

## Māori Affairs Committee

### Via Email

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Kei te rangatira, tēnā koe

### Re: National Erebus Memorial – Taurarua/Mataharehare/Dove-Myer Robinson Park

We are writing to advise that the Chief Ombudsman has now released his report into the actions of the Ministry of Culture and Heritage in relation to the proposed Erebus Memorial.

You will find a copy of that report [here](#) Please add these findings to our submission.

In his 31 page report the Chief Ombudsman, Mr Peter Boshier makes clear that the Ministry completely failed to consult all Tāmaki Makaurau iwi comprising the mana whenua and the wider local community before forming a preference for any site in Tāmaki Makaurau.

Significantly, he points out:

1. The Ministry **breach of Te Tiriti 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.”*
2. This course of action was “unreasonable” and that the process undertaken by the Ministry in selecting the site was “deficient”. This is a far cry from the Ministry’s claims of a “robust” process and is particularly concerning given the obligations of a Treaty Partner.
3. The site cannot reasonably be said to be suitable for the memorial unless the considerable grievances caused by the Ministry’s conduct and unreasonable lack of consultation with mana whenua and the community can be resolved.
4. The site is already tainted by the harmful lack of consultation undertaken by the Ministry when making its site selection.

*“This is significant finding for an Ombudsman to make about the adequacy of the Ministry’s process in leading to the construction of a national memorial.”*

5. Importantly, Mr Boshier points to the impact of the memorial on Te Hā the tupuna rākau that has stood on the whenua for almost 200 years when he states, *“A project*

*of this nature in DMRP will inevitably have some impact on the natural life of the tree.”*

A situation that impacts this important tree in any way, is simply unacceptable. The whakapapa of the whenua dates to the very beginning of time and the whakapapa of the tupuna rākau to the signing of Te Tiriti/Treaty of Waitangi.

Te Hā has witnessed the birth of Tāmaki Makaurau, the growth of the city. The formation of our laws.

Te Hā has stood in the garden of Sir John Logan Campbell, witnessed his passing on the site in June 1912.

Te Hā has provided shade and protection for many thousands from across the motu who have sought solace in the arms of this taonga.

Te Hā has gifted its breath, Te Hā to Tamaki Makaurau.

In lore the mana of Te Hā is protected. So, it should be in law.

**The Ministry has treated the tupuna rākau as an afterthought, not as tuākana.**

There can be no doubt that the mana of the tupuna rākau is significantly diminished by the addition of steel slicing into the whenua, of white concrete, incongruous with the green and blue natural landscape, and the introduction of the sounds of Antarctica in contrast to the sounds of tui song.

Our views echo that of Rob McGowen (QSM) and Donna Kerridge, who state:

*“In Te Ao Māori our rākau are considered tuākana (elders) to the human species who are considered teina (junior) in their relationships within Te Ao Marama (the natural world). All living creatures are our brothers and sisters. It is our responsibility as the teina species or pōtiki, the last born, is to care for them and listen when they speak. Caring for the whenua and the natural world is our first priority and all human actions will ultimately be measured against this responsibility”.*

The actions of the Ministry do not reflect Te Ao Māori.

The memorial can be moved. The tupuna rākau cannot.

We particularly draw your attention to the appendix of the Chief Ombudsman’s report where the **impacts on the mauri and mana of Te Hā are clearly set out.**<sup>1</sup>

The Government cannot honour Matariki in June, when they have failed all the mana whenua of Tāmaki Makaurau. The Ministry of Culture and Heritage cannot call themselves Manatū Taonga and then act in defiance of Te Tiriti.

The Ombudsman 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”.*

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<sup>1</sup> Page 27 Chief Ombudsman’s final report

He states that this should occur before ANY construction on the site begins.

We understand that you have waited to consider our petition until the process of the Ombudsman was complete.

The failure of due process to date, must not continue and this important submission *must* be heard before any decision on next steps are taken by the Ministry.

The initial response of the Ministry (attached) to the report was to state, *“The overall finding is that construction of the memorial at this site can proceed but recommends that the Ministry engage in a direct dialogue with opponents.”*

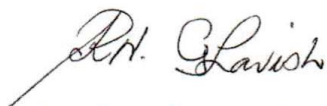
Indicating the Ministry’s view that a simple meeting with mana whenua, who were never consulted about the site will remedy the grievance and resolve the taint. This is clearly a self-serving view and makes clear the Ministry’s approach to the Ombudsman’s comprehensive report will amount to little more than lip service.

Further poor process and continued breaches of Te Tiriti/Treaty of Waitangi do not serve Aotearoa.

If we have learned nothing over the past 182 years as a Nation, grievances the Crown has caused, cannot simply be brushed aside and their will imposed regardless.

Therefore, we respectfully ask that our submission goes before a full Select Committee, so that all parties affected can be properly and powerfully heard in the spirit of transparency and for the principled purpose of finding a new, untainted, and appropriate home for this important national memorial.

Ngā manaakitanga,



**Dame Rangimarie Naida Glavish DNZM, JP**  
**Chair**  
**Te Rūnanga o Ngāti Whātua**