

9.0 Treaty of Waitangi / Council's Partnership with Maaori

(MAHI NGAATAHI O TE KAUNIHHERA KI NGAAI MAAORI)

9.1 Introduction

Council acknowledges the special place of Maaori in Hamilton's history. The city enjoys both the benefits of the historic knowledge, experience and views of Maaori as well as the role that Maaori play in building Hamilton's future. Maaori comprise around 20% of Hamilton's residents and it is estimated that 40% of those identifying as Maaori are from hapuu with close ties to the Hamilton area.

Hamilton has one of the fastest growing urban Maaori populations. Council has an important role in supporting its local communities, including working to improve the opportunities for Maaori to contribute to decision-making and playing an active role in the city's development. Council recognises Maaori as tangata whenua (indigenous people of the land) with kaitiakitanga (guardianship) status and ownership rights regarding their lands and that Maaori are assured the same rights as other citizens. The Local Government Act 2002 reinforces the importance of continuing to foster such relationships, the necessity of good communication and the value of Maaori heritage and values in New Zealand's progress as a distinctive nation.

9.2 Council's Relationship with Waikato-Tainui

Council continues to develop its partnership with the Waikato-Tainui Te Kauhanganui Incorporated (previously known as the Waikato Raupatu Trustee Company Ltd) — the iwi authority representing Waikato-Tainui across the Waikato Region. The Waikato-Tainui Te Kauhanganui Incorporated is the principal constitutional and legally mandated local iwi authority, encompassing some 33 hapuu and 67 marae across several local authority boundaries. Waikato-Tainui as a whole takes on the wider governance focus for its people, its tribal culture, education and social responsibility.

9.3 Waikato Raupatu Claims Settlement Act 1995

The Waikato River claim (being part of Wai 30) dated 16 March 1987 was filed in the Waitangi Tribunal by Robert Te Kotahi Mahuta on behalf of himself, Waikato-Tainui, the Tainui Maaori Trust Board and Ngaa Marae Toopu.

In 1995, the Raupatu Lands component of the claim was settled. The Waikato Raupatu Claims Settlement Act 1995 gave effect to a Deed of Settlement between the Crown and Waikato-Tainui dated 22 May 1995. The components in this Act which are of significance to the Council include:

- **Return of Lands**

Certain lands within the Hamilton City boundary were returned to Waikato-Tainui to be held in the name of Potatau Te Wherowhero. These lands included only properties which were under existing Crown ownership such as the University of Waikato, Te Rapa Airforce base, Hamilton Court House and Police Station.

- **Right of First Refusal**

The Crown also agreed as a form of redress a right of first refusal over Residual Crown Land. This applies to all Crown bodies including Hamilton City Council. Therefore the Council when proposing to sell any Residual Crown Land must give notice to Waikato-Tainui of the proposed sale with proposed terms. This process acknowledges the principle 'i riro whenua atu, me hoki whenua mai', meaning 'as land was taken, land must be returned'.

This settlement excluded the Waikato River claim, the West Coast Harbours and certain landblocks in north Waikato.

9.4 The Waikato River — Deed of Settlement

Waikato-Tainui regard the Waikato River as te tupuna awa (the ancestral river), representing the mana (authority) and mauri (life force) of the iwi. These values are paralleled by the very significant value the wider community places on the Waikato River as both a defining feature and critical resource for Hamilton. Consequently the overarching purpose for Waikato-Tainui and the Hamilton City Council is the protection and restoration of the health and well-being of the river.

A Deed of Settlement for the Waikato River Claim between Waikato-Tainui and the Crown was signed in August 2008 and is ushering in a new era of 'co-management' as well as providing opportunities to improve the health and well-being of the Waikato River. In 2007, as part of this process, a Guardians Establishment Committee (GEC) was formed to develop a Vision for the Waikato River. The committee comprises members representing the interests of all River Iwi which includes Waikato-Tainui, Maniapoto, Tuwharetoa, Raukawa and Te Arawa, also Environment Waikato and others appointed by Ministers of the Crown (including Hamilton Mayor Bob Simcock) to represent the interests of all New Zealanders.

The Deed, Vision and Strategy convey high expectations that the way the river is managed will improve and will be formalised through enactment of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Bill. To this end, Council is continuing to work with Waikato-Tainui, the Crown and partner councils to develop appropriate projects and processes that contribute to realising the vision set out by the GEC and to consider any changes that might be necessary in the way we work to integrate the new co-management regime into Council processes. The results of these discussions will be the subject of wide public consultation over the next two years.

Council's relationship arrangements provide other key opportunities for Maaori to contribute. Most importantly, Maaori representation on steering groups for each of the eight City Strategies that comprise the City Strategic Framework has been a critical part of developing and implementing the strategies (refer Section 3.2).

9.5 Partnership and Service Agreements

To assist in delivering services to Maaori, Council currently has specific partnership and service agreements with:

- Ngaa Mana Toopu o Kirikiriroa (NaMTOK) — an iwi group representing local mana whenua (Maaori with historic ties to the Hamilton/Kirikiriroa area) on issues relating to the management of Hamilton's natural and physical resources.

- Te Ruunanga o Kirikiriroa (TeROK) — an urban iwi authority representing maataa waka (Maaori/Pacific from other areas) on the impact of Council policies. Te Ruunanga provides a range of services, support, advice, and technical expertise that assist Council to meet the needs of the Maaori community in Hamilton.

These partnerships and agreements ensure mana whenua perspectives and maataa waka views are represented in decisions about the city, its community capacity and natural and physical resources.

It is to be expected that the relationships Council has with Maaori representative groups will evolve over time. Council is constantly exploring how these relationships can be improved through ongoing discussions with partner organisations.

“historic knowledge, experience and views of Maaori as well as the role that Maaori play in building Hamilton’s future”