

APPENDIX II

**RECORD OF INQUIRY**

**FIRST REMEDIES HEARING, 27–28 FEBRUARY 1997, HIRANGI MARAE, TURANGI**

**Tribunal members\***

Professor G S Orr  
Professor Sir Hugh Kawharu  
Professor Evelyn Stokes

**Claimant counsel**

Carrie Wainwright  
Karen Feint

**Crown counsel**

Peter Andrew  
Briar Gordon

**Counsel assisting the Tribunal**

John Fogarty QC

**Staff**

Hemi Pou (claims administrator)  
Dean Cowie (research officer)

**SECOND REMEDIES HEARING, 14–16 JULY 1997, HIRANGI MARAE, TURANGI**

**Tribunal members**

Professor G S Orr  
Professor Sir Hugh Kawharu  
Professor Evelyn Stokes

---

\* Hepora Young, who was a member of the original Turangi township Tribunal, died on 5 December 1996.

**Claimant counsel**

Carrie Wainwright  
Karen Feint

**Crown counsel**

Peter Andrew  
Briar Gordon

**Staff**

Pam Wiki (claims administrator)  
Dean Cowie (research officer)

**RECORD OF PROCEEDINGS**

The record of proceedings and record of documents continue on from the records reproduced in the *Turangi Township Report 1995*, Wellington, Brooker's Ltd, 1995.

**1. CLAIMS****1.1**

- (w) Application for resumption of land under the Treaty of Waitangi Act 1975
- (x) Amendment in respect of remedies, 9 October 1996
- (y) Second amendment in respect of remedies, 19 December 1996
- (z) Letter from claimant counsel to withdraw parts of the Turangi claim, 7 February 1997
- (aa) Letter from claimant counsel to withdraw parts of the Turangi claim, 25 February 1997
- (ab) Letter from claimant counsel to withdraw paragraphs 12, 13 of claim 1.1(y), 21 May 1997
- (ac) Third amended statement of claim in respect of remedies, 27 June 1997

**2. PAPERS IN PROCEEDINGS**

- 2.38 Claimant counsel application for urgent conference, 16 July 1996
  - (a) Memorandum in support, 16 July 1996
- 2.39 Tribunal memorandum to arrange remedies hearing, 2 August 1996
- 2.40 Crown counsel memorandum in relation to remedies hearing, 7 August 1996
- 2.41 Claimant counsel memorandum in relation to remedies hearing, 7 August 1996
- 2.42 Crown counsel memorandum on issues relevant to the remedies hearing, 17 September 1996

- 2.43 Tribunal memorandum following a conference on 17 September 1996, 18 September 1996
- 2.44 Tribunal directions to register amendment (claim 1.1(x)), 16 October 1996
- 2.45 Tribunal memorandum following a conference on 11 November 1996, 12 November 1996
- 2.46 Tribunal directions to register amendment (claim 1.1(y)), 23 December 1996
- 2.47 Notice of first remedies hearing, 6 January 1997  
(a) Dispatch of notice of first remedies hearing, 15 January 1997
- 2.48 Memorandum of claimant counsel for Wai 45 and Wai 400 seeking leave to be heard on the standard of proof issue, 29 January 1997
- 2.49 Crown counsel memorandum opposing application for leave to be heard on the standard of proof issue, 30 January 1997
- 2.50 Notice postponing first remedies hearing and setting a new fixture, 3 February 1997  
(a) Dispatch of notice postponing first remedies hearing, 3 February 1997
- 2.51 Tribunal memorandum relating to first remedies hearing, 10 February 1997
- 2.52 Vacant
- 2.53 Notice of second remedies hearing, 18 February 1997  
(a) Dispatch of notice of second remedies hearing, 19 February 1997
- 2.54 Vacant
- 2.55 Memorandum on behalf of counsel for Wai 45, 55, 119, 168, and 400 in respect of the Tribunal's jurisdiction under section 8A of the Treaty of Waitangi Act 1975, 26 February 1997
- 2.56 Notice postponing second remedies hearing, 5 March 1997  
(a) Dispatch of notice postponing second remedies hearing, 5 March 1997
- 2.57 Tribunal decision on standard of proof issues, 25 March 1997
- 2.58 Tribunal directions concerning continuation of hearings, 1 May 1997 (Wai 262 record of inquiry, paper 2.26) (Wai 201 record of inquiry, paper 2.222)
- 2.59 Tribunal directions to register amendment to second amended statement of claim, 28 May 1997
- 2.60 Notice of remedies hearing, 25 June 1997  
(a) Dispatch of notice concerning remedies hearing, 25 June 1997

**2.61** Tribunal direction to register third amended statement of claim in respect of remedies (claim 1.1(ac)), 2 July 1997

**2.62** Notice of third amended statement of claim, 3 July 1997

## RECORD OF DOCUMENTS

\* Document held in the Waitangi Tribunal library, Waitangi Tribunal offices, third floor, 110 Featherston Street, Wellington

The name of the person or party that produced each document or set of documents in evidence appears in parentheses after the reference, except where that source is already apparent.

**D15** Waitangi Tribunal, *Turangi Township Report 1995*, Wellington, Brooker's Ltd, 1995 (registrar)

**D16** Crown submission in response to claimants' application for a remedies hearing, 30 July 1996

**D17** Documents in relation to the Turangi township (filed 15 October 1996) (Crown counsel)

(a) Certificates of title for Crown and State-owned enterprise properties, undated

(b) Valuation New Zealand Limited property information, undated

(c) Letter from Valuation New Zealand Limited, 4 October 1996, and category group codes

(d) Schedule of properties in the Turangi township prepared by the Office of Treaty Settlements, undated

(e)\* Map showing Crown lands in Turangi, undated

**D18** Crown submission on the standard of proof in relation to an application for binding orders under section 8A of the Treaty of Waitangi Act 1975, October 1996

**D19** Updated schedule of properties in the Turangi township prepared by Office of Treaty Settlements, undated (Crown counsel)

**D20** Crown submission on standard of proof in relation to binding recommendatory jurisdiction of Tribunal, 27 February 1997

**D21** List of authorities, Turangi, undated (Crown counsel)

**D22** Outline of submission of claimant counsel, undated (filed 27 February 1997)

(a) Claimants' further submissions in response to Crown submissions, 28 February 1997

**D23** Submission by J G Fogarty QC on standard of proof, undated (filed 10 March 1997)

**E. TO END OF SECOND REMEDIES HEARING**

- E1** Submission by David James Alexander, June 1997 (Crown counsel)
- (a) Supporting documents to document E1 (volume 1)
  - (b) Supporting documents to document E1 (volume 2)
  - (c) Supporting documents to document E1 (volume 2 continued)
  - (d)\* Plans showing land title information for Ohuanga North 5
  - (e)\* Plan showing land title information for Hautu 3
  - (f)\* Plan showing land title information for Tokaanu B1
  - (g)\* Plans showing land title information for Waipapa 1
  - (h)\* Set of aerial photographs of the Turangi area taken in 1964, numbered A/1 to A/5
- E2** Submission by Nick Taylor, 'A Social and Economic Impact Assessment of the Development of Turangi Township', June 1997 (Crown Law Office)
- E3** Submission of Mahlon Nepia, undated (filed June 1997) (claimant counsel)
- (a) Further evidence of Mahlon Nepia
- E4** Submission of Arthur Grace, undated (filed June 1997) (claimant counsel)
- E5** Submission of Eileen Duff, undated (filed June 1997) (claimant counsel)
- E6** Second brief of Arthur Grace, undated (filed July 1997) (claimant counsel)
- E7** Schedule of properties in the Turangi township, undated (filed July 1997) (Crown counsel)
- E8** Information from the Maori land information base prepared by Te Puni Kokiri showing Maori-owned land in the Turangi-Tokaanu area, July 1997 (Crown counsel)
- (a) Remaining Maori freehold land in the Turangi area
- E9** Heads of agreement for Tongariro power development land compensation claims Maori owners, 30 November 1972, with a copy of the deed between the trustees of Lake Rotoaira and the Crown (Crown counsel)
- E10** Brent Parker, 'Notes to accompany the Turangi family/groups compensation figures', undated (Crown counsel)
- E11** Claimant counsel's opening submissions, 14 July 1997
- E12** Crown counsel's opening submission on remedies, 15 July 1997
- (a) Key figures
  - (b) Schedule of properties (based on the third amended statement of claim)
  - (c) Schedule of properties in rohe of Ngati Turangitukua
- E13** Claimant counsel's closing submission concerning remedies, 16 July 1997

- E14** Crown counsel's closing submission concerning remedies, 17 July 1997
- E15** Crown counsel's closing submission concerning remedies, 17 July 1997
- (a)(1) *New Zealand Gazette*, 23 November 1978
  - (a)(2) *New Zealand Gazette*, 14 March 1996
  - (a)(3) *New Zealand Gazette*, 14 March 1996
  - (a)(4) *New Zealand Gazette*, 29 August 1996
  - (a)(5) Localities: lot 41 DP29782
  - (a)(6) Localities: lot 41 DP50583
  - (a)(7) Localities: lot 11 DP50584
  - (a)(8) Localities: lot 34 DP50583
  - (a)(9) Localities: lot 67 DP50585
  - (a)(10) Localities: lot 29 DP50583
  - (a)(11) Localities: lot 71 DP50583
  - (a)(12) Localities: lot 42 DP50584; lot 4 DP 50584
  - (a)(13) Localities: section 1 block 1 Turangi SBFN
  - (a)(14) Localities: section 8 block 111 Pihanga survey district
  - (a)(15) Localities: section 1, 2 SO37359
  - (a)(16) Appendix 1: schedule of individual Turangi township ancillary claims and progress to date with the settlement
- E16** Revised schedule of Turangi properties (Crown counsel)
- (a) Valuations, Turangi township
  - (b) Properties sought by Ngati Turangitukua (summary tables)
  - (c) Schedule of properties in rohe of Ngati Turangitukua
  - (d) Schedule of properties (based on the third amended statement of claim)
- E17** Crown submissions on other remedies, 1 August 1997
- E18** Deed of settlement between the Crown and Whakatohea, 1 October 1996
- E19** Deed of settlement between the Crown and Waikato, 22 May 1995
- E20** Agreement between the Crown and Ngati Whakaue concerning Wai 94, 23 September 1993
- E21** Brent Parker, 'The Development Debt on the Tokaanu Development Scheme', undated
- E22** Affidavit of Mahlon Nepia, 18 November 1997<sup>†</sup>
- E23** The Ngati Turangitukua Charitable Trust deed, 9 November 1997
- E24** Claimants' reply to Crown's submissions, 23 December 1997 (formerly paper 2.63)

---

<sup>†</sup> Exhibit 7 to document E22 is to be kept confidential, and no part is to be inspected without the prior approval of The Ngati Turangitukua Charitable Trust.



