

9 March 2020

Hon. Andrew Little, Minister for Treaty Negotiations  
Parliament  
Wellington 6140

### Allocation of the Waitangi Properties

Tena koe e te Minita,

In reply to your letters of 10 and 11 of February on this subject, Ngāti Mutunga o Wharekauri experiences your decision with regards to Site 6 of the Hospital Block as a slap in the face. As I forewarned in previous correspondence, your decision has unfortunately crystallized an entirely avoidable **contemporary Treaty grievance**. As a consequence, Ngāti Mutunga o Wharekauri are in the process of lodging an application for an urgent hearing by the Waitangi Tribunal to investigate this decision and the process that led to it.

You have noted that the Crown is not bound by the earlier Tribunal recommendations relating to the Hospital Block. This discretionary power, however, is not a reason not to follow those recommendations to the extent practicable. We are owed a much better explanation as to why an aspiration that lies at the heart of Ngāti Mutunga o Wharekauri Treaty claims (the return of the Hospital block) that was supported by the Tribunal does not have your support and will not be realised.

You state that you *"have taken into account both group's aspirations regarding the properties as well as considering the respective total settlement packages on offer to both groups"*.

The facts are that half of Site 6 is of little significance and economic value to Moriori whereas it is of huge significance to Ngāti Mutunga o Wharekauri. The hospital block (less than 5 hectares in total of land banked property) is the **only** piece of Crown land Ngāti Mutunga o Wharekauri seek as exclusive redress within our settlement. Moriori already have been offered Owenga, Waipaua, Te Awanui and Glory on an exclusive basis. Including the Taia Reserve (outside of the settlement), this totals some 2,500 hectares. We cannot understand how you could reach the conclusion that our 5 hectares needs to be reduced to 3 hectares (-40%) in order for the Moriori area to be increased to say 2,502 hectares (+0.1%).

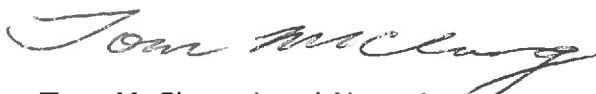
Similarly, when taking into account the respective total settlement packages of both groups, the Moriori package is already significantly larger than what is on offer to Ngāti Mutunga o Wharekauri even before adding some of the Hospital Block to the Moriori settlement to our disadvantage. No doubt you have relied on advice in making this decision but, to the extent you have done so, that advice must be deficient and unfair.

However, be that as it may, I wish to turn now to your concluding remarks in your letter responding to my letter of 31 January that you "*look forward to the prospect of resuming negotiations with Ngati Mutunga o Wharekauri within the parameters I outlined in my letter of 28 January.*" I confirm that, notwithstanding the disappointment caused by your decision over the Hospital Block, Ngāti Mutunga o Wharekauri remain committed to continuing negotiations with you as envisaged by your comments.

In particular, we strongly desire to continue the 'Webber Process' once John Armstrong has completed his Taranaki MACA project. In the three months we have enjoyed working together on a joint historical account and associated draft acknowledgements, excellent progress has been made. However, the project is only half completed (we have only reached the 1850s) and we have not reached the point of having some agreed acknowledgements in draft form. We ask that you mandate and resource a similar length of time to conclude this very constructive work.

During that time, I would also anticipate the opportunity to present and discuss the development of other parameters for a successful Treaty settlement.

Naku noa na,



Tom McClurg, Lead Negotiator,  
Ngāti Mutunga o Wharekauri Iwi Trust.