

Michelle van Straalen

From: Michelle van Straalen
Sent: Friday, 10 July 2020 16:12
To: [REDACTED]
Subject: LGOIMA 20141 - The removal of colonial sculpture in Hamilton
Attachments: Captain Hamilton Statue - Actions; Community Committee.pdf

Kia ora

Further to your information request below, I am now able to provide Hamilton City Council's response.

You requested:

Please send me the minutes of the meeting that declared the removal of colonial sculpture in Hamilton was acceptable. I want to see ALL discussion documents.

Our response:

Please find **attached** the following documents:

- 1) An email summary of the key points and actions that were sent to the Chief Executive and Mayor following the meeting to discuss the temporary removal of the Captain Hamilton Statue. No formal meeting minutes were recorded during the meeting.
- 2) The Report to the June 2020 Community Committee

If you have any concerns with the decision(s) referred to in this response, you have the right to request an investigation and review by the Ombudsman under section 27(3) of the Local Government Official Information and Meetings Act 1987.

For your information, the Ombudsman's contact details are:

Email: info@ombudsman.parliament.nz
Post: PO Box 10152, Wellington 6143
Telephone: 0800 802 602

Kind regards,

Michelle van Straalen

Official Information Advisor | Legal Services

DDI: 07 974 0589 | Michelle.vanStraalen@hcc.govt.nz



Hamilton City Council | Private Bag 3010 | Hamilton 3240 | www.hamilton.govt.nz

[Like us on Facebook](#) [Follow us on Twitter](#)

This email and any attachments are strictly confidential and may contain privileged information. If you are not the intended recipient please delete the message and notify the sender. You should not read, copy, use, change, alter, disclose or deal in any manner whatsoever with this email or its attachments without written authorisation from the originating sender. Hamilton City Council does not accept any liability whatsoever in connection with this email and any attachments including in connection with computer viruses, data corruption, delay, interruption, unauthorised access or unauthorised amendment. Unless expressly stated to the contrary the content of this email, or any attachment, shall not be considered as creating any binding legal obligation upon Hamilton City Council. Any views expressed in this message are those of the individual sender and may not necessarily reflect the views of Hamilton City Council.

From: official information
Sent: Tuesday, 16 June 2020 11:57 AM
To: [REDACTED]
Cc: official information <officialinformation@hcc.govt.nz>
Subject: HPE CM: LGOIMA 20141 - The removal of colonial sculpture in Hamilton

Kia ora

I write to acknowledge your information request of 15 June 2029 in respect of the removal of the colonial sculpture in Hamilton. I have interpreted this as being the Captain Hamilton Statue, please let me know as soon as possible if this is incorrect.

Please be advised that your request has been passed on to the relevant team within Council and you will be informed of the outcome.

The Local Government Official Information and Meetings Act 1987 requires that we advise you of our decision on whether the Council will provide the requested information or not "as soon as reasonably practicable", no later than 20 working days after the day we received your request. We will respond to you no later than 10 July 2020.

Kind regards,

Michelle van Straalen
Official Information Advisor | Legal Services

DDI: 07 974 0589 | Michelle.vanStraalen@hcc.govt.nz



Hamilton City Council | Private Bag 3010 | Hamilton 3240 | www.hamilton.govt.nz

[Like us on Facebook](#) [Follow us on Twitter](#)

This email and any attachments are strictly confidential and may contain privileged information. If you are not the intended recipient please delete the message and notify the sender. You should not read, copy, use, change, alter, disclose or deal in any manner whatsoever with this email or its attachments without written authorisation from the originating sender. Hamilton City Council does not accept any liability whatsoever in connection with this email and any attachments including in connection with computer viruses, data corruption, delay, interruption, unauthorised access or unauthorised amendment. Unless expressly stated to the contrary the content of this email, or any attachment, shall not be considered as creating any binding legal obligation upon Hamilton City Council. Any views expressed in this message are those of the individual sender and may not necessarily reflect the views of Hamilton City Council.

From: "Hamilton City Council" <do.not.reply@hcc.govt.nz>
Sent: Friday, 12 June 2020 6:56 PM
To: "info@hcc.govt.nz" <info@hcc.govt.nz>
Subject: HCC Website - Request for services ref: HCC-RFS-200612-B1TOK-1H2

HCC Website - Request for Services

Reference: HCC-RFS-200612-B1TOK-1H2
Request Type: Other service
Attachment: not supplied

Contact name: [REDACTED]
Organisation: [REDACTED]
Preferred contact method: Email
Email Address: [REDACTED]
Phone number: [REDACTED]

Request message

Please send me the mintues of the meeting that declared the removal of colonial sculpture in hamilton was acceptable. I want to see ALL discussion documents.

Council Report

Committee: Community Committee **Date:** 23 June 2020
Author: Lance Vervoort **Authoriser:** Lance Vervoort
Position: General Manager Community **Position:** General Manager Community
Report Name: Captain Hamilton Statue

Report Status	<i>Open</i>
----------------------	-------------

Purpose – Take

1. To inform the Community Committee of the events surrounding the removal of the Captain Hamilton statue from Civic Square on 12 June 2020.
2. To seek the Community Committee's approval of 'next steps' relating to this matter.

Staff Recommendation - *Tuutohu-aa-kaimahi*

3. That the Committee:
 - a) receive the report; and
 - b) requests the Chief Executive report to the Community Committee on 13 August 2020 with a work programme relating to matters that will inform a future decision on the Captain Hamilton statue.

Executive Summary - *Whakaraapopototanga matua*

4. The Public Art work Captain Hamilton was gifted to Hamilton City in 2013.
5. On Friday 12 June 2020 the statue of Captain Hamilton was removed from the Civic Square pending a further decision.
6. The decision to remove the statue was made after the Council received on Thursday 11 June credible information that members of the public were planning to forcibly remove it, which would have threatened public safety and potentially damaged infrastructure.
7. The sculpture is currently in secure storage awaiting a decision by Council as to its future.

Background - *Kooreo whaimaarama*

8. The military settlement of Hamilton, established in August 1864 on the site of a Maaori kainga known as Kirikiriroa, was named in honour of Captain John Fane Charles Hamilton, who was killed during the battle of Pukehinahina (Gate Paa) on 29 April of that year.
9. The statue of Captain Hamilton was gifted to the city by the Gallagher Group in 2013.
10. The statue is one of a number of monuments that has attracted criticism from those who feel it celebrates a colonialist/imperialist history.

11. The statue was the subject of a previous incident in August 2018 during which it was covered in red paint and hit with a hammer.

Discussion - *Matapaki*

Statue removal:

12. Staff were advised on the afternoon of Thursday 11 June 2020 that the Captain Hamilton statue was likely to be targeted by protestors attempting to remove it on Saturday 13 June 2020.
13. The Chief Executive also received an email from Waikato Tainui Chief Executive, Donna Flavell the same afternoon seeking the immediate removal of the statue.
14. In response, staff held an urgent meeting with the Chief Executive and Mayor at 5pm that day to agree actions.
15. At that meeting, staff advised there may be a risk to public safety and to the structural integrity of the underground carpark if the statue was removed in an uncontrolled manner.
16. The Chief Executive, supported by senior staff and with the agreement of the Mayor, made the decision to remove the statue immediately, pending further discussions about its long-term future.
17. The Mayor contacted John Gallagher, of the Gallagher Group, on Thursday to advise him of the situation. Mr Gallagher was supportive of the proposal to remove the statue.
18. Following this decision, the Mayor contacted other Elected Members by phone and advised them of the plan to remove the statue the following day. Two elected members were not contactable that evening, but messages were left.
19. Contractors removed the statue the following morning, Friday 12 June 2020. It was transported to, and is now being stored at, a secure Council-owned facility.

Next steps:

20. The decision to remove the statue was an interim one, pending further discussion by Council, Iwi and other stakeholders.
21. However, any decision on the statue cannot be made in isolation of other related matters, including:
 - Development of Council's Maaori strategy
 - Consideration of how we recognise our history and tell our stories across the city
 - Culturally sensitive place names and sites
 - A review of the Public Art Development Process – Permanent Artworks (and potentially the need for a separate process for statues and monuments)
 - Views of Iwi, hapu, stakeholders and the wider community
22. The Council has been working collaboratively with Waikato-Tainui for more than 12 months on a project to review culturally sensitive place names and sites. A joint report on this work was due to go to Council before lockdown took place. We are currently working with Waikato-Tainui to arrange a new time to go through the initial findings of the report.
23. Staff recommend a programme is initiated to develop these various pieces of work as part of the Community Committee work programme. Staff would work with elected members through briefings to develop this programme and to identify the parties that should be involved in this work.
24. Some parts of work which are likely to be part of this programme are already underway.

25. It is proposed that the work programme related to these contextual matters would be brought back to the Community Committee for endorsement and consideration of the resources that may be needed.

Financial Considerations - *Whaiwhakaaro Puutea*

26. The cost to remove the Captain Hamilton statue was approximately \$3,000. The statue is now being stored at a Council-owned facility for no cost.
27. Staff resource will be used to develop the work programme and any other resources needed will be reported back, noting that funds for the development of a Maaori Strategy have been included in the draft 2020/21 Annual Plan.

Legal and Policy Considerations - *Whaiwhakaaro-aa-ture*

28. The matters outlined in this report comply with Council's legal requirements.
29. The contract governing the gifting of the statue to Council states that while at the time the statue was gifted, Council's intention was to keep the statue at the agreed site, Council is able to remove, relocate or dispose of the statute without the Gallagher Group's consent. However, before doing so, the contract requires that Council must consult the Gallagher Group, as was done here.
30. For completeness, the decision to temporarily remove the statue is within the Chief Executive's delegations.
31. The current Public Art Development process – Permanent Artworks is included in the Community Committee's work programme for 2020.

Wellbeing Considerations - *Whaiwhakaaro-aa-oranga tonutanga*

32. The purpose of Local Government changed on the 14 May 2019 to include promotion of the social, economic, environmental and cultural wellbeing of communities in the present and for the future ('the 4 wellbeings').
33. The subject matter of this report has been evaluated in terms of the 4 wellbeings during the process of developing this report as outlined below.
34. The recommendations set out in this report are consistent with that purpose.

Social

35. The proposed programme of works contributes to the social wellbeing of the community by allowing the community to be involved in discussions raised through these developments. This kind of community engagement contributes to a strong sense of identity, ownership and understanding by the public.

Economic

36. There have been no economic considerations identified with the matters raised in this report.

Environmental

37. There have been no environmental considerations identified with the matters raised in this report.

Cultural

38. Council considered section 4 of the Local Government Act 2002 and the responsibility to take appropriate account of the principles of the Treaty of Waitangi in its decision-making, in particular the principle to act in good faith and partnership.
39. Council also considered sec 81 and 82 by providing opportunities for Iwi to participate in the decision-making to remove the statue through consultation with Waikato Tainui and local Mana Whenua.
40. Council sought the advice of Maangai Maaori and Amorangi Maaori in the discussion to temporarily remove the statue.
41. Council recognises the special relationship that Iwi and Mana Whenua have to Kirikiriroa and has actively promoted opportunities for Iwi and Mana Whenua to participate in decision-making at all levels of Council.
42. Council is working in partnership with Waikato Tainui to review and address issues of 'cultural sensitivity' related to Naming of Council street, parks and facilities.

Risks

43. There are no known legal risks associated with this decision.
44. There may be a risk from some members of the community that the Council is not acting quickly enough to resolve the matter; however these issues should be addressed in a measured way.

Significance & Engagement Policy - *Kaupapa here whakahira/anganui*

Significance

45. Staff have considered the key considerations under the Significance and Engagement Policy and have assessed that the matter(s) in this report has/have a medium level of significance.

Engagement

46. Given the medium level of significance determined, the engagement level is medium. Engagement is required.
47. Although a decision to initiate a programme of works would have medium significance, staff recognise that there is a high level of public interest in the matter in general, which will be addressed in the proposed programme of works. Once the programme of work comes back to the committee it will need to make a decision on the level of engagement required.

Attachments

There are no attachments for this report.

Michelle van Straalen

From: Sean Hickey
Sent: Thursday, 11 June 2020 19:24
To: Paula Southgate; Richard Briggs
Cc: Senior Leadership Team; Lauradanna Radesic; Steve Chappell; Joanna van Walraven; Lauradanna Radesic; Jeanette Tyrrell; Natalie Palmer; Becca Brooke; Emily Botje; Muna Wharawhara; Kelvin Powell; Robyn Denton; Tracey Wood
Subject: Captain Hamilton Statue - Actions
Attachments: Captain Hamilton Statue - Actions.docx

Hi Richard and Mayor Paula,

Please see attached summary of actions from this afternoon's discussion. Any questions, please let me know.

Regards,
Sean

Sean Hickey

Te manahautu o te tuutanga rautaki me te whakapa
General Manager | Strategy & Communications

DDI: 07 838 6432 | Mob: [REDACTED] | Email: sean.hickey@hcc.govt.nz



Hamilton City Council | Private Bag 3010 | Hamilton 3240 | www.hamilton.govt.nz

[Like us on Facebook](#) [Follow us on Twitter](#)

This email and any attachments are strictly confidential and may contain privileged information. If you are not the intended recipient please delete the message and notify the sender. You should not read, copy, use, change, alter, disclose or deal in any manner whatsoever with this email or its attachments without written authorisation from the originating sender. Hamilton City Council does not accept any liability whatsoever in connection with this email and any attachments including in connection with computer viruses, data corruption, delay, interruption, unauthorised access or unauthorised amendment. Unless expressly stated to the contrary the content of this email, or any attachment, shall not be considered as creating any binding legal obligation upon Hamilton City Council. Any views expressed in this message are those of the individual sender and may not necessarily reflect the views of Hamilton City Council.

Captain Hamilton Statue:

Background:

1. Richard Briggs received a letter today, 11 June 2020, from Waikato Tainui Chief Executive, Donna Flavell, acknowledging the collective effort of both organisations in reviewing culturally sensitive place names and sites.
2. The letter also requested, given recent international events, the immediate removal of the Captain Hamilton statue from Civic Square as it is seen as a symbol of colonial invasion.
3. The statue, commemorating Captain John Fane Charles Hamilton was gifted to the city by the Gallagher Group in 2013.
4. At a meeting between senior staff and the Mayor this evening, staff advised there may be a risk to public safety and to the structural integrity of the underground carpark if the statue is removed in an uncontrolled manner.
5. At the meeting, it was agreed that the appropriate course of action would be to temporarily remove the statue.
6. The Mayor contacted John Gallagher this evening and advised him of the request from Waikato Tainui. He agreed with the suggestion to temporarily remove the statue, pending further discussions with Waikato Tainui and other stakeholders.

Actions:

7. **The Mayor** to contact Elected Members this evening to advise them of the situation and the plan.
8. **Emily Botje** to lead removal of the statue from Civic Square tomorrow, Friday 12 June 2020.
9. **Steve Chappell**, from the Waikato Museum, to oversee and document removal of the statue and ensure its appropriate handling.
10. **The Mayor** to call Timi Maipi (Waikato Tainui Kaumatua) advising him of the statue's removal.
11. **Lauradanna Radesic** to prepare media statement, internal comms, Elected Member comms to be issued tomorrow – **Richard Briggs** to be Council spokesperson and quoting **The Mayor**
12. **Jo van Walraven** to contact Mesh and the Artist on Friday to advise of the statue removal
13. **Muna Wharawhara** to contact Donna Flavell to advise of the statue removal

Further actions/decisions to be determined:

14. Meeting to be held with Waikato Tainui and HCC to receive presentation from historian Vincent O'Malley regarding culturally sensitive place names/sites in Hamilton.
15. Discussion on permanent future of Captain Hamilton Statue
16. Discussion re what goes in place of Captain Hamilton Statue in Civic Square
17. Discussion re public art policy (and separation of monuments and statues)