

3 Treaty of Waitangi

3.1 INTRODUCTION

This section sits in front of the other policy sections of the management plan, in recognition of the Treaty of Waitangi relationship between the Crown, through the Department, and Ngāi Tahu. The management of the Park's values must be from the bi-cultural perspective, in accordance with the Crown's recognition of the Treaty.

3.1.1 Treaty Relationship

Policy

3.1.1

To manage Aoraki/Mount Cook National Park in a manner that gives effect to the principles of the Treaty of Waitangi, to the extent that the provisions of the National Parks Act 1980, *Deed of Settlement* 1997 and Ngāi Tahu Claims Settlement Act are not clearly inconsistent with the principles of the Treaty.

Explanation

3.1.1 - Section 4 of the Conservation Act 1987 requires the National Parks Act 1980 to be interpreted and administered to give effect to the principles of the Treaty of Waitangi, at least to the extent that the provisions of the National Parks Act 1980 are not clearly inconsistent with the principles (*Ngāi Tahu Māori Trust Board v Director-General of Conservation* [1995] 3NZLR 553, 558, Lines 33-35).

The Department's guiding principles in regard to the Treaty of Waitangi and its principles are set out in Appendix F. The *Deed of Settlement* 1997 and the Ngāi Tahu Claims Settlement Act 1998 also provide specific obligations for the Department. These specific obligations are noted, where relevant, in policies, explanations and methods throughout this Management Plan. The Method below, which relates to Section 4 of the Conservation Act, applies throughout the Plan, but to avoid repetition is listed once below.

The Department recognises the mana and tākata whenua status of Ngāi Tahu, whose rohe (tribal region) includes the Park and ensures where appropriate, that Ngāi Tahu are actively involved in the protection of their taonga within the Park. Consultation from the early stages of proposed undertakings that will affect iwi interests is essential. It is important to establish and maintain a close relationship with Ngāi Tahu and ensure that their concerns are heard and taken into account. The Department seeks to achieve this through a range of mechanisms, examples of which include consultation with Ngāi Tahu on the Department's annual business plan and regular Rōpū Kaitiaki meetings with tākata whenua (see 1.3.2).

Consultation with Ngāi Tahu will be principally with the tākata whenua. In addition, the Department is required to consult with Te Rūnanga o Ngāi Tahu, the tribal body of Ngāi Tahu, over any *Deed of Settlement* related matters.

Significant values have been identified and have been addressed through specific policies and methods of this plan.

Method

3.1.1

The Department will actively consult and work with tākata whenua and where required or appropriate, Te Rūnanga o Ngāi Tahu, from the early stages of proposed undertakings that will affect Ngāi Tahu values.