

**New Zealand Maori Council  
v Attorney General,  
1987**

IN THE COURT OF APPEAL OF NEW ZEALAND

BETWEEN THE NEW ZEALAND MAORI COUNCIL

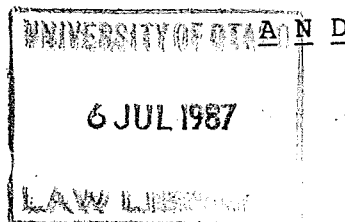
a body established by section 17  
of the Maori Community Development  
Act 1962

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



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

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

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JUDGMENT OF COOKE P.

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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: