

## Finlayson Meets Opposition

In December 2013 the residents of Pauanui on the Coromandel Peninsula became aware that Christopher Finlayson and Michael Dreaver, in league with the Thames Coromandel District Council, were busily scheming to give away the local Crown-owned beach reserve as part of a TOW settlement.

Christopher Finlayson is, of course, the former counsel for Ngai Tahu, now on the other side of the fence as Minister of Treaty Settlements. Michael Dreaver is his point man, infamous for the \$1.5m received as a treaty negotiator since 2008.

The negotiations became public by accident. Negotiations between the Crown and TOW claimants are normally held in secret, circumventing public scrutiny and the inevitable objections.

A residents group formed to deal with the problem appears to have been effective - after meetings and correspondence, and much unseemly squirming by Finlayson, he revealed on January 23<sup>rd</sup> that the reserve is unsuitable due to ongoing foreshore erosion issues. Yeah, right!

Already suspected of ongoing secret negotiations with the claimants, and now desperately attempting to avoid the impression of back-pedaling, he has conjured up a scheme only a lawyer could love – gift-and-gift-back.

Gift-and-gift-back is a legal construct in which the Crown gives the reserve to the claimants, the claimants give the reserve back to the Crown and are named on the deed to imply prior ownership, and the status quo is maintained. Fairly good odds that foreshore erosion and gift-and-gift-back would never have been invented if everything had gone as planned.

Given list MP Finlayson's consistent disdain for the wishes of the electorate in his negotiations with TOW claimants, what made the difference in the Pauanui case?

Early and well-organized opposition!



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