Wai 898

**IN THE WAITANGI TRIBUNAL**

**CONCERNING** the Treaty of Waitangi Act 1975

**AND** the Te Rohe Pōtae District Inquiry (Wai 898)

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# MEMORANDUM-DIRECTIONS OF JUDGE D J AMBLER CONCERNING MATTERS ARISING FROM THE SECOND HEARING WEEK

**18 December 2012**

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Tēnā koutou,

## 1. Introduction

1.1. This memorandum-directions addresses matters arising out of the second Te Rohe Pōtae hearing week, held from 10 – 14 December 2012 at Te Tokanganui-a-noho Marae and the Civic Centre in Te Kuiti.

## 2. Documents to be filed from hearing week two

2.1. I set out below the documents that are to be filed with the Tribunal as a result of the second hearing week. Unless otherwise stated, all written questions to witnesses are to be filed by **midday, Tuesday 29 January 2013**, and all evidence is to be filed by **midday, Monday 18 February 2013**.

*Evidence of Mr Nigel Te Hiko (Wai 898, #I12)*

2.2. Professor Temara questioned Mr Nigel Te Hiko about his evidence relating to the 1884 Native Land Court hearing where Rewi Maniapoto was the principal claimant for a Ngāti Raukawa claim to Maungatautari (Wai 898, #I12, para 3.6). Mr Te Hiko is to file Rewi Maniapoto's whakapapa showing his ties to Ngāti Raukawa.

*Evidence of Mr Lyndon Bowring (Wai 898, #I6)*

2.3. Claimant counsel Mr Pou is to submit questions in writing to Mr Lyndon Bowring, who was unable to present his evidence, in regards to his evidence relating to Ngāti Pakau and Ngāti Mahurehure.

2.4. Mr Bowring is also to advise of any evidence identifying specific tupuna of Ngāti Hikairo ki Tongariro signing or being otherwise involved in Te Ōhākī Tapu.

*Evidence of Mr Paul Meredith (Wai 898, #A110, chapter nine)*

2.5. Crown counsel Mr Melvin questioned Mr Paul Meredith about Rewi Maniapoto's use of the word 'isolation' as recorded in the article in the *Thames Advertiser* newspaper, 25 February 1882 (Wai 898, #I14, p1). Mr Meredith is to clarify if there is a te reo Māori version of Rewi's communication with Premier Hall and, if so, to identify what terminology was used to infer 'isolation'.

2.6. Dr Harris questioned Mr Meredith about the transcription of Radio New Zealand sound archives by Janette King, noted at footnote 1085 of Mr Meredith's report (#A110, p604). Mr Meredith is to advise if a copy of the transcript relating to Raureti Te Huia's description of the two principal ture of the Kingitanga can be located and, if so, to file it on the Wai 898 record of inquiry.

2.7. Mr Meredith is to clarify whether the versions of Wahanui's manifesto that were printed in *Te Korimako* and *New Zealand Herald* newspapers in 1883 are identical, and if not, to identify the points of difference.

*Evidence of Mr Frank Thorne (Wai 898, #I11)*

2.8. Claimant counsel Mr Wilson is to file the PowerPoint presentation shown during the evidence of Mr Frank Thorne. Mr Thorne is also to provide references for the images used in the PowerPoint and brief annotations noting the details of the images such as identification of people and significant buildings depicted.

*Evidence of Dr Alex Frame (Wai 898, #A116)*

2.9. Crown and claimant counsel may file written questions for Dr Alex Frame to respond to.

2.10. The issue of the extent to which Rohe Pōtae Māori were entitled to self-government was raised during Dr Frame's evidence. Crown counsel is to seek instructions and advise the Crown's position on the entitlement of Rohe Pōtae Māori to self-government by **midday, Thursday 28 February 2013**.

*Evidence of Dr Helen Robinson and Dr Paul Christoffel (Wai 898, #A71)*

2.11. Crown counsel are to file questions in writing to Drs Christoffel and Robinson relating to the minutes of the general conference of the Māori Councils in 1903 (Wai 898, #A71(a) vol iii, document A3, page 694). Claimant counsel Ms Skyes indicated at the hearing her intention to submit questions in writing to Drs Christoffel and Robinson relating to the Māori Lands Commission.

2.12. Drs Robinson and Christoffel are also to confirm:

i. Whether the Native Minster attended the 1903 general conference of Māori Councils; and

ii. Whether the Walter Harry Bowler referred to at page 164 of their report 'Aspects of Te Rohe Pōtae Political Engagement, 1886 – 1913' (Wai 898, #A71) has been confused with William Henry Bowler, an individual operating in Te Urewera in the same period, or if they are indeed different people.

*Evidence of Dr Donald Loveridge (Wai 898, #A41, #A68, #A89, #A90)*

2.13. Dr Donald Loveridge is to confirm whether Native Minister Bryce sent a telegram to Wahanui in relation to the Hursthouse stoppage in 1883, in addition to the one he sent Rewi. Dr Loveridge is to file the telegram, or advise if the telegram does not exist.

2.14. Dr Loveridge is to review and submit his opinion on the minutes of the Native Affairs Select Committee 1883, with particular focus on whether or not the March 1883 correspondence between Rohe Pōtae chiefs and Native Minister Bryce was mentioned at the hui, and if not, what inferences or conclusions may be drawn from this.

*Evidence of Mr James Taitoko (Wai 898, #I15)*

2.15. Mr James Taitoko is to locate and file evidence relating to Tawhiao's request for a native district under section 71 of the New Zealand Constitution Act 1852.

*Evidence of Mr Piripi Crown (Wai 898, #I2)*

2.16. Mr Tavake Afeaki is to file a corrected brief and English translation for the evidence presented by Mr Piripi Crown.

*Evidence of Mr Tom Roa (Wai 898, #I4)*

2.17. If the Crown has any questions to put to Mr Tom Roa, whose evidence was truncated at the hearing due to time constraints, it may do so in writing.

2.18. I have previously directed that Mr Tom Roa is to file an English translation of 'Te Kawenata', filed on the Wai 898 record of inquiry as #H9(b). Claimant counsel Mr Warren is to file the translation by **5:00pm, Friday 21 December 2012**.

## 3. Hearing timetable

*Hearing weeks three and four*

3.1. The Claimant Counsel Coordinating Committee (CCCC) is to liaise with the Hearing Organising Committee (HOC) and file a timetable for hearing weeks three and four as a matter of urgency, but before **5pm, Thursday 20 December 2012**.

3.2. The timetable must confirm the witnesses to be called for these hearing weeks in order to allow sufficient time for them to prepare. It is my preference that Mr Bruce Stirling, who withdrew from week two due to timetabling pressure, present his evidence during week three. It follows that Ngāti Tūwharetoa may need to be accommodated in week three to present their Te Ōhākī Tapu issues.

*Hearings in 2013 -2014*

3.3. The CCCC is to liaise with HOC to revise the remainder of the forward hearing timetable. The CCCC is to file a revised timetable for 2013 – 2014 by **midday, Tuesday 29 January 2013**.

## 4. Filing date for tangata whenua briefs of evidence

4.1. For all upcoming hearing weeks, the deadline for tangata whenua briefs of evidence will now be **two weeks prior** to the hearing week commencing. This change will allow sufficient time for Tribunal preparation, earlier confirmation of the hearing week timetable, and all administrative tasks to be completed. It also mitigates the risk of any late filing.

4.2. For week three, I note the filing date for tangata whenua briefs of evidence is **midday, Monday, 18 February 2013**.

## 5. Other matters

*Use of te reo in Tribunal proceedings*

5.1. Claimant counsel Mr Hope indicated he wished to file legal submissions relating to the questioning of English-speaking witnesses in te reo Māori. Mr Hope is to do so by **5pm, Friday 21 December 2012.**

*Bundles of documents for cross-examination*

5.2. I have previously directed that cross-examining claimant counsel must file in advance bundles of documents to be referred to in during cross-examination. I note that counsel are not required to reproduce an entire document (for example, Mr Gerald Sharrock's filing of the complete volume of Vattel's *Principles of the Law of Nature*, Wai 898, #A116(d)), but only a relevant selection of pages that the witnesses will be referred to.

*Nominations of reports to be placed on the Wai 898 record of inquiry*

5.3. I have previously directed that "given the volume of documents nominated to be placed on the record of inquiry, the documents will be addressed in order of priority" (Wai 898, #2.5.140). Documents that related directly to the hearings in 2012 were placed on the Wai 898 record of inquiry in November 2012. I intend to address the remaining nominations before the commencement of hearing week three in March 2013.

The Registrar is to send this direction to all those on the notification list for Wai 898, the combined record of inquiry for Te Rohe Pōtae District Inquiry.

**DATED** at Wellington on this 18th day of December 2012.

Judge D J Ambler
Presiding Officer
**WAITANGI TRIBUNAL**