

Fisheries Bill Claim

4 The Determination Of Maori Representatives To Consult With

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The minister has effectively determined that those comprising the management of the 73 Maori organisations circulated are persons to be consulted with. No one can claim prejudice in our view, at least on this account, if they are included in the list thus compiled. The Ngati Paoa Whanau Trust Board is not there, nor the Iwi Moriori Trust Board which joined this inquiry in support. We can say from previous inquiries, that both should be included and that it would be contrary to the Treaty and the rangatiratanga of the iwi thus represented, if they are not. In the case of the Te Iwi Moriori we observe, that some are included in Te Runanga o Wharekuri Rekohu, which is on the list, but Moriori are also an independent iwi and are entitled to stand under their own representation body.

The problem is capable of ready resolution however. We recommend that the minister include them on the list and allow them the opportunity to respond to the earlier circular if they have not already done so.

For the purposes of this proceeding we had no need to inquire further whether the provision enabling the minister to settle the persons representative of Maori is inconsistent with the principles of the Treaty, and, no other prejudice to the particular claimants having been demonstrated in this respect, we would be exceeding our jurisdiction to do so.

Similarly we were not called upon in this inquiry to consider the adequacy of the list the minister has compiled and we refrain from commenting on that. Our only proper concern, in this claim, is whether the claimants are there and if not, whether they should be.

Waitangi Tribunal, Department of Justice, Wellington.