Wai 898

IN THE WAITANGI TRIBUNAL

CONCERNING the Treaty of Waitangi Act 1975

AND the Te Rohe Pōtae District Inquiry (Wai 898)

MEMORANDUM-DIRECTIONS OF JUDGE D J AMBLER CONCERNING QUESTIONS OF CLARIFICATION AND CROSS-EXAMINATION INDICATIONS FOR LEANNE BOULTON

13 February 2013

Tēnā koutou

1. Questions of clarification for Leanne Boulton's #A67 report

1.1 Ms Leanne Boulton is scheduled to appear in hearing week three for two significant reports: 'Land Alienation in the Rohe Pōtae Inquiry District, 1866 – 1908: An Overview' (Wai 898, #A67) and 'Hapu and Iwi land transactions with the Crown and Europeans in Te Rohe Pōtae inquiry district c. 1840 – 1865' (Wai 898, #A70).

1.2 Ms Boulton filed summaries for both reports on 4 February 2013. Questions of clarification for Ms Boulton's reports were received on 11 February 2013. Approximately 159 questions were received, 52 relating to the #A70 report, and 107 to the #A67 report.

1.3 I understand from Tribunal staff that Ms Boulton has made progress with her answers for the #A70 report and these will be filed by the due date of 25 February 2013. However, Ms Boulton has advised staff that it is not feasible to answer all of the 107 questions relating to the #A67 report in the two weeks available while also continuing to prepare for her presentation of both reports.

1.4 Given the sheer number and complexity of some of the questions I appreciate Ms Boulton's predicament.

1.5 Some of the questions are merely matters of factual clarification and could be dealt with in writing after Ms Boulton's appearance without affecting her presentation of evidence or counsel's cross-examination. Other questions may relate to counsel's intended cross-examination, and answers to these questions will need to be received prior to Ms Boulton's appearance. There are also questions that relate to data requiring significant work from Ms Boulton, which she will not be able to complete prior to her appearance but could address afterwards by way of post-hearing evidence.

1.6 I invite counsel who submitted questions for Ms Boulton to urgently identify by memoranda which questions they consider need to be answered prior to Ms Boulton's appearance and which can be addressed in writing after the hearing week. Counsel are to file their indications by **midday, Monday 18 February 2013.**

2. Cross-examination indications

2.1 I reiterate my previous direction that Ms Boulton will require adequate time in the hearing timetable (Wai 898, #2.6.7). Currently she has three sessions allocated to her. Counsel have indicated a total of 8 hours of cross-examination at a minimum, and Ms Boulton will require time to read her two summaries. I expect counsel to consider this when drafting a revised timetable for week three.

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

DATED at Whangarei this 13th day of February 2013.

Judge D J Ambler
Presiding Officer
WAITANGI TRIBUNAL