



PART OF THE MINISTRY OF JUSTICE

Office of Treaty Settlements  
Justice Centre | 19 Aitken Street | DX SX10111 | Wellington  
T 04 494 9800 | F 04 494 9801  
www.ots.govt.nz

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Tom McClurg, Hariroa Daymond, Geoff Mullen  
Negotiators  
Ngāti Mutunga o Wharekauri Iwi Trust  
PO Box 50  
Waitangi  
Chatham Islands 8942

iwitrust@nmow.iwi.nz

Tēnā koutou

This letter provides a summary of the information the Crown currently holds regarding quantum factors for Ngāti Mutunga o Wharekauri.

#### **Fair and Consistent Approach**

The Crown endeavours to take a fair and consistent approach to developing settlement offers for settling groups. To this end, the Crown compares similar factors in order to achieve consistency across settlements. As previously advised, the base factors the Crown considers when determining the value of each settlement are:

- The amount of land lost;
- The nature of the Treaty breach; and
- The population of the claimant group.

In addition, the Crown considers any other special factors raised by the settling group and benchmarks set by existing settlements for similar grievances.

#### **Amount of land lost**

The boundaries of the area of interest of Ngāti Mutunga o Wharekauri inform the Crown's understanding of the amount of land lost. The Crown estimates that the area of interest of the Ngāti Mutunga o Wharekauri Settlement negotiations as amounting to approximately 159,845 hectares. This figure was arrived at by adding the following:

- 90,650 hectares for Wharekauri;

- 6325 hectares for Rangiauria;
- 370 hectares for the outer islands; and
- 62,500 hectares for the Auckland Islands.

The area of interest is based upon the maps you provided to the Office of Treaty Settlements as part of the Deed of Mandate. This area is overlapped with Moriori and partially overlapped with Ngāi Tahu (Auckland Islands). The Crown will assess the relative share of the land loss between the groups.

### **Nature of the Treaty Breach**

A key consideration in developing a quantum offer is the nature of any Treaty breaches and, in particular, the way the land was lost. As you will be aware the Crown considers breaches arising from confiscation pursuant to the New Zealand Settlement Act 1863 (raupatu) as the most serious.

Once we have a Crown historian on board we intend to work on any Crown acknowledgements to better understand the nature of any Treaty breaches as they relate to Ngāti Mutunga o Wharekauri.

Any information that you could provide us on Treaty breaches that you consider should be taken into account when making a determination of your quantum would be greatly appreciated.

### **Current population of the claimant group**

Another factor that the Crown takes into account is the current population size of the claimant group, relative to other groups.

In order to ensure consistency and fairness across claimant groups, the Crown relies on iwi affiliation information from the most recent census. The 2013 Census records the number of people who affiliate to Ngāti Mutunga (Wharekauri/Chatham Islands) as 1641. The Census also records the number of people who affiliate to Ngāti Mutunga (Taranaki) as 2514 and those who affiliate to a more generic grouping "Ngāti Mutunga, region unspecified" as 471. This grouping will be apportioned across you and the Ngāti Mutunga (Taranaki) grouping. One way of apportioning the 471 "Ngāti Mutunga region unspecified" population is to pro-rata it between the Wharekauri/Chatham Islands and Taranaki populations. This apportioning would give Ngāti Mutunga o Wharekauri a population of 1827.

While beneficiary registers are not a definitive source, they provide a useful indication of the size of a claimant group. Should you choose to provide us with the details of your beneficiary register, we will be mindful that you are at an early stage of negotiations and the register can grow over time.

### **Next Steps**

It is important that we have a shared understanding of the base factors that lead to an eventual quantum offer. Therefore we invite you to submit any information you may have in relation to the base factors or any comments on the above information.

And, as noted previously, Ngāti Mutunga o Wharekauri has had an opportunity to present any special factors it wants the Crown to consider in producing a quantum offer. We look forward to hearing back from you on this.

The Crown is committed to work with you and your team to arrive at a mutually acceptable settlement that acknowledges and settles well-founded grievances; and provides a basis for reconciliation between Ngāti Mutunga o Wharekauri and the Crown.

Nāku noa, nā

A handwritten signature in cursive script that reads "Ben White".

Ben White

**Negotiation and Settlement Manager**

cc: Fran Wilde, Chief Crown Negotiator

