

APPENDIX III. RECORD OF INQUIRY

RECORD OF HEARINGS

THE TRIBUNAL

The Tribunal constituted to hear claims Wai 758 and Wai 142, concerning the Crown's settlement negotiations with the Ngati Ruanui Muru me te Raupatu Working Party, comprised Chief Judge Joseph Williams (presiding), Roger Maaka, and Joanne Morris.

COUNSEL

The Wai 758 claimants were represented by John Upton QC with James Johnston and Dorothy Benson; the Wai 142 claimants by Kenneth Horner; the Ngati Ruanui Muru me te Raupatu Working Party by Chris Hall with David Tapsell and Rachael Brown; and the Crown by Michael Doogan with Rachael Ennor. The hearing was also attended by Charl Hirschfeld for the Wai 419 claimants. He maintained a watching brief and did not seek to lead evidence, although he did express his clients' support for the Wai 758 claim.

THE HEARING

The claim was heard at the West Plaza Hotel in Wellington from 1 to 3 November 2000.

RECORD OF PROCEEDINGS

1. CLAIMS

1.1 Wai 758

A claim by Huia Rei Hayes on behalf of herself and Te Runanganui o te Pakakohi Trust Incorporated concerning the mandate of the Ngati

Ruanui Muru me te Raupatu Working Party and settlement negotiations between the working party and the Crown, 3 November 1998

2. PAPERS IN PROCEEDINGS

2.1 Direction of deputy chairperson registering claim 1.1 as Wai 758, 23 November 1998

2.2 List of parties sent notice of Wai 758, 8 December 1998
Declaration that notice of Wai 758 given, 8 December 1998

2.3 Submission of Wai 758 claimant counsel supporting application for urgency, 25 February 1999

2.4 Affidavit of Piki Parker supporting application for urgency, 23 February 1999

2.5 Submission of Crown counsel opposing application for urgency, 25 February 1999

2.6 Notice of adjournment of 25 February 1999 judicial conference to 8 March 1999, 3 March 1999

2.7 Facsimile from Wai 758 claimant counsel to registrar requesting adjournment of 8 March 1999 judicial conference, 4 March 1999

2.8 Direction of deputy chairperson adjourning 8 March 1999 judicial conference to 29 March 1999, 4 March 1999

(a) Facsimile from Wai 758 claimant counsel to registrar requesting adjournment of 29 March 1999 judicial conference, 26 March 1999

2.9 Direction of deputy chairperson adjourning 29 March 1999 judicial conference to 8 April 1999, 26 March 1999

2.10 Facsimile from Wai 758 claimant counsel to registrar requesting adjournment of 8 April 1999 judicial conference, 7 April 1999

- 2.11** Direction of deputy chairperson adjourning 8 April 1999 judicial conference to 21 April 1999, 8 April 1999
- 2.12** Submission of Wai 758 claimant counsel responding to paper 2.5, 21 April 1999
- 2.13** Affidavit of Piki Parker supporting application for urgency, 21 April 1999
- 2.14** Facsimile from Wai 142 claimant counsel to registrar supporting Wai 758 claimants, 21 April 1999
- 2.15** Direction of deputy chairperson following 21 April 1999 judicial conference declining application for urgency, 21 April 1999
- 2.16** Affidavit of Piki Parker supporting application for urgency, 26 October 1999
- 2.17** Memorandum from chairperson to Crown and claimant counsel seeking details of negotiations process between Crown and Wai 99 and Wai 758 claimants, 2 December 1999
- 2.18** Memorandum from Crown counsel to registrar seeking extension of time to respond to paper 2.17, 16 December 1999
- 2.19** Memorandum from Wai 758 claimant counsel to registrar objecting to Crown request for extension (paper 2.18), 16 December 1999
- 2.20** Direction of deputy chairperson granting Crown request for extension (paper 2.18), 6 January 2000
- 2.21** Memorandum from Crown counsel to registrar responding to paper 2.17, 11 January 2000
- 2.22** Memorandum from Wai 758 claimant counsel to Tribunal responding to paper 2.21, 11 January 2000

2.23 Direction of deputy chairperson arranging conference to consider application for urgency for Wai 758 and Wai 142, 4 May 2000

2.24 Submission of Wai 758 claimant counsel supporting application for urgency, 22 May 2000

2.25 Submission of Crown counsel concerning application for urgency for Wai 758 and Wai 142, 22 May 2000

2.26 Memorandum from Crown counsel to Tribunal agreeing to Tribunal-facilitated mediation, 23 May 2000

2.27 Direction of deputy chairperson appointing mediator for Wai 758 and Wai 142, 26 May 2000

2.28 Direction of deputy chairperson extending mediation period, 15 June 2000

2.29 Direction of deputy chairperson adjourning application for urgency, 26 July 2000

2.30 Memorandum from Crown counsel to Tribunal concerning Crown negotiations with Ngati Ruanui Muru me te Raupatu Working Party, 14 September 2000

2.31 Letter from registrar to Crown counsel seeking timeframe for execution of deed of settlement between Ngati Ruanui and Crown, 28 September 2000

2.32 Facsimile from Crown counsel to registrar responding to paper 2.31, 2 October 2000

2.33 Printout of e-mail from counsel for Ngati Ruanui Muru me te Raupatu Working Party to Tribunal seeking watching brief in respect of Wai 796 proceedings, 9 October 2000

(a) Direction of deputy chairperson and Joanne Morris granting counsel for Wai 99, Wai 201, and Wai 506 claimants and counsel for Ngati Ruanui

Muru me te Raupatu Working Party leave for watching brief in respect of Wai 796 proceedings, 13 October 2000

2.34 Memorandum from Wai 758, Wai 99, and Wai 142 claimant counsel to Tribunal applying for urgency, 16 October 2000

2.35 Memorandum from Crown counsel to Tribunal responding to paper 2.34, 20 October 2000

(a) Brief of evidence of Andrew Hampton, 24 October 2000

2.36 Memorandum from counsel for Ngati Ruanui Muru me te Raupatu Working Party to Tribunal responding to paper 2.34, 20 October 2000

2.37 Direction of deputy chairperson constituting Tribunal to hear Wai 758 and Wai 142 and scheduling hearing, 26 October 2000

2.38 Notice of hearing, 26 October 2000

2.39 Précis of issues for Wai 758 and Wai 142 claimants, 27 October 2000

2.40 Memorandum from Crown counsel to Tribunal responding to paper 2.39, 30 October 2000

2.41 Letter from Martin Edwards to Tribunal concerning mandate of Ngati Ruanui, 6 November 2000

2.42 Memorandum from counsel for Ngati Ruanui Muru me te Raupatu Working Party to Tribunal responding to material filed by Wai 142 claimants, 6 November 2000

2.43 Facsimile from Hori Manuirirangi to Tribunal concerning intended signing of deed of settlement between Ngati Ruanui and Crown, 5 November 2000

2.44 Memorandum from Wai 758 claimant counsel to Tribunal concerning special leave granted Wai 142 claimant counsel to file additional evidence, 6 November 2000

2.45 Memorandum from counsel for Ngati Ruanui Muru me te Raupatu Working Party to Tribunal concerning additional material on record of inquiry, 8 November 2000

RECORD OF DOCUMENTS

A DOCUMENTS RECEIVED TO END OF HEARING

A1 *Maori Law Review*, February 1999, pp 2–3

A2 ‘Heads of Agreement for a Proposed Settlement of the Ngaati Ruanui Historical Claims against the Crown’, unsigned copy, undated

A3 Taranaki Muru me te Raupatu Coordination Team, ‘Report on the Readiness of the Iwi of Taranaki to Negotiate a Settlement of the Taranaki Land Claim’, report commissioned by the Waitangi Tribunal, April 1996

A4 Waitangi Tribunal, *Taranaki Report: Kaupapa Tuatahi*, Wellington, GP Publications, 1996, pp 315–316

A5 Affidavit of Rita Bublitz, 30 October 2000

(a) Supporting documents to document A5

A6 Affidavit of Waveney Stephens, 30 October 2000

(a) Supporting documents to document A6

A7 Affidavit of Betty Houston, 30 October 2000

(a) Supporting documents to document A7

A8 Affidavit of Te Huirangi Waikerepuru and supporting documents, 30 October 2000

A9 Submission of Wai 758 claimant counsel concerning mandate of Ngati Ruanui Muru me te Raupatu Working Party, 30 October 2000

A10 Affidavit of Piki Parker, 30 October 2000

- A11** Affidavit of Rongo Kahukuranui, 30 October 2000
- A12** Affidavit of Dr Bryan Gilling, 30 October 2000
- A13** Supporting documents for Pakakohi Inc, two volumes:
Volume 1: subdocuments (1)–(51)
Volume 2: subdocuments (51)–(91)
- A14** Document entitled ‘Synopsis of Submissions on Behalf of the Ngati Ruanui Muru me te Raupatu Working Party’, 30 October 2000
- A15** Document entitled ‘Response of Ngati Ruanui Muru me te Raupatu Working Party to Précis of Issues of Claimants – Wai 758 and Wai 142’, 30 October 2000
- A16** Document entitled ‘Crown Documents in Support of Urgent Hearing for Wai 758 and Wai 142 Mandate Issues’, 1 November 2000
- (a) Letter from director, Office of Treaty Settlements, to Minister in Charge of Treaty of Waitangi Negotiations concerning Ngati Ruanui, Tangahoe, and Pakakohi, 21 August 1997
- (b) Letter from Minister in Charge of Treaty of Waitangi Negotiations to Huirangi Waikerepuru concerning deed of mandate of Ngati Ruanui Muru me te Raupatu Working Party, 22 August 1997
- A17** Submission of Martin Edwards concerning mandate of Ngati Ruanui Muru me te Raupatu Working Party, 30 October 2000
- A18** Minutes of three Pakakohi mandate meetings, 23 March 1997, 17 May 1997, 1 November 1997
- A19** Assorted correspondence sent to Herewini Te Koha, Office of Treaty Settlements, concerning mandate of Ngati Ruanui Muru me te Raupatu Working Party, various dates in October and November 1997
- A20** Declaration of mandate for Te Iwi o Tangahoe Inc, 9 April 1998
- (a) Alphabetical list of names

A21 Document entitled 'Chronology of Crown Assessment of Working Party Mandate', undated

A22 Te Puni Kokiri, 'Risk Analysis: Ngati Ruanui Mandate to Negotiate Settlement of Treaty Claim', unpublished report, 22 December 1997
Covering letter from branch manager, Treaty Compliance, Te Puni Kokiri, to director, Office of Treaty Settlements, 22 December 1997
(a) Draft of document A22 with handwritten amendments showing later changes made, undated

A23 Document by Andrew Hampton, manager, Office of Treaty Settlements, entitled 'Office of Treaty Settlements Preliminary Response to Claimant Evidence', 31 October 2000

A24 Document by Hauraki Greenland, policy manager, Te Puni Kokiri, entitled 'Waitangi Tribunal Hearing: Tangahoe and Pakakohi: Te Puni Kokiri Preliminary Response to Claimant Evidence', undated

A25 Table entitled 'Nga Hapu o Ngatiruanui' undated

A26 List entitled 'Current Working Party Members', undated

A27 List entitled 'List of Attendance 1st November 1997 Te Pakakohi Hui', 1 November 1997

A28 Untitled list of names and personal details, undated

B DOCUMENTS RECEIVED AFTER HEARING

B1 Submission of Aroha Houston concerning motions passed at Wharepuni Marae annual general meeting, 6 November 2000

(a) Copies of three public notices of Wharepuni Marae Trustees annual general meeting (28 September 2000, 28 September 2000, 12 October 2000) and one notice of nomination and declaration of result of election of Wharepuni Marae trustee (2 November 2000)

B2 Submission of Aroha Houston concerning Ngati Ruanui Muru me te Raupatu Working Party submissions, undated

(a) Supporting documents to document B2

B3 Submission of Rita Bublitz concerning register of people identifying with Tangahoe, 6 November 2000

(a) Supporting documents to document B3

B4 Submission of Hori Manuirirangi concerning Crown and Ngati Ruanui Muru me te Raupatu Working Party settlement negotiations, 5 November 2000

B5 Five 'person profiles' and covering letter from Andrea Ward-Williams to Chief Judge Williams, Maori Land Court, 6 November 2000

ACKNOWLEDGEMENTS

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