



**OFFICIAL**

Wai 1040 #2.5.1

In the Waitangi Tribunal

Concerning

the Treaty of Waitangi Act 1975

And

Northland claims

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**MEMORANDUM-DIRECTIONS OF THE CHAIRPERSON**

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As previously notified, the Waitangi Tribunal will hold a Judicial Conference at the Waitangi Copthorne Resort on Friday 16 December, commencing at 9 am. The purpose of this conference is to commence preparations for Tribunal inquiries in Northland.

The conference will cover the following agenda items:

- 1 Mihi/karakia
- 2 Claimant clusters, and independent claimants
- 3 Tribunal inquiry options
- 4 Legal representation
- 5 CFRT report on current research programme
- 6 Next steps

We expect to conclude the formal part of the conference no later than 3 pm on 16 December.

The following is an explanation of the two most obvious Tribunal inquiry options for your prior consideration. The first option is what we refer to as a standard new approach inquiry. This is the approach tested in Gisborne during 2000-2004. It inquires into all claims on a district-wide basis. The standard new approach reduces the time spent in Tribunal inquiries to about half that of old style inquiries. In Northland the new approach may require successive inquiries in the existing Whangaroa, Hokianga, Bay of Islands, Whangarei, and Mahurangi-Gulf Islands districts. It takes each district through research, hearing preparation, hearing and report-writing phases. The strengths of this option lie in its thoroughness, and the way it allows claimants to gain maximum public exposure for their best tangata whenua and technical evidence. Its main weakness in Northland is that it may take 8-12 years for the Tribunal to report on all five districts comprehensively. Obviously, that may delay the beginning of Treaty settlement negotiations for those of the five districts that start later.

The Tribunal's recent attempt to 'fast-track' negotiations in the Central North Island provides a second option. This option requires prior agreement between claimants and the Crown on a common research programme and a streamlined set of hearings, perhaps on a regional (Northland-wide) rather than a district

basis. The strength of this approach is that it promises to accelerate the Tribunal's inquiries, and to get claimants into Treaty settlement negotiations without unnecessary delays. But this approach requires compromises to be made by all sides and they must be committed to this from the outset. Hearings are reduced. Not all who wish to speak will have an opportunity to be heard. The process is designed to facilitate negotiations as quickly as possible, rather than as a comprehensive process.

These are the two most obvious options the Tribunal can make available to Northland claimants at present. There may be others that claimants or the Crown wish to propose. The Tribunal looks forward to hearing such proposals at Waitangi.

DATED at Wellington this 29<sup>th</sup> day of November 2005



Chief Judge JV Williams  
Chairperson  
**WAITANGI TRIBUNAL**