

WAITANGI TRIBUNAL

WAI 176

CONCERNING the Treaty of Waitangi Act 1975

AND claims by Sir Graham Latimer and another relating to broadcasting

TO the Honourable Minister of Maori Affairs

AND TO the Honourable Minister of Broadcasting

the Honourable Minister of Justice

REPORT ON BROADCASTING CLAIM

This claim was lodged with the Tribunal in early 1991. In essence it sought Tribunal intervention on the grounds that Crown proposals in respect of broadcasting policy would be contrary to the principles of the Treaty. On 24 January 1991, the Tribunal heard submissions from counsel seeking an urgent hearing but declined to grant the application on the grounds that the matter was by then the subject to High Court proceedings.

Many of the issues had been outlined in the Tribunal's earlier reports, *Te Reo Maori Report* (Wai 26) and *The Allocation of Radio Frequencies Report* (Wai 150).

The High Court held that Crown proposals on the transfer of certain television assets were consistent with the Crown's treaty obligations and a declaration was made accordingly.

An appeal was dismissed by the Court of Appeal.

On further appeal the Privy Council, while accepting some of the appellants' arguments, upheld the Court of Appeal decision.

Accordingly, the issues in the outstanding claim to the Tribunal, in Wai 76 appear to have been canvassed in the general courts. Accordingly also, unless the claimants take further steps, the Tribunal will not be making further inquiry into this claim.

Dated at Wellington this 22nd day of July 1994.

E T J Durie
Chief Judge
Chairperson Waitangi Tribunal