

## APPENDIX II

# RECORD OF THE INQUIRY

### A1 CORAM

The Tribunal constituted for the aggregated claims in Muriwhenua was Chief Judge E T J Durie (presiding), Bishop M A Bennett, Sir Monita Delamere, Ms J Morris, and Professor E Stokes. Following the death of Sir Monita Delamere in April 1993, the Tribunal continued with a coram of four.

### A2 COUNSEL AND OFFICERS

Mr J V Williams with Mr G Powell appeared for the Muriwhenua claimants, Mr R M K Hawk for the Taemaro claimants, and Mr M T Parker, Miss A Kerr, Ms J Lake, and Ms H Kennedy for the Crown.

Mrs W Pink was appointed as interpreter.

### A3 HEARINGS

#### First hearing

The inquiry opened at Potahi Marae Te Kao, 6 August 1990, and Whatuwhiwhi School, 8 August 1990.

#### *Submissions*

On 6 August 1990: The Honourable Matiu Rata (6 August, 7 August), Haami Piripi, Rapine Aperahama, Gordon Kapa, Dame Mira Szaszy (6 August, 7 August), Paiheri Paraone, Jessie Everett, George Witana

On 7 August 1990: Waerete Norman, Raharuhi, Winiata Brown, Matiu Rapata, Saana Murry, Tuini Sylva, Te Paea Waitai, Hoana Emma Karekare, Haami Piripi, Simon Snowden, Rima Edwards, Apikaira Brown, Jim Davis, MacCully Matiu, Sir Graham Latimer, Paki Rupapera, Patana Matiu, Mu Hetaraka, Dr M Mutu, Hector Busby, Peter Pangari

On 8 August 1990: Maanu Paul, Tuhoe Manuera, Atihana Johns, Maude Vini, Paeahua Williams, Rachel Raharuhi

**Second hearing**

The second hearing was held at the Far North Community Centre, Kaitaia, 3 December 1990 to 7 December 1990.

***Submissions***

On 4 December 1990: Rima Edwards (3 December, 4 December), Ben Te Wake, Simon Snowden, Dick Motu, Rupene Karaka, Apikaira Brown, Piri William Robson, Wiremu Hadfield, the Honourable Matiu Rata

On 5 December 1990: Jim Heke, Selwyn Clark, Simon Snowden, Makene Davis, Shelia Murray, Lance Brown, the Reverend Maori Marsden, Henare Huru, Dr B Rigby

**Third hearing**

The third hearing was held at the Far North Community Centre, Kaitaia, 4 March 1991 to 8 March 1991.

***Submissions***

On 4 March 1991: Simon Snowden, Ross Gregory, Eddie Walker, P Palmer, Wiremu Paraone (4 March, 5 March)

On 5 March 1991: Ngarui Morrison, MacCully Matiu, Apikaira Brown, R P Boast (5 March, 6 March)

On 6 March 1991: Mutu Wiki Karena, Rev Maori Marsden, Paihere Hopa Paraone, the Reverend Puti Murray, Hoana Karekare, Matengaroa Wiki, Saana Murray

On 7 March 1991: Waerete Norman, Dr Dame Joan Metge, George Witana

On 8 March 1991: John Coster, Brian Easton

**Fourth hearing**

The fourth hearing was held at Waimanoni Marae (near Awanui), 22 July 1991 to 25 July 1991.

***Submissions***

On 22 July 1991: Dr B Rigby (22 July, 23 July, 24 July), Arthur Hore, Peter Redfearn

On 23 July 1991: Professor Anne Salmond, Richard Boast

On 24 July 1991: Tony Walzl

**Fifth hearing**

The fifth hearing was held at Databank House, Wellington, 22 October 1991, for the purpose of hearing interim legal submissions on Kaimaumu.

**Sixth hearing**

The sixth hearing was held at the Auckland District Law Society, 30 April 1992 to 1 May 1992, for the purpose of hearing Claudia Geiringer.

**Seventh hearing**

The seventh hearing was held at Te Rarawa Marae, Pukepoto, Kaitaia, 9 November 1992 to 12 November 1992.

**Submissions**

On 9 November 1992: Rima Edwards, Joseph Thomas, the Reverend Maori Marsden

On 10 November 1992: Haimona Snowdon, Rima Edwards, MacCully Matiu, Ross Gregory, Winiata Paraone, Te Paraha Neho, Rapata Rapine Romana, Tuini Sylvia

On 11 November 1992: Dr Dame Joan Metge

On 12 November 1992: Philippa Wyatt, Maurice Alemann, Dr Margaret Mutu

**Eighth hearing**

The eighth hearing was held at Te Rarawa Marae, Pukepoto, 30 November 1992 to 3 December 1992.

**Submissions**

On 30 November 1992: Lyndsay Head (30 November, 1 December)

On 1 December 1992: Richard Boast (1 December, 2 December)

On 2 December 1992: Michael Nepia (2 December, 3 December)

On 3 December 1992: Professor A Salmond

**Ninth hearing**

The ninth hearing was held at Maimaru Marae, Awanui, Kaitaia, 10 May 1993 to 13 May 1993.

**Submissions**

On 10 May 1993: Philippa Wyatt (also 11 May 1993)

On 11 May 1993: Dr M Mutu (also 12 May 1993), Maurice Alemann, Maude Vini

On 12 May 1993: Claudia Geiringer (also 13 May 1993)

On 13 May 1993: Saana Murray, Hoana Karekare, MacCully Matiu, Rupene Karaka, Shane Jones, Wilfred Peterson, Paihakena Kira, Peter Pangari, the Honourable Matiu Rata

**Tenth hearing**

The tenth hearing was held at De'Surville Resort Hotel, Taipa, 5 July 1993 to 9 July 1993.

***Submissions***

On 5 July 1993: Fergus Sinclair (5 July, 6 July, 7 July)

On 7 July 1993: David Armstrong (7 July, 8 July, 9 July)

On 9 July 1993: Dr B Rigby

**Eleventh hearing**

The eleventh hearing was held at De'Surville Resort Hotel, Taipa, 13 September 1993 to 16 September 1993.

***Submissions***

On 13 September 1993: David Armstrong (13 September, 14 September), Bruce Stirling (13 September, 14 September)

On 15 September 1993: Dr D Loveridge

On 16 September 1993: Fergus Sinclair, Dr A Gould

**Twelfth hearing**

The twelfth hearing was held at Seabridge House, Wellington, 11 October 1993 to 13 October 1993.

***Submissions***

On 11 October 1993: Dr A Gould, Fergus Sinclair

On 12 October 1993: Dr Dame Joan Metge, David Armstrong, Bruce Stirling

On 13 October 1993: Dr M Mutu

**Thirteenth hearing**

The thirteenth hearing was held at Te Rarawa Marae, Pukepoto, Kaitaia, 21 March 1994 to 22 March 1994.

***Submissions***

On 21 March 1994: Professor William Oliver, John Koning

On 22 March 1994: Claudia Geiringer, Phillippa Wyatt, Shane Jones

In addition, closing submissions were made by counsel for Taemaro claimants

**Fourteenth hearing**

The fourteenth hearing was held at the Auckland District Law Society, Auckland, 26 April 1994 to 28 April 1994.

**Submissions**

Professor William Oliver

In addition, closing submissions were made by counsel for the Muriwhenua claimants.

**Fifteenth hearing**

The fifteenth hearing was held at the District Court, Auckland, 29 June 1994, for the purpose of hearing the Crown's closing submissions.

In addition, several conferences were held with counsel both before and during the inquiry and site visits were undertaken.

**A4 SITE VISITS****s1: 8 August 1990**

Kaikari Bay, Maitai Bay, Opouturi, and Kauhanga Marae, Peria

Dr M Mutu, Tuhoē Manuera, and Manu Paul spoke at Karikari Bay, M Rupapera and Manu Paul at Matai Bay, Pahua Williams at Opouturi, and W Marsh and the Reverend H Harrison.

**s2: 9 August 1990**

Parengarenga, Kapowairua, Cape Reinga, Te Neke, and the Maunganui Bluff or Wakatehaua

The Honourable Matiu Rata spoke at Parengarenga, Bill McLeod, W Brown, Te Paea Waitai, Waerete Norman, Tuini Sylva, Matiu Rata, and Rapine Aperahama at Kapowairua, Bill Brown and Paea Waitai at Te Neke, and G Witana at Maunganui Bluff.

**s3: 6 December 1990.**

St Saviours Church, Pukemiro Pa, Whangape (Te Kotahitanga Marae), Owkata, Manukau (Whaka Maharatanga Marae), and Tauroa

**A5 MEDIATION**

On 12 July 1990, the Taemaro claim, which formed part of this inquiry, was referred to mediation under Judge P J Trapski. On 21 January 1993, the mediator reported that the claim was unlikely to be settled and that there were no matters on which agreement had

been reached. On 2 February 1993, the Tribunal directed the Taemaro claim be included back into the Muriwhenua inquiry.

## **A6 DOCUMENTARY RECORD OF PROCEEDINGS**

The following documents comprise the record of proceedings:

### **I. Claims**

#### **I.0 *Wai 45***

Date of Consolidation: 1 December 1987

Claimant: The Honourable M Rata and others

Concerning: The consolidated file for all Muriwhenua claims

#### **I.1 *Wai 16***

Date: 3 January 1985

Claimant: R Rutene and others for Ngati Kahu Trust Board

Concerning: Karikari complex

#### **I.2 *Wai 17***

Date: 15 May 1986

Claimant: M Matiu and others for Ngati Kahu Trust Board

Concerning: Taipa sewerage

(a) Amendment 9 October 1986

(b) Amendment 18 October 1986

(c) Amendment 19 October 1986

#### **I.3 *Wai 116***

Date: 11 July 1986

Claimant: P Pangari and others

Concerning: Taemaro Land

(a) Amendment 25 March 1987

(b) Amendment 12 June 1987

#### **I.4 *Wai 22***

Date: 8 December 1986

Claimant: The Honourable M Rata and others for Runanga o Muriwhenua

Concerning: Fisheries, State-owned enterprises

#### **I.5 *Wai 41***

Date: 24 July 1987

Claimant: R Murupaenga and others for Ngati Kuri

Concerning: Ngati Kuri lands

**1.6 Wai 112**

Date: 4 September 1987

Claimant: P Makene and others for Kaitaia Marae Incorporated, Kaitaia Maori Comm.

Concerning: Kaitaia lands

- (a) Amendment 21 October 1987
- (b) Amendment 26 January 1988
- (c) Amendment 10 July 1989
- (d) Amendment 7 November 1989

**1.7 Wai 117**

Date: 2 October 1987

Claimant: M Mutu, Te Whanau Moana Hapu of Ngati Kahu

Concerning: Karikari blocks, rating

- (a) Amendment 28 November 1988

**1.8 Wai 118**

Date: 23 May 1989

Claimant: H Piripi and others, Te Rarawa

Concerning: Mapere 2 school site

**1.9 Wai 292**

Date: 10 April 1990 (received 11 May 1992)

Claimant: H Karekare and others, Awarua Karena Wiki whanau

Concerning: Te Kao school sites and telephone exchange

**1.10 Wai 128**

Date: 15 May 1990

Claimant: Dame Whina Cooper

Concerning: Hokianga lands

Note: Part, north of Whangape harbour, is included in Muriwhenua claim

- (a) Amendment 10 May 1996 by S Snowden, J Campbell

**1.11 Wai 284**

Date: 7 February 1992

Claimant: M Mutu and others; Ngati Kahu

Concerning: Rating of Maori land (grouped for inquiry with other rating claims)

**1.12 Wai 295**

Date: 24 June 1992

Claimant: T Rota and others for Mangahoutoa Trust

Concerning: Kohumaru Station, Waihapa 2D, Kaingapipiwai 1H, Omaunu 1A,  
Patupukapuka blocks, Ranfurly Bay scenic reserve

**I.13 Wai 320**

Date: 15 October 1992

Claimant: M T Popata for Kenana Marae trustees

Concerning: Kohumaru Station

**I.14 Wai 515**

Date: 31 May 1995

Claim: W Peterson for Ngati Kahu Ki Whangaroa Maori Committee

Concerning: Northland Conservancy's draft conservation management strategy  
(grouped for inquiry with other claims relating to Northland local government)

**I.15 Wai 517**

Date: 1 June 1995

Claimant: W Peterson for Ngati Kahu Ki Whangaroa Maori Committee

Concerning: Northern Regional Council's proposed regional coastal plan for Northland  
(grouped for inquiry with other claims on Northland Local Government)

**I.16 Wai 534**

Date: 31 July 1995

Claimant: G Martin for Te hapu o te Tao Maui

Concerning: 'Telecom depot' at Kaitaia

**I.17 Wai 544**

Date: 11 August 1995

Claimant: K P Tobin and others for Te Paatu Hapu

Concerning: Takahue School and other lands near Kaitaia

**I.18 Wai 548**

Date: 1 June 1995

Claimant: S H Murray for Te Tahaawai, Te Paatu, Te Rarawa, and Ngatikahu

Concerning: Takahue no 1 block, Takahue School, Takahue Domain, and Takahue Cemetery

**I.19 Wai 590**

Date: 14 March 1996

Claimant: P Mitchell for descendants of Te Rata Te Ahi, Ngamoko (Mere) Rata and Tutere Rata

Concerning: Konoti, Whewhero, Oturu, and other blocks

**I.20 Wai 613**

Date: 16 July 1996

Claimant: H W Petera for Ngaitakoto-a-Iwi

Concerning: Ngai Takoto tribal lands generally

**1.21 Wai 626**

Date: 5 September 1996

Claimant: A F Andrews for Nopera Arano descendants

Concerning: The alienation of Te Kohanga no 1

**1.22 Wai 633**

Date: 2 September 1996

Claimant: Graeme Noho, Ngati Kuri Trust Board

Concerning: Ngati Kuri tribal lands generally

**1.23 Wai 643**

Date: 4 December 1996

Claimant: Kapa whanau

Concerning: Te Kao 76 and 77B

**2. Papers in proceedings**

2.1 Tribunal memo requesting further details of claim, May 1987

2.2 Tribunal memo regarding claims relating to transfer of Crown assets to State-Owned corporations, 14 May 1987

2.3 Tribunal Memo that Rigby and Koning assume Belgrave commission, 3 July 1989

2.4 Distribute Rigby–Koning report, 4 December 1989

2.5 Directions on Makene claim, 23 January 1990

2.6 Directions on Piripi claim, 15 March 1990

2.7 Directions for conference, 30 March 1990

2.8 Directions on Mutu claim, 2 April 1990

2.9 Directions on Pangari claim, 2 April 1990

2.10 Distribute Newell report, 11 April 1990

2.11 Distribute document bank with Rigby report, 1 May 1990

2.12 Conference, 19 April 1990

2.13 Conference, 28 May 1990

2.14 Claimants memo re timetable, 29 May 1990

2.15 Notice of first hearing, 25 June 1990

- 2.16 Constitution of Tribunal, 26 June 1990
- 2.17 Dispatch of notice of first hearing, 3 August 1990
- 2.18 Crown memo re timetable, 30 July 1990
- 2.19 Claimant memo re timetable, 31 July 1990
- 2.20(a)(b) Memo Salmon–Baragwanath to appoint senior counsel
- 2.21 Memo re catfish to Minister of Fisheries, 17 August 1990
- 2.22 Claimant memo re claim structure, 23 August 1990
- 2.23 Crown memo re claim structure, 23 August 1990
- 2.24 Tribunal memo re judicial conference, 23 August 1990
- 2.25 Tribunal memo uplifting embargo on Rigby–Koning report
- 2.26 Distribute Rigby Muriwhenua North report, 7 November 1990
- 2.27 Tribunal memo on examination of research reports, 7 November 1990
- 2.28 Notice of second hearing, 7 November 1990
- 2.29 Dispatch of notice re second hearing, 11 November 1990
- 2.30 Crown questions on Rigby–Koning report, 27 November 1990
- 2.31 Appointment of claimant counsel Williams, 7 November 1990
- 2.32 Crown memo requesting conference, 20 December 1990
- 2.33 Distribute Oruru report, 4 February 1991
- 2.34 Conference, 30 January 1991
- 2.35 Notice of third hearing, Kaitaia, 4 February 1991
- 2.36 Dispatch of notice re third hearing, 4 February 1991
- 2.37 Distribute Boast report, 25 February 1991
- 2.38 Crown re timetable, 20 March 1991
- 2.39 Direction re research and timetable, 5 April 1991

- 2.40 Claimant's issues re Te Wharo Oneroa A Tohe, 15 April 1991
- 2.41 Crown re research and timetable, 15 April 1991
- 2.42 Distribute Nicholson reports, 23 April 1991
- 2.43 Crown issues re Te wharo Oneroa, 30 April 1991
- 2.44 Notice of fourth hearing, 22 April 1991
- 2.45 Dispatch of notice re fourth hearing, 6 May 1991
- 2.46 Cancellation of hearing, 14 May 1991
- 2.47 Tribunal re engagement of counsel, 21 March 1991
- 2.48 Cancellation of May hearing, 10 May 1991
- 2.49 Notice of fourth hearing, 25 June 1991
- 2.50 Dispatch of notice re fourth hearing, 28 June 1991
- 2.51 Distribute Boast report, 10 July 1991
- 2.52 Distribute Salmond report, 10 July 1991
- 2.53 Memo, sale of Kaimaumu block, 15 October 1991
- 2.54 Claimant memo for recommendation re Kaimaumu, 22 October 1991
- 2.55 Crown memo, Kaimaumu block, 22 October 1991
- 2.56 Claimants to Maori Affairs re Kaimaumu, 21 October 1991
- 2.57 Kaimaumu report, 30 October 1991
- 2.58 Extension counsel's appointment, 8 November 1991
- 2.59 Tribunal memo re timetable, 22 November 1991
- 2.60 Tribunal memo re timetable, 5 February 1992
- 2.61 Distribute Rigby report, 6 March 1992
- 2.62 Distribute further Rigby report, 22 April 1992
- 2.63 Tribunal memo on A Brown submission, 28 April 1992

- 2.64 Direction to commission research, 8 May 1992
- 2.65 Extension of counsel's appointment, 19 May 1992
- 2.66 Direction to commission research, 22 May 1992
- 2.67 Claimant's issues, 29 June 1992
- 2.68 Distribute Boast, Wyatt, Salmond reports, and claimant's issues, 6 July 1992
- 2.69 Distribute Head report issues, 4 September 1992
- 2.70 Notice of fifth hearing, Auckland 13 April 1992
- 2.71 Conference, 8 October 1992
- 2.72 Notice of sixth hearing, Pukepoto, 20 October 1992
- 2.73 Dispatch of notice re sixth hearing, 20 October 1992
- 2.74 Notice of seventh hearing, Pukepoto, 18 November 1992
- 2.75 Dispatch of notice re seventh hearing, 18 November 1992
- 2.76 Distribute Nepia report, 19 November 1992
- 2.77 Memo re Belgrave article, 27 November 1992
- 2.78 Incorporation of Taemaro claim, 2 February 1993
- 2.79 Taemaro land claim record of proceedings documents 1.1-3.1
  - (a) Taemaro mediation: Wai 116, 21 January 1993
- 2.80 Claimants issues on Teamero, 10 August 1992
- 2.81 Crown on Teamero issues, 1 March 1993
- 2.82 Notice of eighth hearing, Maimaru Marae, Awanui, 15 April 1993
- 2.83 Dispatch of notice re eighth hearing, 16 April 1993
- 2.84 Distribute Geiringer report, 23 April 1994
- 2.85 Distribute Alemann report, 27 April 1993
- 2.86 Distribute P Wyatt report, 27 April 1993

- 2.87 Distribute M Mutu, 28 April 1993
- 2.88 Claimants re proposed lease, Te Paki Farm, 7 May 1993
  - (a) Crown on Te Paki Farm Park, 14 May 1993
- 2.89 Tribunal memo on Te Paki Farm Park, 19 May 1993
- 2.90 Telephone conference, 24 May 1993
  - (a) Correspondence Crown to claimants on issues, 25 May 1993
  - (b) Correspondence claimants to Crown on issues, 2 June 1993
- 2.91 Notice of ninth hearing, Te Patu Marae, Pamapurua, 10 June 1993
- 2.92 Dispatch of notice of ninth hearing, 10 June 1993
- 2.93 Crown draft issues, 22 June 1993
- 2.94 Conference, Wellington, 25 June 1993
  - (a) Tribunal's tentative statement of issues, 8 July 1993
- 2.95 Tribunal questions on Loveridge's report, 22 July 1993
- 2.96 Tribunal further questions on Loveridge report, 22 July 1993
- 2.97 Distribute Easton report, 4 August 1993
- 2.98 Notice of tenth hearing, Taipa, 25 August 1993
- 2.99 Dispatch of notice re tenth hearing, 25 August 1993
- 2.100 Notice of eleventh hearing, Wellington, 28 September 1993
- 2.101 Dispatch of notice re eleventh hearing, 28 September 1993
- 2.102 Notice of twelfth hearing, Te Rarawa Marae, Pukepoto, 16 February 1994
- 2.103 Dispatch of notice re twelfth hearing, 17 February 1994
- 2.104 Claimants re boundaries, Whangape dispute claim, 10 February 1994
- 2.105 Claimant's motion for State-owned enterprise recommendation, 23 February 1994
- 2.106 Crown re claim boundaries, 11 March 1994
- 2.107 Crown re request for State-owned enterprise recommendation, 11 March 1994

- 2.108 Taemaro motion for State-owned enterprise recommendation, 19 March 1994
- 2.109 Notice of thirteenth hearing, 31 March 1994
- 2.110 Dispatch of notice re thirteenth hearing, 31 March 1994
- 2.111 Distribute Alemann report, 11 April 1994
- 2.112 Notice of fourteenth hearing, Auckland, 27 May 1994
- 2.113 Dispatch of notice re fourteenth hearing, 27 May 1994
- 2.114 Crown re Commissioner Bell, 7 July 1994
- 2.115 Notice of fifteenth hearing, Auckland, 15 July 1994
- 2.116 Claimant request for adjournment, 1 August 1994
- 2.117 Crown opposing adjournment, 2 August 1994
- 2.118 Tribunal granting adjournment, 4 August 1994
- 2.119 Taemaro request for prior report on Taemaro, 22 September 1994
- 2.120 Claimants opposing early Taemaro report, 26 September 1994
- 2.121 Crown re early Taemaro report, 4 November 1994
- 2.122 Tribunal re claimants' final reply, 9 November 1994
- 2.123 Memo that W D Baragwanath retained for claim, 23 December 1994
- 2.124 Memo from Crown counsel, 20 January 1995
- 2.125 Tribunal memo, 30 January 1995
  - (a) Taemaro claimant's memo on land banking and requesting urgency, 31 March 1995
- 2.126 Crown memo on negotiation of Wai 45 claim, 3 July 1995
- 2.127 Taemaro claimant memo on management of Stoney Creek, Thomson, and Clarke blocks, 12 July 1995
- 2.128 Notice of separate representation for Ngati Takoto, Te Rarawa, Ngati Kahu, Murupaenga, 29 February 1996

- 2.129 Taemaro claimants' memo requesting separate report and urgency, 7 June 1996
  - (a) Tribunal response, 21 June 1996
- 2.130 Tribunal directions to distribute Easton report (doc P1), 3 July 1996
- 2.131 Tribunal directions on proposed post-1865 research, 15 July 1996
- 2.132 Claimant memo in response to above directions, 1 August 1996
- 2.133 Tribunal directions to register amendment to Wai 128, 28 August 1996
- 2.134 Notice of Wai 128 amendment, 6 September 1996
- 2.135 Te Runanga o te Rarawa, notice of separate representation 17 October 1996

### **3. Research commissions**

- 3.1 Belgrave commission, 13 March 1987
- 3.2 Wilson commission, 3 November 1988
- 3.3 Newell commission, 19 December 1988
- 3.4 Runanga O Muriwhenua research agreement, 1 July 1989
- 3.5 Rigby-Koning commission, 3 July 1989
- 3.6 C Geiringer commission (extract from memo of conference, 23 August 1990), 30 September 1991
- 3.7 Runanga Muriwhenua research agreement, August 1990
- 3.8 Nicholson commission, 21 December 1990
- 3.9 Boast commission, 16 January 1991
- 3.10 Salmond commission, 16 January 1991
- 3.11 Boast commission and Rigby commissions, 4 March 1991
- 3.12 Nepia commission, 23 September 1991
- 3.13 Nepia commission, 7 October 1992
- 3.14 Nepia commission, 5 February 1992
- 3.15 Head commission, 8 May 1992

3.16 Easton commission, 22 May 1992

3.17 Salmond commission, 13 July 1992

3.18 Head commission, 28 October 1992

3.19 Morse commission, 17 August 1993

3.20 Alemann commission, 8 February 1994

3.21 Alemann commission, 31 May 1994

#### **4. Transcripts and translations**

4.1 Extract, Rima Edwards evidence, 3 December 1990

4.2 L Brown translation at Kaitaia, 5 December 1990

4.3 Extract, Simon Snowden evidence at Kaitaia, 5 December 1990

4.4 Morris cross-examination of Salmond, 3 December 1992

4.5 Extract, Jones translates Saana Murray, 13 May 1993

4.6 Extract, Kerekere evidence, 13 May 1993

4.7 Extract, Jones translates McCully Matiu, 13 May 1993

4.8 Extract, Ben Clarke evidence, 13 May 1993

4.9 Extract, Jones evidence, 13 May 1993

4.10 Extract, Pita Pangari evidence, 13 May 1993

4.11 Cross-examination of Head, 30 December 1992

4.12 Pukenui hearing 8 March 1877, northern minute book, vol 1, pp164–186

4.13 Cross-examination of Stirling and Armstrong, 15 September 1993 (transcript provided by R Hawk for Wai 116 claimants)

4.14 Draft transcript of cross-examining of Sinclair, 6 July 1993

4.15 Cross-examination, F Sinclair, 6 July 1993

**A7 RECORD OF DOCUMENTS**

The following documents were filed:

**A To end of first hearing**

- A1 Rigby–Koning research report, historical evidence, 4 December 1989 (supporting documents in 2 vols)
- A2 James Newell, research report, socio-economic profile, 28 March 1990
- A3 Summary of Newall report by Dr Rigby
- A4 L R Wilson, Maori lands in Mangonui County with 8 maps
- A5 Topographical display map with overlays, old land claims, and Crown purchases to 1865; current Maori land; current Crown land
- A6 M Szaszy re spiritual and ancestral rights, December 1987
- A7 The Reverend M Marsden, 'Te Mana O Te Hiku O Te Ika', December 1986
- A8 I G McIntyre re Muriwhenua claim, December 1986
- A9 J Davidson, archaeological surveys, June 1975
- A10 J Maingay, '. . . on Northland Archaeology', 1986
- A11 Department of Conservation, *Draft New Zealand Coastal Policy Statement*, 1990
- A12 G W Witana, Onepu block history, re Wairahi compensation area
- A13 W Brown, Parengarenga conversion shares correspondence, 1989–90
- A14 Te Paea Waitai, Muriwhenua genealogical stories
- A15 Plan (ML15277) of Parengarenga 5X1 and 5X2 blocks
- A16 Kaitaia Borough Council to A Brown of 28 August 1989 re Okahu 4C2
- A17 List of Te Runanga o Whaingaroa delegates and constitution
- A18 Rapine Aperahama, Te Rerenga Wairua
- A19 Reserved for translation of the above
- A20 The Honourable Matiu Rata, documents relating to catfish proposals

A21 B Rigby, 'The Mangonui Area and the Taemaro Claim' (July 1990)

**B To end of second hearing**

B1 Summary of Rigby–Koning report (A1)

B2 Rima Edwards, submission on traditional history

B3 Map, Ahipara–Whangape sites visited, December 1990

B4 Map, part Ahipara B2

B5 Record sheet, Ahipara blocks

B6 R Paraone, 'Mo te Iwi o Ngaitakoto', 5 December 1990

B7 The Reverend M Marsden, submission (confidential)

B8 The Honourable M Rata, forestry submission, 4 December 1990

B9 1834 Church Missionary Society Kaitaia deeds

B10 1840 Church Missionary Society Kaitaia deeds

B11 1859 Church Missionary Society Kaitaia Crown grant

B12 The Reverend D Urquhart, summary of Kaitaia Treaty signing

B13 St Saviours cemetery plan

B14 Proposed site visit itinerary

B15 B Rigby, 'The Muriwhenua North Area and the Muriwhenua Claim', November 1990

**C To end of third hearing**

C1 B Rigby, 'The Oruru Area and the Muriwhenua Claim', February 1991

C2 E Stokes, 'Kauri and White Pine: A Comparison of New Zealand and American Lumbering'

C3 R Boast, 'Report in Respect of the Claim to Te Wharo Oneroa A Tohe/Ninety Mile Beach', February 1991 (with annexures)

C4 B Rigby, answers to Crown questions on Rigby–Koning report (doc A1)

- c5 B Rigby summary of Mangonui area report (A21)
- c6 B Rigby, summary of Muriwhenua North report (B15)
- c7 John Coster, 'Te Oneroa a Tohe – The Archaeology of Ninety Mile Beach', February 1991 (with supporting documents)
- c8 J Williams, submissions on the claim in respect of Te Oneroa a Tohe, 4 March 1991
- c9 Haimona Snowden, submission on Te Oneroa a Tohe
- c10 Ross Gregory, submission on Te Oneroa a Tohe
- c11 McCully Matiu, submission on Te Oneroa a Tohe
- c12 Eddie Walker, submission on Te Oneroa a Tohe
- c13 Wiremu Paraone, submission on Te Oneroa a Tohe
- c14 Ngarui Morrison, submission on Te Oneroa a Tohe
- c15 Mutu Wiki Karena, submission on Te Oneroa a Tohe
- c16 Paihere Hopa Paraone, submission on Te Oneroa a Tohe
- c17 The Reverend Maori Marsden, submission on Te Oneroa a Tohe
- c18 Saana Murray, submission on Te Oneroa a Tohe
- c19 Waerete Norman, submission on Te Oneroa a Tohe
- c20 Dame J Metge, submission on Te Oneroa a Tohe
- c21 Brian Easton, submission on Te Oneroa a Tohe
- c22 Hirini Paerangi Matunga, submission on Te Oneroa a Tohe
- c23 (a) Jane McRae, 'A Catalogue of Manuscript Relating to the History and Traditions of the Tribes in Taitokerau'  
(b) Department of Maori Affairs, Whangarei, *He Whakatauki and He Pepeha, He Whakatauki no Taitokerau*
- c24 Christine Marra, 'Kaitaia: A Community Profile', 15 June 1990
- c25 Waitangi Tribunal, *Report of the Waitangi Tribunal on the Muriwhenua Fishing Claim*, Wellington, Department of Justice: Waitangi Tribunal, 1988

**D To end of fourth hearing**

- D1 Judge W G Nicholson, 'Title Investigations on Owhata C and Wairahi Blocks'
- D2 New Zealand Law Commission, *The Treaty of Waitangi and Maori Fisheries: Mataitai: Nga Tikanga Maori me te Tiriti o Waitangi*, 1989
- D3 B Rigby, summary of Oruru report (doc C1)
- D4 T Walzl pre-Treaty Muriwhenua
- D5 Papers supporting T Walzl, pre-Treaty Muriwhenua, 7 vols
- D6 J Lake and H Kennedy, Crown counsel memo re information relating to Ninety Mile beach (30 May 1991)
- D7 Kim Walshe, MAF fisheries submission on Ninety Mile Beach
- D8 Peter Redfearn, MAF fisheries submission on Ninety Mile Beach
- D9 J Lake, 'Information Received from the Department of Conservation re Ninety Mile Beach'
- D10 Maori Land Court Taitokerau, report on 'Maunganui Bluff Reserve'
- D11 F Sinclair, Crown, 'Documents Relating to Ninety Mile Beach', 4 vols, 24 May 1991
- D12 Old land claim files, 3 vols
- D13 Crown purchase deeds and plans 1850–1900
- D14 White Kemp, and Maning correspondence, 1854–73
- D15 Molly Anderson, submission on Kuaka (Godwit) protection (17 May 1991)
- D16 R Boast, 'Muriwhenua South and Ahipara Purchases' (with annexures)
- D17 Professor Anne Salmond, 'Likely Maori Understanding of Tuku and Hoko', July 1991
- D18 Map, Crown Mangonui purchases, 1840–41, 1863, native reserves, 1863–74, and Taemaro award, 1870
- D19 Plan S0948A, Muriwhenua South Crown purchase
- D20 Plan S0948, Muriwhenua South Crown purchase

D21 Plan SO 5043A, Ahipara Crown purchase

D22 Plan SO2959, Wairoa block adjacent to southern portion of Ahipara block

D23 Kahi Harawira, request for direct negotiation regarding the Resource Management Act, July 1991

**E To end of fifth hearing**

E1 Philippa Wyatt, 'The Old Land Claims and the Concept of Sale: A Case Study', MA thesis, March 1991

E2 Evidence of Tony Walzl, 'Report on the Historical Issues Relating to the Taemaro Mediation, circa 1830–1925'

E3 Unallocated

E4 *New Zealand Maori Council v Attorney General*, per Justice McGechan, pp 29–30

E5 J Williams, claimant submission in support of Kaimaumu recommendation, 22 October 1991

**F To end of sixth hearing**

F1 D Armstrong, documents supporting 'The Taylor Purchase' (doc 15)

F2 Tribunal staff, introduction to documents on Muriwhenua land, 1840–65 (F3–F6)

F3 Governor series and *British Parliamentary Papers*

F4 Old land claim general papers

F5 Internal Affairs and Maori Affairs papers

F6 Church Missionary Society and Wesleyan Missionary Society papers

F7 M Nepia, essential documents of the Royal Commission on Surplus Lands 1948

F8 B Rigby, 'Empire On The Cheap: Crown Policies And Purchases In Muriwhenua, 1840–1850', 6 March 1992

F9 B Rigby, 'A Question of Extinguishment: Crown Purchases in Muriwhenua, 1850–1865', 14 April 1992

F10 C Geiringer, 'Historical Background to the Muriwhenua Land Claim, 1865–1950', 27 April 1992

- F11 M Alemann, 'Muriwhenua Land Claim: Pre-Treaty Transactions'
- F12 M Mutu, 'Tuku Whenua or Land Sale?', 24 April 1992
- F13 Dame J Metge, 'Cross-Cultural Communication and Land Transfer in Western Muriwhenua, 1832–40'
- F14 D Armstrong, Crown purchase documents originally presented to the Te Roroa Tribunal (Wai 38)
- F15 LR V Tonk, 'The First New Zealand Land Commission, 1840–1845', MA thesis
- F16 R Boast, 'Surplus Lands: Policy-making and Practice in the Nineteenth Century', June 1992
- F17 P Wyatt, 'The 'Sale' of Land in Muriwhenua: A Historical Report on Pre-1840 Land Transactions', 16 June 1992
- F18 J Williams, 'Issues and Particulars of Claim . . . Arising prior to 1865', 29 June 1992
- F19 Professor A Salmond, 'Treaty Transactions: Waitangi, Mangungu and Kaitaia, 1840'
- F20 C Geiringer, supporting documents to document F10, 4 vols
- F21 L Head, Maori understanding of land transactions in the Mangonui–Muritoki area during 1861–65
- F22 J Williams, opening submissions relating to pre-Treaty transactions, 9 November 1992
- F23 R Edwards, submission on pre-Treaty transactions
- F24 J Thomas, submission on pre-Treaty transactions
- F25 The Reverend M Marsden, submission on pre-Treaty transactions
- F26 H Snowden, submission on pre-Treaty transactions
- F27 M Matiu, submission on pre-Treaty transactions
- F28 R S Gregory, submission on pre-Treaty transactions
- F29 W and M Paraone, submission on pre-Treaty transaction
- F30 Te Paraha Noho, submission on pre-Treaty transaction

F31 R R Romana, submission on pre-Treaty transaction

F32 D Neho, submission on pre-Treaty transaction

F33 T Sylva, submission on pre-Treaty transaction

**G To end of seventh hearing**

G1 M Nepia, 'Muriwhenua Surplus Lands Commissions of Inquiry in the Twentieth Century', October 1992

G2 B Rigby, summary of document F8

G3 B Rigby, summary of document F9

G4 Michael Belgrave, 'The Recognition of Aboriginal Tenure in New Zealand, 1840–1860'

G5 L L Head, supplementary evidence, 'An Analysis of Linguistic Issues Raised in Margaret Mutu (1992) Tuku Whenua or Land Sale? and Joan Metge (1992) Cross-Cultural Communication and Land Transfer in Western Muriwhenua, 1832–1840'

G6 Chief Judge E T J Durie, questions to Lyndsay Head

G7 R Boast, supplementary evidence on surplus lands

G8 M Nepia, supplementary evidence on surplus lands

G9 Surplus Land Commission, map of surplus land areas where Maoris have an equity, north Auckland land district

G10 Sir Vincent Meredith, 'A Long Brief', pp 206–213

**H To end of eighth hearing**

(Documents H1 to H5 incorporated from Wai 116 record of documents)

H1 Peter Pangari, 'Chronology of Events Affecting Taemaro Land, 1840–1863'

H2 B Rigby, 'The Mangonui Area and the Taemaro Claim', 25 July 1990 (also doc A21)

H3 P Pangari, further report of claimants, 28 June 1991

H4 T Walzl, 'Report on the Historical Issues Relating to Taemaro Mediation, circa 1830–1925' (also doc E2)

H5 Pangari, submission at Waimahana

- H6 A Kerr 'Questions . . . for Lyndsay Head in Respect of Wai 45 Document G5', 15 February 1993
- H7 C Geiringer, 'Subsequent Maori Protest Arising from the Crown Land Purchases in Muriwhenua, 1850–1865', 20 April 1993
- H8 M Alemann, 'Mangonui, Native Reserves and Opouturi', April 1993
- H9 P Wyatt, 'Crown Purchases in Muriwhenua, 1850–1865', April 1993
- H10 M Mutu, 'Muriwhenua: Crown Alliances as Described in the Maori language Documents Relating to Crown Land Purchases In Muriwhenua in the Period from 1840–1865', 27 April 1993
- H11 J Williams and G Powell, 'Further Questions . . . for Lyndsay Head . . .'
- H12 Unallocated
- H13 J Williams and G Powell, 'Opening Submissions . . . Relating to Crown Purchases between 1850 and 1865', 10 May 1993
- H14 J Williams and G Powell, 'Memorandum . . . Regarding Proposed Lease of Te Paki Farm Park . . .', 7 May 1993
- H15 L Head, response to Crown questions, 6 May 1993
- H16 L Head response to claimant questions, 7 May 1993
- H17 Plan ML3184, Takahue no 2 block
- H18 R Hawk, opening submissions on Taemaro claim, 13 May 1993
- H19 Pangari submission on Taemaro claim with supporting documents
- H20 Te Runanga O Whaingaroa, support of Taemaro claim, 11 May 1993
- H21 Whangaroa Maori Executive, support of Taemaro claim, 11 May 1993
- H22 J Williams, G Powell, submissions re Te Paki Farm Park, May 1993
- H23 The Honourable Matiu Rata, submission re Te Paki Farm Park
- H24 J Williams, G Powell, supporting documents re Te Paki Farm
- H25 A Kerr, Crown submissions re Te Paki Farm Park, 13 May 1993

**I To end of ninth hearing**

- 11 A Kerr Crown, opening submissions re historical evidence and issues, 5 July 1993
- 12 D Loveridge, 'The New Zealand Land Claims Act of 1840', 18 June 1993
- 13 F Sinclair, 'Issues Arising from Pre-Treaty Land Transactions' (with supporting documents)
- 14 D Armstrong, 'The Land Claims Commission. Practice and Procedure, 1840–1845' (with supporting documents)
- 15 Evidence of David Armstrong, 'The Taylor Purchase' (with further supporting documents; in addition to doc F1)
- 16 Chief Judge E T Durie, 'Tribunal's Tentative Statement of Issues', 8 July 1993

**J To end of tenth hearing**

- 11 A Kerr, opening submissions re surplus lands and pre-1865 Crown purchases, 13 September 1993
- 12 D Armstrong and B Stirling, 'Surplus Lands. Policy and Practice: 1840–1950' (with supporting documents)
- 13 D Armstrong, 'The Most Healing Measure: Crown Actions in Respect of Oruru/Mangonui, 1840–1843'
- 14 F Sinclair and A Gould, 'Crown Purchases in Muriwhenua to 1865' (with supporting documents)
- 15 M Alemann, 'A Comment on the Reserves in Muriwhenua', 7 June 1993
- 16 B Easton, 'Towards an Iwi Development Plan for the Muriwhenua', 22 June 1993
- 17 L Head, 'An Analysis of Issues in the Report of Dr M Mutu on Crown Purchases in Muriwhenua, 1840–1865'

**K To end of eleventh hearing**

- K1 Dame J Metge, 'Comments on Issues Arising from Pre-Treaty Land Transactions . . .', 10 October 1993
- K2 Haehae Greaves's submission (as recorded by M Mutu)
- K3 M Mutu, response to L F Head (doc 17), 11 October 1993

**L To end of twelfth hearing**

- L1 Professor A Chowning, 'Notes on Questions of Misunderstanding between Indigenous Land-Owners and Would-Be Foreign Purchasers', 15 November 1993
- L2 W Bauer, 'Tuku Whenua: Some Linguistic Issues'
- L3 F Watson, south Auckland 'Old Land Claim Deeds', September 1993
- L4 A Parsonson, 'Land and Conflict in Taranaki, 1839–59', pp 1–66, November 1991
- L5 C Geiringer and P Wyatt, 'Issues Arising from the Evidence . . . Relating to Crown Purchases in Muriwhenua, 1850–1865'
- L6 P Wyatt, 'Issues Arising from the Evidence . . . in Reference to Pre-Treaty Land Transactions'  
(a) B Drury, chart of Rangaounou or Awanui River, 1852 (appendix 2 in report)
- L7 Professor W Oliver, 'The Crown and Muriwhenua Lands: An Overview'
- L8 J Koning and Professor W Oliver, 'Economic Decline and Social Deprivation in Muriwhenua, 1880–1940'
- L9 R Boast, '*In Re Ninety Mile Beach* Revisited: The Native Land Court and the Foreshore in New Zealand Legal History', *Victoria University of Wellington Law Review*
- L10 J Williams, opening remarks re Crown memoranda and historical evidence, 21 March 1994

**M To end of thirteenth hearing**

- M1 R Hawk, closing submissions on Taemaro claim, 22 March 1994
- M2 Documents in support of Taemaro claim, 22 March 1994
- M3 S Jones, submission, 'He Whakaaringa mo te Tuku Whenua', 20 March 1994
- M4 M Alemann, 'Muriwhenua Land Tenure'

**M To end of fourteenth hearing**

No documents filed

**N To end of fifteenth hearing**

- N1 Muriwhenua claimants' closing submissions, vols 1, 2

N2 Muriwhenua claimant counsel's concluding remarks

**O To end of sixteenth hearing**

O1 Crown's closing submissions (with appended documents)

O2 Professor Bradford W Morse (with the assistance of Rosemary Irwin), 'Treaties, Deeds and Surrenders: An Analysis of Canadian and American Law'

O3 Taemaro claimants, Final reply, 22 September 1994

**P Received subsequent to closure**

P1 Brian Easton, 'A Data Base of Iwi', 15 May 1995 (Wai 116, doc A7, Wai 128, doc A2)

P2 Tribunal member Dr E Stokes, 'Muriwhenua: Review of the Evidence', May 1996

