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Waitangi Tribunal

**18 Jul 2012**Ministry of Justice  
WELLINGTON**OFFICIAL****Wai 2358, #3.2.6(a)****News articles from 09/07/2012 – 17/07/2012 featuring statements by John Key**

<b><u>Date (or date last updated)</u></b>	<b><u>Title / Link / Source</u></b>	<b><u>Statement</u></b>
09/07/2012	<i>Waitangi Tribunal begins hearing water claims</i>  <a href="http://www.radionz.co.nz/news/national/110246/waitangi-tribunal-begins-hearing-water-claims">http://www.radionz.co.nz/news/national/110246/waitangi-tribunal-begins-hearing-water-claims</a>  Radio New Zealand	The Prime Minister does not think there is merit in the Maori Council's water claim before the Waitangi Tribunal and its findings are not binding on the Government. John Key acknowledges that the council could potentially take legal action. However, he says there is no basis to the claim that Maori own the water and the Government would vigorously argue its case if it ends up in the High Court. "The Government's very strong view is that no one owns water, in the same way that we don't believe anyone owns the air or the sea.
10/07/2012	<i>Share deal could settle iwi claims</i>  <a href="http://www.stuff.co.nz/southland-times/news/7249450/Share-deal-could-settle-iwi-claims">http://www.stuff.co.nz/southland-times/news/7249450/Share-deal-could-settle-iwi-claims</a>  Southland Times	Prime Minister John Key yesterday upped the stakes by making it clear that the Government would ignore any tribunal ruling that overturned the common-law view that nobody owned the water.  The tribunal's recommendations are not binding.  "The Government's very firm view is that no-one owns water: we certainly don't believe Maori own water; we don't believe they own the airways, air or sea."
10/07/2012	<i>Maori plan to fight Key's 'ignore it'</i>  <a href="http://www.nzherald.co.nz/business/news/article.cfm?c_id=3&amp;objectid=10818534">http://www.nzherald.co.nz/business/news/article.cfm?c_id=3&amp;objectid=10818534</a>  New Zealand Herald	As the hearings, attended by about 200 Maori from all over New Zealand, started yesterday morning, Mr Key said that even if the Waitangi Tribunal found Maori held interests in water, the Government would not have to accept the decision.  "We could choose to ignore what findings they might have - I'm not saying we would, but we could," he said on TVNZ's Breakfast.
10/07/2012	<i>Claim on water case of deja vu</i>	Mr Key's refusal yesterday to countenance any notion

	<p><a href="http://www.stuff.co.nz/dominion-post/comment/columnists/tracy-watkins/7250815/Claim-on-water-case-of-deja-vu">http://www.stuff.co.nz/dominion-post/comment/columnists/tracy-watkins/7250815/Claim-on-water-case-of-deja-vu</a></p> <p>Dominion Post</p>	<p>that Maori might own our water plays to the same galleries.</p> <p>And by putting his stake in the ground so early, it also risks courting the same response from Maori, who will cry foul about riding roughshod over due process.</p>
10/07/2012	<p><i>Taipari Munro debates Key claim</i></p> <p><a href="http://www.northernadvocate.co.nz/news/taipari-munro-debates-key-claim/1447731/">http://www.northernadvocate.co.nz/news/taipari-munro-debates-key-claim/1447731/</a></p> <p>The Northern Advocate</p>	<p>Mr Key yesterday repeated his view that the claims lack merit because no one owns freshwater in New Zealand.</p>
10/07/2012	<p><i>Government can ignore Waitangi Tribunal on asset sales</i></p> <p><a href="http://www.3news.co.nz/Government-can-ignore-Waitangi-Tribunal-on-asset-sales/tabid/1607/articleID/260757/Default.aspx#ixzz20pG05TWI">http://www.3news.co.nz/Government-can-ignore-Waitangi-Tribunal-on-asset-sales/tabid/1607/articleID/260757/Default.aspx#ixzz20pG05TWI</a></p> <p>3 News</p>	<p>Mr Key told Firstline he will go ahead with asset sales regardless of whether the tribunal finds in favour of Maori who are claiming ownership to water.</p> <p>“It’s our view that no-one owns water, just in the same way we don’t think that anyone owns the sea, and we don’t think that anyone owns air, and that has been a longstanding position of successive New Zealand governments,” he told Firstline this morning.</p> <p>Speaking to the show, he stuck to his view the Government is in a position to ignore decisions made by the tribunal.</p> <p>“The legal position is that governments aren’t bound by the Waitangi Tribunal,” he says.</p>
10/07/2012	<p><i>Tempers raised over water issue</i></p> <p><a href="http://www.stuff.co.nz/sunday-star-times/latest-edition/latest-news/7251078/Key-criticised-over-Maori-water-claim-in-asset-sales-battle">http://www.stuff.co.nz/sunday-star-times/latest-edition/latest-news/7251078/Key-criticised-over-Maori-water-claim-in-asset-sales-battle</a></p> <p>Sunday Star Times</p>	<p>The Waitangi Tribunal was forced to call time out after temperatures rose over comments by Prime Minister John Key suggesting the Government would ignore any recommendation in favour of Maori owning water.</p> <p>Key this morning reiterated the Government's view that no one owned water.</p> <p>"In the same way we don't think anyone owns the sea and we don't think anyone owns air," he told TV3's Firstline</p>

		programme.  "And that has been a long-standing position of successive New Zealand governments."
10/07/2012	<i>Tribunal to hear concerns</i>  <a href="http://www.rotorudailypost.co.nz/news/tribunal-to-hear-concerns/1447786/">http://www.rotorudailypost.co.nz/news/tribunal-to-hear-concerns/1447786/</a>  Rotorua Daily Post	However, Prime Minister John Key said claims that Maori own water have no basis and would not hold up the Government's privatisation programme.  "We don't believe anybody owns water. What we do accept is that people own water rights. We don't think the sale of 49 per cent of Mighty River Power in any way impinges on those water rights," he said.  "The Waitangi Tribunal's rulings are not binding on the Government, so we could choose to ignore what findings they might have - I'm not saying we would, but we could," Mr Key said.
10/07/2012	<i>Claimants snap back at arrogant Key</i>  <a href="http://www.waatea603am.co.nz/news/2012/july/claimants-snap-back-at-arrogant-key">http://www.waatea603am.co.nz/news/2012/july/claimants-snap-back-at-arrogant-key</a>  Waatea Radio	Mr Key says Crown lawyers would argue strongly that no one could own water, and he did not believe the claim would affect the sale of shares in the state power companies that use water.
10/07/2012	<i>Water claim could provoke anger – scholar</i>  <a href="http://www.3news.co.nz/Water-claim-could-provoke-anger---scholar/tabid/1607/articleID/260795/Default.aspx">http://www.3news.co.nz/Water-claim-could-provoke-anger---scholar/tabid/1607/articleID/260795/Default.aspx</a>  3 News	But the power of the tribunal is limited and Prime Minister John Key says the challenge won't stop the asset sales. The Maori party doesn't like that response - it was formed when the Government legislated against Maori ownership of the foreshore and seabed. But Mr Key denies the issue is causing tension. "They're not tense. This has been an ongoing, longstanding debate. This is not new to my Government. There have been previous other claims that Maori own the water."
10/07/2012	<i>Key's comments on Waitangi Tribunal wrong</i>	John Key is willing to push asset sales through while

	<p><a href="http://business.scoop.co.nz/2012/07/10/keys-comments-on-waitangi-tribunal-wrong/">http://business.scoop.co.nz/2012/07/10/keys-comments-on-waitangi-tribunal-wrong/</a></p> <p>Green Party press release</p>	<p>denying Maori due process, Green Party Co-Leader Dr Russel Norman said today.</p> <p>The Prime Minister today continued to assert that his Government would push ahead with selling Mighty River Power despite a claim before the Waitangi Tribunal regarding water rights.</p>
10/07/2012	<p><i>PM's comments 'insult to all of us' – Maori Party</i></p> <p><a href="http://www.3news.co.nz/PMs-comments-insult-to-all-of-us--Maori-Party/tabid/1607/articleID/260824/Default.aspx#ixzz20pKd4th4">http://www.3news.co.nz/PMs-comments-insult-to-all-of-us--Maori-Party/tabid/1607/articleID/260824/Default.aspx#ixzz20pKd4th4</a></p> <p>3 News</p>	<p>Mr Key appeared on Firstline this morning and said the power companies can be partially sold regardless of what the Tribunal comes up with.</p>
10/07/2012	<p><i>PM's comments breach spirit of the Treaty of Waitangi Act</i></p> <p><a href="http://business.scoop.co.nz/2012/07/10/pms-comments-breach-spirit-of-the-treaty-of-waitangi-act/">http://business.scoop.co.nz/2012/07/10/pms-comments-breach-spirit-of-the-treaty-of-waitangi-act/</a></p> <p>Māori Party press release</p>	<p>“We will be eagerly awaiting the Tribunals’ recommendations and also seeking the Iwi Leaders’ response to these comments. It is of utmost concern in so far as it threatens the very heart of the Treaty relationship”.</p> <p>“We will not tolerate any suggestion that the mana of the Tribunal can be undermined. This is a specialist body, with members appointed by the Governor-General and chosen carefully for their knowledge and expertise”</p> <p>“The view that governments aren’t bound by the recommendations of the Waitangi Tribunal is extremely limiting.</p>
10/07/2012	<p><i>Waitangi hearing clash over assets</i></p> <p><a href="http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&amp;objectid=10818660">http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&amp;objectid=10818660</a></p> <p>New Zealand Herald</p>	<p>Prime Minister John Key has dismissed claims he and his Government are acting in bad faith toward Maori who have gone to the Waitangi Tribunal in a bid to stall the partial sale of Mighty River Power until their water claims are heard.</p> <p>Mr Key has said his Government doesn't believe there is merit to any litigation over the water issue, and that the</p>

		<p>Government may simply set aside any recommendation in support of the claims the tribunal is hearing and continue with the sale of the power company.</p> <p>But speaking to reporters in Hamilton this afternoon, Mr Key said he had never suggested he wouldn't listen to the Tribunal's findings.</p> <p>Those that said he wouldn't, including the Opposition, were jumping to conclusions.</p> <p>"I've said we'll take on board what they're saying but the Government's not bound the Waitangi Tribunal findings, and neither have any successive Governments been bound by their findings, nor are we bound to give a response.</p> <p>"We're going through a process, we'll be interested to see what the Waitangi Tribunal says, we're acting in good faith. We take the tribunal very seriously but that doesn't mean we're bound it, and that's the law in New Zealand."</p>
11/07/2012	<p><i>Water spat: Turia stays mum on future with National</i></p> <p><a href="http://www.stuff.co.nz/dominion-post/news/national/7256683/Water-spat-Walk-away-from-Nats-Maori-Party-urged">http://www.stuff.co.nz/dominion-post/news/national/7256683/Water-spat-Walk-away-from-Nats-Maori-Party-urged</a></p> <p>Dominion Post</p>	<p>The issue has flared into prominence over the government's plans to sell off a stake in the State-owned power companies and Maori demands that it settle issues over water ownership first.</p> <p>Key had rejected any suggestion Maori owned the water and said the Government may ignore any Tribunal ruling stating otherwise.</p> <p>He stood by his statements and said he would not say anything to the co-leaders that he hadn't said publicly.</p> <p>"My position is rock solid and it's not about to change. In</p>

		<p>my view no one owns water."</p> <p>He said never suggested Government would ignore the Tribunal's recommendations and it was a statement of fact that they were not binding.</p> <p>The Government will "eagerly await" the ruling.</p> <p>"There's nothing new in my statements... it's just a statement of the position."</p> <p>He disputed that his comments were intended to incite anger towards Maori.</p> <p>New Zealanders expected the prime minister to state his or her position, Key said.</p> <p>He also hoped the matter would not delay the sale of state owned energy companies.</p> <p>"I can't for the life of me see why the sale of shares in Mighty River power would have any impact on the issue of water.</p> <p>"It's irrelevant what the ownership makeup of that company is in relation to the arguably disputed issue of water ownership."</p> <p>He would not comment on whether it would impact the share price.</p>
11/07/2012	<p><i>Turia seeks meeting over 'insulting' Key comments</i></p> <p><a href="http://www.odt.co.nz/news/politics/216637/turia-seeks-meeting-over-insulting-key-comments">http://www.odt.co.nz/news/politics/216637/turia-seeks-meeting-over-insulting-key-comments</a></p>	<p>Speaking to the Herald last night, Mrs Turia made what may be her strongest criticism of Mr Key in their 3-year political partnership.</p> <p>She suggested his comments on Monday and yesterday</p>

	<p>Otago Daily Times</p>	<p>that his Government "could choose to ignore" any tribunal recommendation to halt the sale of Mighty River Power while Maori water claims were settled, was a politically motivated sop to New Zealanders hostile to Maori attempts to assert claims.</p> <p>She also said the comments undermined the status of the tribunal and may have been an attempt to influence its findings.</p>
<p>11/07/2012</p>	<p><i>Turia won't confirm Government support</i></p> <p><a href="http://www.odt.co.nz/news/politics/216671/turia-wont-confirm-government-support">http://www.odt.co.nz/news/politics/216671/turia-wont-confirm-government-support</a></p> <p>Otago Daily Times</p>	<p>"But there is nothing new in my statements. Some time ago I made exactly the same statements about my view of the ownership of water and that is that water is owned by all New Zealanders. It's not owned by one particular group."</p> <p>He rejected claims that his position was a "sop to New Zealanders" against Maori claims, or that it could lead to protests.</p> <p>"Maori have an interest and a relationship with water, but the Government's view is they don't own water... nor do we believe anyone owns the air or the sea.</p> <p>"In fact the position of no one owning water has been established in common law quite some time ago, so it's not a new position for either the New Zealand government or this government."</p> <p>Mr Key said the Government "eagerly" awaits the findings of the tribunal.</p> <p>"And we are going into the process in good faith. But it's just a statement of fact that the Waitangi Tribunal is not binding on this government in the way it wasn't binding on other governments."</p>

		"It doesn't mean we won't listen to them. We might or we might not."
11/07/2012	<p><i>Key comment upsets the Maori Party</i></p> <p><a href="http://au.news.yahoo.com/thewest/a/-/world/14202777/key-comment-upsets-the-maori-party/">http://au.news.yahoo.com/thewest/a/-/world/14202777/key-comment-upsets-the-maori-party/</a></p> <p>The West Australian</p>	The Maori Party's relationship with the New Zealand government is looking increasingly frosty following a comment by Prime Minister John Key that the government can ignore the Waitangi Tribunal.
12/07/2012	<p><i>Gordon Campbell: Tariana Turia faces a Katie Holmes moment</i></p> <p><a href="http://www.scoop.co.nz/stories/HL1207/S00063/gordon-campbell-tariana-turia-faces-a-katie-holmes-moment.htm">http://www.scoop.co.nz/stories/HL1207/S00063/gordon-campbell-tariana-turia-faces-a-katie-holmes-moment.htm</a></p> <p>Gordon Campbell (Opinion)</p>	Right now, the government is making it clear just what kind of conclusions it wants to get from the Waitangi Tribunal – or else.
12/07/2012	<p><i>Investors should not fear water rights dispute - Key</i></p> <p><a href="http://tvnz.co.nz/politics-news/investors-should-not-fear-water-rights-dispute-key-4966920">http://tvnz.co.nz/politics-news/investors-should-not-fear-water-rights-dispute-key-4966920</a></p> <p>TVNZ News</p>	<p>But Key said today he does not believe there is cause for concern.</p> <p>"I think the Government's position will be upheld, and that is that no one owns water," he said.</p> <p>"I'm the Government's major spokesperson and I need to spell out the Government's position, and the Government's long held, and very strongly held, view is that nobody owns water."</p>
13/07/2012	<p><i>Maori Party: Key's attitude 'corrosive'</i></p> <p><a href="http://www.stuff.co.nz/dominion-post/news/politics/7271217/Keys-attitude-corrosive-Maori-Party">http://www.stuff.co.nz/dominion-post/news/politics/7271217/Keys-attitude-corrosive-Maori-Party</a></p> <p>Dominion Post</p>	"There are also Maori who believe they own the air, there are Maori who believe they own the geothermal assets, and there are Maori who believe they own a number of other assets, which are largely in the contemporary claim area. I would dispute those." No-one owns the water, Mr Key said.
13/07/2012	<p><i>Tribunal still relevant - Key</i></p> <p><a href="http://www.newstalkzb.co.nz/auckland/news/nbpol/1633269017-tribunal-still-relevant---key">http://www.newstalkzb.co.nz/auckland/news/nbpol/1633269017-tribunal-still-relevant---key</a></p>	Despite his utterances that the findings of the tribunal aren't binding on the Government, John Key says there's no doubting the tribunal's validity.

	Newstalk ZB	"It's absolutely still relevant, there are a lot of cases that are been taken to the Waitangi Tribunal, and will continue to be so over the years. Most recently we've had Wai 262 released, which was decades of work."
13/07/2012	<p><i>Lawyers grilled over Key's water comments</i></p> <p><a href="http://www.stuff.co.nz/dominion-post/news/politics/7275346/Lawyers-grilled-over-Keys-water-comments">http://www.stuff.co.nz/dominion-post/news/politics/7275346/Lawyers-grilled-over-Keys-water-comments</a></p> <p>Dominion Post</p>	<p>Crown lawyers faced strong questioning over Prime Minister John Key's comments at the Waitangi Tribunal this morning.</p> <p>Mr Key has outraged Maori and caused concern over sub judice for his comments that no one can own water and that the Tribunal's recommendations are not binding.</p> <p>Lawyer Paul Radich gave his opening statement at the urgent hearing before Crown witnesses began to give evidence.</p> <p>He told the Tribunal it was not necessary for the issue of Maori claims of water ownership be dealt with before the partial sale of state owned energy companies.</p> <p>Speaking to media outside the hearing, Mr Radich said it was accepted that Maori did have rights and interest in water.</p> <p>"But what the Crown says is whatever they are, and there is a need to determine them and to give voice to them, is not affected by the sale of a minority shareholding in a power generating SOE."</p>
13/07/2012	<p><i>Crown lawyers at Waitangi Tribunal say Maori have water rights</i></p> <p><a href="http://www.3news.co.nz/Crown-lawyers-at-Waitangi-Tribunal-say-Maori-have-water-rights/tabid/1607/articleID/261261/Default.aspx">http://www.3news.co.nz/Crown-lawyers-at-Waitangi-Tribunal-say-Maori-have-water-rights/tabid/1607/articleID/261261/Default.aspx</a></p> <p>3 News</p>	<p>Lawyers representing the Crown at an urgent Waitangi Tribunal hearing have acknowledged Maori do have rights to water, including water used by state owned energy companies being primed for sale.</p> <p>It is a different line from the one the prime minister has been using - that no one owns the water.</p>

14/07/2012	<p><i>John Key: Waking the taniwha</i></p> <p><a href="http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&amp;objectid=10819504">http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&amp;objectid=10819504</a></p> <p>New Zealand Herald</p>	<p>It's a creature that previous governments have trifled with at their peril, but Prime Minister John Key this week goaded it with comments that have been widely interpreted as marginalising the tribunal and its findings before they have even been produced.</p>
14/07/2012	<p><i>Pulling up the Govt's tent pegs now futile</i></p> <p><a href="http://www.stuff.co.nz/dominion-post/comment/columnists/tracy-watkins/7279444/Pulling-up-the-Govts-tent-pegs-now-futile">http://www.stuff.co.nz/dominion-post/comment/columnists/tracy-watkins/7279444/Pulling-up-the-Govts-tent-pegs-now-futile</a></p> <p>Dominion Post</p>	<p>Then there is the wider issue of whether, as a result of the SOE sell-off, water has essentially moved from being a public good to a tradeable commodity – in which case, are Maori entitled to a stake?</p> <p>The Government flatly rejects that the two are in any way linked – as Mr Key grumpily declared this week: "I can't for the life of me see why the sale of shares in Mighty River Power would have any impact on the issue of water."</p>
16/07/2012	<p><i>John Key concedes likely asset sales delay</i></p> <p><a href="http://www.3news.co.nz/John-Key-concedes-likely-asset-sales-delay/tabid/1607/articleID/261533/Default.aspx">http://www.3news.co.nz/John-Key-concedes-likely-asset-sales-delay/tabid/1607/articleID/261533/Default.aspx</a></p> <p>3 News</p>	<p>The Government is due to sell 49 percent of Mighty River Power in September, but the Prime Minister now admits legal action from Maori may force the sale to be delayed. "You can't rule that out," says Mr Key. "It's a matter that could be subject to court action. We certainly hope it's not delayed."</p> <p>Court action from Maori has always been an option, but now Mr Key has gone a step further, saying it seems inevitable.</p> <p>"I think we should work on the principle that there is a high probability that we will be going to court."</p>
17/07/2012	<p><i>Key acknowledged water rights in 2009</i></p> <p><a href="http://www.nzherald.co.nz/business/news/article.cfm?c_id=3&amp;objectid=10820095">http://www.nzherald.co.nz/business/news/article.cfm?c_id=3&amp;objectid=10820095</a></p> <p>New Zealand Herald</p>	<p>Prime Minister John Key acknowledged Maori had "specific rights and interests" in fresh water in a 2009 letter to iwi leaders, the Waitangi Tribunal heard yesterday.</p> <p>Mr Key goes on to propose that Maori property rights and interests in water and iwi involvement in a review of the Resource Management Act be discussed at the meeting.</p>

<p>17/07/2012</p>	<p><i>Government will listen to Waitangi Tribunal's ruling</i></p> <p><a href="http://www.3news.co.nz/Government-will-listen-to-Waitangi-Tribunals-ruling/tabid/1607/articleID/261584/Default.aspx">http://www.3news.co.nz/Government-will-listen-to-Waitangi-Tribunals-ruling/tabid/1607/articleID/261584/Default.aspx</a></p> <p>3 News</p>	<p>Mr Key also says the Maori Council's challenge of the water rights issue is not reflective of all Maori.</p> <p>"It's important to understand what's happening here, you've got the Maori Council taking a case before the Waitangi Tribunal. The Maori Council speak for some Maori, but certainly not all of them by any stretch of the imagination," he says.</p> <p>Mr Key also said he will listen to the Waitangi Tribunal's ruling on water rights "in good faith" – a contrast to a week ago, when he told Firstline the Government does not have to abide by the tribunal's ruling.</p>
<p>17/07/2012</p>	<p><i>Key: Maori should negotiate with Government</i></p> <p><a href="http://www.stuff.co.nz/dominion-post/news/national/7290658/Key-Maori-should-negotiate-with-Government">http://www.stuff.co.nz/dominion-post/news/national/7290658/Key-Maori-should-negotiate-with-Government</a></p> <p>Dominion Post</p>	<p>The Maori Council's claim over water at the Waitangi Tribunal is "opportunistic" and there should be no link made to the Mighty River share sale, Prime Minister John Key says.</p> <p><b>Prime Minister John Key says negotiating directly with the Government is a "much more logical and sensible way" for Maori to resolve water rights issues than through the Waitangi Tribunal.</b></p>

