

Attachment 1: The Local Government (Auckland Council) Act 2009 (Act) and Land Transport Management Act 2003

1. The Local Government (Auckland Council) Act 2009 (Act)

The Act provides definitions for mana whenua, mataawaka and provides operating principles for AT in relation to Māori. These operating principles point to the Land Transport Management Act 2003 that provides further requirements to act in a transparent manner in making decisions, this includes Māori.

Mana whenua are defined in the Act as:

mana whenua group means an iwi or hapu that—

(a) exercises historical and continuing mana whenua in an area wholly or partly located in Auckland; and

(b) is 1 or more of the following in Auckland:

(i) a mandated iwi organisation under the [Māori Fisheries Act 2004](#);

(ii) a body that has been the subject of a settlement of Treaty of Waitangi claims;

(iii) a body that has been confirmed by the Crown as holding a mandate for the purposes of negotiating Treaty of Waitangi claims and that is currently negotiating with the Crown over the claims

Mataawaka are defined in the Act as:

mataawaka means Māori who—

(a) live in Auckland; and

(b) are not in a mana whenua group

Operating principles in the Act:

In meeting its principal objective (as a council-controlled organisation) under section 59 of the Local Government Act 2002, and in performing its functions, Auckland Transport must—

(a) establish and maintain processes for Māori to contribute to its decision-making processes; and

(b) operate in a financially responsible manner and, for this purpose, prudently manage its assets and liabilities and endeavour to ensure—

(i) its long-term financial viability; and

(ii) that it acts as a successful going concern; and

(c) use its revenue efficiently and effectively, and in a manner that seeks value for money; and

(d) ensure that its revenue and expenditure are accounted for in a transparent manner; and

(e) ensure that it acts in a transparent manner in making decisions under this Act and the Land Transport Management Act 2003.

2. Land Transport Management Act 2003

The Land Transport Management Act 2003 provides further direction for Auckland Transport when engaging with Māori.

Section 4 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 land transport decision-making processes, sections 18, 18A, 18G, 18H, and 100(1)(f) provide principles and requirements that are intended to facilitate participation by Māori in land transport decision-making processes.

Section 18 Consultation requirements

(1) When preparing a regional land transport plan, a regional transport committee—

(a) must consult in accordance with the consultation principles specified in section 82 of the Local Government Act 2002; and

(b) may use the special consultative procedure specified in section 83 of the Local Government Act 2002.

(2) If consulting the Auckland Council, a regional land transport committee or Auckland Transport must consult both the governing body and each affected local board of the Council.

Section 18G Separate consultation with Māori on particular activities

(1) An approved organisation, the Auckland Council, or the Agency (as the case may require) must do everything reasonably practicable to separately consult Māori affected by any activity proposed by the approved organisation, the Auckland Council, or the Agency that affects or is likely to affect—

(a) Māori land; or

(b) land subject to any Māori claims settlement Act; or

(c) Māori historical, cultural, or spiritual interests.

Section 18H Māori contribution to decision making

(1) The Agency and approved public organisations must, with respect to funding from the national land transport fund,—

(a) establish and maintain processes to provide opportunities for Māori to contribute to the organisation's land transport decision-making processes; and

(b) consider ways in which the organisation may foster the development of Māori capacity to contribute to the organisation's land transport decision-making processes; and

(c) provide relevant information to Māori for the purposes of paragraphs (a) and (b).

Funding for Māori roadways

(1) The Agency may, in accordance with this Part, approve an activity relating to a Māori roadway as qualifying for payments to the Agency from the national land transport fund as if the roadway were a State highway.

(2) The Agency may, in accordance with this Part, approve an activity relating to a Māori roadway as qualifying for payments to a territorial authority from the national land transport fund as if the roadway were a local road.

(3) The Agency and territorial authorities may receive funding for a Māori roadway if the activity is included in a regional land transport plan.

Attachment 2: List of 19 Mana Whenua

Mana Whenua in Tāmaki Makaurau

- o Ngāti Wai Trust Board
- o Manuhiri Kaitiaki Charitable Trust
- o Ngāti Rehua Ngāti Wai Ki Aotea Trust
- o Ngā Maunga Whakahii o Kaipara Development Trust
- o Te Uri o Hau Settlement Trust
- o Te Rūnanga o Ngāti Whātua
- o Ngāti Whātua Ōrākei Whai Maia Ltd
- o Ngāti Pāoa Iwi Trust / Ngāti Pāoa Trust Board
- o Ngāti Maru Rūnanga o Ngaati Whanaunga Incorporated
- o Ngāti Tamaterā Settlement Trust
- o Te Patukirikiri Iwi Incorporation
- o Te Ara Rangatū o te iwi o Ngati Te Ata Waiohua Incorporated Society
- o Te Kawerau Iwi Tribal Authority
- o Ngāti Tamaoho Trust
- o Ngāi Tai ki Tāmaki
- o Te Ākitai Waiohua Waka Taua Inc.
- o Te Ahiwaru - Makaurau Marae Māori Trust
- o Waikato – Tainui Te Kauhanganui Inc

Attachment 3: Independent Māori Statutory Board

The Independent Māori Statutory Board is an independent body corporate established under the Local Government (Auckland Council) Act 2009 to promote issues of significance to Māori to the Auckland Council. The Board also ensures that Auckland Council acts in accordance with statutory provisions relating to Te Tiriti o Waitangi.

The board has seven members representing mana whenua and two members representing mataawaka. Two board members sit with voting rights on council committees that deal with management and stewardship of natural and physical resources. The board provides direction and guidance to Auckland Council on issues affecting Māori to help improve council's outcome with Māori.

The Board are appointed on the following committees.

- Finance and Performance Committee
- Planning Committee
- Environment and Climate Change
- Park, Arts and Community Events
- Audit and Risk Committee
- Regulatory Committee
- Civil Defence and Emergency Management Committee
- Auckland Domain Committee.
- CCO Oversight Committee
- Strategic Procurement
- Value for Money

The Board membership is by way of a selection and appointment process. The Minister of Māori Development invites mana whenua to form a selection body. The selection body appoint the seven mana whenua representatives and two mataawaka representatives. This process is funded by Auckland Council.