APPENDIX A: TAMAKI LEGAL BUNDLE OF DOCUMENTS FOR CROSS EXAMINATION AT HEARING WEEK TWO

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2.	Government of New Zealand (Minister of Health), *Vote Health – Health Sector - The Estimates of Appropriations 2019/20* dated 30 May 2019, B.5 Vol.6 at 1-3, 14, 122.	4-8
3.	Courts of New Zealand, *The Statement of Principles* dated 29 November 2018.	9-13
4.	Ministry of Justice, *About Us – Our Leaders* dated 6 September 2022.	14-16
5.	Witnesses and Interpreters Fees Regulations 1974, Schedules A, B, C.	17-21
6.	Tamaki Legal, *Table Northland Claimant Costings* dated 14 December 2020	22-25
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RECEIVED
Waitangi Tribunal
7 Sep 22
Ministry of Justice
WELLINGTON

Guidance for lead agencies on the interim provision of claimant funding in kaupapa and contemporary inquiries

Purpose of this guidance

1. The purpose of this guidance is to:

   1.1. provide lead agencies in kaupapa and contemporary Waitangi Tribunal inquiries advice on what claimant funding should be provided by lead agencies over the next 12 – 15 months (acknowledging that some agencies are already providing claimant funding); and

   1.2. encourage consistency across agencies in the provision of claimant funding until a long-term policy proposal is agreed by Cabinet and implemented. Implementation is estimated to be July 2022.

2. This guidance has been developed through workshops with lead agencies, Crown Law and Treasury.

3. This guidance should be read in conjunction with Cabinet Office Circular CO (19) 3: Better Co-ordination of Contemporary Treaty of Waitangi Issues.

Core advice on what claimant funding should be provided

Hearing and closing day costs

4. There generally three types of meetings called by the Tribunal. They are:

   4.1. judicial conferences where procedural issues are decided;

   4.2. hearings days where claimants, the Crown and interested parties are invited by the Tribunal to present their evidence; and

   4.3. closing days where the Tribunal invites claimants and the Crown (and possibly interested parties) to make closing statements.

5. It is recommended that claimant funding should be provided to cover the reasonable and actual costs of claimants, claimant witnesses and necessary support people to attend the hearing days where they are scheduled to give evidence and closing days where claimants and their counsel are scheduled to make closing arguments for their inquiry.

6. In general, it is considered that claimant counsel can represent their claimant's interests at judicial conferences, which predominantly deal with procedural issues, and therefore it is not necessary for claimants to attend.

7. Claimant funding is aimed solely at claimants. It is not intended that funding be provided to people assigned interested party status under the Commissions of Inquiry Act 1908.

8. When deciding what is actual and reasonable, agencies should consider that:

   8.1. it is usual for the number of claimants, claimant witnesses and necessary support people (collectively referred to as the claimant group) that will attend to range from 1 – 10 people;

   8.2. it is appropriate to cover travel, food and accommodation costs (as it is usually necessary for the claimant group to have to stay overnight);

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8.3. it is reasonable that some claimants and witnesses will require support people. For example, those living with disabilities, the elderly, or, those who are providing evidence of a sensitive or personal nature, will require more support and funding should be provided to meet this requirement;

8.4. in light of the above, a cap to funding is not recommended. However, to assist in estimating the cost of this funding and assessing what is reasonable, evidence from previous hearings suggest that a cost range of $500 - $5,000 per claimant group is normal and is directly dependant on the number of people attending, the distance they must travel and their accommodation requirements. It is usual for less claimants and smaller claimant groups to attend closing weeks, so it is likely the overall cost of a closing week will be less than a hearing week; and

8.5. you will need to establish who is a claimant your inquiry (and each stage of the inquiry) to make an accurate calculation of the cost of providing claimant funding. The Tribunal states who has been given claimant status (and interested party status) through issuing memorandum/directions. This process may be completed through a series of memorandum/directions so you will need to work closely with the Tribunal and Crown Law in order to keep an accurate updated list of claimants.

Research costs

9. It is recommended that agencies should work with the Tribunal and claimants to identify research topics and establish which research topics will be funded by the Tribunal and whether it is appropriate for the Crown to fund specific research desired by claimants. The Joint Research Committee put in place in the Mana Wahine inquiry provides a precedent for how this process can operate.

10. Agencies should note that:

10.1. direct funding of each claimant to undertake their own research is not recommended;

10.2. as well as agreeing what research topics will be researched, agreement should also be reached on which individuals or organisations are the most appropriate to undertake the research and what review and quality assurance processes should be put in place;

10.3. a research paper may cost between $60,000 and $120,000 depending on the scope of the paper. As 2 – 5 research papers may be agreed, the cost to agencies may be in the region $200,000 - $500,000. As this research may be on top of the Crown's own research requirements, it may therefore substantially increase the amount research funding required;

10.4. the sharing of information on what research arrangements and commissioning is happening across agencies would be useful. Agencies should utilise the Kaupapa Co-Learning Working Group to achieve this; and

10.5. this approach may remain the long-term policy position for funding research so agencies should budget for this in the long-term and not just for the next 12 – 15 months.

Cost of engagement with claimants post inquiry

11. Where Cabinet has agreed a response to the Waitangi Tribunal's recommendations and this response requires ongoing engagement with claimants, lead agencies are expected to meet the actual and reasonable costs of claimants attending any required meetings or hui etc.

Funding decisions and issues that will be subject to further consultation and Cabinet decision

12. For clarity, the below issues will be addressed in the next stage of work which will prepare Cabinet proposals for the long-term centralised provision of claimant funding. Lead agencies are therefore not expected to provide claimant funding in these areas, but should give consideration to:

    12.1. funding of organisational costs such as claimant hui (both hui internal to the claimant group and hui for claimants across an inquiry), administration, preparation of evidence etc (noting that some agencies have provided funding support for hui for claimants across their inquiry and agencies may wish to continue doing this);

    12.2. costs already incurred by claimants (however, agencies should give consideration to providing actual and reasonable costs for hearings that have recently taken place where this is reasonable and possible); and

    12.3. venue costs

13. Lead agencies are not expected to consider or provide claimant funding for:

    13.1. the direct funding of each claimant to undertake their own research; and

    13.2. issues of equity, for example whether costs already incurred by claimants should be reimbursed; should larger claimant groups receive more funding, or less; or should lump sum funding be provided and is it equitable.

Communication with claimants

14. Generic guidance that can be provided to claimants and claimant counsel will be developed alongside this guidance. Agencies will need to tailor this guidance to the specific arrangements of provision and delivery that they develop.

15. It is intended that a project team will be established to develop Cabinet proposals for a long-term claimant funding scheme and to continue to engage with claimants and claimant counsel on the proposals. Once Cabinet agrees to the establishment of this team, this will be communicated to claimants and claimant counsel and the project team will become the point of contact for them on the broader issues.

16. Therefore, agencies will be able to refer claimants and claimant counsel to the project team on any matters they can't address.

Vote Health

APPROPRIATION MINISTER(S): Minister of Health (M36)

APPROPRIATION ADMINISTRATOR: Ministry of Health

RESPONSIBLE MINISTER FOR MINISTRY OF HEALTH: Minister of Health

Overview of the Vote

Vote Health ($19,871 million in 2019/20) is a significant public investment in the wellbeing of New Zealanders and their families. The Vote directly supports the day-to-day operation of strong and equitable public health and disability services delivered by a skilled workforce in our communities, hospitals and other care settings. It plays a key role in supporting population health across the life course, including improving health equity for Māori and other groups and helps facilitate the delivery of key system priorities including child wellbeing, mental wellbeing, wellbeing through prevention and primary health care. The Minister of Health is responsible for appropriations for 2019/20 covering the following:

- $13,980 million (70.4% of the Vote) is provided to the 20 district health boards (DHBs) for services to meet the needs of each district's population, taking into account regional considerations, government priorities, and the strategic direction set for the health sector. Among the many services provided or funded by DHBs are hospital care; most aged care, mental health, and primary care services; the combined pharmaceuticals budget; and some public health services.

- $3,221 million (16.2% of the Vote) funds health and disability services, funded at a national level, and managed by the Ministry of Health, consisting of:

  - National Disability Support Services ($1,345 million or 6.8% of the Vote)

  - Public Health Service Purchasing ($440 million or 2.2% of the Vote)

  - National Planned Care Services ($396 million or 2.0% of the Vote)

  - Primary Health Care Strategy ($331 million or 1.7% of the Vote)

  - National Maternity Services ($189 million or 0.9% of the Vote)

  - National Emergency Services ($150 million or 0.8% of the Vote)

  - National Mental Health Services ($141 million or 0.7% of the Vote)

  - National Child Health Services ($113 million or 0.6% of the Vote)

  - National Personal Health Services ($67 million or 0.3% of the Vote), and

  - other national services ($49 million or 0.2% of the Vote).

- $911 million (4.6% of the Vote) for the support, oversight, governance, and development of the health and disability sectors, consisting of:

  - Ministry of Health operating costs ($221 million or 1.1% of the Vote)

  - Supporting Equitable Pay ($414 million or 2.1% of the Vote)

  - Health Workforce Training and Development ($212 million or 1.1% of the Vote)

  - Monitoring and Protecting Health and Disability Consumer Interests ($32 million or 0.2% of the Vote), and

  - other services ($32 million or 0.2% of the Vote).

- $46 million (or 0.2% of the Vote) for other expenses including $43 million for Provider Development
- $1,713 million (8.6% of the Vote) for capital investment, consisting of:
  - sector capital investment ($1,548 million or 7.8% of the Vote)
  - Equity Support for DHB deficits ($134 million or 0.7% of the Vote)
  - Residential Care Loans - Payments ($15 million or 0.1% of Vote), and
  - Ministry of Health capital expenditure ($16 million or 0.1% of Vote).

The Minister of Health is also responsible for a capital injection to the Ministry of Health of $3 million.

Details of these appropriations are set out in Parts 2-4.

Policy Initiative	Appropriation	2018/19 Final Budgeted $000	2019/20 Budget $000	2020/21 Estimated $000	2021/22 Estimated $000	2022/23 Estimated $000
Establishing the NZ Health and Disability System Review	Policy Advice and Ministerial Servicing MCA - Supporting the Review of the New Zealand Health and Disability System Departmental output expense	5,260	4,304	-	-	-
2020 Cannabis Referendum: Approach and Timeframes	Policy Advice and Ministerial Servicing MCA - Policy Advice Departmental output expense	150	-	-	-	-
Total Operating Expenditure		266,416	1,102,377	1,167,779	1,211,260	1,248,527
District Health Boards' Capital Investment	Equity for Capital Projects for DHBs and Health Sector Crown Agencies Non-departmental capital expenditure	-	850,000	850,000	-	-
District Health Boards - Deficit Support	Equity Support for DHB deficits Non-departmental capital expenditure	95,000	95,000	-	-	-
Dunedin Hospital Redevelopment drawdown from Contingency Fund	Health Sector Projects Non-departmental capital expenditure	9,600	10,600	-	-	-
Total Capital Expenditure		104,600	955,600	850,000	-	-
National Screening Solution drawdown from Contingency Fund	Departmental capital injection	10,092	3,144	733	-	-
Total		381,108	2,061,121	2,018,512	1,211,260	1,248,527

	2018/19		2019/20
Assessment of Performance	Final Budgeted Standard	Estimated Actual	Budget Standard
Policy Advice			
This category is intended to achieve the following: Ministers are provided with policy advice that appropriately informs them on issues affecting the health portfolio, Government priorities, and when otherwise appropriate			
The average score attained by written policy advice as assessed by an external reviewer	greater than 7 out of 10	7/10	Greater than 7 out of 10
Assessment of the quality of a sample of the Ministry's policy advice papers	-	-	See Note 1
Supporting the Review of the New Zealand Health and Disability System			
This category is intended to achieve a review of the Health and Disability System			
The Health and Disability System Review's key milestones are achieved	Achieved	Achieved	Achieved
The Health and Disability System Review members are satisfied with the support services provided	Satisfied or better	Satisfied or better	Satisfied or better

Note 1 - The Standard will be identified based on the refreshed Policy Quality Framework and updated in the Supplementary Estimates. All agencies are required to use the refreshed Policy Quality Framework from 2019/20 to assess the quality of their policy advice papers. The Policy Quality Framework is currently being refreshed. The refreshed Framework will be released before 30 June 2019.

End of Year Performance Reporting

The Ministry of Health will report performance information for this appropriation in its Annual Report.

Current and Past Policy Initiatives

Policy Initiative	Year of First Impact	2018/19 Final Budgeted $000	2019/20 Budget $000	2020/21 Estimated $000	2021/22 Estimated $000	2022/23 Estimated $000
Current Government						
Enhancing the Ministry of Health's Capability to Support Government Priorities	2019/20	-	400	400	400	400
Expanding Access and Choice of Primary Mental Health and Addiction Support	2019/20	-	500	250	250	250
Increasing Te Ao Auahatanga Hauora Māori: Māori Health Innovation Fund to Improve Māori Health Outcomes	2019/20	-	250	250	250	250
Violence Intervention Programme - Health Sector Screening for Early Intervention and Prevention of Family Violence	2019/20	-	300	300	-	-
Expanding and Enhancing School Based Health Services	2019/20	-	100	100	200	100
Mental Wellbeing Support for Parents and Whanau	2019/20	-	50	100	100	250
2020 Cannabis Referendum: Approach and Timeframes	2019/20	150	-	-	-	-
Establishing the NZ Health and Disability System Review	2018/19	5,260	4,304	-	-	-

Ngā Kōti o Aotearoa
Courts of New Zealand

The Statement of Principles

Principles observed by Judiciary and Ministry of Justice in the Administration of the Courts

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6. Standing committees for engagement between the Ministry and the judiciary[6]

1. Purpose of statement

1.1 The constitutional principle of separation of powers requires that the courts be independent of the Executive to ensure impartiality in judicial decisions. As well as requiring freedom from interference in individual judicial decisions, the constitutional principle also depends on institutional independence in organising and managing the work of the courts.

1.2 The legislation under which the courts of New Zealand operate places on the judiciary the responsibility for the orderly and efficient conduct of the business of the courts. One of the purposes of the legislation is to improve the transparency of court arrangements “in a manner consistent with judicial independence”.

1.3 The judiciary is responsible for the work of the courts, but is supported by the Ministry of Justice, a department of the Executive government. The Secretary for Justice (through the Minister for Courts) is accountable to Parliament for the expenditure of the public funds needed to administer justice in the courts.

1.4 The judiciary and the Ministry of Justice therefore share responsibility for delivering justice through the courts. Both have interests in developing and maintaining a system of justice that is just, fair, accessible, modern, and effective, and which delivers timely, impartial, and open justice. The effective and efficient functioning of courts is assisted by the Ministry and the judges maintaining a constructive relationship involving open communication and respect for their respective responsibilities and institutional constraints.

1.5 The purpose of this statement of principles is to recognise the respective separate responsibilities of the judiciary and the Ministry, and responsibilities that are shared between the judiciary and the Ministry.

2. The roles of the Ministry and the judiciary

2.1. The Secretary for Justice, as Chief Executive of the Ministry of Justice, is responsible to the Minister for Courts. The Minister is responsible to Parliament for the proper use of the public resources used to support and run the courts, and for ensuring that sufficient resources are available to provide an accessible and effective justice system. The Secretary for Justice is formally responsible under the State Sector Act 1988 for employing staff who support the judiciary, including the Registry staff of the courts. Registrars, Deputy Registrars and other officers may be appointed under the State Sector Act 1988 to support the conduct of the business of each court, but act under judicial direction in doing so.

2.2. The Chief Justice is head of the judiciary in New Zealand and is also ultimately responsible under the Senior Courts Act 2016 for the orderly and efficient conduct of the Senior Courts' business. The Chief Judge of the District Court is ultimately responsible under the District Court Act 2016 for the orderly and efficient conduct of the business of the District Court. The Chief Judges of the Employment Court, Māori Land Court and Environment Court similarly have statutory responsibilities for the orderly and expeditious discharge of the business of their courts.

2.3. In conducting the business of the courts, it is necessary for the judiciary to engage with the Ministry of Justice on matters of overlapping responsibility, including in the assessment of need and in the provision of facilities and resources to support the courts. Where the engagement is in relation to matters affecting all courts, the Chief Justice and the Secretary for Justice need to lead the engagement. This statement addresses the basis for the necessary engagement to ensure that it does not compromise the constitutional principle of judicial independence and is similarly respectful of the Executive's different statutory and constitutional responsibilities.

3. Judicial responsibilities

3.1. The judiciary's responsibilities in relation to conducting the business of the courts include:

a) the scheduling of sittings of the court, the assignment of judges and judicial officers, and the listing of cases and applications (including those for alternative dispute resolution);

b) the use to be made of courts and their precincts;

c) the direction and supervision of Registry staff in relation to the business of the court;

d) the selection and supervision of immediate judicial support staff such as personal assistants, clerks and other similar staff (subject to paragraph 4.2(d));

e) the management of staff to support the Chief Justice and heads of bench;

f) the provision of judicial education and training;

g) the control and supervision of the use of information technology for the business of the court;

h) the custody and control of court records, whether or not held electronically, and control over access to them;

i) measuring court performance.

4. Ministry of Justice responsibility for court support

4.1. The Secretary for Justice is solely responsible for decisions on all matters of expenditure of public money. The Secretary is accountable to the responsible Minister for the financial management, financial performance, and financial sustainability of the department.

4.2. Ministry of Justice responsibilities in relation to the business of the courts include:

a) providing the judiciary with support to enable heads of bench to discharge their responsibility for the orderly and efficient conduct of court business, including those responsibilities in paragraph 3 above;

b) supporting the judiciary in improving access to justice and best practice in the courts;

c) the provision, maintenance and operation of technology and buildings for the operation of the courts;

d) discharging its responsibilities with respect to staff in accordance with the State Sector Act 1988;

e) the maintenance of court registries;

f) ensuring security and safety in court buildings;

g) measuring and reporting on the use of the resources for which it is responsible;

h) supporting the offices of the Chief Justice and the offices of the heads of the other courts to enable them to discharge their responsibilities.

5. Shared responsibilities

5.1. Because the work of the courts draws on public resources, it is necessary for the judiciary and the Ministry of Justice to cooperate so that those resources are used efficiently and effectively.

5.2. The Secretary for Justice is responsible for ensuring there is appropriate and timely consultation through the Chief Justice about how its responsibilities for court administration will be provided, including the structuring of staff support and other resources required. Such consultation also includes the design and provision of appropriate court facilities and information technology strategies and initiatives.

5.3. The Secretary for Justice will consult the Chief Justice annually about the operating budgets for the courts.

5.4. The Secretary for Justice and the judiciary will cooperate in the collection and sharing of information necessary to assist each in their functions consistently with the principle of judicial independence and executive accountability for the expenditure of public funds.

5.5. The maintenance of court records is a shared responsibility between the Secretary for Justice and the Chief Justice. The judiciary has the responsibility for the custody and control of records of court proceedings and associated court administration, whether or not held electronically, and control over access to them (subject to any legislative requirements and any policies developed by the judiciary). The Ministry is responsible for the collection and storage of records relating to the use of Ministry resources, including the archiving of court and judicial records on the basis agreed between the Chief Justice and the Secretary for Justice from time to time.

6. Standing committees for engagement between the Ministry and the judiciary

6.1. Following enactment of the 2016 legislation and restructuring of responsibilities for operations in the Ministry of Justice, restructuring of the processes of engagement is necessary. Courts administration requires cooperation between the Ministry and the judiciary at the operating level for the Senior Courts, District Court and specialist courts.

It is also necessary to ensure that strategic direction for the courts be set by cooperation between the judiciary and the Ministry. The Chief Justice and the Secretary for Justice are to agree on a new structure for engagement between the Ministry and the judiciary at both the operational and at a strategic level (through separate joint committees for the Senior Courts, District Court and specialist courts) and it is agreed that any such means of engagement will be kept under review.

29 November 2018

document for printing [7] (pdf, 307 KB)

Links

1. https://www.courtsofnz.govt.nz/about-the-judiciary/the-statement-of-principles/#Purpose
2. https://www.courtsofnz.govt.nz/about-the-judiciary/the-statement-of-principles/#Roles
3. https://www.courtsofnz.govt.nz/about-the-judiciary/the-statement-of-principles/#Responsibilities
4. https://www.courtsofnz.govt.nz/about-the-judiciary/the-statement-of-principles/#MinistryofJustice
5. https://www.courtsofnz.govt.nz/about-the-judiciary/the-statement-of-principles/#Shared
6. https://www.courtsofnz.govt.nz/about-the-judiciary/the-statement-of-principles/#Standingcommittees
7. https://www.courtsofnz.govt.nz/assets/SOP.pdf

ABOUT US

Our leaders

We have more than 3000 people who work in 120 locations around the country delivering justice services.

Find out more about our values (http://www.justice.govt.nz/about/careers/our-values/)

The Ministry of Justice's Strategic Leadership Team is led by Andrew Kibblewhite, Secretary for Justice and Chief Executive. They set the Ministry's strategic direction including initiatives to help modernise our services.

The team plays an important role in developing and maintaining relationships, particularly with the judiciary, Ministers, other justice sector agencies, central agencies, professional bodies and other organisations.

Strategic Leadership Team Board

Andrew Kibblewhite, Secretary for Justice & Chief Executive

Andrew Kibblewhite has been Secretary since February 2019. Prior to this, he was Chief Executive of the Department of the Prime Minister and Cabinet (DPMC) for seven years. Andrew's previous experience in the public service includes roles as Deputy Chief Executive at Treasury, Director of the Policy Advisory Group at the DPMC, and General Manager Strategic Development at the Ministry of Research, Science and Technology. Andrew began his career at the Treasury and has a BSc (Hons) from the University of Canterbury, a BCA from Victoria University, and an MBA (Arjay Millar Scholar) from Stanford University.

Carl Crafar, Chief Operating Officer, Operations & Service Delivery

Carl joined the Ministry in August 2016 to lead the Ministry's newly created Operations and Service Delivery Group. This brings all our operations together providing one operational view of our service

delivery and customer outcomes. Carl has a long involvement with the social sector, and has held a number of senior roles in the Ministry of Social Development. He was responsible for national service delivery, most recently as Deputy Chief Executive, Social Housing, leading MSD's social housing operations.

Rajesh Chhana, Deputy Secretary, Policy

Rajesh took up the position of Deputy Secretary Policy in early 2015. He has more than a decade's experience at the Ministry, dating back to 1996 when he joined as a legal advisor in the Legal Service Group. He has held a variety of senior advisory and management roles in both the public and private sectors, including here at the Ministry as General Manager of Crime Prevention Criminal Justice (now Criminal Justice). Before taking up the role of Deputy Secretary Policy, Rajesh was Director of National Security Policy at the Department of Prime Minister and Cabinet.

Tina Wakefield, Deputy Secretary, Corporate and Digital Services

Tina joined the Ministry in late 2014 as Chief Information Officer. She was previously the General Manager of Government Information Services at the Department of Internal Affairs, where she led development of the All-Of-Government online strategy, standards and associated services. Other roles include leadership of the Government ICT Supply Management Office and she was also responsible for IT service management and assurance, security and risk. Before joining the public sector, Tina held senior roles at Telecom.

Anouk Alexander, Deputy Secretary, Strategy, Governance and Finance

Anouk took up the position of Deputy Secretary Strategy, Governance and Finance in September 2019. She was previously the General Manager Strategy at New Zealand Trade and Enterprise and Deputy Chief Executive, Organisational Governance at the Ministry of Social Development. Anouk also worked over eight years as a management consultant with PwC where she worked with a variety of clients in New Zealand and overseas where she was responsible for the Strategy consultants.

Marcus Akuhata-Brown, Pou Whakatere - Deputy Secretary, Māori

Marcus Akuhata-Brown (Ngāti Porou, Te Aitanga a Mahaki, Ngāti Kahungunu, Ngāi Tahu) joined Te Tāhū o te Ture on 3 November 2020. A qualified teacher, in his early career Marcus led a number of innovative alternative education programmes addressing the learning needs of at-risk youth and young offenders. Marcus brings his deep and broad connections with Iwi Māori, along with his drive to help strengthen our Ministry's relationships through our engagement and partnership mahi.

This page was last updated: 28th February 2022

RELATED LINKS

- **About the justice sector (https://www.justice.govt.nz/justice-sector-policy/about-the-justice-sector/)**

Reprint
as at 1 October 2017

Witnesses and Interpreters Fees Regulations 1974

(SR 1974/124)

Denis Blundell, Governor-General

Order in Council

At the Government House at Wellington this 27th day of May 1974

Present:
His Excellency the Governor-General in Council

Pursuant to the Summary Proceedings Act 1957, the Crimes Act 1961, the Judicature Act 1908, and to the Public Revenues Act 1953 (so far as these regulations relate to witnesses and interpreters paid by the Crown under regulation 4), His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

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Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.

Note 4 at the end of this reprint provides a list of the amendments incorporated.

These regulations are administered by the Ministry of Justice.

9 Revocations

The Witnesses and Interpreters Fees Regulations 1969 (SR1969/5) are hereby revoked.

Schedule
Scale of payments to witnesses and interpreters

rr 5, 6

Schedule: replaced, on 1 August 1988, by regulation 2(1) of the Witnesses and Interpreters Fees Regulations 1974, Amendment No 5 (SR 1988/147).

A

Fees

1(1) To a witness attending to give evidence strictly as an expert, for every day when required to be absent from his or her usual place of business or residence,—

(a) for a period that does not exceed 1 hour, a fee of not less than $16.50 but not more than $68:

(b) for a period that exceeds 1 hour but does not exceed 5 hours, the fee prescribed by paragraph (a) plus a fee of not less than $9.50 but not more than $48 for each additional hour:

(c) for a period that exceeds 5 hours, a fee of not less than $68 but not more than $305.

(2) In addition to the fees prescribed by subclause (1), there may be paid to an expert witness a qualifying fee for any analysis, preparation of maps, plans, or reports, or other work necessarily undertaken in preparation of evidence, being such sum as the court or paying officer considers fair and reasonable, but not exceeding $33 for the first hour engaged or $24.50 for every subsequent hour engaged.

2 For an interpreter attending to provide an oral translation into English from any other language or from English into any other language, the fee payable for each day on which the interpreter is required to be absent from his or her usual place of residence or business shall be computed at the rate of $25 for each hour or part of an hour:

provided that the fee in respect of any day shall be not less than $75 nor more than $175.

Schedule clause 2: amended, on 1 July 1996, by regulation 2(a) of the Witnesses and Interpreters Fees Regulations 1974, Amendment No 6 (SR 1996/140).

Schedule clause 2 proviso: amended, on 1 July 1996, by regulation 2(b) of the Witnesses and Interpreters Fees Regulations 1974, Amendment No 6 (SR 1996/140).

Schedule clause 2 proviso: amended, on 1 July 1996, by regulation 2(c) of the Witnesses and Interpreters Fees Regulations 1974, Amendment No 6 (SR 1996/140).

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3 To any other witness, not being a school child or a child under school age,—

		($)
(a)	For every day when required to be absent from the witness's usual place of residence or business for a period not exceeding 3 hours provided that the fee prescribed by paragraph (b) may be allowed in any case where the court or paying officer is satisfied that the witness, because of attendance at the courthouse, will be absent from his or her work for a full day:	25
(b)	For every day on which attendance is required for a period exceeding 3 hours	50

Schedule clause 3(a): amended, on 1 July 1996, by regulation 3(a) of the Witnesses and Interpreters Fees Regulations 1974, Amendment No 6 (SR 1996/140).

Schedule clause 3(b): amended, on 1 July 1996, by regulation 3(b) of the Witnesses and Interpreters Fees Regulations 1974, Amendment No 6 (SR 1996/140).

4 Notwithstanding the provisions of clause 1(1), clause 2, and clause 3, if the court or paying officer is satisfied that the witness or interpreter will suffer a loss of earnings as a result of travelling between his or her usual place of residence or business and the courthouse for the purpose of giving evidence, the court or paying officer may allow the appropriate fee under those provisions as if that witness or interpreter was in attendance at the courthouse during the time when the witness or interpreter was so travelling.

5 For a written translation of any document into English from any other language or from English into any other language, the fee payable to the interpreter shall be such fee as the court or paying officer thinks just and reasonable.

B

Allowances

6 To any witness or interpreter who is necessarily absent overnight from his or her usual place of residence—

		($)
(a)	Where the total period of absence does not exceed 24 hours	55.50
(b)	Where the total period of absence exceeds 24 hours, for each 6 hours or part thereof	13.00

7 Where a witness or interpreter is not necessarily absent overnight, the following meal allowances may be paid:

		($)
(a)	To a witness who is not entitled to fees under any of the provisions of clauses 1 to 4:	
	For every day when the witness is able to return to his or her usual place of residence before 7 pm	4.50
	For every day when the witness is not able to return to his or her usual place of residence before 7 pm	7.00
(b)	To a witness or an interpreter who is entitled to fees under any of the provisions of clauses 1 to 4, for every day when the witness or	7.00

	($)
interpreter is not able to return to his or her usual place of residence before 7 pm	

C

Travelling expenses

8 Travelling expenses shall be as follows:

(a) the cost of travelling by such mode and class of public transport as the court or paying officer considers reasonable having regard to the distance travelled, the age and health of the witness or interpreter, and any other relevant circumstances:

provided that air fares shall not be allowed unless the court or paying officer is satisfied that any extra expense occasioned by the use of air transport is justified in all the circumstances:

(b) where no public conveyance is available, and the distance travelled exceeds 3 kilometres one way, an allowance at the rate of $0.38 a kilometre:

provided that, in special circumstances, the court or paying officer may allow the cost of travelling by small passenger service vehicle:

(c) in any case where a public conveyance is available, an allowance at the rate of $0.38 a kilometre may be paid to any witness or interpreter using his or her own motor vehicle, or a vehicle hired for his or her personal use, if the total amount of fees, allowances, and expenses payable to that witness or interpreter and any other witnesses or interpreters travelling with that witness or interpreter is not more than the total amount that would have been payable if that witness or interpreter or those witnesses or interpreters had travelled by public conveyance:

(d) a medical practitioner using his or her own motor vehicle or a motor vehicle hired for his or her personal use, whether a public conveyance is available or not, may be paid an allowance at the rate of $0.38 a kilometre.

Schedule clause (8)(b) proviso: amended, on 1 October 2017, by section 110(8) of the Land Transport Amendment Act 2017 (2017 No 34).

P G Millen,
Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 30 May 1974.

Tamaki Legal Bundle of Documents
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Reprints notes

1 General

This is a reprint of the Witnesses and Interpreters Fees Regulations 1974 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

2 Legal status

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 Editorial and format changes

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also http://www.pco.parliament.govt.nz/editorial-conventions/.

4 Amendments incorporated in this reprint

Land Transport Amendment Act 2017 (2017 No 34): section 110(8)

Witnesses and Interpreters Fees Amendment Regulations 2013 (SR 2013/263)

Witnesses and Interpreters Fees Amendment Regulations 2004 (SR 2004/36)

State Sector Amendment Act 2003 (2003 No 41): section 14(2)

Witnesses and Interpreters Fees Regulations 1974, Amendment No 6 (SR 1996/140)

Witnesses and Interpreters Fees Regulations 1974, Amendment No 5 (SR 1988/147)

Wellington, New Zealand:
Published under the authority of the New Zealand Government—2017

	Wai Number	Claimant Group	Counsel	People Attending		Estimated Travel Costs*		Estimated Accommodation		Estimated Food (no Accommodation)		Other Preparation Costs		Other Attendance Costs		Total	Notes
1	Wai 1531	Te Enga Harris and Lee Harris, on behalf of themselves, and the Harris whanau	Tamaki Legal	Total Attending	4	Total Travel	$415.10	Total Accommodation	$3,280.00	Total Food	$1,100.00	Total Other Preparation	$0.00	Total Other Attendence	$0.00	$4,795.10	
				Named Claimants - [redacted]	2	1 cars x (450 km return from [redacted] x $0.79/km Petrol)	$355.50	2 people x ($205 per person x 2 extra nights)	$820.00	2 people x ($55 x 2 extra days) - travel day	$220.00	Not applicable	$0.00	Not applicable	$0.00		
						2 x ($2.40 toll fee + $3.70 service/transaction fee)	$12.20	2 people x ($205 per person x 2 nights)	$820.00	2 people x ($55 x 3 days)	$330.00						
						1 cars x (20 km to/from accommodation and venue x $0.79/km Petrol) x 3 days	$47.40										
				Claimant Group/Support Persons	2	(Carpooling withabove)	$0.00	2 people x ($205 per person x 2 extra nights)**	$820.00	2 people x ($55 x 2 extra days) - travel day	$220.00	Not applicable	$0.00	Not applicable	$0.00		
								2 people x ($205 per person x 2 nights)	$820.00	2 people x ($55 x 3 days)	$330.00						
2	Wai 1886	Robert Gabel, on behalf of Ngati Tara	Tamaki Legal	Total Attending	11	Total Travel	$1,186.58	Total Accommodation	$4,715.00	Total Food	$1,650.00	Total Other Preparation	$0.00	Total Other Attendence	$0.00	$7,551.58	
				Witness - [redacted]	1	1 cars x (802 km return from [redacted] x $0.79/km Petrol)	$633.58	1 person x ($205 per person x 3 nights)	$615.00	1 person x ($55 x 3 days)	$165.00	Not applicable	$0.00	Not applicable	$0.00		
						1 cars x (20 km to/from accommodation and venue x $0.79/km Petrol) x 3 days	$47.40	1 person x ($205 per person x 2 extra nights)**	$410.00	1 person x ($55 x 2 extra days) - travel day	$110.00						
				Named claimant - [redacted]	1	1 cars x (200km return from [redacted] x $0.79/km Petrol)	$158.00			1 person x ($55 x 1 days)	$55.00	Not applicable	$0.00	Not applicable	$0.00		
				Claimant Group/Support Persons	9	2 cars x (160 km return from [redacted] x $0.79/km Petrol)	$252.80	9 persons x ($205 per person x2 nights)	$3,690.00	9 people x ($55 x 3 days)	$1,485.00	Not applicable	$0.00	Not applicable	$0.00		
						2 cars x (20 km to/from accommodation and venue x $0.79/km Petrol) x 3 days (and carpooling with above)	$94.80										
3	Wai 1957	William Reihana, on behalf of his whanau and members of Ngati Tautahi ki Irenga	Tamaki Legal	Total Attending	4	Total Travel	$180.12	Total Accommodation	$0.00	Total Food	$660.00	Total Other Preparation	$0.00	Total Other Attendence	$0.00	$840.12	
				Named Claimant - [redacted]	1	1 carx (76 km return from [redacted] x $0.79/km Petrol) x 3 days	$180.12	Not applicable	$0.00	1 person x ($55 x 3 days)	$165.00	Not applicable	$0.00	Not applicable	$0.00		
				Claimant Group/Support Persons	3	(Carpooling withabove)	$0.00	Not applicable	$0.00	3 people x ($55 x 3 days)	$495.00	Not applicable	$0.00	Not applicable	$0.00		
4	Wai 1968	Rueben Taipari Porter on behalf of his whanau, and members and descendants of descendants of Kaitangata whānau	Tamaki Legal	Total Attending	1	Total Travel	$206.98	Total Accommodation	$1,230.00	Total Food	$330.00	Total Other Preparation	$0.00	Total Other Attendence	$0.00	$1,766.98	
				Named Claimant - [redacted]	1	1 cars x (111 km return from [redacted] x $0.79/km Petrol)	$87.69	1 person x ($205 per person x 1 nights)	$205.00	1 person x ($55 x 1 days)	$55.00	Not applicable	$0.00	Not applicable	$0.00		
						1 cars x (20 km to/from accommodation and venue x $0.79/km Petrol) x 1 days	$15.80										
				Witness - [redacted]	1	(Car pooling with above)	$0.00	1 person x ($205 per person x 1 nights)	$205.00	1 person x ($55 x 1 days)	$55.00	Not applicable	$0.00	Not applicable	$0.00		
				Claimant Group/Support Persons	4	1 cars x (111 km return from [redacted] x $0.79/km Petrol)	$87.69	4 people x ($205 per person x 1 nights)	$820.00	4 person x ($55 x 1 days)	$220.00	Not applicable	$0.00	Not applicable	$0.00		
						1 cars x (20 km to/from accommodation and venue x $0.79/km Petrol) x 1 days	$15.80										
5	Wai 2005	Denise Egen, on behalf of herself, her whānau and members of Te Mahurehure	Tamaki Legal	Total Attending	2	Total Travel	$189.60	Total Accommodation	$0.00	Total Food	$330.00	Total Other Preparation	$0.00	Total Other Attendence	$0.00	$519.60	
				Named Claimant - [redacted]	1	1 car x (80 kmreturn from [redacted] x $0.79/km Petrol) x 3 days	$189.60	Not applicable	$0.00	1 person x ($55 x 3 days)	$165.00	Not applicable	$0.00	Not applicable	$0.00		
				Claimant Group/Support Persons	1	(Carpooling withabove)	$0.00	Not applicable	$0.00	1 person x ($55 x 3 days)	$165.00	Not applicable	$0.00	Not applicable	$0.00		
6	Wai 2063	Jasmine Cotter-Williams on behalf of herself and her whānau as members of Ngāti Taimanawaiti	Tamaki Legal	Total Attending	4	Total Travel	$320.30	Total Accommodation	$2,665.00	Total Food	$2,000.00	Total Other Preparation	$0.00	Total Other Attendence	$0.00	$4,985.30	
				Named claimant - [redacted]	1	1 car x (330 km return from [redacted] x $0.79/km Petrol)	$260.70	1 person x ($205 per person x 2 nights)	$410.00	1 person x ($55 x 3 days)	$165.00	Not applicable	$0.00	Not applicable	$0.00		
						2 x ($2.40 toll fee + $3.70 service/transaction fee)	$12.20	1 people x ($205 per person x 2 extra nights)**	$410.00	1 person x ($55 x 2 extra days) - travel day	$110.00						
						1 cars x (20 km to/from accommodation and venue x $0.79/km Petrol) x 3 days	$47.40										
				Claimant Group/Support Persons	3	(Carpooling withabove)	$0.00	3 people x ($205 per person x 2 nights)	$1,230.00	3 people x ($55 x 3 days)	$495.00	Not applicable	$0.00	Not applicable	$0.00		
								3 people x ($205 per person x 2 extra nights)**	$615.00	3 people x ($55 x 2 extra days) - travel day	$1,230.00						
7	Wai 2206	Charlene Walker-Grace, on behalf of Te Hokingamai e te iwi o Ngāti Whātua, Ngāpuhi nui tonu	Tamaki Legal	Total Attending	3	Total Travel	$192.76	Total Accommodation	$1,845.00	Total Food	$660.00	Total Other Preparation	$0.00	Total Other Attendence	$0.00	$2,697.76	
				Named claimant - [redacted]	1	1 car x (184 km return from [redacted] x $0.79/km Petrol)	$145.36	1 person x ($205 per person x 2 nights)	$410.00	1 person x ($55 x 3 days)	$165.00	Not applicable	$0.00	Not applicable	$0.00		
						1 cars x (20 km to/from accommodation and venue x $0.79/km Petrol) x 3 days	$47.40	1 person x ($205 per person x 1 extra night)*	$205.00	1 person x ($55 x 1 extra day) - travel day	$55.00						
				Claimant Group/Support Persons	2	(Carpooling withabove)		2 people x ($205 per person x 2 nights)	$820.00	2 people x ($55 x 3 days)	$330.00	Not applicable	$0.00	Not applicable	$0.00		
								2 people x ($205 per person x 1 extra night)*	$410.00	2 people x ($55 x 1 extra day) - travel day	$110.00						
8	Wai 2377 Wai 2382 Wai 2818	Bryce Peda Smith, Steven Mark Renata and Russell Owen-Smith on behalf of Ngāti Pakahi (Wai 2377) Violet Walker, on behalf of Ngati Uru and Te Tahawai (Wai 2382) Violet Walker, on behalf of Violet Walker and her whānau as a member of Ngāti Porou, Ngāti Rangi, Ngāti Kahu and Ngāpuhi (Wai 2818)	Tamaki Legal	Total Attending	4	Total Travel	$1,066.49	Total Accommodation	$2,050.00	Total Food	$770.00	Total Other Preparation	$0.00	Total Other Attendence	$0.00	$3,886.49	
				Named Claimant - [redacted]	1	1 car x (80 km return from [redacted] x $0.79/km Petrol) x 3 days	$189.60	1 person x ($205 per person x 2 nights)	$410.00	1 person x ($55 x 3 days)	$165.00	Not applicable	$0.00	Not applicable	$0.00		
						1 cars x (20 km to/from accommodation and venue x $0.79/km Petrol) x 3 days	$47.40										
				Witnesses - [redacted]	2	1 car x (197 km return from [redacted] x $0.79/km Petrol)	$155.63	2 people x ($205 per person x 2 nights)	$820.00	2 people x ($55 x 3 days)	$330.00	Not applicable	$0.00	Not applicable	$0.00		
						(Carpooling for travel to/from accommodation and venue)	$0.00										
				Support Person - [redacted]	1	Return flight - [redacted] (2/2/21 to 6/2/21)	$568.00	1 person x ($205 per person x 2 nights)	$410.00	1 person x ($55 x 3 days)	$165.00	Not applicable	$0.00	Not applicable	$0.00		
						1 cars x (134 km to and from airport x 0.79/km Petrol)	$105.86	1 person x ($205 per person x 2 extra nights)**	$410.00	1 person x ($55 x 2 extra days) - travel days	$110.00						
						(Carpooling for travel to/from accommodation and venue)											
9	Wai 2838	Michael Williams, on behalf of the wahine of Ngaitūpango	Tamaki Legal	Total Attending	3	Total Travel	$237.00	Total Accommodation	$0.00	Total Food	$495.00	Total Other Preparation	$0.00	Total Other Attendence	$0.00	$732.00	
				Witness - [redacted]	1	1 car x (100km return from [redacted] x $0.79/km Petrol) x 3 days	$237.00	Not applicable	$0.00	1 person x ($55 x 3 days)	$165.00	Not applicable	$0.00	Not applicable	$0.00		
				Claimant Group/Support Persons	2	(Carpooling withabove)	$0.00	Not applicable	$0.00	2 people x ($55 x 3 days)	$330.00	Not applicable	$0.00	Not applicable	$0.00		
10	Wai 1488	Kathryn Nicol and Sonia Matheson on behalf of themselves, the late Kathleen Ngahuia Mardon, and the late Emma Gibbs-Smith, and their whānau	Tamaki Legal	Total Attending	3	Total Travel	$1,201.50	Total Accommodation	$1,640.00	Total Food	$715.00	Total Other Preparation	$0.00	Total Other Attendence	$0.00	$3,556.50	[redacted] may car pool from [redacted] onwards, with [redacted] returning to [redacted] on [redacted] own afterwards. We will confirm these arrangements closer.
				Claimant - [redacted]	1	1 car x (550 km return from [redacted] x $0.79/km Petrol)	$434.50	1 person x ($205 per person x 2 nights)	$410.00	1 person x ($55 x 3 days)	$165.00	Not applicable	$0.00	Not applicable	$0.00		
						2 x ($2.40 toll fee + $3.70 service/transaction fee)	$12.20	1 person x ($205 per person x 2 extra nights)**	$410.00	1 person x ($55 x 2 extra days) - travel days	$110.00						
						1 cars x (20 km to/from accommodation and venue x $0.79/km Petrol) x 3 days	$47.40										

				Witnesses - [redacted]	1	1 car x (730 km return from [redacted] x $0.79/km Petrol) 2 x ($2.40 toll fee + $3.70 service/transaction fee) (Carpooling for travel to/from accommodation and venue)	$576.70 $12.20 $0.00	1 person x ($205 per person x 2 nights) 1 person x ($205 per person x 2 extra nights)**	$410.00 $410.00	1 person x ($55 x 3 days) 1 person x ($55 x 2 extra days) - travel days	$165.00 $110.00	Not applicable	$0.00	Not applicable	$0.00		
				Claimant Group/Support Persons	1	1 car x (50 km return from [redacted] x $0.79/km Petrol) x 3 days	$118.50	Not applicable	$0.00	1 person x ($55 x 3 days)	$165.00	Not applicable	$0.00	Not applicable	$0.00		
11	[redacted]	[redacted]	[redacted]	**Total Attending**	**8**	**Total Travel**	**$988.20**	**Total Accommodation**	**$3,056.00**	**Total Food**	**$2,200.00**	**Total Other Preparation**	**$0.00**	**Total Other Attendence**	**$0.00**	**$6,244.20**	
				Witnesse [redacted] named claimant); [redacted]	3	1 car x (550 km return from [redacted] x $0.79/km Petrol) 2 x ($2.40 toll fee + $3.70 service/transaction fee) 1 cars x (20 km to/from accommodation and venue x $0.79/km Petrol) x 3 days	$434.50 $12.20 $47.40	3 people x ($95.50 per person x 2 nights) 3 people x ($95.50 per person x 2 extra nights)**	$573.00 $573.00	3 people x ($55 x 3 days) 3 people x ($55 x 2 extra days) - travel days	$495.00 $330.00	Not applicable	$0.00	Not applicable	$0.00		
				Named Claimant - [redacted]	1	(Carpooling with above)		1 person x ($95.50 per person x 2 nights) 1 person x ($95.50 per person x 2 extra nights)**	$191.00 $191.00	1 person x ($55 x 3 days) 1 person x ($55 x 2 extra days) - travel days	$165.00 $110.00	Not applicable	$0.00	Not applicable	$0.00		
				Claimant Group/Support Persons	4	1 car x (550 km return from [redacted] x $0.79/km Petrol) 2 x ($2.40 toll fee + $3.70 service/transaction fee) 1 cars x (20 km to/from accommodation and venue x $0.79/km Petrol) x 3 days	$434.50 $12.20 $47.40	4 people x ($95.50 per person x 2 nights) 4 people x ($95.50 per person x 2 extra nights)**	$764.00 $764.00	4 people x ($55 x 3 days) 4 people x ($55 x 2 extra days) - travel days	$660.00 $440.00	Not applicable	$0.00	Not applicable	$0.00		
12	[redacted]	[redacted]	[redacted]	**Total Attending**	**5**	**Total Travel**	**$882.78**	**Total Accommodation**	**$820.00**	**Total Food**	**$935.00**	**Total Other Preparation**	**$0.00**	**Total Other Attendence**	**$0.00**	**$2,637.78**	
				Witness - [redacted] (named claimant)	1	1 cars x (802 km return from [redacted] x $0.79/km Petrol) 2 x ($2.40 toll fee + $3.70 service/transaction fee) 1 cars x (20 km to/from accommodation and venue x $0.79/km Petrol) x 3 days	$633.58 $12.20 $47.40	1 person x ($205 per person x 2 nights) 1 person x ($205 per person x 2 extra nights)**	$410.00 $410.00	1 person x ($55 x 3 days) 1 person x ($55 x 2 extra days) - travel days	$165.00 $110.00	Not applicable	$0.00	Not applicable	$0.00		
				Claimant Group/Support Persons	4	1 car x (80km return from [redacted] x $0.79/km Petrol) x 3 days	$189.60	Not applicable	$0.00	4 people x ($55 x 3 days)	$660.00	Not applicable	$0.00	Not applicable	$0.00		
13	[redacted]	[redacted]	[redacted]	**Total Attending**	**2**	**Total Travel**	**$237.00**	**Total Accommodation**	**$0.00**	**Total Food**	**$0.00**	**Total Other Preparation**	**$600.00**	**Total Other Attendence**	**$0.00**	**$837.00**	
				Witnesses [redacted] (named claimant), [redacted] (named claimant)	2	1 car x (80 km return from [redacted] x $0.79/km Petrol) x 3 days 1 car x (20 km to/from accommodation and venue x $0.79/km Petrol) x 3 days	$189.60 $47.40	Not applicable	$0.00	Not applicable	$0.00	3 x hui ($200 per hui)	$600.00	Not applicable	$0.00		
				Claimant Group/Support Persons	0	Not applicable	$0.00	Not applicable	$0.00	Not applicable	$0.00	Not applicable	$0.00	Not applicable	$0.00		
14	[redacted]	[redacted]	[redacted]	**Total Attending**	**2**	**Total Travel**	**$1,686.00**	**Total Accommodation**	**$1,230.00**	**Total Food**	**$220.00**	**Total Other Preparation**	**$600.00**	**Total Other Attendence**	**$0.00**	**$3,736.00**	
				Named claimant - [redacted]	1	2 train tickets x $19 per ticket (between [redacted] and [redacted] 2 Taxi rides x $40.00 per ride from [redacted] to Airport 1 Flight ticket x $580 return per person from [redacted] to [redacted] 1 Shuttle Ride x $25 per person (from [redacted] to [redacted] 2 Taxi rides x $40 per ride (to/from accommodation and Turner Centre) x 3 days	$38.00 $80.00 $580.00 $25.00 $240.00	1 person x ($205 per person x 2 nights) 1 person x ($205 per person x 1 extra nights)*	$410.00 $205.00	1 person x ($55 x 3 days) 1 person x ($55 x 1 extra day) - travel days	$165.00 $55.00	3 x hui ($200 per hui)	$600.00	Not applicable	$0.00		
				Claimant Group/Support Persons	1	2 train tickets x $19 per ticket (between [redacted] and [redacted] 2 Taxi rides s x $40.00 per ride from [redacted] to Airport 1 Flight ticket x $580 return per person from [redacted] to [redacted] 1 Shuttle Ride x $25 per person (from [redacted] to [redacted] 2 Taxi rides x $40 per ride (to/from accommodation and Turner Centre) x 3 days - Can be covered by taxi ride above	$38.00 $80.00 $580.00 $25.00 $0.00	1 person x ($205 per person x 2 nights) 1 person x ($205 per person x 1 extra night)*	$410.00 $205.00	1 person x ($55 x 3 days) 1 person x ($55 x 1 extra day) - travel days	$165.00 $55.00	Not applicable	$0.00	Not applicable	$0.00		
15	[redacted]	[redacted]	[redacted]	**Total Attending**	**2**	**Total Travel**	**$189.60**	**Total Accommodation**	**$0.00**	**Total Food**	**$0.00**	**Total Other Preparation**	**$600.00**	**Total Other Attendence**	**$0.00**	**$789.60**	
				Witnesses - [redacted] (named claimant)	1	1 car x (80 km return from [redacted] x $0.79/km Petrol) * 3 days	$189.60	Not applicable	$0.00	Not applicable	$0.00	3 x hui ($200 per hui)	$600	Not applicable	$0.00		
				Named Claimant - [redacted]	1	(Carpooling with above)	$0.00	Not applicable	$0.00	Not applicable	$0.00	Not applicable	$0.00	Not applicable	$0.00		
				Claimant Group/Support Persons	0	Not applicable	$0.00	Not applicable	$0.00	Not applicable	$0.00	Not applicable	$0.00	Not applicable	$0.00		
16	[redacted]	[redacted]	[redacted]	**Total Attending**	**2**	**Total Travel**	**$189.60**	**Total Accommodation**	**$0.00**	**Total Food**	**$0.00**	**Total Other Preparation**	**$600.00**	**Total Other Attendence**	**$0.00**	**$789.60**	
				Witness - [redacted] (named claimant)	2	1 car x (80 km return from [redacted] x $0.79/km Petrol) x 3 days	$189.60	Not applicable	$0.00	Not applicable	$0.00	3 x hui ($200 per hui)	$600	Not applicable	$0.00		
				Claimant Group/Support Persons	0	Not applicable	$0.00	Not applicable	$0.00	Not applicable	$0.00	Not applicable	$0.00	Not applicable	$0.00		
17	[redacted]	[redacted]	[redacted]	**Total Attending**	**21**	**Total Travel**	**$1,363.10**	**Total Accommodation**	**$11,890.00**	**Total Food**	**$4,895.00**	**Total Other Preparation**	**$0.00**	**Total Other Attendence**	**$0.00**	**$18,148.10**	
				Witness - [redacted] (named claimant)	1	1 car x (170 km return from [redacted] x $0.79/km Petrol) 1 car x (20 km to/from accommodation and venue x $0.79/km Petrol) x 3 days	$134.30 $47.40	1 person x ($205 per person x 2 nights) 1 person x ($205 per person x 1 extra night)*	$410.00 $205.00	1 person x ($55 x 3 days) 1 person x ($55 x 1 extra day) - travel day	$165.00 $55.00	Not applicable	$0.00	Not applicable	$0.00		
				Claimant Group/Support Persons	20	4 cars x (170 km return from [redacted] x $0.79/km Petrol) 1 cars x (500 km return from [redacted] x $0.79/km Petrol) 2 x ($2.40 toll fee + $3.70 service/transaction fee)	$537.20 $395.00 $12.20	20 people x ($205 per person x 2 nights) 15 people x ($205 per person x 1 extra night)* - for [redacted] travellers 5 people x ($205 per person x 2 extra nights)** - for [redacted] travellers	$8,200.00 $1,025.00 $2,050.00	20 people x ($55 x 3 days) 15 people x ($55 x 1 extra day) - travel day for [redacted] travellers 5 people x ($55 x 2 extra days) - travel day for [redacted] travellers	$3,300.00 $825.00 $550.00	Not applicable	$0.00	Not applicable	$0.00		

						5 cars x (20 km to/from accommodation and venue x $0.79/km Petrol) x 3 days	$237.00										
18	[redacted]	[redacted]	[redacted]	Total Attending	6	Total Travel	$308.10	Total Accommodation	$3,690.00	Total Food	$1,320.00	Total Other Preparation	$200.00	Total Other Attendence	$0.00	$5,518.10	Hui cost is a provisional figure and may be subject to change.
				Named Claimant - [redacted]	1	1 car x (170 km return from [redacted] x $0.79/km Petrol)	$134.30	1 person x ($205 per person x 2 nights)	$410.00	1 person x ($55 x 3 days)	$165.00	1 x hui ($200 per hui)	$200.00	Not applicable	$0.00		
						1 car x (20 km to/from accommodation and venue x $0.79/km Petrol) x 3 days	$47.40	1 person x ($205 per person x 1 extra night)*	$205.00	1 person x ($55 x 1 extra day) - travel day	$55.00						
				Witnesses [redacted]	3	1 car x (100 km return from [redacted] x $0.79/km Petrol)	$79.00	3 people x ($205 per person x 2 nights)	$1,230.00	3 people x ($55 x 3 days)	$495.00	Not applicable	$0.00	Not applicable	$0.00		
						1 car x (20 km to/from accommodation and venue x $0.79/km Petrol) x 3 days	$47.40	3 people x ($205 per person x 1 extra night)*	$615.00	3 people x ($55 x 1 extra day) - travel day	$165.00						
				Claimant Group/Support Persons	2	Carpooling with named claimant from [redacted]	$0.00	2 people x ($205 per person x 2 nights)	$820.00	2 people x ($55 x 3 days)	$330.00	Not applicable	$0.00	Not applicable	$0.00		
								2 people x ($205 per person x 1 extra night)*	$410.00	2 people x ($55 x 1 extra day) - travel day	$110.00						
19	[redacted]	[redacted]	[redacted]	Total Attending	5	Total Travel	$1,134.00	Total Accommodation	$2,460.00	Total Food	$935.00	Total Other Preparation	$0.00	Total Other Attendence	$0.00	$4,529.00	Witnesses are travelling various [redacted] locations which are still to be confirmed - 200km return is provided as an average travel distance from [redacted] ocations
				Witness - [redacted] (named claimant)	1	1 cars x (500km return from [redacted] x $0.79/km Petrol)	$395.00	1 person x ($205 per person x 2 nights)	$410.00	1 person x ($55 x 3 days)	$165.00	Not applicable	$0.00	Not applicable	$0.00		
						2 x ($2.40 toll fee + $3.70 service/transaction fee)	$12.20	1 person x ($205 per person x 2 extra nights)**	$410.00	1 person x ($55 x 2 extra days) - travel day	$110.00						
						1 car x (20 km to/from accommodation and venue x $0.79/km Petrol) x 3 days	$47.40										
				Witnesses [redacted]	4	4 cars x (±200 km return from [redacted] location] x $0.79/km Petrol)	$632.00	4 people x ($205 per person x 2 nights)	$1,640.00	4 people x ($55 x 3 days)	$660.00	Not applicable	$0.00	Not applicable	$0.00		
						1 car x (20 km to/from accommodation and venue x $0.79/km Petrol) x 3 days	$47.40										
				Claimant Group/Support Persons	0	Not applicable	$0.00	Not applicable	$0.00	Not applicable	$0.00	Not applicable	$0.00	Not applicable	$0.00		
20	[redacted]	[redacted]	[redacted]	Total Attending	1	Total Travel	$237.00	Total Accommodation	$0.00	Total Food	$165.00	Total Other Preparation	$0.00	Total Other Attendence	$0.00	$402.00	
				Witnesses - [redacted]	1	1 car x (100 km return from [redacted] [redacted] x $0.79/km Petrol) * 3 days	$237.00	Not applicable	$0.00	1 person x ($55 x 3 days)	$165.00	Not applicable	$0.00	Not applicable	$0.00		
				Claimant Group/Support Persons	0	Not applicable	$0.00	Not applicable	$0.00	Not applicable	$0.00	Not applicable	$0.00	Not applicable	$0.00		
21	[redacted]	[redacted]	[redacted]	Total Attending	1	Total Travel	$142.20	Total Accommodation	$0.00	Total Food	$165.00	Total Other Preparation	$0.00	Total Other Attendence	$0.00	$307.20	
				Witnesses - [redacted] (named claimant)	1	1 car x (20 km return from [redacted] x $0.79/km Petrol) x 3 days	$142.20	Not applicable	$0.00	1 person x ($55 x 3 days)	$165.00	Not applicable	$0.00	Not applicable	$0.00		
				Claimant Group/Support Persons	0	Not applicable	$0.00	Not applicable	$0.00	Not applicable	$0.00	Not applicable	$0.00	Not applicable	$0.00		
22	[redacted]	[redacted]	[redacted]	Total Attending	4	Total Travel	$316.00	Total Accommodation	$2,460.00	Total Food	$0.00	Total Other Preparation	$0.00	Total Other Attendence	$0.00	$2,776.00	It is possible this claim group will no longer be attending the hearing.
				Named Claimant - [redacted]	0	TBC		TBC		TBC		TBC		TBC			
				Support People	4	2 cars x (200km return from [redacted] x $0.79/km Petrol)	$316.00	4 people x ($205 per person x 2 nights)	$1,640.00	4 people x ($55 x 3 days)	$660.00	Not applicable	$0.00	Not applicable	$0.00		
								4 people x ($205 per person x 1 extra night)*	$820.00	4 people x ($55 x 1 extra day) - travel day	$220.00						
23	[redacted]	[redacted]	[redacted]	Total Attending	4	Total Travel	$189.60	Total Accommodation	$972.00	Total Food	$800.00	Total Other Preparation	$120.00	Total Other Attendence	$0.00	$2,081.60	
				Witness - [redacted] (named claimant) [redacted]	2	1 car x (180 km return from [redacted] x $0.79/km Petrol)	$142.20	2 people x ($81 per person x 2 nights)	$324.00	2 people x ($50 x 3 days)	$300.00	1 x hui ($120 per hui) – room hire food	$120.00	Not applicable	$0.00		
						1 car x (20 km to/from accommodation and venue x $0.79/km Petrol) x 3 days	$47.40	2 people x ($81 per person x 1 extra night)*	$162.00	2 people x ($50 x 1 extra day) - travel day	$100.00						
				Claimant Group/Support Persons	2	(Carpooling with above)	$0.00	2 people x ($81 per person x 2 nights)	$324.00	2 people x ($50 x 3 days)	$300.00	Not applicable	$0.00	Not applicable	$0.00		
								2 people x ($81 per person x 1 extra night)*	$162.00	2 people x ($50 x 1 extra day) - travel day	$100.00						
24	[redacted]	[redacted]	[redacted]	Total Attending	3	Total Travel	$189.60	Total Accommodation	$729.00	Total Food	$600.00	Total Other Preparation	$120.00	Total Other Attendence	$0.00	$1,638.60	
				Named claimant - [redacted]	1	1 car x (180 km return from [redacted] x $0.79/km Petrol)	$142.20	1 person x ($81 per person x 2 nights)	$162.00	1 person x ($50 x 3 days)	$150.00	1 x hui ($120 per hui) – room hire food	$120.00	Not applicable	$0.00		
						1 car x (20 km to/from accommodation and venue x $0.79/km Petrol) x 3 days	$47.40	1 person x ($81 per person x 1 extra night)*	$81.00	1 person x ($50 x 1 extra day) - travel day	$50.00						
				Support People	2	(Carpooling with above)	$0.00	2 people x ($81 per person x 2 nights)	$324.00	2 people x ($50 x 3 days)	$300.00	Not applicable	$0.00	Not applicable	$0.00		
								2 people x ($81 per person x 1 extra night)*	$162.00	2 people x ($50 x 1 extra day) - travel day	$100.00						
25	[redacted]	[redacted]	[redacted]	Total Attending	3	Total Travel	$189.60	Total Accommodation	$729.00	Total Food	$600.00	Total Other Preparation	$120.00	Total Other Attendence	$0.00	$1,638.60	
				Named claimant - [redacted]	1	1 car x (180 km return from [redacted] x $0.79/km Petrol)	$142.20	1 person x ($81 per person x 2 nights)	$162.00	1 person x ($50 x 3 days)	$150.00	1 x hui ($120 per hui) – room hire, food	$120.00	Not applicable	$0.00		
						1 car x (20 km to/from accommodation and venue x $0.79/km Petrol) x 3 days	$47.40	1 person x ($81 per person x 1 extra night)*	$81.00	1 person x ($50 x 1 extra day) - travel day	$50.00						
				Claimant Group/Support Persons	2	(Carpooling with above)	$0.00	2 people x ($81 per person x 2 nights)	$324.00	2 people x ($50 x 3 days)	$300.00	Not applicable	$0.00	Not applicable	$0.00		
								2 people x ($81 per person x 1 extra night)*	$162.00	2 people x ($50 x 1 extra day) - travel day	$100.00						
26	[redacted]	[redacted]	[redacted]	Total Attending	4	Total Travel	$189.60	Total Accommodation	$972.00	Total Food	$800.00	Total Other Preparation	$120.00	Total Other Attendence	$0.00	$2,081.60	
				Witnesses: [redacted] (named claimant); [redacted] (named Claimant)	2	1 car x (180 km return from [redacted] x $0.79/km Petrol)	$142.20	2 people x ($81 per person x 2 nights)	$324.00	2 people x ($50 x 3 days)	$300.00	1 x hui ($120 per hui) – room hire, food	$120.00	Not applicable	$0.00		
						1 car x (20 km to/from accommodation and venue x $0.79/km Petrol) x 3 days	$47.40	2 people x ($81 per person x 1 extra night)*	$162.00	2 people x ($50 x 1 extra day) - travel day	$100.00						
				Claimant Group/Support Persons	2	(Covered by above travel arrangements)	$0.00	2 people x ($81 per person x 2 nights)	$324.00	2 people x ($50 x 3 days)	$300.00	Not applicable	$0.00	Not applicable	$0.00		
								2 people x ($81 per person x 1 extra night)*	$162.00	2 people x ($50 x 1 extra day) - travel day	$100.00						
27	[redacted]	[redacted]	[redacted]	Total Attending	8	Total Travel	$521.40	Total Accommodation	$1,300.00	Total Food	$600.00	Total Other Preparation	$200.00	Total Other Attendence	$150.00	$2,771.40	
				Named Claimant/Witnesses - [redacted]	4	1 car x (180 km return from [redacted] x $0.79/km Petrol)	$142.20	4 people x ($65 per person x 2 nights)	$520.00	4 people x ($30 x 2 days)	$240.00	Hearing prep	$200.00	Printing	$150		
						1 car/van (50km to/from accommodation and venue x $0.79/km Petrol) x 3 days	$118.50	4 people x ($65 per person x 1 extra night)*	$260.00	4 people x ($15 x 1 days)	$60.00						
				Claimant Group/Support Persons	4	1 car x (180 km return from [redacted] x $0.79/km Petrol)	$142.20	4 people x ($65 per person x 2 nights)	$520.00	4 people x ($30 x 2 days)	$240.00	Not applicable	$0.00	Not applicable	$0.00		
						1 car/van (50km to/from accommodation and venue x $0.79/km Petrol) x 3 days	$118.50			4 people x ($15 x 1 days)	$60.00						
28	[redacted]	[redacted]	[redacted]	Total Attending	3	Total Travel	$454.60	Total Accommodation	$2,050.00	Total Food	$825.00	Total Other Preparation	$0.00	Total Other Attendence	$0.00	$3,329.60	
				Witnesses - [redacted] (named claimant)	1	1 car x (500 km return from [redacted] x $0.79/km Petrol)	$395.00	1 person x ($205 per person x 2 nights)	$410.00	1 person x ($55 x 3 days)	$165.00	Not applicable	$0.00	Not applicable	$0.00		

					2 x ($2.40 toll fee + $3.70 service/transaction fee)	$12.20	1 person x ($205 per person x 2 extra nights)**	$410.00	1 person x ($55 x 2 extra days) - travel day	$110.00						
					1 car x (20km to/from accommodation and venue x $0.79/km Petrol) x 3 days	$47.40										
				Claimant Group/Support Persons 2	(Carpooling with above)	$0.00	2 people x ($205 per person x 2 nights)	$820.00	2 people x ($55 x 3 days)	$330.00	Not applicable	$0.00	Not applicable	$0.00		
							2 people x ($205 per person x 1 extra night)*	$410.00	2 people x ($55 x 1 extra days) - travel day	$220.00						
30	[redacted]	[redacted]	[redacted]	Total Attending 1	Total Travel	$0.00	Total Accommodation	$0.00	Total Food	$0.00	Total Other Preparation	$0.00	Total Other Attendence	$0.00	$0.00	Counsel intends to provide estimates separately
				Witness - [redacted] (named claimant)) 1	Not applicable - see note		Not applicable - see note		Not applicable - see note		Not applicable - see note		Not applicable - see note			
				Claimant Group/Support Persons TBC												
31	[redacted]	[redacted]	[redacted]	Total Attending 1	Total Travel	$0.00	Total Accommodation	$0.00	Total Food	$0.00	Total Other Preparation	$0.00	Total Other Attendence	$0.00	$0.00	Wai [redacted] have not been able to coordinate cost estimates. However, they note that Wai [redacted] will be attending tūāpapa hearing one and therefore will require funding. Based on the proposed witness table it will be safe to assume at lest four witnesses for Wai [redacted] and probably large supporting numbers considering the connection of the claim to [redacted]
				Witnesses - [redacted] (named claimant), [redacted] 1	TBC		TBC		TBC		TBC		TBC			
				Claimant Group/Support Persons TBC	TBC		TBC		TBC		TBC		TBC			
31	[redacted]	[redacted]	[redacted]	Total Attending 1	Total Travel	$0.00	Total Accommodation	$0.00	Total Food	$0.00	Total Other Preparation	$0.00	Total Other Attendence	$0.00	$0.00	Possibly moving to South Island hearing
				Witnesses - [redacted] (named claimant) 1	TBC		TBC		TBC		TBC		TBC			
				Claimant Group/Support Persons TBC	TBC		TBC		TBC		TBC		TBC			
32	[redacted]	[redacted]	[redacted]	Total Attending 28	Total Travel	$13,148.00	Total Accommodation	$22,960.00	Total Food	$2,200.00	Total Other Preparation	$5,000.00	Total Other Attendence	$0.00	$43,308.00	Witnesses are travelling [redacted] locations which are still to be confirmed - 200km return is provided as an average travel distance from [redacted] locations
				Witnesses - [redacted] 8	1 Flight tickets x $700 return per person from [redacted]	$700.00	8 people x ($205 per person x 2 nights)	$3,280.00	8 people x ($55 x 3 days)	$1,320.00	2 Hui x ($1000 per day x 1 day) - [redacted]	$2,000.00	Not applicable	$0.00		[redacted] Hui will be a 2 day Hui with large numbers
					5 Flight tickets x $300 return per person from [redacted]	$1,500.00	8 people x ($205 per person x 2 extra nights)**	$3,280.00	8 people x ($55 x 2 extra days) - travel day	$880.00	1 Hui x ($1000 per day x 1 day) - [redacted]	$1,000.00				
					2 cars x (200 km return from [redacted] x $0.79/km Petrol) x 3 days	$948.00					1 Hui x ($1000 per day x 2 days) - [redacted]	$2,000.00				
				Support People 20	TBC travel from [redacted] - max $10 000	$10,000.00	20 people x ($205 per person x 2 nights)	$8,200.00	8 people x ($55 x 3 days)	$1,320.00	Not applicable	$0.00	Not applicable	$0.00		
							20 people x ($205 per person x 2 extra nights)**	$8,200.00	8 people x ($55 x 2 extra days) - travel day	$880.00						
33	[redacted]	[redacted]	[redacted]	Total Attending 1	Total Travel	$0.00	Total Accommodation	$0.00	Total Food	$0.00	Total Other Preparation	$0.00	Total Other Attendence	$0.00	$0.00	
				Witness - [redacted] 1	TBC		TBC		TBC		TBC		TBC			
				Claimant Group/Support Persons TBC	TBC		TBC		TBC		TBC		TBC			
34	[redacted]	[redacted]	[redacted]	Total Attending 1	Total Travel	$0.00	Total Accommodation	$0.00	Total Food	$0.00	Total Other Preparation	$0.00	Total Other Attendence	$0.00	$0.00	
				Witness - [redacted] 1	TBC		TBC		TBC		TBC		TBC			
				Claimant Group/Support Persons TBC	TBC		TBC		TBC		TBC		TBC			
35	[redacted]	[redacted]	[redacted]	Total Attending 1	Total Travel	$0.00	Total Accommodation	$0.00	Total Food	$0.00	Total Other Preparation	$0.00	Total Other Attendence	$0.00	$0.00	
				Witness - [redacted] 1	TBC		TBC		TBC				TBC			
				Claimant Group/Support Persons TBC	TBC		TBC		TBC				TBC			
36	[redacted]	[redacted]	[redacted]	Total Attending 1	Total Travel	$0.00	Total Accommodation	$0.00	Total Food	$0.00	Total Other Preparation	$0.00	Total Other Attendence	$0.00	$0.00	
				Witness - TBC 1	TBC		TBC		TBC				TBC			
				Claimant Group/Support Persons TBC	TBC		TBC		TBC				TBC			
37	[redacted]	[redacted]	[redacted]	Total Attending 1	Total Travel	$0.00	Total Accommodation	$0.00	Total Food	$0.00	Total Other Preparation	$0.00	Total Other Attendence	$0.00	$0.00	
				Named claimant -	TBC		TBC		TBC		TBC		TBC			
				Witness - [redacted] 1	TBC		TBC		TBC		TBC		TBC			
				Claimant Group/Support Persons TBC	TBC		TBC		TBC		TBC		TBC			
37	[redacted]		[redacted]	Total Attending 0	Total Travel	$0.00	Total Accommodation	$0.00	Total Food	$0.00	Total Other Preparation	$0.00	Total Other Attendence	$0.00	$0.00	
				Named claimant TBC	TBC		TBC		TBC		TBC		TBC			
				Witness TBC	TBC		TBC		TBC		TBC		TBC			
				Claimant Group/Support Persons TBC	TBC		TBC		TBC		TBC		TBC			
Total															$134,895.41	

General notes
- Estimates include GST
- Travel estimates are caluclated based on an indication that there is free parking at the Turner Centre in Kerikeri
- Many of the accommodation estimates are based on Motel pricing per person. This roughly correlates to the OT amounts, however we have split the food and accommodation cost and allocated $205 to accommodation, and $55 - so this is just slightly above the OT costing. Although its split, we think a $260 per day accommodation and food budget would work - allowing claimants/witnesses to increase available funds for accommodation and reduce food costs if necessary. Actual costs may be reduced if we can arrange marae accommodation, however, there are contraints on available accommodation given the hearing dates are so close Waitangi day.

+one extra night of accommodation where there are significant travel distances (over 1 hour travel or a flight) to enable attendee to travel up night before hearing commences
**two extra nights of accommodation where there are significant travel distances (over 3 hours travel) to enable attendee to travel up night before hearing commences and return the following day (over 3 hours travel)

WAITANGI TRIBUNAL

Wai 2660

CONCERNING	the Treaty of Waitangi Act 1975
AND	the Marine and Coastal Area (Takutai Moana) Act Inquiry

MEMORANDUM-DIRECTIONS OF JUDGE M P ARMSTRONG

24 August 2020

Research proposals for stage two

1. On 6 July 2020, Darrell Naden filed a memorandum (Wai 2660, #3.2.201) regarding three proposals for research projects for stage two of this inquiry on behalf of the following claims:

    a) The Marine and Coastal Area (Takutai Moana) Act (Te Ao) claim (Wai 2604)

    b) The Marine and Coastal Area (Takutai Moana) Act (Ngāti Tūpango) claim (Wai 2776)

    c) The Marine and Coastal Area (Takutai Moana) Act (Ngāti Taimanawaiti) claim (Wai 2777)

    d) The Marine and Coastal Area (Takutai Moana) Act (Watene) claim (Wai 2778)

    e) The Marine and Coastal Area (Takutai Moana) Act (Pikari) claim (Wai 2779)

    f) The Marine and Coastal Area (Takutai Moana) Act (Te Tuhi) claim (Wai 2780)

    g) The Marine and Coastal Area (Takutai Moana) Act (Harper) claim (Wai 2786)

    h) The Marine and Coastal Area (Takutai Moana) Act (Gabel) claim (Wai 2787)

    i) The Marine and Coastal Area (Takutai Moana) Act (Walker) claim (Wai 2788)

    j) The Marine and Coastal Area (Takutai Moana) Act (Te Rarawa ki Ahipara) claim (Wai 2789)

    k) The Marine and Coastal Area (Takutai Moana) Act (Taueki) claim (Wai 2790)

    l) The Marine and Coastal Area (Takutai Moana) Act (Kingi) claim (Wai 2791)

    m) The Marine and Coastal Area (Takutai Moana) Act (Toki) claim (Wai 2804)

    n) The Marine and Coastal Area (Takutai Moana) Act (Te Whānau a Kai) claim (Wai 2861)

2. Mr Naden refers to my decision of 17 October 2019 where I declined to commission certain research sought by claimant counsel as the proposals required further refinement and were not sufficiently compelling (Wai 2660, #2.6.25). Mr Naden advises that, following this decision, an application was made to Legal Aid Services to fund the research on behalf of his clients, but this was declined on the basis that I did not commission the research. Mr Naden now submits three research proposals which have been further developed.

3. It is not clear to me exactly what Mr Naden is seeking. At paragraph 2 of his memorandum Mr Naden seeks leave to make submissions regarding the commissioning of research by the Tribunal. At paragraph 6 of his memorandum Mr Naden seeks leave to file project briefs for the three proposed projects so that the Tribunal may consider them and, if appropriate, indicate support for the research which would then allow counsel to seek funding from Legal Aid Services.

4. I address the two issues separately, firstly, should the Tribunal commission the research proposals, and secondly, should I indicate support to assist with legal aid funding.

Should the Tribunal commission the research proposals?

5. In memorandum-directions dated 30 August 2019, I directed claimants and interested parties to file research proposals by Friday 6 September 2019 (Wai 2660, #2.6.20). Mr Naden's recent proposal is well out of time. Hearing week one of stage two of the inquiry is currently due to be held from 28 September to 2 October 2020. Even if I was inclined to commission the research, it could not be completed and circulated to the parties within such a short timeframe.

6. When the Tribunal is considering whether to commission research, we also take into account other existing research which may be available for use in the inquiry. An annotated bibliography was completed by Tribunal research services staff member, Dr Timothy Gassin identifying existing research and reports relevant to the inquiry (Wai 2660, #6.2.1). This is relevant in relation to the specific projects identified by Mr Naden.

Expert evidence in relation to tikanga Māori/customary law and the nature and extent of customary rights or interests in the Takutai moana

7. Mr Naden's first proposed project seeks to compare rights held in accordance with tikanga with the rights available to Māori under the Marine and Coastal Area (Takutai Moana) Act ('the MACA Act'). This is intended to provide additional evidence to assist the Tribunal with stage two, question one of the Tribunal Statement of Issues (TSOI) (Wai 2660, #1.4.1) and related sub-questions.

8. The topic of customary rights or interests and tikanga is referred to by Dr Gassin on page three of his annotated bibliography. Dr Gassin states that the existence of rights or interests in the takutai moana in Māori customary law is widely recognised and the discussion of these rights and interests can be found across a range of scholarly literature. These matters have also been considered in a number of Waitangi Tribunal reports and research reports for Tribunal inquiries, from both a national perspective and in relation to particular districts. Dr Gassin does not address the link with the MACA Act, however it is likely that additional evidence on that link could be provided by way of tangata whenua briefs of evidence and/or legal submissions.

Expert evidence in relation to the nature and extent of recognition by the common law of customary rights or interests in the takutai moana

9. The second proposed project seeks to provide an understanding of how customary rights are recognised in common law and how those same customary rights are (or are not) provided for under the MACA Act. This is intended to assist with answering question one, sub-question six of the TSOI.

10. This topic is referred to on pages three and four of the annotated bibliography. Dr Gassin states that there is extensive literature on common law aboriginal title, with some of the literature addressing common law recognition of aboriginal title to the foreshore, seabed, and the sea and sea-based resources more generally.

Expert evidence in relation to qualitative and quantitative evidence on marine resources located on and within New Zealand's surrounding seabed.

11. The third proposed project concerns the provision of qualitative and quantitative evidence on types and amounts of marine resources located within New Zealand's surrounding seabed, and the value of those marine resources. This is intended to assist with a more accurate picture of the losses claimants allege they are facing under the MACA Act regime.

12. Dr Gassin notes on page four of the annotated bibliography that no sources were found that provided an analysis of the value of resources under the MACA Act. However, he further noted several reasons as to why it would be difficult to produce such information, or accurately estimate the value of the minerals and the relative values of those held by the Crown within the customary marine title areas. Specifically, Dr Gassin notes:

    a) uncertainty about the proportion of the marine and coastal area in which customary marine title will be found to exist;

    b) uncertainty about the locations in which customary marine title will be found to exist; and

    c) the inability to assess the value of mineral resources that have not yet been discovered within any customary marine title areas (Wai 2660, #6.2.1, p4).

13. It is possible that some individual incidences of loss could be provided through tangata whenua briefs of evidence.

Other technical evidence filed or intended to be filed

14. I note that other claimant counsel either have already, or are intending to, file expert evidence which appears relevant to customary interest in the foreshore and seabed and includes further discussion of links with the Takutai Moana Act. That includes the following:

    a) On 13 July 2020, Gerald Sharrock filed the expert evidence of Dr Alex Frame (Wai 2660, #B5). This evidence is intended to provide an analysis of the concepts underlying the Crown's evolving view from the common law and the Treaty of Waitangi to the *Ngati Apa* case (2003), the *Foreshore and Seabed Act* (2004) and the current *Marine and Coastal Area (Takutai Moana) Act 2011*; an analysis of the extent to which Māori customary principles form part of the New Zealand common law; and the extent to which these principles might be compatible with establishing 'protected customary rights' (section 51) and 'customary marine title' (section 58) of the MACA Act (Wai 2660, #B5(c)).

    b) Annette Sykes is intending to file expert evidence on behalf of Dr Moana Jackson (Wai 2660, #3.2.172, #3.2.192, #3.2.211). This evidence is intended to address Issues 4 and 5 of the TSOI and provide an expert analysis of the MACA Act and the extent to which the Crown considered the findings and recommendations of the Wai 1071 Foreshore and Seabed and Ministerial Review Panel.

Decision

15. I decline to commission the research sought by Mr Naden. The request has been filed well out of time, and the proposed research could not be commissioned at this late stage. In relation to the specific projects:

    a) Concerning the proposed project for expert evidence in relation to Tikanga Māori/customary law and the nature and extent of customary rights or interests in the Takutai Moana, I consider there is already sufficient material available across a range of scholarly literature and Tribunal reports and research reports. I note that further relevant material is being submitted and I expect that further additional material or information, including more specifically about the relationship with the MACA Act, can be provided by way of tangata whenua evidence and legal submissions.

b) Concerning the nature and extent of recognition by the common law of customary rights or interests in the takutai moana, I consider that claimant counsel can make arguments on this issue by way of legal submissions.

c) Concerning the specific marine resources and an assessment of the (estimated) commercial value, this would appear to be useful for stage two of this inquiry, given that it has not been covered in existing research or identified in Dr Gassin's annotated bibliography. But for the reasons set out above, we cannot commission that research for stage two of the inquiry.

Should I indicate support to assist with legal aid funding?

16. I am aware that funding has been a major issue faced by claimants in this inquiry. In particular, the inability to seek assistance from the Crown Forestry Rental Trust has impacted on claimants with both the preparation and presentation of their claims. Despite that, I still harbour concerns whether it is appropriate for me to interfere in any decision made by Legal Aid Services concerning funding decisions in this inquiry. I do make the following observations.

17. In my decision of 17 October 2019, I did not decline to commission the claimant research proposals as the proposed research was not relevant, or would not be helpful, in this inquiry. I indicated that the research "may be useful" but the proposals had not been sufficiently developed to convince me that the projects should be commissioned by the Tribunal.

18. Similarly, while I have declined to commission the more developed research proposal submitted by Mr Naden, this is not because the research is not relevant or would not be useful. The proposed research is clearly relevant to the issues in stage two of the inquiry. While I have identified existing research on two of the three proposals Mr Naden has submitted, as far as I know, Mr Naden was not involved in the preparation of that research or in briefing those witnesses. In leading further evidence, Mr Naden may be seeking to offer an alternative approach, or to incorporate the specific views of his clients.

19. Other than those limited observations, it is not appropriate to comment further on whether Legal Aid Services should fund the research proposals.

The Registrar is to send this direction to all those on the notification list for Wai 2660, the Marine and Coastal Area (Takutai Moana) Act Inquiry.

DATED at Whangārei on this 24th day of August 2020

Judge M P Armstrong
Presiding Officer
WAITANGI TRIBUNAL