#### **28 FEBRUARY 2019**

### MĀORI - TREATY OF WAITANGI - LOCAL AUTHORITIES.

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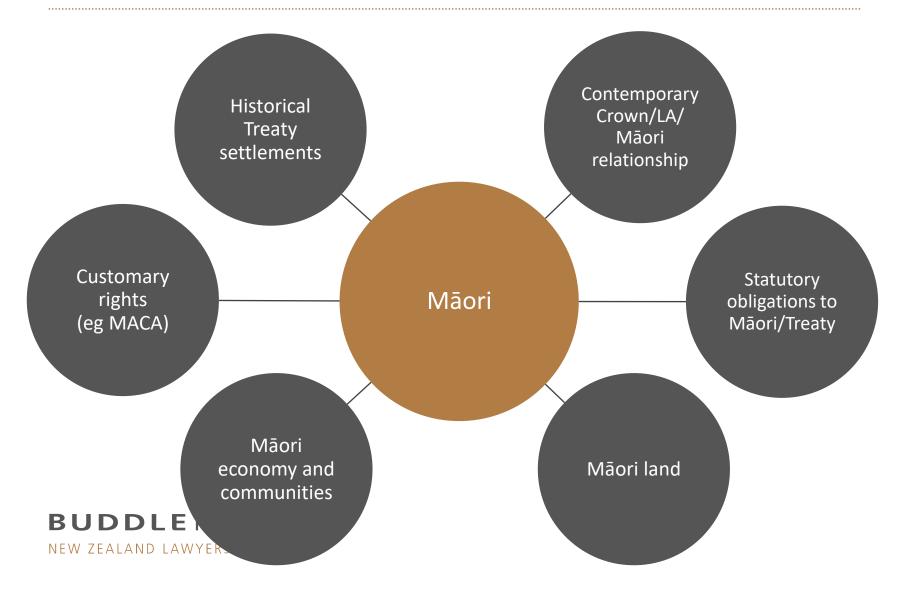
### Content

- The broader context
- The Treaty and local government
- Treaty settlements
- Statutory provisions
- MACA
- Mana Whakahono a Rohe



## The Broader Context

## The broader context



### **The Broader Context**

- The importance of understanding Te Ao Māori / the Māori lens
- The importance of relationships
- The importance of embracing Treaty settlements
- Working across the cultural, commercial and political dimensions
- The evolving expectations of Māori in relation to local government
- Beyond a 'consultation/engagement' mindset



## The Treaty and Local Government

#### Te Tiriti o Waitangi / Treaty of Waitangi



Source: en.wikipedia.org

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- Important to understand implications and relevance for local government
- A focus on the 'principles' of the Treaty of Waitangi in legislation
- Referred to in statutes such as the LGA and RMA

#### "Treaty of Waitangi

In order to recognise and respect the Crown's responsibility to take appropriate account of the principles of the Treaty of Waitangi and to maintain and improve opportunities for Māori to contribute to local government decision-making processes, Parts 2 and 6 provide principles and requirements for local authorities that are intended to facilitate participation by Māori in local authority decision-making processes." (section 4)

"a local authority should provide an opportunity for Māori to contribute to its decision-making processes" (section 14(1)(d))

# Treaty Settlements

## What is a Treaty settlement (and what is it not)?

- Addresses 'historical claims' but does not settle or capture all matters (eg customary rights, contemporary matters)
- A settlement does not displace relationships between councils and iwi/hapū
- What is the relevance of Treaty settlements to the Council?
- The opportunities for the Council through the settlements
- Elements of a Treaty settlement

## Statutory Provisions

## The statutory framework for the Council

- Obligations to Māori / the Treaty exist under a range of statutes including:
  - LGA
  - RMA
  - Reserves Act
  - Treaty settlement legislation
- In Auckland context, over 250 obligations under 30 statutes



### Marine and Coastal Area (Takutai Moana) Act

- Background to MACA
- The 'no-ownership' regime
- Participation in conservation processes
- Customary marine title and protected customary rights
- High Court and Crown engagement pathways

## Mana Whakahono a Rohe

- An agreement between Iwi authorities and the Council
- RMA focussed
- An agreement must be entered into (18 mths)
- Baseline for contents is prescribed
- Opportunities and challenges

# Korero / Questions.







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