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IN THE WAITANGI TRIBUNAL WAI 898

IN THE MATTER OF the Treaty of Waitangi Act 1975

AND

IN THE MATTER OF Te Rohe Pōtae District Inquiry

CROWN MEMORANDUM REGARDING A CROWN CONTRIBUTION TO THE PROPOSED ADDITIONAL TWO HEARING WEEKS

Dated 12 November 2013

RECEIVED
Waitangi Tribunal
12 Nov 2013
Ministry of Justice
WELLINGTON

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MAY IT PLEASE THE TRIBUNAL:

Introduction

1. In memorandum-directions dated 21 September 2013, His Honour Judge Ambler indicated his agreement that it was necessary to plan for two extra hearing weeks in the Rohe Pōtae district inquiry in order to relieve the pressures on the hearing timetable. His Honour expressed "some confidence" that the extra hearings could be funded from the Tribunal's budget, but invited Crown counsel to take instructions as to whether the Crown would provide direct funding to enable the extra two hearing weeks to take place within the district.[1]

2. This memorandum of the Crown responds to His Honour's memorandum-directions.

Hearing costs

3. In the course of assessing what contribution the Crown could make towards the extra two hearing weeks, Crown counsel has discussed with staff of the Waitangi Tribunal and the Crown Forestry Rental Trust (CFRT) the matters in respect of which a contribution would likely be required.

4. From these discussions, counsel understands that the Tribunal would cover the following costs:

    4.1 venue hire;

    4.2 equipment and specialist services (the Tribunal's audio, translation and transcription costs);

    4.3 security of Tribunal equipment;

    4.4 costs associated with Tribunal-commissioned witnesses; and

    4.5 catering for Tribunal panel members, staff and Tribunal-commissioned witnesses.

5. It is understood that the Tribunal would not cover the following costs:

    5.1 additional amenities for the venue (eg, marquee to cater overflow of people);

    5.2 catering for claimants and public;

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[1] Wai 898, 2.6.38, paras 4.5-4.6.

5.3 additional audio/visual services;

5.4 transport of claimants to and from hearings;

5.5 claimant or Crown commissioned witnesses;

5.6 additional security;

5.7 logistical services (eg, event co-ordinators); and

5.8 administration costs.

6. It is understood that CFRT will cover the costs associated with the professional witnesses it has commissioned.

7. Based on the information it has obtained from the staff of the Tribunal and CFRT, counsel has assumed that the proposed additional hearing weeks will not incur:

7.1 additional amenities costs (since it is intended that the additional hearings will not be held at a marae venue owing to the time of the year in which they are to be scheduled); and

7.2 additional audio/visual services, additional security or administration costs.

8. It appears, then, that the costs the Crown would be asked to meet would largely be the catering costs relating to the hearings (other than the catering costs referred to in para 4.5). The Crown advises that it is prepared to meet those costs in respect of the proposed additional two hearing weeks. However, if the information or assumptions counsel has outlined in this memorandum are incorrect and there are other significant costs that the Crown may be asked to cover, it should be advised as soon as possible so that discussions can occur and a position reached.

12 November 2013

Geoffrey Melvin
Counsel for the Crown

TO: The Registrar, Waitangi Tribunal
AND TO: Claimant Counsel