

OFFICIAL

Wai 1362, #2.7.7

IN THE WAITANGI TRIBUNAL

IN THE MATTER OF: The Treaty of Waitangi
Act 1975

AND: Tāmaki Makaurau
Settlement Inquiry

Memorandum-Directions of the Deputy Chairperson

Counsel:

Te Rūnanga o Ngāti Whatua (Wai 303): Jolene Patuawa

For Marutūāhu (Wai 1366): Paul Majurey

For Hauraki Māori Trust Board (Wai 100): Grant Powell

For Te Iwi o Ngāti Te Ata Waiohua (Wai 1231), Ngāi Tai ki Tamaki Tribal Trust (Wai 1363): Kathy Ertel/Liz Cleary

For Ngāti Whātua o Ōrakei Māori Trust Board (Wai 388): Don Wackrow

For Te Kawerau a Maki (Wai 1365), Ngāi Tai ki Tamaki (Wai 1364): Stephen Clark

For Te Tao'ū (Wai 756 & 1114): Quentin Duff/Antony Shaw

For Te Tao'ū (Wai 1146): John Robertson

For the Crown: Peter Andrew/Geetha Kumarasingham

Crown memorandum seeking leave to file further documents

1. The request of Crown counsel, Virginia Hardy, (in #3.4.19) to review Office of Treaty Settlements files by Friday 25 May 2007, poses problems in terms of Tribunal members' availability to deal with any documents filed on that day and any subsequent submissions from the parties.
2. Those problems will be avoided if the following timetable applies:
 - the Crown completes its review and files any further documents by Wednesday 23 May,
 - the applicants file submissions on the substance of those documents, and any procedural matters, by Wednesday 30 May,
 - the Crown replies to those submissions by Friday 1 June 2007.
3. The Tribunal directs that the timetable set out above will apply.
4. Inevitably, this means that the completion of the Tribunal's report will be delayed. We note that even if the text of the report were in final form today, its editing and printing would continue past 25 May 2007.
5. While any delay is regrettable, having diverted our attention from writing the report to obtaining the Crown's relevant documents, it is our preference now to take up the offer contained in Ms Hardy's memorandum. It is unlikely that a short delay at this juncture will be material.

Memorandum of Powell Webber and Associates dated 10 May 2007

6. The request on behalf of the Hauraki Māori Trust Board for the Tribunal to direct the Crown's production of documentation relating to the final approval of the Ngāti Whātua o Ōrākei financial and commercial redress is declined.
7. Our concern in this inquiry is with the ability of the other tangata whenua groups in Tāmaki Makaurau properly to assess the Crown's ability to provide redress in their future settlements. This means that material to our inquiry is any information that goes to the valuation of the redress in the Ngāti Whātua o Ōrākei settlement and the basis upon which it has been valued. We are not, however, inquiring into the relative value of the proposed Ngāti Whātua o Ōrākei settlement and other Treaty settlements.
8. From the Crown's response of 19 April 2007 (#3.4.8), it appears that the documents sought do not contain information relevant to our concern. However the Crown will please reassess the documents in light of the clarification set out in paragraph 7, and as part of its review of the Office of Treaty Settlements' files. Any material relevant to this inquiry should be filed by 23 May 2007.

The Registrar will please send this direction to all those on the notification list for Wai 1362, the Tāmaki Makau Rau Settlement Inquiry.

DATED at Wellington this 10th day of May 2007

A handwritten signature in black ink, appearing to read 'Carrie Wainwright', written in a cursive style.

Judge Carrie Wainwright
Deputy Chairperson

WAITANGI TRIBUNAL