

## APPENDIX

### RECORD OF INQUIRY

#### RECORD OF HEARINGS

##### THE TRIBUNAL

The Tribunal constituted to hear Wai 996, concerning the inclusion of certain lands and interests within the initialled deed of settlement between the Crown and Ngāti Tūwharetoa ki Kawerau for the settlement of the latter's historical claims, comprised Judge Wainwright (presiding), Dame Margaret Bazley, and Joseph Northover.

##### THE COUNSEL

Counsel appearing were Richard Boast with Deborah Edmunds for the Wai 996 claimants; Rachael Brown and Leanne Clarke for the Wai 62 claimants; Mātanuku Mahuika for the Wai 46 and 206 claimants; and Helen Carrad with Virginia Hardy for the Crown.

##### THE HEARING

The claim was heard at the Waitangi Tribunal's Wellington office on 5 February 2003. The Tribunal granted leave for the cross-examinations of Dr Bryan Gilling, and Peter Hodge, a senior policy analyst for the Office of Treaty Settlements.

#### RECORD OF PROCEEDINGS

##### 1. CLAIMS

###### 1.1 Wai 996

A claim by David Potter and André Paterson on behalf of themselves and Ngāti Rangitihi concerning the inclusion of certain lands in the Crown's proposed settlement offers to both Ngāti Awa and Ngāti Tūwharetoa ki Kawerau, 21 March 2002.

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**2. PAPERS IN PROCEEDINGS**

- 2.1 Direction to register Wai 996 claim, 6 August 2002
- 2.2 Notice of Wai 996 statement of claim, 15 August 2002
- 2.3 Memorandum–directions consolidating and aggregating further statements of claim for Urewera inquiry district, 30 October 2002
- 2.4 Memorandum from Wai 996 claimant counsel to Tribunal requesting urgent hearing concerning the Crown’s proposed settlement with Ngāti Tūwharetoa ki Kawerau, 11 November 2002
- 2.5 Letter of response from Office of Treaty Settlements to claimants’ application for urgency, 14 November 2002
- 2.6 Memorandum of counsel for Te Rūnanga o Tūwharetoa ki Kawerau Claims Committee opposing application for urgency, 14 November 2002
- 2.7 Memorandum–directions from acting chairperson authorising Judge Carrie Wainwright to determine Wai 996 application for urgency, 18 November 2002
- 2.8 Directions by presiding officer to parties to file memoranda outlining their positions in respects to the application for urgency, 21 November 2002
- 2.9 Memorandum of Crown counsel requesting further information from claimant counsel concerning objections to the proposed Ngāti Tūwharetoa ki Kawerau redress package, 22 November 2002
- 2.10 Letter from registrar, Waitangi Tribunal, acknowledging memorandum of Crown counsel, 27 November 2002
- 2.11 Memorandum of Crown counsel recognising Judge Wainwright’s previous legal representation of Mr Paterson, 29 November 2002
- 2.12 Memorandum of Crown counsel requesting further information from claimant counsel concerning objections to the proposed Ngāti Tūwharetoa ki Kawerau redress package, 22 November 2002
- 2.13 Memorandum of counsel for Te Rūnanga o Tūwharetoa ki Kawerau Claims Committee recognising Judge Wainwright’s previous legal representation of Mr Paterson, 29 November 2002

- 2.14** Memorandum from Wai 996 claimant counsel to parties responding to directions of presiding officer of 21 November 2002, 4 December 2002
- 2.15** Memorandum from Wai 996 claimant counsel to parties responding to 22 November 2002 memorandum from Crown counsel, 4 December 2002
- 2.16** Memorandum from counsel for Te Rūnanga o Tūwharetoa ki Kawerau Claims Committee to parties responding to 21 November 2002 directions of presiding officer, 4 December 2002
- 2.17** Memorandum from Wai 46 and Wai 206 claimant counsel to parties reserving position of Ngāti Awa to participate in proceedings, 4 December 2002
- 2.18** Memorandum from Crown counsel to parties responding to 21 November 2002 directions of presiding officer, 5 December 2002.
- 2.19** Directions of presiding officer to parties granting request for an urgent hearing, 20 December 2002
- 2.20** Memorandum from Crown counsel to parties responding to 20 December 2002 directions of presiding officer, 23 December 2002
- 2.21** Memorandum from Wai 996 claimant counsel to parties responding to 20 December 2002 directions of presiding officer, 6 January 2003
- 2.22** Memorandum from presiding officer to parties concerning filing of evidence and tabling of urgent hearing, 9 January 2003
- 2.23** Certificate of notice for Wai 996 urgent hearing to be held at Waitangi Tribunal offices, Wellington, on 5 February 2003, 8 January 2003
- 2.24** Notice for Wai 996 urgent hearing to be held at Waitangi Tribunal offices, Wellington, on 5 February 2003, 10 January 2003
- 2.25** Memorandum from Wai 996 claimant counsel to parties concerning transfer of evidence, 24 January 2003
- 2.26** Memorandum from Wai 996 claimant counsel to parties concerning protection of sensitive evidence, 27 January 2003

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- 2.27 Letter from counsel for Te Rūnanga o Tūwharetoa ki Kawerau Claims Committee concerning late filing of documents, 28 January 2003
- 2.28 Memorandum from Wai 996 claimant counsel to parties concerning supporting research reports, 31 January 2003
- 2.29 Facsimile from Wai 524 claimant counsel to Tribunal requesting documents and notifying possibility of attending proceedings, 30 January 2003
- 2.30 Memorandum of counsel for Te Rūnanga o Tūwharetoa ki Kawerau Claims Committee concerning protection of sensitive evidence, 31 January 2003
- 2.31 Memorandum from Wai 46 and Wai 206 claimant counsel to parties notifying that counsel would be present to maintain a watching brief at the hearing, 3 February 2003
- 2.32 Letter from Wai 996 claimant counsel to Tribunal concerning Ngāti Rangitahi representation issues, 3 February 2003
- 2.33 Letter from Wai 524 claimant counsel to Tribunal concerning legal representation, 3 February 2003
- 2.34 Memorandum of Crown counsel seeking leave to cross-examine Dr Bryan Gilling, 4 February, 2003
- 2.35 Memorandum from Wai 996 claimant counsel to Tribunal seeking leave to cross-examine Peter Hodge, 4 February 2003
- 2.36 Unused
- 2.37 Memorandum from Wai 524 claimant counsel to parties expressing interest in inquiry, 4 February 2003
- 2.38 Letter from Wai 996 claimant counsel to Tribunal requesting extension for filing of submissions in reply, 11 February 2003
- 2.39 Memorandum of counsel for Te Rūnanga o Tūwharetoa ki Kawerau Claims Committee seeking leave to file submissions in response, 18 February 2003

**RECORD OF DOCUMENTS**

**A DOCUMENTS RECEIVED FOR URGENT HEARING**

**A1** Brief of evidence of Reuben Perenara, 18 April 2002

**A2** Brief of evidence of David Potter, 24 January 2003

**A3** Brief of evidence of David Potter, 24 January 2003

**A4** Brief of evidence of Andre Paterson, 24 January 2003

**A5** Brief of evidence of Anaru Rondon, 24 January 2003

**A6** Brief of evidence of Keri Tawhio, 24 January 2003

**A7** Brief of evidence of Dr Bryan Gilling, 24 January 2003

**A8**

(a) Document bank, 3 vols, vol 1

(b) Document bank, 3 vols, vol 2

(c) Document bank, 3 vols, vol 3

**A9** Opening submissions of Wai 996 claimant counsel, undated

**A10** Cathy Marr, report on the background to the Tūwharetoa ki Kawerau raupatu claim, June 1991

**A11** William Savage, 'Manawhenua Report for the Tūwharetoa Te Atua Reretahi ki Kawerau Raupatu Claim', September 1992

**A12** Jane Luiten, 'Historical Research Report for Te Rūnanga o Tūwharetoa ki Kawerau', August 1995

**A13** David Armstrong, 'Ngāti Makino and the Crown, 1880–1960', undated

**A14** David Armstrong, 'Te Arawa Land and Politics', November 2002

**A15** Alan Ward, 'Ngāti Pīkiao Lands: Loss of Tribal Control', October 2001

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- A16** Phillip Cleaver, 'Matahina Block', scoping report, undated
- A17** Submissions of Wai 996 claimant counsel concerning Crown's proposed settlement with Ngāti Awa, 17 June 2002
- A18** Brief of evidence of David Potter, undated
- A19** Office of Treaty Settlements, *Ka Tika ā Muri, Ka Tika ā Mua: Healing the Past, Building the Future – A Guide to Treaty of Waitangi Claims and Direct Negotiations with the Crown* (Wellington: Office of Treaty Settlements, 1999), pp 23, 61
- A20** Submissions of counsel for Te Rūnanga o Tūwharetoa ki Kawerau Claims Committee, 31 January 2003
- A21** Brief of evidence of Rae Adlam, 31 January 2003
- A22** Brief of evidence of Graham Kahu Te Rire, 31 January 2003
- A23** Brief of evidence of Peter Hodge, 31 January 2003  
(a) Attachment to document A23
- A24** Opening submissions of Crown counsel, 3 February 2003
- A25** Brief of evidence of Dr Hirini Mead, 3 February 2003  
(a) Memorandum from Wai 46 and 206 claimant counsel to Tribunal amending evidence of Dr Hirini Mead, 12 February 2003
- A26** Closing submissions of Wai 996 claimant counsel, 5 February 2003
- A27** Map of Rotoehu Forest and Compensation Court awards to Te Arawa hapū in the eastern Bay of Plenty, Ngāti Awa research, November 1994
- A28** Map and land information report on Matatā scenic reserve
- A29** Submissions of Wai 996 claimant counsel in reply, 12 February 2003
- A30** Memorandum of counsel for Te Rūnanga o Tūwharetoa ki Kawerau Claims Committee in response to submissions in reply of Wai 996 claimant counsel, 18 February 2003

A31 Memorandum of Crown counsel in response to submissions in reply of Wai 996 claimant counsel, 17 February 2003

