for the future of the New Zealand Māori Council

## Unique pan-Māori role for New Zealand Māori Council

There were some submitters who commented that the New Zealand Māori Council has a unique role to play on pan-Māori, Treaty of Waitangi and social issues; and expressed strong support for the New Zealand Māori Council to continue to advocate on pan-Māori issues.

## Revitalisation of the New Zealand Māori Council

There were some submitters who explained that the New Zealand Māori Council and District Māori Councils are being revitalised; and the Government should allow this to continue.

## Alternative views on Māori representation

There were several submitters who argued that iwi were solely responsible for Crown relationships, land, environment and resources, wellbeing of iwi members and community development. They consequently felt the New Zealand Māori Council should not speak on matters that were for iwi to deal with.

## Outdated Legislation

There were some submitters who commented that Māori communities had changed since 1962 and that the 1962 Act was outdated in various respects. Some submitters suggested integrating Māori organisations (some or all of the New Zealand Māori Council, iwi, urban Māori organisations) into one united national organisation.

## Funding

There were many submitters who commented that funding for the New Zealand Māori Council was inadequate; and the Government needed to ensure adequate funding for the New Zealand Māori Council's work.

# Options for clarifying roles and improving governance and administration of Māori Wardens

## Māori Wardens Origins and Achievements

### *Support for Māori Wardens*

There was strong support for the past and ongoing work of Māori Wardens, which was the subject of a petition and several submissions. Submitters acknowledged the Māori Wardens proud history; with one noting their genesis in Māori movements for self-government dating back to the 1860s.

### *Māori Wardens are unique, distinct from Police*

There were some submitters who expressed the view that Māori Wardens support people, defuse tensions and are not law enforcers. Instead they play a unique role in Māori communities and are different to police officers.

These submitters believed that Māori Wardens should be kept separate from, and not accountable to, the New Zealand Police.

### *Māori Wardens and their roles in Communities*

Meanwhile some submitters felt that Māori Wardens should have a greater role in administering community justice and more scope to co-ordinate with other agencies. It was felt that legislation should be amended to enable this to happen.

## Local Community and National Determination Options

The consultation documents sought views on three options for determining the roles of Māori Wardens: local community determination; local community determination within a national framework; and national determination.

There were only a few submitters who expressed views on them. Most of that small number favoured the 'local community determination within a national framework' option.

## Governance and Administration

### *Options for future governance of Māori Wardens*

The consultation documents posed options on whether Māori Wardens should continue as the legislation currently provides; have a new independent body; or have community centred leadership and accountability.

There were a large number of submitters who felt Māori Wardens should remain with the New Zealand Māori Council and its District Māori Councils. Support for this was particularly strong at hui in Auckland and the Far North; from Māori Warden groups in Auckland and the Far North; from people actively involved in the New Zealand Māori Council; from some iwi; and in form submissions.

On the other hand a large number of submitters argued that Māori Wardens should be governed by a new independent body and/or a Māori Warden's organisation. Support for this option was particularly strong from Māori Wardens; Māori Warden groups across the central North Island; and from some iwi.

### *Māori Wardens and Te Puni Kōkiri*

There were a few submitters who were critical of actions by Government and/or Te Puni Kōkiri; and/or felt the Māori Wardens' Project breached the Māori Community Development Act; and/or suggested that this caused some of the problems faced by Māori Wardens. Some submitters were very concerned that Te Puni Kōkiri had captured funding that should have gone to the New Zealand Māori Council.

There were other submitters who commented that there were poor relationships within and surrounding Māori Wardens.

### *Support for Māori Affairs Committee Inquiry Report 2010*

There were some submitters who referred to the Committee's report and supported a range of recommendations including a legislative framework dedicated solely to Māori Wardens. These submitters tended to be Māori Wardens.

Referring specifically to the Committee's report individual submitters stated support for one or more of the following:

- Consideration of the future relationship between Māori Wardens and Police in relation to training.
- Mandatory basic training for Māori Wardens with more advanced training on a voluntary basis.
- Training provided on an identified needs and voluntary basis.
- Training for Māori Wardens left to the discretion of a new national Māori Warden's body.
- Removal of District Māori Councils from the warranting process.
- Repeal of provisions in the 1962 Act which specify limited functions for Māori Wardens.
- Increase funding for Māori Wardens.

These submitters argued that any changes to the 1962 Act should focus urgently on improvements for Māori Wardens.

### *Warranting, Nominating Māori Wardens*

There were some submitters who outlined delays and other problems with warranting Māori Wardens. However, opinions were divided over whether Te Puni Kōkiri or a District Māori Council was the cause of problems.

### *Resourcing Māori Wardens*

There were many submitters who commented on the need for Government to adequately resource Māori Wardens.

## Proposed Repeal of the Provisions Relating to Community Officers

There were many submitters who commented that Community Officers still have a role to play and/or should be brought back.

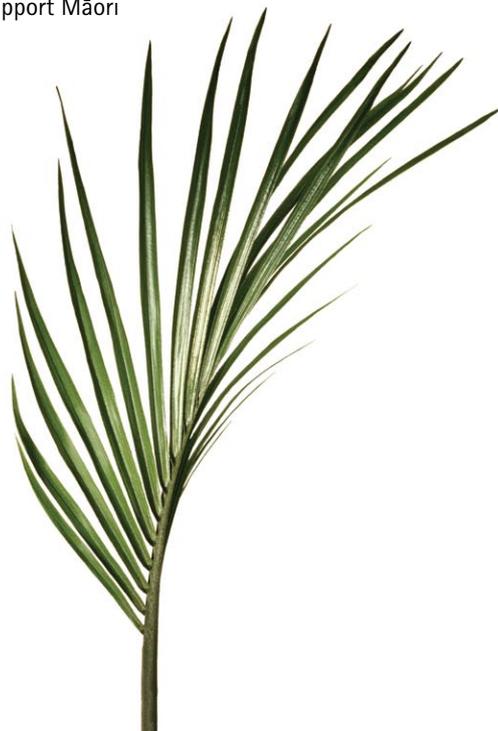
However some submitters argued that mahi carried out by Community Officers was now being done by other organisations and Community Officers were no longer needed.

## Criticism of the Consultation Process

There were many submitters who were critical of the review and consultation process, arguing that it was designed to get rid of the New Zealand Māori Council. These submitters urged the Government to retain the New Zealand Māori Council.

There was another common view held by some that the process was being dictated by government and instead the New Zealand Māori Council should be playing an equal role or conducting the review itself. There were submitters who argued that an independent panel and/or process should be reviewing the 1962 Act; and that the consultation process breached the Treaty of Waitangi and/or the United Nations Declaration on the Rights of Indigenous Peoples.

There were submitters also critical of: timing; notice given; insufficient hui time to discuss issues; and a clash in one region with local Waitangi Tribunal hearings. There were also suggestions that all hui should have been held on marae; or at a Māori venue for tikanga reasons; and/or to support Māori organisations.



# Details of the Hui

Twenty hui were held across Aotearoa New Zealand from 3 to 26 September 2013. More than 770 people officially registered, however actual attendance would have exceeded 1,000 as many people did not register. In total, there were 307 speakers across 20 hui, but this total includes a small number who attended and spoke at two or more hui.

Location	Date	Venue	No's reg'd	Speakers
Kaitaia	3 September	Te Paatu Marae	38	18
Kaikohe	3 September	Kohewhata Marae	30	13/14
Whangarei	4 September	Terenga Paraora Marae	37	22/23
Auckland (North)	4 September	Orākei Marae	45	10/11
Auckland (South)	5 September	Te Puea Memorial Marae	33	12/13
Palmerston North	5 September	Kingsgate Hotel	47	14
Whanganui	10 September	Te Taura Whiri Building	19	9/14
New Plymouth	10 September	Muru Raupatu Marae	35	12/13
Hamilton	11 September	Rangiaowhia Marae	29	9/10
Rotorua	11 September	Te Papaïouru Marae	69	12
Christchurch	12 September	Addington Raceway	31	17/23
Nelson	12 September	Whakatū Marae	22	17/18
Lower Hutt	17 September	Waiwhetū Marae	53	11
Porirua	17 September	Takapūwāhia Marae	55	16
Dunedin	18 September	Ārai te Uru Marae	15	8/14
Invercargill	18 September	Te Tōmairangi Marae	19	10/12
Gisborne	24 September	Te Poho Rawiri Marae	80	29/33
Hastings	24 September	Te Taiwhenua o Heretaunga Park	42	30/34
Taupō	25 September	Rauhoto Marae	42	24/33
Tauranga	26 September	Classic Flyers	31	14
<b>Total</b>			<b>772</b>	<b>307/350*</b>

*\* Sometimes individuals spoke more than once at a particular hui. This column records the number of speaker slots and the actual number of individual speakers at those hui where individuals spoke more than once.*

# List of Written Submissions

## Submissions from organisations (24)

*New Zealand Māori Council organisations (6)*

*Iwi, national Māori organisations and trust boards (8)*

*Local Māori organisations (8)*

*Other organisations (2)*

## Submissions from Māori Warden organisations and Māori Wardens (37)

*Māori Warden organisations (10)*

*Individual Māori Wardens (27)*

## Submissions from other individuals (25)

### Form submissions and petitions

657 form submissions supporting retention of New Zealand Māori Council to protect rights/interests of all Māori.

126 form submissions supporting retention of New Zealand Māori Council to protect the rights/interests of all Māori; the retention of the New Zealand Māori Council role in the governance/warranting of Māori Wardens; and retention of the 1962 Act with amendments via the New Zealand Māori Council.

292 form submissions supporting retention of New Zealand Māori Council to protect the rights/interests of all Māori; the retention of the New Zealand Māori Council's role in the governance/warranting of Māori Wardens; retention of the 1962 Act with amendments via the New Zealand Māori Council; and adequate resourcing for the New Zealand Māori Council.

118 form submissions supporting retention of New Zealand Māori Council to protect the rights/interests of all Māori; Māori Wardens staying with the New Zealand Māori Council; reform of the 1962 Act led by Māori; and adequate resourcing for the New Zealand Māori Council.

An 840 signature petition and letters stating support for Māori Wardens.

