

**Immediate Release**  
**28 March 2022**

**Chief Ombudsman Finds Lack of Consultation on National Erebus Memorial  
by Ministry of Culture & Heritage “Unreasonable”, “Defective Process” & “Tainted”**

The lack of community consultation by the Ministry of Culture and Heritage on the location of the proposed National Erebus Memorial at Taurarua/Mataharehare/Dove-Myer Robinson Park has been found to be “unreasonable” by the government’s own watch dog in a 132 paragraph opinion spanning 31 pages.

The Chief Ombudsman calls out the “defective process” that breached Te Tiriti/Treaty of Waitangi and been the cause of “considerable grievance” in the community which has now “tainted” the memorial.

“My view is that MCH should have consulted the wider local community and all Tāmaki Makaurau iwi comprising the mana whenua before forming a preference for any site in Auckland,” Chief Ombudsman Peter Boshier said.

He went on to confirm the “strong arguments” by Erebus family members against the location and confirms the view of Auckland Council that while the site might be “workable” a better option would be closer to the airport.

Boshier encourages the Ministry under section 22 of the Ombudsmen Act 1975, to “resolve the sense of grievance that the failure to consult more widely has created”.

Rangatira Māori backed by complainants and community have been quick to respond by praising the Chief Ombudsman’s commitment to resolving this matter promptly, with principle.

“Placing his ruler carefully over the facts clearly shows that the process chosen by the Ministry has been found wanting and not in the spirit of natural justice,” said Dame Naida Glavish.

“The risk to Te Hā, the ancient Pōhutukawa is simply unacceptable. The whakapapa of the whenua dates back to the very beginning of time and the whakapapa of this tupuna rākau dates back to the signing of Te Tiriti/Treaty of Waitangi. The Ministry has treated the tupuna rākau as an afterthought, not as tuākana.”

The decision by the Ombudsman comes in response to an official complaint lodged by Dame Naida, protectors of the park and Erebus family members collectively last year.

Boshier calls into question the “administration” by the Ministry that he believes denied all [19 mana whenua iwi](#) and the wider community being heard when considering a range of possible locations for the national memorial.

He also points to the Ministry breaching Treaty obligations by choosing the Parnell site unilaterally ahead of consultation with iwi.

“I find the lack of any contact with mana whenua interests prior to forming a preference particularly surprising given the obligations of consultation with indigenous peoples recognised at an international level and the Crown’s partnership obligations under Te Tiriti/Treaty of Waitangi.”

Dame Naida has repeatedly called for the values of te ao Māori to be upheld in the matter. The rāhui and the preservation of the mana and mauri of Ta Hā, [the ancient Pōhutukawa](#) at the site to be respected.

In a rare move last year, National Iwi Chairs Forum a federation of 80 iwi across Aotearoa backed up the stance by issuing an [official statement](#) to the government about the need to elevate rāhui into law.

Shutting out key voices in the consent process and not consulting with Tangata Whenua until after site selection has been a key concern of Glavish and the protectors of the park.

The integrity of the Ministry of Culture and Heritage has been another issue raised.

After being alerted to the Ombudsman's criticism on 2 December 2021 in his provisional report, two weeks later the Ministry transgressed the rāhui by deploying security guards in the dead of night with fencing. On 2 March 2022 it authorised for the rāhui to be breached again in the early hours before dawn.

"After it received the Ombudsman's provisional opinion, the Ministry was behind two deliberate acts of defiance by breaching the rāhui and not pausing works entirely while the Ombudsman investigated. This has caused an understandable deep mistrust of the Ministry's intentions," said Dame Naida.

"What the Ombudsman has found through careful and considered analysis, is what we have experienced. The process of the Ministry of Culture and Heritage breached obligations under Te Tiriti, was rushed, and the outcome is tainted. It has let down Aotearoa."

The Petition Select Committee and the Māori Select Committee have received formal notification of the final opinion and expected to conduct an open hearing of public submissions on the issue.

Over [24,000 petition signatories](#) have been gathered online and manually in a petition started by Erebus family member, Ms Margaret Brough to protect Tauraru/Mataharehare/Dove-Myer Robinson Park and Te Hā.

"Yet there is always hope. Now is the time to put right, the wrong. As a reasonable step, we invite mediation between affected parties convened by the Chief Ombudsman to take place as soon as possible," Dame Naida said.

ENDS

## BACKGROUND:

1. **Ombudsman Report** <https://static1.squarespace.com/static/6036d198c3e0453bf0f4e7c0/t/6240ca592b50e515aee76575/1648413276854/Latest+Ombudsman+Report.pdf>
2. **Letter to the Petitions Select Committee** [https://static1.squarespace.com/static/6036d198c3e0453bf0f4e7c0/t/6240cf28802d0963adc8bb4f/1648414505174/Letter+to+Petition+Select+Committee\\_Final.pdf](https://static1.squarespace.com/static/6036d198c3e0453bf0f4e7c0/t/6240cf28802d0963adc8bb4f/1648414505174/Letter+to+Petition+Select+Committee_Final.pdf)
3. **Letter to the Māori Affairs Committee** [https://static1.squarespace.com/static/6036d198c3e0453bf0f4e7c0/t/6240d15066f313090b157bb2/1648415056952/Letter+to+the+Maori+Affairs+Select+Committee\\_Final.pdf](https://static1.squarespace.com/static/6036d198c3e0453bf0f4e7c0/t/6240d15066f313090b157bb2/1648415056952/Letter+to+the+Maori+Affairs+Select+Committee_Final.pdf)
4. **Email Correspondence with Ministry of Culture & Heritage** [https://static1.squarespace.com/static/6036d198c3e0453bf0f4e7c0/t/6240d1ce8839eb03d63926a8/1648415183133/Email+to+Brodie+Stubbs\\_28+March+22.pdf](https://static1.squarespace.com/static/6036d198c3e0453bf0f4e7c0/t/6240d1ce8839eb03d63926a8/1648415183133/Email+to+Brodie+Stubbs_28+March+22.pdf)