

APPENDIX IV

RECORD OF INQUIRY

RECORD OF HEARINGS

CLAIMANT HEARING, TE TAIWHENUA O TE WHANGANUI A OROTU, 8–10 JUNE 1999

Counsel

Counsel appearing were: for the Crown, Michael Doogan, with assistant counsel Craig Linkhorn and, for the Wai 400 claim, co-counsel Fergus Sinclair; for Healthcare Hawke's Bay, Magnus Macfarlane; and, for the claimants, Maui Solomon, assisted by Sarah Reo, and Peter Callinicos.

Claimant witnesses

The claimant witnesses who gave traditional evidence were:

- ▶ Pirika Tom Hemopo (Ngati Kahungunu), chairperson of Te Taiwhenua o Te Whanganui a Orotu's housing board, chairperson of St Joseph's Maori Girls College Trust Board, executive member of Te Reo Irirangi o Ngati Kahungunu, and member of the Omaha Marae Committee;
- ▶ Hana Cotter (Ngati Kahungunu), Te Kahu Korowai o Te Kohanga Reo, Napier;
- ▶ Ruruarau Heitia Hiha (Ngati Kahungunu ki Heretaunga);
- ▶ Peggy Nelson, also known as Kurupai Kopu (Ngati Hinepare / Ngati Hikawera / Ngati Hinemanu);
- ▶ Hine Pene (Ngati Paarau), granddaughter of Tareha Te Moananui; and
- ▶ Fred Reti (Ngati Tu/Ngati Kurumokihi/Ngati Hineuru).

The claimant witnesses who gave evidence on other aspects of the claim were:

- ▶ Te Maari Joe (Ngati Hinepare ki Ngati Kahungunu / Tuwharetoa / Ngai Tai ki Torere), manager of Te Kupenga Hauora, founder member of Te Ropu Wahine Maori Toko i Te Ora, and kaumatua representative with Te Taiwhenua o Te Whanganui a Orotu;
- ▶ Ngahiwi Tomoana (Ngati Kahungunu ki Heretaunga), at various times secretary of Waipatu

Marae, chairperson of Te Taiwhenua o Heretaunga, and board member, and, since 1997, chairperson of Ngati Kahungunu Iwi Incorporated; and

- ▶ Matthew Bennett (Ngati Pikiāo / Ngati Whakaue / Ngati Pahauwera / Ngati Maniapoto), claim manager, secretary of Kohupatiki Marae, and member of the Hawke's Bay Ethics Committee.

Several other people from the claimant group did not appear but filed briefs of evidence on their personal experience or knowledge of the hospital services provided at Napier and Hastings. They were:

- ▶ January Roberts (Tainui/Ngati Hineuru), a resident of Onekawa, Napier;
- ▶ Naresh Colin James (Tuwharetoa), a resident of Taradale, Napier;
- ▶ Rose Whenuaroa (Ngati Hine o roto o Tuwharetoa), a resident of Onekawa, Napier;
- ▶ Christine Te Kahika (Ngati Kahungunu), a resident of Maraenui, Napier; and
- ▶ Margie Russell (Ngati Porou/Ngati Kahungunu), a resident of Taradale and teacher aide at Maraenui School.

Supporting evidence from community and expert witnesses came from:

- ▶ Jim Pearcey, principal since 1990 of Maraenui School, on the impact of the closure of Napier Hospital on his students and the residents of a poor suburb of Napier with a high Maori population;
- ▶ Janice Wenn, manager of Whaiora Whanui of the Wairarapa Taiwhenua and previously assistant general manager (community health) at Mid Central Health, on Maori health providers, the effects of socio-economic status on access to health services, and Maori participation and representation in regional health institutions;
- ▶ Irihapeti Ramsden (Ngai Tahu/Rangitane/Ngati Raukawa), Maori health specialist, Maori adviser to the Nursing Council, and board/committee member of, amongst others,

APP IV

the Health Research Council and the Health Promotion Committee, on Maori health status and initiatives under the health reforms;

- ▶ Dr Papaarangi Reed, director since 1994 of the Eru Pomare Maori Health Research Centre, Wellington, on the current state of Maori health nationally;
- ▶ Dr Robin Gwynne, formerly associate professor of history at Massey University and Alliance candidate for the Napier constituency, on the history of the closure of Napier Hospital and the adequacy of community health services in Hawke's Bay; and
- ▶ Professor Whatarangi Winiata (Ngati Raukawa/Ngati Marutuahu), Tumuaki of Te Wananga o Raukawa, Otaki, and professor of accountancy at Victoria University of Wellington, on partnership perspectives and concepts of health.

In addition, a written brief was filed but not presented in person from Neil Kirton, at the time a list member of Parliament and formerly the Associate Minister of Health and the general manager of the private surgical Princess Alexandra Hospital in Napier, on the consultation issue and a possible transfer of Napier Hospital to Maori health provision.

Two professional historians presented summaries of their reports:

- ▶ Vincent O'Malley, researcher at the Crown Forestry Rental Trust, on historical aspects of the claim; and
- ▶ Lisa Ferguson (Ngati Reko/Ngati Tamaoho), researcher commissioned by the Tribunal, on contemporary aspects of the claim.

CROWN HEARING, WAR MEMORIAL CENTRE, NAPIER, 29–30 JULY, 2 AUGUST 1999

Counsel

Counsel appearing were: for the Crown, Michael Doogan, with assistant counsel Craig Linkhorn; for Healthcare Hawke's Bay, Magnus Macfarlane; for the claimants, Grant Powell, assisted by Sarah Reo, and Peter Callinicos.

Crown witnesses

The witnesses who appeared for the Crown were:

- ▶ Chris Clarke, team leader of the Targeted Assistance Group (working with public hospitals) in the Crown Company Monitoring Advisory Unit;
- ▶ Colin Feek, since 1994 chief adviser (medical), Ministry of Health;

- ▶ Ria Earp (Ngati Pikiao/Ngati Whakaue), since October 1996 deputy director-general (Maori health), Ministry of Health;
- ▶ Mara Andrews (Ngati Kahungunu/Ngati Raukawa/Whakatohea), senior Maori development manager in the Maori Health Group of the HFA and formerly a policy analyst for the same group in the Central RHA;
- ▶ Peter Wilson, company director and chairperson of the board of Healthcare Hawke's Bay since its establishment in 1993;
- ▶ Tumanako Walter Wilson (Ngati Kahungunu ki Wairoa), director on the board of Healthcare Hawke's Bay from 1993 to May 1999;
- ▶ Arama Puriri, kaumatua consultant to the chief executive of Healthcare Hawke's Bay on community services, and also to the Ministry of Commerce;
- ▶ Wi Keelan, since December 1998 Maori health services manager, Healthcare Hawke's Bay; and
- ▶ Mark Flowers, since 1996 chief executive of Healthcare Hawke's Bay, previously its surgical services manager and employed by its predecessors the Area Health Board and the Hawke's Bay Hospital Board.

RECORD OF PROCEEDINGS

1. CLAIMS

1.57 Statement of claim (Wai 692)

- (a) Addition to claim, 27 January 1998
- (b) Amendment to claim, 31 May 1999
- (c) Amendment to claim, 22 July 1999

2. PAPERS IN PROCEEDINGS

2.261

- (a) Direction to register claim, 14 January 1998
- (b) Notice of claim, 14 January 1998
- (c) Direction to appoint Judge Savage to conduct conference, 27 January 1998
- (d) Direction to register addition to claim, 27 January 1998
- (e) Notice of addition to claim, 28 January 1998
- (f) Submissions of counsel for claimants concerning urgency application, 30 January 1998
- (g) Submissions of Crown counsel to oppose urgency application, 30 January 1998
- (h) Direction following urgency conference of 30 January 1998, 3 February 1998

- 2.298** Direction following judicial conference of 22 October 1998, 23 October 1998
- 2.303** Direction consolidating Wai 692 in the Mohaka ki Ahuriri Inquiry, 17 November 1998
- 2.310** Direction following the ninth hearing of the Mohaka ki Ahuriri inquiry, 26 November 1998
- 2.312** Direction release Ferguson report (doc U7), 18 December 1998
- 2.317** Memorandum of Wai 692 counsel concerning Wai 692 hearing, 4 February 1999
- 2.323** Memorandum from Crown regarding access of Ms Lisa Ferguson to information, 22 March 1999
- 2.325** Letter from Richard Moorsom to Crown Law regarding access of Lisa Ferguson to information, 18 February 1999
- 2.326** Letter of Crown Law to Registrar responding to Moorsom request (paper 2.325), 1 March 1999
- 2.327** Lisa Ferguson report expressing concerns regarding access to information, 5 March 1999
- 2.329** Direction requesting parties address concerns raised by Lisa Ferguson, 12 March 1999
- 2.330** Lisa Ferguson report regarding access to information, 16 March 1999
- 2.331** Memorandum from Wai 692 counsel regarding access of Lisa Ferguson to information, 17 March 1999
- 2.332** Direction defining issue regarding access of Lisa Ferguson to information, 24 March 1999
- 2.334** Direction following conference of 29 April 1999, 3 May 1999
- 2.336** Direction to release Ferguson report (doc v1), 7 May 1999
- 2.337** Direction following conference of 10 May 1999, 11 May 1999
- 2.339** Memorandum from Lisa Ferguson to Richard Moorsom on research process, 22 April 1999
- 2.340** Letter from Richard Moorsom to Lisa Ferguson on access to official information, 9 May 1999
- 2.341** Letter from Lisa Ferguson to Richard Moorsom replying to 2.27 above, 9 May 1999
- 2.342** Memorandum from Lisa Ferguson concerning interviews with officials, 9 May 1999
- 2.344** Notice of eleventh hearing, 24 May 1999
- 2.346** Memorandum from Crown regarding Lisa Ferguson questions, 21 June 1999
- 2.347** Direction following pre-hearing conference of 18 June 1999, 22 June 1999
- 2.350** Memorandum from Wai 692 counsel regarding closing submissions, 5 July 1999
- 2.355** Memorandum from Crown regarding amendment to Wai 692 claim dated 22 July 1999, 22 July 1999
- 2.356** Memorandum from Wai 692 counsel responding to Crown memo regarding an amendment to the Wai 692 claim, 23 July 1999
- 2.357** Direction regarding Crown objection to the filing of an amendment to the Wai 692 claim (claim 1.57(c)), 23 July 1999
- 2.361** Direction to register second and third amendments to Wai 692, 27 July 1999
- 2.362** Notice of second and third amendments to Wai 692, 20 August 1999
- 2.370** Memorandum from counsel for Wai 119, 400, 436, 692, 731 regarding late filing of closing submissions, 3 November 1999
- 2.375** Letter from counsel for Wai 119, 400, 430, 692, and 731 to Crown regarding the late filing of closing submissions, 15 November 1999
- 2.377** Direction requesting a stay in proceedings regarding the disposal of Napier hospital, 9 December 1999
- 2.382** Direction regarding claimant request for an interim decision, 15 February 2000
- 2.394** Letter from Crown to Tribunal concerning sale of Napier hospital, 8 November 2000
- 2.395** Letter from counsel for Wai 692 to Crown concerning the transfer of Napier hospital, 23 January 2001
- 2.396** Letter from Crown to counsel for Wai 692 responding to their concerns on the transfer of Napier hospital, 23 January 2001
- 2.397** Media release – Napier hospital transfer deferred, 26 January 2001
- 2.398** Direction concerning the Napier hospital transfer, 26 January 2001
- 2.399** Letter from counsel for Wai 692 to Crown concerning a letter of 8 January 2001 from the Property Group Limited to the Environmental Management Services Limited, 8 February 2001
- 2.400** Memorandum from Crown counsel responding to Tribunal direction of 26 January 2001, 9 February 2001
- 2.401** Memorandum from Wai 692 counsel responding to Crown in respect of the transfer of Napier hospital, 23 February 2001
- 2.402** Letter from counsel for Wai 692 to Crown requesting a stay in disposal proceedings pending release of the Tribunal report, 1 March 2001
- 2.403** Letter from Crown to counsel for Wai 692 responding to counsel's request of 1 March 2001 (paper 2.402), 2 March 2001

THE NAPIER HOSPITAL AND HEALTH SERVICES REPORT

APP IV

2.406 Memorandum from Crown counsel responding to counsel for Wai 692 (paper 2.50), 16 March 2001

2.407 Direction requesting submissions as to whether or not health entities responsible for Napier hospital between 1876 and 1991 should be regarded as part of the Crown, 11 April 2001

2.408 Memorandum from counsel for Wai 692 responding to Tribunal direction of 11 April 2001, 23 April 2001

2.409 Memorandum from Crown responding to Tribunal direction of 11 April 2001, 23 April 2001

3. RESEARCH COMMISSIONS

3.34

(a) Direction authorising Peter Callinicos to commission Lisa Ferguson to undertake research, 24 July 1998

(b) Direction extending Lisa Ferguson commission, 5 August 1998

3.47 Direction commissioning Lisa Ferguson, 18 December 1998

3.48 Direction extending Lisa Ferguson commission, 17 March 1999

4. TRANSCRIPTS AND TRANSLATIONS

4.25 Transcript of the questioning of Hana Cotter by Joe Williams in Maori at the Wai 692 hearing held 8–10 June 1999

4.26 Translation of the questioning of Hana Cotter by Joe Williams in Maori at the Wai 692 hearing held 8–10 June 1999

RECORD OF DOCUMENTS

A. TO END OF FIRST HEARING, TE WHANGANUI A OROTU INQUIRY

Documents received up to the end of the first hearing of the Te Whanganui a Orotu inquiry, held at the Waitangi Tribunal's offices, Wellington, 15 April 1992.

A2 H H Turton. 1878. *Maori Deeds of Land Purchases in the North Island of New Zealand*. vol 2, pp 483–496

Copies of original deeds

Waipukurau block, 4 November 1851 (Wai 161)

Ahuriri block, 17 November 1851 (Wai 55)

Mohaka block, 5 December 1851 (Wai 119)

A21 Supporting documents to the evidence of Stephanie McHugh in relation to Te Whanganui a Orotu

(a) Volume 1: official publications (*British Parliamentary Papers*, Acts and ordinances, Bills, *New Zealand Parliamentary Debates*, *Journals of the House of Representatives*, *Journals of the Legislative Council*)

(b) Volume 2: official publications (*Appendix to the Journals of the House of Representatives*, *New Zealand Government Gazette*, *Hawke's Bay Provincial Council Votes and Proceedings*)

(c) Volume 3: other published material and Department of Survey and Land Information records (newspapers, *Turton's Deeds*, pamphlets, deed receipts, Crown grants)

(d) Volume 4: National Archives files and correspondence (CS, G, LE, MA, NM, NZC, W series)

(e) Volume 5: library manuscript material (Alexander Turnbull: Colenso, Tiffen and McLean papers, Auckland Public Library: Grey letters)

(f) Volume 6: maps

A22 J Hippolite Wairoa ki Wairarapa (pt1) 12 November 1991 commissioned by the Waitangi Tribunal

(a) Supporting papers to document A22

(b) Supporting papers to document A22

C. TO END OF SECOND HEARING, TE WHANGANUI A OROTU INQUIRY

Documents received up to the end of the second hearing of the Te Whanganui a Orotu inquiry, held at Mohaka Marae, Mohaka, and Te Taiwhenua o Te Whanganui a Orotu, Napier, 4 May–12 May 1992.

c2 Evidence of Stephanie McHugh on McLean's Hawke's Bay purchase instructions 1848–1850 (Wai 201)

c3 Evidence of Stephanie McHugh on the purchase of the Ahuriri block, November 1851 (Wai 55)

(a) Supporting documents to document c3

J. TO END OF FIRST HEARING, MOHAKA KI AHURIRI INQUIRY

Documents received up to the end of the first hearing of the Mohaka ki Ahuriri inquiry, held at Tangoio Marae, Tangoio, 11–15 November 1996.

J4 RP Boast, 'Mohaka–Waikare Confiscation and its Aftermath: Social and Economic Issues', report commissioned by Crown Forestry Rental Trust

J10 Vincent O'Malley, overview report on Ahuriri purchase, 1995

J12 DCowie, report on Mohaka ki Ahuriri, 8 August 1996

J29 Richard Boast. 1996. 'Mohaka-Waikare Blocks'. Vol2 of 'Mohaka-Waikare Confiscation Consolidated Report'

M. TO END OF SECOND HEARING, MOHAKA KI AHURIRI INQUIRY

Documents received up to the end of the second hearing of the Mohaka ki Ahuriri inquiry, held at Te Haroto Marae, Te Haroto, 27–30 January 1997.

M2 Report by Te Taite Cooper and Lee Smith, 'Ki a Te Makarini, Correspondence between Donald McLean and Maori Leaders prior to and following the Ahuriri Purchase 1851', November 1996

N. TO END OF THIRD HEARING, MOHAKA KI AHURIRI INQUIRY

Documents received up to the end of the third hearing of the Mohaka ki Ahuriri inquiry, held at Waiohiki Marae, Waiohiki, 23–26 June 1997.

N25

(c) Obituary of Tareha Te Moananui, *Daily Telegraph*, 30 December 1880

N26

(a) Article by Charles Tareha, *The Watchtower*, 15 September 1979

N28

(c) Supporting evidence of David Erueti Pene regarding Te Whanganui a Orotu

O. TO END OF FOURTH HEARING, MOHAKA KI AHURIRI INQUIRY

Documents received up to the end of the fourth hearing of the Mohaka ki Ahuriri inquiry, held at Omaahu Marae, Hastings, 13–17 October 1997.

O2 Vincent O'Malley. 1997. 'The Treaty of Ahuriri: Supplementary Evidence of Vincent O'Malley in relation to the Ahuriri Purchase of 1851'

O4 John Hutton. 1997. 'Ahuriri: A Social Impact Study for the Twentieth Century'

O5 Tony Walzl. 1997. 'Ahuriri Land Issues'

(a) Supporting papers to document O5

R. TO END OF SEVENTH HEARING, MOHAKA KI AHURIRI INQUIRY

Documents received up to the end of the seventh hearing of the Mohaka ki Ahuriri inquiry, held at Te Haroto Marae, Te Haroto, 14–17 April 1998.

R8 Patrick Parsons. 1997. 'Maori Customary Interests'. Amended version

U. TO END OF TENTH HEARING, MOHAKA KI AHURIRI INQUIRY

Documents received up to the end of the tenth hearing of the Mohaka ki Ahuriri inquiry, held at the Great Wall Conference Centre, Napier, 24 May 1999.

U1 Brief of evidence of Takuta Hohepa Mei Emery, 29 January 1998

U2 Evidence of Mark Heaney, Health Care Hawke's Bay, 31 January 1998, including annexures 3.1–3.4: Maori Health Committee: role description and terms of reference, not dated

CHE Maori Health Advisory Committee

U3 Central RHA. 1996. 'Health Care in Napier'. Booklet

U4 'Report from Donald McLean, Land Commissioner to the Colonial Secretary, Wellington', AJHR, 1862, C-1, pp 315–316

U7 Scoping report by Lisa Ferguson for the Napier Hospital Services Claim, 17 December 1998

U8 Patrick Parsons. 1998. 'Wai 692: The Downgrading of Napier Hospital Services and Sale of Assets'

U12 Vincent O'Malley. 1999. 'Where is the Doctor for the Maoris? Te Tiriti o te Ahuriri and the Provision of Health Services to Central Hawke's Bay Maori, 1851–1940'

(a) Supporting papers to document U12

V. TO END OF ELEVENTH HEARING, MOHAKA KI AHURIRI INQUIRY

Documents received up to the end of the eleventh hearing of the Mohaka ki Ahuriri inquiry, held at the office of Te Whanganui-a-Orotu Taiwhenua, 8–10 June 1999.

V1 Lisa Ferguson. 1999. 'Wai 692: Napier Hospital Services Claim; Contemporary Aspects; Part 1: Provisional Draft'

(a) Memorandum from Lisa Ferguson submitting questions in regard to official information required for her report, 11 May 1999

THE NAPIER HOSPITAL AND HEALTH SERVICES REPORT

APPIV

- (b) Memorandum from Crown attaching documents in response to directions of 11 May 1999 (paper 2.337), 18 May 1999
Documents included:
- (i) Flowers to Crown counsel, 17 May 1999
 - (A1) Jennie Langley, Phoenix Public Relations, to Peter Clark, 19 December 1990
 - (A2) Jennie Langley, Phoenix Public Relations to Andy Train, 14 January 1991
 - (B1) Notes of a workshop held at 10.00 am on 11 April 1991 to discuss single acute hospital report
 - (B2) Notes of Hawke's Bay Area Health Board workshop, 11 April 1991
 - (C1) Peter Wilson to directors, 11 December 1997
 - (C2) Extract of Board minutes of 21 July 1994
 - (C3) Section 1: the decision
 - (C4) Comparison of expectations and purchasing intentions
 - (C5) Lynne Lane, acting chief executive officer, Central Health, to Mark Flowers, 14 October 1997
 - (C6) Michael Quinlivan, CHE relationship manager, Medical Surgical Services, Central Health, to Mark Flowers, 18 November 1997
 - (C7) Karalyn van Deursen. 1997. 'Public Consultation Meetings on Siting of Napier Health Facility'. Summary for Healthcare Hawke's Bay board of directors
 - (C8) Press clippings
 - (C9) Submission from Gerald Lewis
 - (C10) Draft Napier City Council submission
 - (C11) Financial implications
 - (D1) Circular letter, 12 December 1990, under-printed 'A Train, chairman'
 - (E1) Submissions concerning Hawke's Bay acute hospital, not dated
 - (E2) Submission dated 11 February 1991
 - (E3) Submission dated 14 March 1991
 - (F1) Moore to Central RHA, 13 June 1994, covering invitation letters, 13 June 1994
 - (F2) Oral submission: iwi – submission 581 (also doc w18(a)(83))
 - (G1) Circular letter, 4 May 1994
 - (c) Lisa Ferguson. 1999. 'Wai 692: Napier Hospital Services Claim; Contemporary Aspects; Part 2'
 - (d) Memorandum from Lisa Ferguson on documents presented by Crown counsel in response to previous questions, 30 June 1999
- v4 Summary of Vince O'Malley. 1999. 'Where is the Doctor for the Maoris? Te Tiriti o te Ahuriri and the Provision of Health Services to Central Hawke's Bay Maori, 1851–1940'
- v5 Summary of Lisa Ferguson. 1999. 'The Napier Hospital Services Claim: Contemporary Aspects'
- v6 Evidence of Papaarangi Reid, undated
- v7 Evidence of Irihapeti Merenia Ramsden, undated
- v8 Evidence of Neil Francis Kirton, undated
- v9 Evidence of Whatarangi Winiata, 2 June 1999
- v10 Evidence of Jim Pearcey, undated
- v11 Evidence of Janice Wenn, undated
- v12 Evidence of Professor Robin Gwynn, undated
(a) Professor Robin Gwynn. 1998. *The Denial of Democracy*. Napier: Cosmos Publications. Two chapters
- v13 Supplement to the evidence of Dr Papaarangi Reid, undated
- v14 Claimant counsel opening submissions, 8 June 1999
- v15 Evidence of Ruruarau Heitia Hiha, June 1999
- v16 Evidence of Te Maari Joe, undated
(a) Letter from Te Maari Joe to Hawke's Bay Health regarding regional hospital taskforce report, 10 October 1994
- v17 Evidence of Pirika Tom Hemopo, undated
(a) Letter from Pirika Tom Hemopo to chairman, Crown health enterprise, concerning Napier Hospital, 1 June 1994
(b) Letter from Pirika Tom Hemopo to mayor of Napier concerning consultation process in respect of Napier Hospital, 15 February 1995
- v18 Evidence of Ngahiwi Tomoana, undated
- v19 Evidence of Matthew Matuakore Petuha Bennett, undated
(a) Information on Tui Ora Limited, an iwi health initiative, 19 April 1999
(b) Statement of support for the Wai 692 claim by Viv Lawton (Grey Power), 10 May 1999
(c) Letter from the Mayor of Napier to J R Gardiner (Napier Returned Services Association Incorporated) concerning Napier City Council's position on Wai 692 claim, 25 May 1999
(d) Letter of support for Wai 692 claim by Keith Selar (Committee of Concerned Citizens for Hospital Services), 9 May 1999

W. TO END OF TWELFTH HEARING, MOHAKA KI AHURIRI INQUIRY

Documents received up to the end of the twelfth hearing of the Mohaka ki Ahuriri inquiry, held at the War Memorial Centre, 26–30 July and 2 August 1999.

w8 Dr Colin Feek. 1999. Report concerning Napier Hospital Services claim

w10 Crown documents concerning the Mohaka ki Ahuriri inquiry, Meurant diaries

- w12** Evidence of Peter Wilson for the Crown concerning Napier hospital services claim, 8 July 1999
- w13** Evidence of Mark Flowers for the Crown concerning Napier hospital services claim, 8 July 1999
- w14** Evidence of Tumanako Walter Wilson for the Crown concerning Napier hospital services claim, 8 July 1999
- w15** Evidence of Wi Keelan for the Crown concerning Napier hospital services claim, 9 July 1999
- w16** Evidence of Ria Earp for the Crown concerning Napier hospital services claim, 9 July 1999
- w17** Evidence of Chris Clarke for the Crown concerning Napier hospital services claim, 9 July 1999
- w18**
- (a) Documents supplied by the Crown concerning the Napier Hospital Services Claim. July 1999. Vol1, pp 5000–6118
- Documents included:
- 1 Central RHA. 1996. 'Healthcare in Napier: Purchasing of Healthcare in Napier on the Establishment of the Regional Hospital in Hastings', at 5000
 - 2 CAB(97) M20/29, at 5020
 - 3 Mark Flowers to Dr Colin Feek, 3 July 1997, at 5021
 - 4 Mark Flowers to Dr Colin Feek, 8 July 1997, at 5022
 - 5 Report from Dr Colin Feek to Health Ministers, 14 July 1997, at 5031
 - 6 Facsimile from Mark Heaney to Dr Colin Feek, 15 August 1997, at 5036
 - 7 Dr Colin Feek and Frances Hughes to Mark Flowers, 2 September 1997, at 5037
 - 8 Report from Ministry of Health to Minister of Health, 3 September 1997, at 5039
 - 9 Discharges by socio-economic deprivation – standardised discharges (case-mix adjusted), at 5045
 - 10 Service coverage document (at p8), at 5046
 - 11 Ministry of Health, 'Lower SIDS Rates: Infant Death Rates Continue to Fall', media release, 18 June 1999, at 5049
 - 12 Document containing the role description and terms of reference of the Maori Advisory Committee, at 5055
 - 13 Maori Health Committee, 'Minutes', 8 December 1997, at 5057
 - 14 Healthcare Hawke's Bay, 'Statement of Intent, 1993–94', at 5062
 - 15 Methodology for planning regional hospital, 6 August 1993, at 5073
 - 16 'Board Minutes', 23 August 1993, at 5075
 - 17 Peter Wilson to editor, *Daily Telegraph*, 20 December 1993, at 5079
 - 18 Alan Dick, mayor of Napier, to Peter Wilson, 20 December 1993, at 5082
 - 19 Wilson to mayor of Napier, 23 December 1993, at 5087
 - 20 Briefing for RHA, 16 December 1993, at 5089(a)
 - 21 Michael Laws to Peter Wilson, 22 December 1993, at 5093
 - 22 *Hawke's Bay Herald Tribune*, 23 December 1993, at 5095
 - 23 Regional Hospital Task Force, Hawke's Bay regional hospital: superior services for the future, March 1994, at 5096
 - 24 Press release, 30 March 1994, at 5213.
 - 25 Joint press statement, 8 April 1994, at 5214.
 - 26 Peter Wilson to Hutton Peacock, 14 January 1994, at 5215
 - 27 Wilson to Minister of Crown Health Enterprises, 14 January 1994, at 5216
 - 28 Hutton Peacock to Wilson, 1 February 1994, at 5218.
 - 29 Murray Burns to Alistair Bowes, 2 February 1994, at 5219
 - 30 Murray Burns, 'Draft Strategy for Consultation', not dated, at 5220
 - 31 Peacock to Wilson, 30 March 1994, at 5222
 - 32 Wilson to Peacock, 30 March 1994, at 5225
 - 33 Wilson to Peacock, 30 March 1994; Peacock to Wilson, 7 April 1994, at 5230
 - 34 Media release, 22 April 1994, at 5236
 - 35 Healthcare Hawke's Bay, 'Freephone for Public Consultation', media release, 22 April 1994, at 5237
 - 36 Public consultation on a regional hospital for Hawke's Bay, at 5239
 - 37 'Healthcare HB: The Future', 29 April 1994, at 5244
 - 38 Professor Derek North, 'Evaluation of Clinical Services in Hawke's Bay', February 1994, at 5248
 - 39 Healthcare Management Associates. 1994. 'The Proposal to Develop a Regional Hospital for the People of Hawke's Bay', at 5268
 - 40 Healthcare Hawke's Bay Regional Hospital Consultation Project. 1994. *Newsletter 1: First Stakeholder Meeting*, at 5285
 - 41 Healthcare Hawke's Bay Regional Hospital Consultation Project. 1994. *Newsletter 2: Second Stakeholder Meeting*, at 5306
 - 42 Bridgeport Group, 'Proposed Hawke's Bay Regional Hospital: Analysis of Submissions', at 5312
 - 43 'Proposed Hawke's Bay Regional Hospital: Analysis of Submissions, Preliminary Report', 30 May 1994, at 5359
 - 44 'Proposed Hawke's Bay Regional Hospital: Analysis of Submissions, Preliminary Report', 17 June 1994, at 5364
 - 45 Validation of transport cost estimate and inclusion of two return Napier–Hastings trips on Saturdays, at 5369

APP IV

- 46 Octa Associates Limited. 1994. 'Hastings Hospital Redevelopment: Final Report for Healthcare Hawke's Bay', at 5371
- 47 Octa Associates Limited. 1994. 'Napier Hospital Redevelopment: Final Report for Healthcare Hawke's Bay', at 5430
- 48 Octa Associates Limited. 1994. 'Regional Hospital Redevelopment, Second Site Facilities: Final Report', at 5499
- 49 Healthcare Management Associates. 1994. 'Quality Measures: The Impact of Developing a Regional Hospital', at 5526
- 50 Healthcare Management Associates. 1994. 'A Report Responding to the Issues Raised by the RHA and the Napier City Council in June 1994', at 5530
- 51 Beca Carter Hollings and Ferner Limited. 1994. 'Audit: Hawke's Bay Regional Hospital', at 5550
- 52 Octa Associates Limited. 1994. 'A Two Hospital Solution: Status Quo Scenario: Final Report', at 5581
- 53 Professor Derek North. 1994. Evaluation from a Clinical Perspective of the Hawke's Bay Regional Hospital Proposals, at 5593
- 54 'Board Minutes', 21 July 1994, at 5600
- 55 Healthcare Hawke's Bay. 1994. 'Board Decision on Hospital Reconfiguration', at 5615
- 56 Wilson to directors, 19 July 1994, at 5657
- 57 Professor Derek North. 1994. 'Accident and Medical Services: Napier', at 5664
- 58 Central RHA. 1994. 'Purchasing Expectations: Healthcare Hawke's Bay's Regional Hospital, at 5680
- 59 Minister for Crown Health Enterprises to Wilson, 4 August 1994, at 5696
- 60 Hutton Peacock to Peter Wilson, 5 August 1994, at 5697
- 61 Healthcare Hawke's Bay. 1995. 'Regional Hospital Project: Implementation Framework', at 5698
- 62 'Board Minutes', 28 March 1995, at 5708
- 63 Healthcare Hawke's Bay. 1996. 'Looking Forward: The Plan for a Regional Hospital and a Regional Health Service', at 5720
- 64 Healthcare Hawke's Bay, 'Board Minutes, 12 December 1996', at 5761
- 65 Central RHA. 1996. 'Health Care in Napier', at 5763
- 66 'Board Minutes', 17 March 1997, at 5773
- 67 Healthcare Hawke's Bay. 1997. 'Submission to the Hawke's Bay Regional Hospital Review of the Consultation Process', at 5755.
- 68 Napier Services Working Party, 'Minutes', 6 March 1997 at 5914
- 69 Central RHA. 1996. 'Analysis of Submissions: Purchasing Intentions for Services to be Provided in Napier', at 5918
- 70 Napier Services Working Party, 'Minutes', 26 June 1997, at 5943
- 71 Napier Services Working Party, 'Minutes', 4 September 1997, at 5947
- 72 Napier Services Working Party. 1997. 'Recommendation to Healthcare Hawke's Bay Board of Directors: Napier Services', at 5955
- 73 Media release, 3 November 1997, at 6014
- 74 Board minutes, 16 December 1997, at 6015
- 75 'For the record: Planned Health Services in Napier', advertisement, August 1998, at 6034
- 76 Healthcare Hawke's Bay. 'Statement of Intent for the Years 1998-99 to 2000-2001', at 6039
- 77 Tumanako Walter Wilson, affidavit in support of first defendant's defence to the plaintiff's claim, at 6071
- 78 Regional Hospital Consultation Project. 17 May 1994. *Newsletter 1*, at 6075
- 79 Stakeholder meeting, 20 May 1994, at 6079
- 80 Regional Hospital Consultation Project. 23 May 1994. *Newsletter 2*, at 6096
- 81 Affidavit of Alayna Ann Watene, 17 October 1994, at 6102
- 82 Central RHA. 1994. 'Report of Hui Held at Omaha Marae, Hastings', at 6105
- 83 Iwi - submission 581, at 6112
- w18**
- (b) Documents supplied by the Crown concerning Napier hospital services claim, July 1999, vol2 (items 8000-8012)
- Documents included:
- (8000) Ministry of Health, 1998. *Action for Health and Independence: Bridging the Gap between Actions and Outcomes: The Population Perspective - Maori Health Issues*. Wellington: Ministry of Health
- (8001) Department of Health. 1992. *Whaia te Ora mo te Iwi. Strive for the Good Health of the People. Government's Response to Maori Issues in the Health Sector*
- (8002) Department of Health and Te Puni Kokiri. 1993. *Whaia te Ora mo te Iwi: Maori Health Policy Objectives of Regional Health Authorities and the Public Health Commission*
- (8003) Ministry of Health. 1994-95. *Policy Guidelines for Maori Health*
- (8004) Ministry of Health. 1995-96. *Policy Guidelines for Maori Health*
- (8005) Ministry of Health. 1996-97. *Policy Guidelines for Maori Health*
- (8005A) Minister of Health. 1999. *The Government's Medium-term Strategy for Health and Disability Support Services*
- (8006) Ministry of Health. 1995. *He Taura Tieke. Measuring Health Effectiveness for Maori*
- (8007) Crown Company Monitoring Advisory Unit. Not dated. *CCMAU*

- (8008) HFS's funding agreement with the Minister of Health: service coverage document, 1998–1999, app c
- (8009) Minister of Health. 1998. *Hospital Services Plan: Securing Better Hospital Services into the Future*
- (8010) Minister of Health, 1999. *Statement of Owners' Expectations of Hospital and Health Services*
- (8011) Healthcare Hawke's Bay. 1998. *Maori Health Services: Business Plan*
- (8012) Healthcare Hawke's Bay. 1999–2000. *Maori Service Plan*
- w19** Evidence of Mara Andrews, July 1999
- (a) Supporting documents
- Documents included:
- (9000) Central RHA. 1993. *Purchasing Directions*
- (9001) Central RHA, 1994. 'Report of Hui Held at Omaha Marae, Hastings'
- (9002) Central RHA. 1994. *Purchasing Intentions for Hawke's Bay*
- (9003) Peacock to board of directors, 26 July 1994
- (9004) Minutes of meeting by telephone conference call, 29 July 1994
- (9005) Regional Hospital Task Force. 1994. 'Report Back to the Board of Healthcare Hawke's Bay'
- (9006) Media release, 5 August 1994
- (9007) Schedule of provider meetings (in addition to public meetings), 9–25 May 1995
- (9008) Handwritten minutes from Maori hui, 6 May 1995
- (9009) Central RHA. 1996. *Nga Ara Poutama: Pathways*
- (9010) 'Napier Purchasing Intentions – Medical and Social Services', 8 November 1996
- (9011) Central RHA. 1996. *Tē Kite Aronga: Directions – Three Year Strategic Plan for Maori Health, 1996–1999*, draft
- (9012) Te Kete Tuputahi Whakakaokao Korero. 1995. *Our First Two Years, 1993–1995*
- (9013) Maori health policy, June 1998
- (9014) Health Funding Authority. 1998. *National Strategic Plan for Maori Health, 1998–2001*
- (9015) Central RHA, public notice and newspaper advertisement detailing public hui on Maori health
- (9016) Example of hui checklist
- (9017) Health Funding Authority. September 1998. *Tē Hononga*
- (9018) Central RHA. 1993. 'Report on Maori Consultation Hui at Waikaremoana Kuha Marae'
- (9019) Central RHA. 1993. 'Report on Maori Consultation Hui at Wairoa Taihoa Marae'
- (9020) Central RHA. 1993. 'Report on the Maori Consultation Hui at Moteo Marae'
- (9021) Central RHA. 1993. 'Report on Maori Consultation Hui at Kahuranaki Marae'
- (9022) Central RHA. 1995. 'Report on Regional Hui at Taupunga Marae, Waimarama'
- (9023) Central RHA. 1995. 'Report on Maori Consultation Hui at Raupunga Marae'
- (9024) Central RHA. 1995. 'Report on Hui Held at Taihoa Marae, Wairoa'
- (9025) Central RHA. 1997. 'Report on Consultation Hui at Mihiroa Marae, Pakipaki'
- (9026) Central RHA. 1997. 'Report on Consultation Hui at Kahuranaki Marae, Te Hauke, Hastings'
- (9027) Health Funding Authority. 1998. Report of Consultation Hui at Kuha Marae, Waikaremoana'
- (9028) Health Funding Authority, 1998. 'Report of Consultation Hui at Mihiroa Marae, Hastings'
- (9029) Health Funding Authority 1998. 'Health and Disability Services for Wairoa District: Notes from a Two-day Hui Held at Kaiuku Marae, Mahia'
- (9030) Transitional Health Authority (Central Health), Crown Health Enterprise. 1996–97. 'Cultural Review Report of Healthcare Hawke's Bay'
- (9031) Central RHA. 1995. 'Report from CHE Maori Managers' Hui, Mihiroa Marae, Hastings Hospital'
- (9032) Health Funding Authority. 'General Quality Requirements, Schedule 3, 1998/1999' (example of previous clauses)
- (9033) Health Funding Authority. 'Standard Terms and Conditions of Contract', app A
- (9034) Central RHA, Maori Health Group. 1994–95. *Tauira Whakahaere Business Plan: Tē Kite Aronga*
- (9035) Central RHA, Maori Health Group. 1995–96. *Tauira Whakahaere Business Plan: Tē kite Aronga*
- (9036) Central RHA, Maori Health Group. 1996–97. *Tauira Whakahaere, Business Plan*
- (9037) Central RHA, Maori Health Group. 1997–98. *Tauira Whakahaere, Business Plan*
- w24** Evidence of January Roberts, undated
- w25** Evidence of Colin James, undated
- w26** Evidence of Rose Whenuaroa, undated
- w27** Evidence of Christine Te Kahika, undated
- w28** Evidence of Margie Russell, undated
- w36** Leaflet on Heretaunga Health Village and Hawke's Bay Hospital (Hastings)
- w37** Booklet on construction of Napier Health Centre
- w44** Crown opening submissions for the Wai 692 claim, undated
- w45** A1 colour map, NZDep 96, 'Index of Deprivation for Small Areas in New Zealand', Critchlow Associates, 1998
- w46** Extract of minutes of meeting of board of directors of Crown Health Hawke's Bay Limited, 2 March 1994

APP IV

- w47** Extract of Healthcare Hawke's Bay minutes of 9 June 1999
- w48** Letter from Brian Roche (Coppers Lybrand) to Dr Mike Ashby (CCMAU), 19 April 1995
- w49** Ministry of Health Internal memo from Lindsay Sales regarding CHE business plans – Canterbury and Hawke's Bay, 6 May 1995
- w50** Memorandum from Mark Flowers (Network Public Relations Consultants) concerning Napier services consultation, 19 June 1997
- w51** Walter Wilson. 1993. 'Maori Health Policy Consultation Document' (draft)
- w52** Affidavit of Arama Puriri for High Court proceedings, 22 August 1999
- w53** Healthcare Hawke's Bay. *Application of Tikanga Maori within Ngati Kahungunu*. Pamphlet
- w54** Letter from Healthcare Hawke's Bay enclosing chapters 1–6 of *Maori Health Services Plan*, 25 February 1998
- x. TO END OF THIRTEENTH HEARING, MOHAKA KI AHURIRI INQUIRY**
- Documents received up to the end of the thirteenth hearing of the Mohaka ki Ahuriri inquiry, held at the Great Wall Conference Centre, Napier, 22–25 and 29–30 November 1999.
- x1** Supplementary evidence of Chris Clarke, 17 August 1999
- Documents included:
- (9038)** Statement of shareholders' expectations of Crown health enterprises, April 1996
- (9039)** Statement of owners' expectations of Crown health enterprises, February 1997
- (9040)** Statement of owners' expectations of Crown health enterprises, March 1998
- (9041)** Land transfer document
- (9042)** Land transfer document
- (9043)** CCMAU. 1999. *New Zealand Crown Owned Hospital and Health Services: Patient Satisfaction Survey Draft Guidelines*
- (9044)** David Hay. 'Satisfaction Guaranteed: Quarterly Patient Satisfaction Surveys by CCMAU'. *Health Manager*, vol 6 no 2
- x4** Health Funding Authority and Healthcare Hawke's Bay contract quality requirements for 1994 and 1998–1999
- x5** Crown documents responding to matters raised at Crown hearing held 26 July–2 August 1999
- Documents included:
- (1)** Auckland Healthcare. Not dated. *A New Shape for Public Health Care in Auckland*
- (2)** Auckland Healthcare. 1999. *Health Services Delivery Plan*, pp 86–89
- (3)** Crown Company Monitoring Advisory Unit. 1999. 'Advice on the Health Services Delivery Plan Submitted by Auckland Healthcare Services Limited'
- (4)** Central RHA. 1995. *Annual Report 1994–1995*
- (5)** Central RHA. 1997. *Annual Report 1996–1997*
- (6)** Transitional Health Authority. 1997. 'Financial Report for the Period Ended 30 June 1997'
- (7)** Health Funding Authority. 1998. *Annual Report 1998*
- (8)** Central RHA. 1994. *Statement of Intent*
- (9)** Central RHA. 1995–98. *Statement of Intent*
- (10)** Central RHA. 1996–99. *Statement of Intent*
- (11)** Health Funding Authority. 1998–99. *Statement of Intent*
- Health Funding Authority. 1999–2000. *Statement of Intent*
- Health Funding Authority. 2000–01. *Statement of Intent*
- (12)** Facsimile from Mark Flowers, Healthcare Hawke's Bay, to Mike Doogan, Crown counsel, concerning estimated rental for Napier Health Centre, 10 September 1999
- (13)** Healthcare Hawke's Bay. 1995–96. Central RHA, *Contract for the Purchase and Provision of Health and Disability Support Services and Public Health Services*, apps 1, 11, schedules 3, 7
- (14)** Healthcare Hawke's Bay. 'Minutes of Kaumatua Meetings Held during August 1994'
- (15)** Letter from Crown counsel to Walters Williams concerning Maori health provider data, 15 September 1999
- (16)** Ministry of Health. 1996. *Accountability Review*
- (17)(1)** Minister of Health 1997–98. Accountability documents
- (17)(2)** Minister of Health to chair, Transitional Health Authority, 11 August 1997, *Ministerial Expectations for 1997/98*, circular letter.
- (17)(3)** Transitional Health Authority. 1997–98. *Statement of Intent*
- Transitional Health Authority. 1998–99. *Statement of Intent*
- Transitional Health Authority. 1999–2000. *Statement of Intent*
- (17)(4)** Transitional Health Authority and Minister of Health. 1997. *Annual Funding Agreement, 1997/1998*.
- (17)(5)** Transitional Health Authority. 1997. *Evergreen Document, 1 August 1997*.
- (18)** Minister of Health, 'Notice to the Health Funding Authority of the Crown's Objectives for Health and Disability Services for 1998/99', NZG 14, p348, 29 January 1998

(19) Minister of Health, 'Notice to the Transitional Health Authority of the Crown's Objectives for Health and Disability Services for 1997/98', NZG 14, p348, 29 January 1998

(20) Memorandum from Geoff Henley to Mark Flowers, 24 June 1997

x31 Closing submissions from counsel for Wai 692, 1 October 1999

x32 Supporting documents to closing submissions from counsel for Wai 692, undated

x33 Further supporting documents to closing submissions from counsel for Wai 692 (draft transcript of Crown hearing)

x43 Crown statements of objectives for the former RHAS for 1993 to 1997

x48 Crown closing submissions for Wai 692, 4 November 1999

x50 Outline of submissions from Healthcare Hawke's Bay, 4 November 1999

x51 Crown closing submissions, vol c, November 1999

x52 Crown closing submissions, vol e, November 1999

x54 Crown closing submissions, vol b, November 1999

x55 Crown closing submissions, vol d, November 1999 (Wai 119 ROI, D9; Wai 436 ROI, doc c1; Wai 731 ROI, doc c2)

x56 Crown closing submissions, vol a, November 1999

x57 Documents supplied by the Crown, November 1999

x58 Crown closing submissions, vol a(i), November 1999

y8 Wai 692 claimant closing submissions in reply, 1 February 2000

Z. SUBSEQUENT TO 1 FEBRUARY 2000

Documents received subsequent to 1 February 2000.

z5 Derek A Dow. 1999. *Maori Health and Government Policy, 1840-1940*. Wellington: Victoria University Press

z6 Rayburn Lange. 1999. *May the People Live: A History of Maori Health Development, 1900-1920*. Auckland: Auckland University Press

z7 P Crampton et al. 2000. *Degrees of Deprivation in NZ: An Atlas of Socioeconomic Difference*. Auckland: David Bateman

DOCUMENTS FROM OTHER INQUIRIES

Wai 27 record of inquiry

T1 Alan Ward. 1989. 'A Report on the Historical Evidence: The Ngai Tahu Claim, Wai 27'

Wai 473 record of inquiry

1.1 Statement of claim, 25 October 1994

2.1 Direction to register claim, 2 March 1995

2.2 Notice of claim, 6 March 1995

Y. TO END OF FOURTEENTH HEARING, MOHAKA KI AHURIRI INQUIRY

Documents received up to the end of the fourteenth hearing of the Mohaka ki Ahuriri inquiry, held at the office of the Taiwhenua o Te Whanganui a Orotu, Napier, 31 January-1 February 2000.

y1 Covering letter of Crown documents inadvertently omitted from earlier documents filed by the Crown, 6 December 1999

(a) Notes of oral submissions on the implications of earlier Tribunal reports, undated

(d) Documents extracted from Colenso correspondence with McLean, (ms papers 0032-221) including Colenso's letter of 15 April 1850, which was incorporated in the Crown's closing submissions

