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Open Letter to the Hon. Christopher Finlayson

Minister for Treaty of Waitangi Negotiations

Email : c.finlayson@ministers.govt.nz

Ref : your letter dated 10 September 2014

Tena Koe Minister,

Thank you for the response to my letter dated 20 August 2014.

You maintain that the Crown has no active role in 'in respect of Ngati Kahu ki Whangaroa (specifically Aukiwa : a hapu of Ngati Kahu ki Whangaroa) discussions relating to Stony Creek Station'.

In my letter, 20 August 2014, I point out twice where agents/officers of the Crown, have played an inappropriate active role in discussions relating to Waikohatu (Stony Creek Station).

Those agents/officers of the Crown being :

Ben Dalton (Ngapuhi), seconded from the Ministry of Primary Industries, '**messenger**' for the Crown.

- 1. In the establishment of this 'working party' the Crown has had an inappropriate active role right from the beginning and the subsequent process. A role that goes contrary to your own advice.(see above)**
- 2. This was made possible by the attendance at the establishment hui, 19 April 2014, at Waimahana by Crown 'fix-it' man Ben Dalton.**
- 3. Dalton bought along to this meeting lawyer, Moana Tuwhare, having no qualms advocating her as counsel.**
He further supported his position by saying he could readily access funding for a lawyer. She is now counsel for the 'working party' and compromised by her association with the Crown, effectively a Crown lawyer.
- 4. In regard to Paeara as the tupuna from whom the land was taken : Dalton said it would be limiting to talk of the return of land to a specific tupuna as it was not agreed upon and the focus should be on the trust.**
- 5. To dismiss what he calls a specific tupuna is to deny the lawful rights of the owner of that land and the descendants of that tupuna, furthermore what entity,if any, the descendants put that whenua into is their business and not the prerogative of Dalton to patronize us by telling us our focus should be on a trust. More Crown interference.**

Mr. Dalton is whakahihi.

Irrespective of Mr. Dalton's role as mediator I find his manipulation repugnant.

This behavior in an ancestral house only serves to draw the attention of my ancestors.

David Tapsell (Arawa), Office of Treaty Settlements, Crown negotiator.

6. Following the 19 April 2014, Waimahana hui were a quick succession of hui at McDonald's establishments at ridiculous hours like 6:30a.m.
Insufficient notice and inappropriate venues just added to the comical farce of 'musical hui'.
7. The culmination of this was a meeting with OTS (Office of Treaty Settlements) negotiator David Tapsell.
This meeting occurred without consultation with the hapu.
Attending this meeting was Crown-paid (pending) lawyer Moana Tuwhare.
Her presence at this meeting was not sanctioned by the hapu and indeed was not part of her brief.
Others present included Janice Smith, self-appointed chairperson of the 'working party', and Norm McKenzie, nominated by Smith onto the 'working party'.
It should be stressed that this meeting was a meeting of individuals with Tapsell and not a group that had consulted or been sanctioned by the hapu.
8. **The disturbing outcome of this meeting was the ability of Tapsell to get an undertaking from these individuals that they would give OTS a running brief on what the 'working party' was doing. The Crown has absolutely no right to monitor the in-house processes of the hapu.**
The follow-on is that Tapsell is to have a meeting, 21 August 2014, with these individuals again. Once again not constructive as they are not a true representation of the hapu.

In the case of Dalton and Tapsell, as agents of the Crown, their brief may well have been to do exactly as I have described.

This obliterates the notion of the Crown 'acting in good faith'.

The 'cherry on the cake', of course, is the Crown condition that Settlement be 'full and final'.

As Treaty Minister and in light of what I have said in this letter, I would like you to explain the actions of these two public servants.

When is a 'active role' not an active role' ?

Who instructed them ?

Who briefed them ?

What will you do to correct it ?

A timely response would be appreciated.

Regards,
Edwin Emery