

HAURAKI REPORT SUMMARY

The Hauraki Settlement Overlapping Claims Inquiry Report (“the Hauraki Report”) was released Tuesday 17 December 2019. It contained strong criticisms of the Crown’s conduct and made a number of findings.

In summary, the Tribunal found:

1. That the Crown’s overlapping claims process concerning redress offered to Hauraki iwi was flawed for a number of reasons including:
 - (a) The Crown prioritised advancing the Hauraki settlement at the expense of a proper consultation process with overlapping groups (p76);
 - (b) The Crown failed to properly consult and share information with the claimants over redress it was proposing to offer Hauraki despite repeated requests by the claimants for information (p78);
 - (c) The Crown failed to test Hauraki’s interests adequately with Tauranga iwi and Ngātiwai when developing redress proposals (p82); and
 - (d) The Crown failed to properly encourage, support, and facilitate a tikanga based resolution process (p86). Furthermore, in the Tribunal’s view, it was unreasonable for the Crown to delay a tikanga-based resolution process until after the Deed was signed without all affected iwi freely agreeing and the Crown waiving its general policy that deeds are full and final settlements (pp 88-89).
2. That when the Crown proposed additional redress to Hauraki in Tauranga Moana, beyond what had been earlier agreed, and without going through a proper overlapping redress engagement process, it did not act in good faith (p98) and created fresh grievances (p118).
3. That the Crown’s actions fractured relationships and further delayed the settlement process (p117).
4. That the Crown cannot ignore the practical consequences of its redress decisions. When redress is allocated, the effect can be that the recipient group is considered tangata whenua, with

all the rights that status implies. As such, the Crown must engage in robust consultation and full information-sharing among parties before offering redress, exclusive or non-exclusive (p85).

5. That the policy document guiding the Crown's settlement processes, Ka Tika a Muri, ka Tika a Mua (the Red Book) is vague, unhelpful, inadequate, and inaccurate as a statement of Crown policy and practice to inform Māori. Furthermore, the Tribunal was concerned that the Red Book remains essentially unchanged despite the very clear recommendations set out in The Tāmaki Makaurau Settlement Process Report more than 12 years ago.

As a result of the Crown's actions, the Crown prejudicially affected Ngāi Te Rangi, Ngāti Ranginui, and Ngātiwai. Accordingly, the Tribunal recommended that:

- (a) the legislation giving effect to the Pare Hauraki Collective Settlement Deed, and the individual Hauraki iwi settlement deeds, does not proceed until the contested redress items have been through a proper overlapping claims process;
- (b) that the Crown, when undertaking overlapping engagement processes during settlement negotiations, should fully commit to and facilitate consultation, information-sharing, and the use of tikanga-based resolution processes (note the Tribunal set out at pp 90 – 91, the principles and practices it considered should be incorporated in a robust tikanga-based process); and
- (c) that the Crown should amend the Red Book to record its current policies, processes, and practices.