

IN THE WAITANGI TRIBUNAL

CONCERNING the Treaty of Waitangi Act 1975

AND the Te Paparahi o Te Raki Inquiry

MEMORANDUM-DIRECTIONS OF JUDGE C T COXHEAD

18 November 2013

1. This memorandum-directions files Tribunal questions for witnesses for week 5 of stage 2 of the Te Paparahi o Te Raki Inquiry.

Questions for week 5 witnesses Major Richard Shepherd (#I31) and Juliane Chetham (#I16, #I16(a)-(b))

2. Appended to this memorandum-directions are questions for week 5 witnesses Major Richard Shepherd (#I31) and Juliane Chetham (#I16, #I16(a)-(b)).
3. The witnesses are directed to file responses to these questions by **12pm, Friday 13 December 2013**.

The Registrar is to send this direction to all those on the notification list for Wai 1040, the Te Paparahi o Te Raki inquiry.

DATED at Rotorua this 18th day of November 2013



Judge C T Coxhead
Presiding Officer

WAITANGI TRIBUNAL

Waitangi Tribunal Questions for Major Richard Shepherd (#I31)

Questions filed by Dr Ann Parsonson

Tēnā koe Major Shepherd,

1. In paragraphs 20- 21 of your evidence, talking about Pukemiro/Pukenui forests, you are critical of the management process, as clashing with tikanga Māori. Could you clarify the nature of the management body for the forests and the statute it operates under? Are the hapū representatives on it equal in number to those of the other entities you refer to? How could the management process be improved, in your view?
2. In paragraph 20 you state that the cutting of plants is deemed to be 'unlawful'. Are you referring to taking plants for customary use? Have the hapū or their representatives raised this issue with the management body? If so, what has been the response?
3. In paragraph 26 you refer to sites marked for development at Parua Bay under the Coastal Management Strategy. Are you referring to the *Whangarei Coastal Management Strategy 2002*, to the kind of residential and rural lifestyle development and residential settlement referred to on page 60, and the 'Vision for the Parua Bay to Waikaraka Policy Area' outlined on page 61? If so, given the reference on page 61 to the Vision seeking to 'guide how we 'protect' by ... Recognising the significance and heritage of the area to the mana whenua', and given the broader statements in the Management Strategy on the importance of the concept of Partnership (page 5), and Tangata Whenua values (page 7), do you not have confidence that the District Council will ensure that the cultural practices of mana whenua are protected?

Waitangi Tribunal Questions for Juliane Chetham (#I16, #I16(a)-(b))

Questions filed by Dr Ann Parsonson

Tēnā koe Ms Chetham,

1. In paragraph 3 of your evidence you refer to the Consultation Guidelines developed by Patuharakeke Te Iwi Trust Board (PTB). Could you file a copy of these please?
2. You have referred to Memoranda of Understanding (MOUs) of PTB with Whangarei District Council, with the Department of Conservation (DOC), Mighty River Power and a number of key local industries, and in paragraph 8 of your evidence you state that 'there is a feeling amongst many whanau that having all these MOUs adds little or no value to the relationship'. Do you consider that any or all of these bodies are aware of the disenchantment of PTB with the operation and outcomes of the MOUs entered into with them? If so, have any or all of them suggested ways in which they might contribute to better outcomes for PTB from their respective MOUs?
3. In paragraph 12 you refer to PTB's attempt to have representatives appointed to the Hearings Panel in respect of Marsden Point/Ruakaka Structure Plan in 2008. Did PTB consider such appointments would have demonstrated the 'good faith' (paragraph 4 of your evidence) referred to in the MOU with the Whangarei District Council?

4. Did the Whangarei District Council provide a written explanation for its refusal to appoint two members of PTB to the panel? Further to the Crown's question that you clarify the panel's response in respect of 'merely' providing a copy of the hearings report (#3.2.305(a)), could you also clarify your statement that the Hearings Panel were 'not required to deal with individual submissions'? How far did the hearings report take account of the issues raised by PTB?