

Taipa sewerage claim

Appendices

Appendix 1

APPENDIX 1

THE CLAIM

IN THE MATTER of the Treaty of Waitangi Act 1975

AND

IN THE MATTER of a claim by MacCully Matiu on behalf of the Ngati Kahu Trust Board on behalf of the Ngati Kahu Tribe and associated Tribes.

TO: The Waitangi Tribunal.

I, MACCULLY MATIU, of the Ngati Kahu Trust Board on behalf of the Ngati Kahu Trust Board, Ngati Kahu Tribes and associated Tribes state as follows:

WHEREAS the Ngati Kahu Trust Board is a duly constituted Trust Board set up under the Charitable Trust Act 1957

AND WHEREAS the Board is authorised to speak for and on behalf of the Ngati Kahu Tribe and associated Tribes

AND WHEREAS the lands rivers foreshores and fisheries all within the Ngati Kahu boundaries have ancestral and cultural and spiritual significance for the said Tribes

AND WHEREAS the Mangonui County Council has obtained all ministerial and statutory approvals for sewage oxidation ponds at Taipa and pipelines and a discharge pipe across the river and into marshlands beyond Taipa

AND WHEREAS the lands the subject of the sewerage proposed were sold by Nopera [Panakareao] to Dr Samuel Ford, the Crown and others in or about November 1839 such sale being disputed by Chief Pororua who claimed possession by conquest and cultivation of those lands for 30 years prior to their supposed sale

AND WHEREAS the Treaty of Waitangi was signed by our ancestral chiefs on 5 February 1840

AND WHEREAS the Treaty of Waitangi 1840 Article II guarantees to the chiefs and tribes of New Zealand and to respective families and individuals thereof the full exclusive and undisturbed "te tino rangatiratanga" of their lands and estates forests fisheries and other properties

AND WHEREAS part of those ancestral lands were under dispute between the New Zealand Government and the Tribes from 1840 onwards and were subsequently sold to peoples other than the affected Tribes or retained as Surplus Lands by the Crown

AND WHEREAS the Royal Commission on Surplus Lands reporting in 18 October 1948 recommended compensation be paid to the Tribes in respect of those Surplus Lands and an ex gratia payment was made

AND WHEREAS ancestral lands are not those necessarily in Maori ownership

AND WHEREAS part of the ancestral lands which were in Pakeha ownership have been gifted back to the Ngati Kahu by the Adamson family at Taipa

AND WHEREAS the land on which the oxidation ponds are proposed to be situated was set aside as the Waimutu Reserve by the Crown for the tribes and were part of the ancestral lands of the Ngati Kahu tribe

AND WHEREAS the lands at Taipa which are the site for pipelines and oxidation ponds have important cultural significance for the Ngati Kahu tribe

AND WHEREAS the fisheries adjacent to the siting of the oxidation ponds have been fixed since time in memorial by the Maori tribes

WHEREFORE I CLAIM

1. The Royal Commission on Surplus Lands inquired into such lands and dealings before the Treaty of Waitangi Act 1975 provided for the observance and confirmation of the principles of the Treaty of Waitangi 1840.
2. The Treaty of Waitangi 1840 imposed upon the Crown an obligation to act in the interests of the tribes in respect of their ancestral lands. The Land Claims Ordinance 1841 and subsequent Land Claims Settlement Acts were Acts which prejudicially affect the claimants as descendants of the original owners of the said ancestral lands and were in breach of the Crown's obligation under the Treaty.
3. The sewerage scheme proposed is the result of an action policy and practice by and on behalf of the Crown within the terms of Section 6(1) of the Treaty of Waitangi Act 1975.
4. The Water and Soil Conservation Act 1967 which authorises sewage schemes on ancestral lands of the hapu is an Act for the time being in force which prejudicially affects the claimants in terms of Section 6(1) of the Treaty of Waitangi Act 1975.
6. The Public Works Act 1928 which authorises the taking of ancestral lands for sewage oxidation ponds and ancillary pipelines is an Act for the time being in force which prejudicially affects the claimants in terms of Section 6(1) of the Treaty of Waitangi Act 1975.
7. The Health Act 1956 which authorises the Minister of Health to give approval for subsidies for works which will affect Maori traditional rights is an Act for the time

being in force which prejudicially affects the claimants in terms of Section 6(1) of the Treaty of Waitangi Act 1975.

8. The Harbours Act 1950 which authorises the Minister of transport and/or his agent the Ministry of Works to lay a pipeline across ancestral Maori foreshores and lands is an Act for the time being in force which prejudicially affects the claimants in terms of Section 6(1) of the Treaty of Waitangi Act 1975.

9. The restriction of Maori ancestral lands as interpreted under the Town and Country Planning Act 1977 (Section 3(1)(g)) to land only in Maori ownership is a practice adopted by or on behalf of the Crown which prejudicially affects the claimants in terms of Section 6(1) and of the Treaty of Waitangi Act 1975.

10. The aforementioned Acts and their attendant regulations and resulting policies and practices and acts are/and were inconsistent with the principles of the Treaty of Waitangi.

WHEREFORE I SEEK THE FOLLOWING RELIEF:

1. A recommendation that the sewage scheme and its ancillary works be not proceeded with across Maori ancestral lands foreshores and fisheries AND THAT Government and Council authorities seek alternatives elsewhere.
2. A recommendation that Section 3(1)(g) of the Town and Country Planning Act 1977 does not give adequate spiritual and cultural protection to Maori ancestral lands.
3. A recommendation that Maori ancestral land is not necessarily that land which is in Maori ownership.
4. A recommendation that the actions of the New Zealand Government in 1840 onwards in respect of the tribal lands was wrong and contrary to the spirit of the Treaty of Waitangi and that compensation determined by the Tribunal should be awarded to the descendants of those Tribes accordingly.
5. Costs of this action.
6. Such further or other relief as this Tribunal thinks fit.

DATED this 30th day of March 1987

'MacCully Matiu'
On behalf of the Claimants

Waitangi Tribunal, Department of Justice, Wellington.

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Appendices

Appendix 2

APPENDIX 2

RECORD OF THE INQUIRY

A 2.1 Constitution and Appointments

The Tribunal constituted for the inquiry into the claim comprised Chief Judge E T J Durie (Chairman), Bishop M A Bennett, Mr M E Delamere, Mr E D Nathan, Professor M P K Sorrenson and Mrs G M Te Heuheu.

Following the death of Mr Nathan, the Tribunal was reconstituted to comprise the balance of members.

Mrs S E Kenderdine (Simpson Grierson) was appointed as counsel to assist the claimants.

Mrs M Szazy (Te Aupouri) and Mr S Jones (Ngai Takoto) were appointed interpreters.

Mr D R Cameron, Public Health Engineer and Consultant, was commissioned in association with a member of the Tribunal's staff, Dr C M M Goodall, to investigate and report on the proposed methods of sewage treatment, siting and plant design, and on possible alternatives for treatment and disposal in the Taipa area.

A 2.2 Notices

Notice of the Taipa Claim and first hearing was sent to

Dept Health, Wellington J O'Grady
Dept Health, Wellington R Runciman
Dept Health, Wellington J Edwards
(Director of Environmental Health)
Board of Health, Wellington
Commission for Environment, Wellington J Boshier
Ministry Works and Development J Galen
Dept Maori Affairs, Wellington P Park
Dept Maori Affairs, Whangarei R R P Wells
Dept Maori Affairs, Whangarei H Te Whata
Ministry of Transport A J Cooke
(Regional Solicitor)

Director, New Zealand Historic Places Trust
County Clerk, Mangonui County Council
Tai Tokerau
District Maori Council J M Booth
Ngati Kahu Trust Board R Rutene
R Gabel, Chartered Accountant
Enviromental Defence Society Inc
M Blomkamp, Barrister and Solicitor
G P Adamson, Farmer
New Zealand Maori Council Sir Graham Latimer

Public notices of the claim and hearings were given in the Northern Advocate and New Zealand Herald on 30 September 1986, and in the Northern Advocate, New Zealand Herald, and Northern Age on 14 March 1987.

A 2.3 Appearances

Hearings were held at the Haititai Marangai Marae, Whatuwhiwhi, Doubtless Bay, in the weeks commencing 20.10.86 and 6.4.87. Those who appeared in a representative capacity were

Mrs S Kenderdine for the claimants

Mr J O'Grady for the Dept of Health

Mr D R Cameron for the Board of Health

Mr P G Brown for Northland Area Health Board

Mr A Cooke and Mr A Locke for Ministry of Transport

Mr A Galen and Mr R Sutherland for Ministry of Works and Development

Mr R Wells for the Dept of Maori Affairs

Mr J Boshier for the Commission for the Environment

Mr R Cathcart for National Catchment Commission

Dr S Bulmer for the Historic Places Trust

Mr B Smith for Mangonui County Council

Mrs J Cashmore for Houhora Riding Residents Association

Mr J Booth for Tai Tokerau District Maori Council

A 2.4 Submissions

In addition to counsel, those who gave written or oral evidence were

Names Description Oral Written
Sir G Latimer Ngati Kahu 20-10-86
Rev M Marsden Ngati Kahu Trust 20-10-86 A48
Board
S Jones Ngai Takoto 20-10-86
R Gabel Ngati Kahu Trust A2
Board
M Matiu Ngati Kahu Trust 20-10-86
Board (Chairman)
J Bayly Canadian lawyer 20-10-86 B10
K Brown Ngati Kahu 20-10-86
Te W Karena Te Aupouri 21-10-86
J Aperahama Ngati Kahu 21-10-86
P Brown Te Aupouri 21-10-86
J O'Grady Dept of Health 21-10-86
D Cameron Consultant Engineer 21-10-86
K Brown Te Aupouri 21-10-86
Te K Kapa Ngati Kahu 21-10-86
S Bulmer NZ Historic Places 21-10-86
Trust
C Adamson Engineer 21-10-86
P Brown Engineer, MOW and D 21-10-86
M Hetaraka Ngati Kahu 21-10-86
Ng Minhinnick Ngati Te Ata 21-10-86
L Johnson Archaeologist, Univ. of 21-10-86 A16
Auckland
B Te Wake Ngati Kahu 21-10-86
Sir G Latimer Ngati Kahu 22-10-86
M Matiu Ngati Kahu 22-10-86
J Campbell resident 22-10-86
W Erstich Ngati Kahu 22-10-86
G Ulrich Ngati Kahu 22-10-86
Prof Morton Marine Biologist, Univ. 22-10-86 A10
of Auckland A11
B Smith Counsel, Mangonui 22-10-86 A45
County Council
J Grigg Ministry of Works and 22-10-86 A12
Development
C B M Duncan Bruce Wallace Partners 22-10-86 A13
Consulting Engineers,
Auckland
M Paul Ngati Awa 22-10-86
J Booth Sec, Tai Tokerau Dist 22-10-86
Maori Council
A Cooke Ministry of Transport 22-10-86
D Cameron Consultant Engineer, 6-4-87 B6
Commissioned by
Tribunal
W Marsh Ngati Kahu 6-4-87
Sir G Latimer Ngati Kahu 6-4-87

M Matiu Chairman, Ngati Kahu B24
Trust Board
B Tamano Ngati Kahu 6-4-87
B Smith Mangonui County B32
Council
M Srhoj Chairman, Mangonui B30
County Council
J Reynolds Ratepayers' Assn 6-4-87
P G Brown Northland Area 6-4-87
Health Board
R Sutherland MOW and D 6-4-87
G Adamson Farmer, Taipa 4-8-87 B14
B26
J Bayly Canadian Attorney 6-4-87 B10
Frazer Thomas Engineering B31
Consultants Partners

A 2.5 Commissioned Report

In the course of the inquiry the Tribunal commissioned Mr D R Cameron, Public Health Engineer Consultant, in association with Dr C M M Goodall of the Tribunal's staff, to investigate alternatives for the treatment and disposal of sewage in the Mangonui County's East Coast Sewerage Scheme. Those notified of Mr Cameron's appointment were the County Chairman, the County Engineer and later Manager, Mr L Howell, counsel for the claimants and J O'Grady for the Dept of Health.

Mr Cameron filed a written report on 5 December 1986.

A 2.6. Conference of Parties

A conference in chambers was held at the Chairman's direction at Community House, Commerce Street, Kaitaia, 22 December 1986. Those notified and forwarded a copy of Mr Cameron's report were counsel for the claimants with Sir Graham Latimer, M Matiu and R Rutene; counsel for Mangonui County Council, together with Mr M Srhoj, Chairman and L Howell, Manager; Mr J Reynolds, Chairman of the East Community Council; and Mr J O'Grady, Dept of Health.

Those who attended were the Chairman and Members, Waitangi Tribunal, Dr C M.M Goodall (Senior Research Officer), D R Cameron (Consultant), J O'Grady for the Dept of Health, M Srhoj, Chairman, Mangonui County Council, L Howell, Manager, Mangonui County Council; counsel for the claimants, counsel for Mangonui County Council, Sir Graham Latimer and J Reynolds, Chairman, East Community Council.

The meeting was to ascertain whether those interested were agreeable to any of the alternatives proposed in Mr Cameron's report. No matters were agreed upon.

A 2.7 Record of Documents

Documents A1-A50 were admitted to the record at the first hearing. Documents B1-B47 were admitted at the second hearing. Documents after B47 were subsequently received.

The documents presented in the claim, with the presenter named in brackets, are

#A 1 Extract from "Fatal Necessity British intervention in New Zealand 1830-1847" by P Adams. (S Kenderdine)

#A 2 Submission, R Gabel (member of Ngati Kahu Trust Board)

#A 3 Submission, P Brown, Northern Area Health Board, with attachments;

(a) Loan Proposal Report dated 28.5.74

(b) Sanitary Surveys 1972 & 1983 of East Coast Bays Areas

#A 4 Submission, J O'Grady, Department of Health.

#A 5 Submission, D R Cameron, Board of Health.

#A 6 First submissions of counsel for the claimants

#A 7 Submission on the Town and Country Planning Amendment Bill (S Kenderdine)

#A 8 Background information from National Archives (MA 91/2). (Senior Research Officer)

#A 9 Commissioners report on claim 442 of John Ryder (12.5.1844) (Senior Research Officer)

#A 10 Submission, Professor J E Morton.

#A 11 Professor J E Morton's addendum (to A 10)

#A 12 Submission, J P Griggs, B.Sc. entitled 'Constructed Wetlands: A Low Cost Reliable Alternative for Wasteland Treatment' with attachments 'Effect of particulates on virus survival in seawater' by C P Gerba & G E Schaiberger 'The antibiotic power of the sea is a myth' (from An Enviromental Sanitation Plan for the Mediterranean Seaboard - Pollution and Human Health by J Brisou).

#A 13 Submission, C B M Duncan of Bruce Wallace Partners Ltd, Consulting Engineers, Auckland.

#A 14 Submission, Dr S Bulmer, Regional Archaeologist (Auckland-Northland), Historic Places Trust.

#A 15 Map submitted by V Gregory.

#A 16 Map submitted by L Johnson on Taipa archaeological sites

#A 17 Page 17 of Taipa Area Newsletter No. 11, and copy news item. (S Kenderdine)

#A 18 Submission, R W Cathcart, Chief Executive Officer, Northland Catchment Commission.

#A 19 Submission, Counsel for Ministry of Transport

#A 20 Submission, M Srhoj, Chairman, Mangonui County Council.

#A 21 Further submission, M Srhoj.

#A 22 Report for Mangonui County Council, 'Sewerage of Coopers Beach by Steven & Fitzmaurice (October, 1970). (M Srhoj)

#A 23 Supplementary Report for Mangonui County Council, 'Sewerage of Coopers Beach' by Steven & Fitzmaurice (February, 1973) (M Srhoj)

#A 24 Statement of Kawiti Tomars in objection to sewerage scheme. (M Srhoj)

#A 25 Town and Country Planning Appeal Board Decision on 526-553/73 of 29.8.74. (M Srhoj)

#A 26 Statement of Kawiti Tomars further objecting to sewerage scheme (M Srhoj)

#A 27 Decision of the Tribunal appointed by the Water Resources Council. (M Srhoj)

#A 28 Reassessment Report for Mangonui Council 'Sewerage of the East Coast Area Mangonui County' by Steven & Fitzmaurice (October 1977). (M Srhoj)

#A 29 Letter, Steven & Fitzmaurice to County Engineer (22.5.75) with two drawings attached, re Kanekane stream option.

#A 30 Sewerage of East Coast Areas Mangonui County Council Outfall Survey and covering letter from Steven & Fitzmaurice (18.12.78). (M Srhoj)

#A 31 Ngati Kahu Trust Board objection to water rights application by Mangonui County Council, 13.6.79 (M Srhoj)

#A 32 Letter, V Gregory, objecting to sewerage scheme (14.6.79). (M Srhoj)

#A 33 Letter, Kawiti Tomars to Northland Catchment Commission (12.6.79). (M Srhoj)

#A 34 Report of the Standing Tribunal of Northland Catchment Commission on water right application No 1920 Jan 1980). (M Srhoj)

#A 35 Interim Decision of Planning Tribunal on appeals by Adamson and others, decision A134/80, 29.10.80. (M Srhoj)

- #A 36 Mangonui County Council East Coast Sewerage Scheme "An Examination of Alternatives", Murray-North Partners, February 1982. (M Srhoj)
- #A 37 Letter, Tai Tokerau District Maori Council to Mangonui County Council, (16.7.85). (M Srhoj)
- #A 38 Water Right 4007, 24.3.86, Northland Catchment Commission and Regional Water Board. (M Srhoj)
- #A 39 Turton's Deed No. 36 (English translation) (B Smith)
- #A 40 Certificates of Title under Land Transfer Act (Adamson's Farm) (M Srhoj)
- #A 41 Statement of K Tomars further objecting to sewerage scheme 12.6.79. (S Kenderdine)
- #A 42 Statement of K Tomars further objecting to sewerage scheme (13.7.84). (S Kenderdine)
- #A 43 Letters, Department of Health to Dept of Maori Affairs, Whangarei, 30.9.86 & 6.10.86 (S Kenderdine)
- #A 44 Letter, Comm for Environment to Dept Maori Affairs, 1.10.86. (S Kenderdine)
- #A 45 Environmental Impact Assessment prepared by Mangonui County Council, May 1984. (B Smith)
- #A 46 Submission, L Howell, County Engineer and County Manager
- #A 47 Report of A G Phipps, Senior Investigations Officer, Northland Catchment Commission on complaint W 33/3796 by Robinson, De Surville Motor Inn, Taipa re Effect of Dewatering for Sewerage Pipeline Installation on Taipa Sandspit Groundwater. (S Kenderdine)
- #A 48 Tape recording of Rev. M Marsden (in Maori). (S Kenderdine)
- #A 49 Transcription of tape item 48 by Te A Hona, C M M Goodall (Senior Research Officer)
- #A 50 Report on the evaluation of Wetland Treatment Systems in Northland by G C Venus, Environmental Consultant, for the Northland Catchment Commission and Regional Water Board (1986). (D L Roke)
- #B 1 Letter Dr C M M Goodall to D R Cameron of 4.11.86. (Senior Research Officer)
- #B 2 Letter Dr C M M Goodall to S Kenderdine, Mangonui County Council, claimants and Dept of Health of 6.11.86. (Senior Research Officer)
- #B 3 Chairman's Directions of 4.12.86 re conference at Kaitaia on 22.12.86 and reports of C M M Goodall and D R Cameron re treatment and site alternatives.

- #B 4 Letter D R Cameron to Dr Goodall of 28.11.86. (Senior Research Officer)
- #B 5 Report to Tribunal of Dr Goodall dated 5.1.86.
- #B 6 Report to Tribunal of Mr Cameron, of 22.12.86, with appendix re impact of treated discharge on the Taipa estuary.
- #B 7 Submission of MacCully Matiu
- #B 8 Letter, NZ Board of Health to Waitangi Tribunal (16.12.86). (Senior Research Officer)
- #B 9 Letter Senior Research Officer to Mrs Kenderdine (14.1.87). (Senior Research Officer)
- #B 10 Transcript of evidence of John Bayly (Canadian Attorney) (Tape 1 : 4311 to 477)
- #B 11 Inventory-Maori Land in Mangonui County near Taipa (includes seven maps). (Dept Maori Affairs)
- #B 12 Letter Mangonui County Council to Waitangi Tribunal (23.12.86).(Senior Research Officer)
- #B 13 Report of A G Bradley on Taipa Groundwater 5.11.86. (S Kenderdine)
- #B 14 Submission, C M Adamson
- #B 15 Copy decision Royal Forest and Bird Protection Society Inc v Habgood and others, High Court, Wellington, M655/86, 31.3.87. (S Kenderdine)
- #B 16 Extracts form "The life of Henry Williams, Archdeacon of Waimate" by H Carleton, Vol 2, publ. Wilson & Horton, Auckland, 1877 (pp 12-13, 58-59, 62-67). (S Kenderdine)
- #B 17 Copy letter W Hobson, Lt Governor, to Sir George Gipps, Governor NSW, 5.5.1840. (S Kenderdine)
- #B 18 Extracts from Report from the Commissioner of Native Reserves, AJHR 1871, paper F-4 with (schedule, Class B 1 Reserves) (S Kenderdine)
- #B 19 Map, Waimutu Blk, Mangonui Dstr. (S Kenderdine)
- #B 20 Map, Mangonui Dstr, (Pororua's Claims, 19.5.1863) (S Kenderdine)
- #B 21 "Acquisition of Maori Land for Public Works" by K A Palmer in Town Planning Quarterly vol 65 pp 35-43. (S Kenderdine)

#B 22 "Indigenous Peoples in Canada" by Douglas Sanders (Prof of Law, Univ of British Columbia), 25.6.86 (paper to Congress on Legal Pluralism, Sydney, 1986) (S Kenderdine)

#B 23 Planning Tribunal decision No. A46/86 re Mining Act application by Mineral Resources (NZ) Ltd dated 16.6.86. (S Kenderdine)

#B 24 Amended Statement of Claim by MacCully Matiu (filed 30.3.87) (S Kenderdine)

#B 25 'Guideline for the Design, Construction and Operation of Oxidation Ponds' Public Health Engineering Section, Civil Engineering Division, Ministry of Works and Development, Wellington. September 1974. (S Kenderdine)

#B 26 Submission, G P Adamson

#B 27 Final submission, counsel for claimants.

#B 28 Extracts from Milligan's Book. (S Kenderdine)

#B 29 Sketch Maps, Taipa, from doc B 28. (S Kenderdine)

#B 30 Statement of Mangonui County Council. (M Srhoj)

#B 31 "Alternatives for Sewage Treatment and Disposal" - a review of the Cameron report for the Mangonui County Council by Fraser Thomas Partners. (M Srhoj)

#B 32 Submission, counsel for the Mangonui County Council

#B 33 "Wetland Systems for Wastewater Treatment: Engineering Applications" by N N Hantsche. (S Kenderdine)

#B 34 "Wetlands Treatment: A Practical Approach". (S Kenderdine)

#B 35 "Improving the Quality and Public Acceptability of Wastewater by Treatment in Artificial Marshes". C D Willmot, Senior Public Health Engineer, Head Office. (S Kenderdine)

#B 36 "Artificial Reedbeds For The Treatment of Wastewaters in New Zealand". (S Kenderdine)

#B 37 "Suggested Design Criteria for Wetlands Treatment Of Sewage Effluent using The Root Zone Method", C D Willmot, Senior Public Health Engineer, Head Office. (S Kenderdine)

#B 38 "Organic Engineering", Brian Dumbleton, extract from New Civil Engineer, 6 March 1986. (S Kenderdine)

#B 39 Article on Root Zone Method bed at Acle for Anglian Water Authority. (S Kenderdine)

#B 40 Letter, Northland Catchment Commission and Regional Water Board to Editor, Water & Wastewater Treatment Plant Operations Newsletter, dated 21.11.86 re Polishing of Treated Wastewaters by Marsh Systems, with report "Wetland Sewage Treatment Systems in Northland" by G C Venus, Enviromental Consultant (1986). (S Kenderdine)

#B 41 Te Weehi judgment extract. (S Kenderdine)

#B 42 1864 Deed Extract, No. 19 Waimutu Block, Taipa, Mangonui District. (S Kenderdine)

#B 43 Extract from Turton's Epitome of Official Documents etc. C. No 6, Pg 4, W B White, Esq., Resident Magistrate to the Chief Commissioner, reporting difficulties from non-settlement of Oruru claim, dated 25.6.1856. (S Kenderdine)

#B 44 Extract from Turton's Epitome etc. C. No 5, Pg 3, Commissioner Kemp to Chief Commissioner, dated 12.4.1856. (S Kenderdine)

#B 45 The Home News 26.5.1864, House of Lords debate on New Zealand. (S Kenderdine)

#B 46 Extract from Turton's Epitome etc. C. No 10, Pg 6, Commissioner Kemp to Chief Commissioner, reporting final settlement of Oruru claims, dated 29.9.1856. (S Kenderdine)

#B 47 Extract from "Te Whaingā i Te Tika - In Search of Justice" pages 13-18. (S Kenderdine)

#B 48 Letter, Northland Regional Council to Waitangi Tribunal dated 24.6.88 with plan showing marsh catchment, copy water right application of 1985 with supporting papers and objections, evidence and submissions received, findings and decision. (Northland Regional Council)

#B 49 Department of Health Circular Memorandum, 9 May 1988, Ref. 194/9, 349/17.

(i) Major Recommendations of Hui Whakaoranga March 1984

(ii) Department of Health Circular Memoranda

(a) Treaty of Waitangi and Maori Health September 1986

(b) Traditional Healers and Kai Awhina in Health Services, February 1987

(c) Creation of Area Health Boards: Treaty of Waitangi, October 1987

(iii) Treaty of Waitangi and its Implications for Maori Health, Dr Mason Durie, April 1987

(iv) Department Kaupapa, April 1988

(v) Departmental Policies

(a) Treaty of Waitangi Biculturalism and Partnership, April 1988

(b) Equal Employment Opportunities, April 1988

(c) Selection and Recruitment, April 1988

(vi) Job Descriptions: Recognition of Equal Employment Opportunities Policy, March 1988

(vii) Bicultural Training, April 1988

(viii) Board of Health Call for Maori Representation on Area

#B 50 Dept Health, Subsidies for Water Supplies, Fluoridation, Sewerage, 1982
(Senior Research Officer)

#B 51 Nature Conservation Council Information Leaflet No 17, Sewage, its
Treatment and Disposal, Revised Edition, 1981. (Senior Research Officer)

#B 52 Letter, Mangonui County Council to Waitangi Tribunal dated 24.6.88 with plan
attached. (Mangonui County Council)

Waitangi Tribunal, Department of Justice, Wellington.

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Appendices

Bibliography

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[Note: Historical and legal references concerning the land claims of Ngati Kahu are reserved until those claims are dealt with in a later Report]

(a) Books, Articles etc

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Carleton H (1877) The Life of Henry Williams, Archdeacon of Waimate, vol 2, publ Wilson and Horton, Auckland.

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Palmer K A (1981-1982) " Acquisition of Maori land for public works", in Town and Country Planning Quarterly, vol 65:35-43.

(b) Official publications, Reports etc.

Appendices to journals of House of Representatives, 1861, C-1, 1, 1871; F.4

British Parliamentary Papers, Colonial Office 209/7 Shortland to Hobson, 6 May 1840.

Report, Royal Commission on Surplus Lands (18 October 1948)

(c) Waitangi Tribunal Reports

Manukau Report (Wai-8) 1985.

Orakei Report (Wai-9) 1987

Muriwhenua Fishing Report (Wai-22) 1988

(d) Cases

Auckland District Maori Council v Manukau City Council (1982) Planning Tribunal No. 1 Division, appeal 99/82.

Davis v Wanganui City Council (1985-1986) 11 NZTP 240.

Emery v Waipa County Council (1979) Planning Tribunal No. 1 Division, appeal 549/78.

Huakina Development Trust v Waikato Valley Authority, High Court, Wellington, M 430/86, 2 June 1987.

Knuckey v Taranaki County Council (1978) 6 NZTPA 609

New Zealand Synthetic Fuels Application (1982) 8 NZTPA 138.

Quilter v Mangonui County Council Planning Tribunal No. 1 Division, 12 October 1978.

Royal Forest and Bird Protection Society Inc v W A Habgood Ltd, High Court, Wellington, M 655/86, 31 March 1987.

(e) Legislation Considered

Charitable Trust Act 1957

Harbours Act 1950

Health Act 1956

Land Claims Ordinance 1841 [and subsequent Lands Claims Settlement Acts]

Local Government Act 1974

Local Authorities Loans Act 1956

Public Works Act 1981

Public Works Act Amendment Act 1987

Town and Country Planning Act 1977

Treaty of Waitangi Act 1975

Treaty of Waitangi Amendment Act 1985

Water and Soil Conservation Act 1967

Order in Council, 14 January 1988, New Zealand Gazette (2) pp 16-18.

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Waitangi Tribunal, Department of Justice, Wellington.