

**NEW ZEALAND MĀORI COUNCIL
NGĀ KAIWHAKAPŪMAU I TE REO (INC)
WAI 776 CLAIMANTS**

To The Prime Minister
Parliament Buildings
Wellington

P.O.Box 37-276
Stokes Valley

7 Noema 2009

Tēna koe

The New Zealand Māori Council, Ngā Kaiwhakapūmau i Te Reo, the Wai 776 claimants and other persons represented by the writers of this letter are concerned with the well-being of Māori and their participation in the modern economy, language and culture.

Māori are aware that there are very wide commercial and social benefits to be had from the digital dividend and are anxious that the digital dividend not be unduly delayed.

The Waitangi Tribunal Reports on the FM frequency in 1990 (Wai 150) and the 2 Ghz range auctions in 1999 (Wai 776) found that there is a significant iwi 'tino rangatiratanga' interest in spectrum.

At that point, on the release of the full Wai 776 report, the Crown should have:

- § established a jointly agreed working group with Māori; and
- § continued work on a set of arrangements for the proper management and alienation of spectrum in a manner that was deemed by both parties to be consistent with Article 2 of the Treaty, and those rights held by tangata whenua, and underlined in the decisions of Wai 150 and Wai 776.

Unfortunately, with the Crown's establishment of the Māori Spectrum Trust (Te Huarahi Tika Trust), which received a parcel of cash and a development right over one block of the 2Ghz range spectrum being auctioned at the time, there were no such joint negotiations over the allocation of spectrum generally.

Submissions from the Wai 776 claimants, Te Putahi Paoho (of which a number of our organisations are members) and other national Māori groups over the years since the release of the 1999 report have placed these issues before the Crown. Accordingly, Māori ask the Crown to return to discussions in order to establish such a group.

Māori seek a legislated set of arrangements, agreed by both Treaty partners and itself subject to a process that is consistent with the Treaty of Waitangi, on management and disposal of rights to the radio spectrum, spectrum allocations, and access to new frequencies. Māori desire is not to interfere with the orderly management of the spectrum for the benefit of commercial and non-commercial users and the nation as a whole.

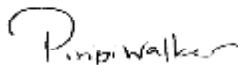
The UHF licences currently held by Māori Television should be retained in Māori hands, in perpetuity, after the 2009 review of the MTS Act. Rangatiratanga means the Crown can not expect to appropriate spectrum which Māori have not agreed to alienate. Both these urgent matters should be addressed by the group outlined above.

Iwi and rōpū Māori, at a national two day hui at Kokiri Marae this week to consider this matter, gave support to the claimant groups who have taken claims to this point to the Waitangi Tribunal, namely the New Zealand Māori Council, Ngā Kaiwhakapūmau i Te Reo and the Wai 776 claimants (2Ghz), to raise these issues with the Crown on their behalf. Those represented at the hui included the groups represented by the signatories to this letter, NZ Māori Congress, Te Pūtahi Pāho, Māori Television, Te Huarahi Tika Trust, Ngā Aho Whakaari, Raukawa Media Trust, East Coast Television, Te Arawa and Kahungunu spectrum users and Te Reo Irirangi o Te Upoko o Te Ika Trust.

Māori ask as a matter of urgency that the Crown make no decisions regarding the spectrum/digital dividend pending agreement on a timetable, agenda, and process for further discussions on the following matters:

- § The design and allocation of spectrum currently under review and all matters raised in the Discussion Paper on the frequency allocation paper “Digital Futures – Planning for Digital Television and New Uses”;
- § The future of the UHF frequencies held by Māori Television, currently under consideration as part of the review of the MTS Act; and
- § The current regulatory regime for new entrants, to ensure effective participation by Māori in telecommunications.

Your assurance in this respect is urgently sought.



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