

1987

New Zealand Maori Council v Attorney General, 1987

IN THE COURT OF APPEAL OF NEW ZEALAND

pt A

BETWEEN THE NEW ZEALAND MAORI COUNCIL

a body established by section 17
of the Maori Community Development
Act 1962

First Applicant

AND GRAHAM STANLEY LATIMER

of Paparoa, Farmer, suing on
behalf of himself and all persons
entitled to the protection of
Article II of the Treaty of
Waitangi

Second Applicant

UNIVERSITY OF OTAGO
6 JUL 1987
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AND HER MAJESTY'S ATTORNEY-GENERAL

sued on behalf of the Crown in
respect of the Departments of
Maori Affairs, Lands and Survey,
Internal Affairs, the New Zealand
Forest Service, the New Zealand
Electricity Department, and the
Ministry of Energy

First Respondent

AND THE HONOURABLE THE MINISTER OF
FINANCE, THE HONOURABLE THE
MINISTER OF ENERGY, THE HONOURABLE
THE MINISTER OF LANDS, THE
HONOURABLE THE MINISTER OF FORESTS

Second Respondents

AND HIS EXCELLENCY THE
GOVERNOR-GENERAL IN COUNCIL

Third Respondent

3rd



Coram: Cooke P.
Richardson J.
Somers J.
Casey J.
Bisson J.

Hearing: 4, 5, 6, and 8 May 1987

Counsel: W.D. Baragwanath Q.C., Ms S. Elias and J.M.
Dawson for Appellants
D.P. Neazor Q.C., D.A.R. Williams Q.C., R.B.
Squire and Miss Kristy McDonald for
Respondents
M.F. Quigg and Mrs R.A. Dewar for Coal
Corporation

Judgment: 29 June 1987

JUDGMENT OF COOKE P.

This case is perhaps as important for the future of our country as any that has come before a New Zealand Court. Accordingly, although we have reached a unanimous decision, each member of the Court is delivering a separate judgment setting out his reasons for joining in the decision. What the decision means is stated shortly in the last part of this judgment.

Introduction

The case arises from the State-Owned Enterprises Act 1986, which came into force on 19 December 1986 except for various machinery provisions which came into force on 1 April 1987. The Long Title indicates its scope: