



SUBMISSION to

Local Government and Environment Select Committee

on the

Walking Access Bill

To: Committee Secretariat
Local Government and Environment
Parliament House
WELLINGTON

This Submission is from:

Waikato Raupatu Trustee Company Ltd
Private Bag 542
Ngaruawahia

Waikato-Tainui Interests in this Bill

1. The Waikato Raupatu Trustee Company Ltd is the principal constitutional and the legally mandated Iwi authority of Waikato-Tainui.
2. Waikato-Tainui are tangata whenua of the Waikato region and hold mana whakahaere over the Waikato River Catchment from Karapiro to Te Puaha o Waikato.
3. The West Coast Harbours from Kawhia through to the Manukau heads and the Waikato River, including its lakes, islands and tributaries are of significant cultural and historical importance to Waikato-Tainui, therefore access to those areas needs to be discussed with Tangata Whenua.
4. Waikato-Tainui are in negotiations with the Crown for the Settlement of the Historical Claims to the Waikato River.

The Waikato River Claim

5. On the 20th December 2005 the Minister in Charge of Treaty of Waitangi Negotiations and the Waikato-Tainui Co-Negotiators signed the Terms of Negotiation setting out the basis for the negotiation of the remaining historical claims of Waikato-Tainui. The Crown has agreed to give priority to the negotiation of the Waikato-Tainui claim to the Waikato River.
6. On the 16th December 2007 an Agreement in Principle for the Settlement of Historical Claims of Waikato-Tainui in relation to the Waikato River was signed by Waikato-Tainui and the Crown at a Te Kauhanganui meeting.
7. The arrangements proposed under the Agreement in Principle reflect a commitment by the Crown and Waikato-Tainui to enter a new era of co-management over the Waikato River with an overarching purpose of the settlement to restore and protect the health and wellbeing of the Waikato River for future generations.
8. The Agreement in Principle outlines a process (amongst other things) whereby representatives of Waikato-Tainui, other river Iwi, Environment Waikato (representing regional interests) and the Crown (representing national interests) form a Guardians Establishment Committee to develop a Vision for the Waikato River to be consistent with the overarching purpose of the Agreement.
9. A Draft strategy has been developed to implement and promote the Vision for the Waikato River. The Vision and Strategy continues to be developed in consultation with the public and will be accorded the highest level of recognition in legislation affecting the Waikato River catchment and its management.

Issues arising from the Walking Access Bill

10. It is important to understand how increased access could affect the traditional practices and values of Waikato-Tainui. The following points will clarify the importance of our Waikato-Tainui values and should be understood to prevent an undue escalation of emotion should an issue arise through the implementation of this Bill:

- *Protection of Sites of Significance*
For Waikato-Tainui, sites of significance include areas of cultural, historical and environmental significance. The cultural and historical values bestowed on these sites give rise to the reasons why we established ourselves in this rohe. Our tupuna traversed these lands for the betterment of our people, established papakainga, marae and wananga. They fought for the right to remain in the Waikato and protect their natural resources and the sanctity of the lands. Therefore we must continue to protect the sanctity of our significant sites.
- *Protection of people*
Waikato-Tainui also have a duty to also protect all people from areas of significance that have be known to be of "malevolent" nature. Waikato-Tainui would not like these areas to be accidentally stumbled upon for the safety of the people, whether maori or of other ethnicity.
- *Protection of natural resources*
Waikato-Tainui like most other Iwi have a process known as "rahui" (temporary prohibition). This process is used to allow the regeneration of our natural resources for the benefit of the resource itself, or in preparation of a significant event, such as Poukai and tribal hui. The rahui is lifted through a process known as "noa", which lifts the prohibition and allows for the use of the resource. Providing access to these areas (which may include lakes, sections of the coast or river) may disturb that traditional practice due to lack of understanding.

11. The Agreement in Principle through clause 73 states:

"the deed of settlement and settlement legislation will include a provision that there shall be no disposition or creation of a property right or interest in the Waikato River (including the grant of an estate in fee simple, lease, license or easement) which, in the view of the Crown, is capable of disposition or creation:

- a. *without prior engagement between Waikato-Tainui and the Crown in accordance with the requirements of co-management, including negotiation of related matters such as entitlement to an economic benefit which may arise;*
- b. *that is inconsistent with the Vision for the Waikato River."*

The following clause states that clause 73 applies to the Waikato River from the Karapiro dam to Te Puaha o Waikato (including the Waipaa River from its junction with the Puuniu River to the Waipaa junction with the Waikato River.) Therefore it is clear that before this Bill receives the Royal assent, the Crown must directly engage with Waikato-Tainui.

12. The Agreement in Principle states in clause 79 (other matters) that:

“As soon as practicable after the date of this Agreement in principle, the Crown and Waikato-Tainui will:

- a. *Identify which lands of the Crown adjacent to the Waikato River from Karapiro to Te Puaha o Waikato and the lower Waipaa River may be available as part of the settlement.”*

Therefore the Commission (under clause 23 of the Bill) shall not consider any public land (within the definition above) to be made available for use as a walkway until Waikato-Tainui and the Crown have identified all lands to be included as redress in this settlement.

13. Waikato-Tainui sees no need to establish a new Commission to manage public access within New Zealand. The responsibility lies with the Department of Conservation, and therefore further funding for this increased responsibility should be directed to the Department and the responsibility should remain with them.

Summary

14. The Walking Access Bill gives rise to disposition as stated in clause 73 of the Agreement in Principle.
15. Waikato-Tainui are currently negotiating Crown lands within the Waikato River Catchment which are subject to this Bill.
16. Waikato-Tainui are currently negotiating its outstanding claim to the Waikato River. It is anticipated that a Vision and Strategy for the Waikato River Catchment is developed and be given the highest level of recognition by all agencies. This includes specified access for Waikato-Tainui to sites of significance, the Waikato River and waterbodies.
17. There are implications of access to or near sites of significance for Waikato-Tainui.
18. There is no need for the establishment of the New Zealand Walking Access Commission, leave the responsibility and the funding for this entity with the Department of Conservation.

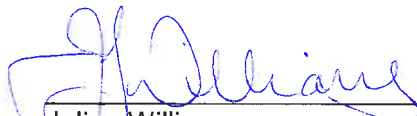
Recommendation

19. That the Walking Access Bill **not** be given effect within the Waikato-Tainui boundary and catchment until the Crown directly engage with Waikato-Tainui to resolve the issues outlined in this submission.

I wish to be heard in support of this submission.

DATED: 20th May 2008

WAIKATO RAUPATU TRUSTEE COMPANY LTD
By its Environmental Officer;



Julian Williams

Address for Services: C/- Julian Williams
Waikato Raupatu Trustee Company Ltd
Private Bag 542
Ngaruawahia

Telephone: 07-824 8689
Fax: 07-824 5133
Email: julianw@tainui.co.nz