

Maori Electoral Option Report

Appendix 1

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Statement of Claim

Statement of claim by Hare Wakakaraka Puke
on behalf of himself and those Iwi and
and other Maori authorities
who attended a Maori Electoral Option hui
at Turangawaewae on 14 January 1994

I, Hare Puke, for myself and those Iwi and other Maori Authorities who attended a hui on the Maori Electoral Option at Turangawaewae on 14 January 1994 (list of attendees attached) and any others who consent to being so joined.

Claim that Maori are prejudicially affected by current Crown policy and practice for the protection of Maori democratic rights and the maintenance of Maori Parliamentary Representation ("MPR").

And that such policy and practices are inconsistent with the principles of the Treaty of Waitangi ("ToW").

Upon the grounds set out in the attached synopsis of argument and such further grounds as may be given at the Hearing.

And ask for recommendations:

1. That funding to Maori be increased immediately to a level sufficient to achieve adequate promotion and information upon the exercise of the Maori option.
2. That the formulation of policy affecting Maori rolls and education on electoral matters affecting Maori be separately funded independent of State agencies through Maori Congress, New Zealand Maori Council and Maori Women's Welfare League subject only to such controls as lawfully may be needed.

And further ask for an urgent Hearing upon the grounds that a recommendation for urgent funding is sought to promote and inform Maori on enrolments under a Maori option to be exercised between 15 February 1994 and 14 April 1994.

Dated at Gordonton this 19th day of January 1994

Hare Wakakaraka Puke
Synopsis of Argument

1. The Basis for Maori for Maori Political Representation ("MPR") and Relationship to Treaty of Waitangi

The basis for MPR is the Treaty of Waitangi ("ToW") and the recognition due to tangata whenua as constitutional contributors to the establishment of the modern state.

The ToW was intended to protect Maori interests as a condition precedent to the Crown's assumption of sovereignty. These interests were and are both proprietary and political, the latter being an implicit acknowledgment and recognition of rangatiratanga.

MPR recognises the state's constitutional origins, Maori proprietary interests and the independent polity of Maori.

The fact that the Maori seats may have come about by "historical accident" in no way undermines their proper constitutional base.

Any reduction in the effectiveness of MPR because of inadequate policies for the maintenance of the Maori seats, without alternative or better arrangements for Maori Rangatiratanga, is inconsistent with the principles of the ToW.

2. The Maintenance of Proper Arrangements

Provisions that do not uphold the proper basis for MPR include:

- any arrangements that fail to recognise their separate constitutional status;
- that treat the Maori seats and the Maori rolls as an after thought or ancillary;
- that limits policy formulation in respect of the Maori seats or rolls to the same set of policies that apply for the general community.

Failure to separately and independently resource the maintenance of the Maori rolls is a breach of the ToW.

In particular we say:

- There are special needs and requirements in promoting Maori enrolments that are not met from general promotional arrangements;
- Policy for promoting Maori enrolments should be formulated by Maori, with the only limitation being that needed to observe the law;
- Policy for promoting Maori enrolments should be independently and separately funded;
- Policy for promoting Maori enrolments should be formulated and funded independent of state agencies and directed through Maori organisations;

Special needs in promoting Maori enrolments include the needs and requirements for more personalised face to face consultations, oral discussions of the collective voice

by hui and through individual and whanau interviews. No such provisions are currently provided, or adequately provided for under existing arrangements.

The Maori option to elect for enrolment between the Maori or general roll is provided for in sections 76-79 of the Electoral Act 1993 and has been fixed by the Minister of Justice to commence on 15 February 1994 and close on 14 April 1994, a date fixed WITHOUT adequate consultation with Maori and without adequate promotional and educational arrangements.

The current special arrangement for promotion and education on the option is the allocation of \$150,000 (less GST) to INCO Services, an informally constituted Committee established by Maori Congress, New Zealand Maori Council, Maori Women's Welfare League and chaired by two persons independent of those Bodies and a representative of each of those Bodies. We say the said funding is inadequate and insufficient to properly inform Maori of their democratic entitlement and responsibilities.

Waitangi Tribunal, Department of Justice, Wellington.