

CHAPTER 2

THE HEARING

The Tribunal hearing was held at the Rydges Hotel in Rotorua on 17 and 18 June 2002, and at the Quality Hotel in Wellington on 20 and 21 June 2002.

The Wai 958 Ngāti Haka Patuheuheu claimants were represented by Kathy Ertel with Liz Cleary; the Wai 975 Ngā Rauru o Ngā Pōtiki claimants by Te Kani Williams and (in Wellington) Annette Sykes; the Wai 36 claimants by David Ambler with John Koning; the Ngāti Rangitihi claimants by David Rangitauira (in Rotorua) and Peter Churchman (in Wellington); the Wai 46 Ngāti Awa claimants by Jamie Ferguson and Mātanuku Mahuika; and the Crown by Virginia Hardy with David Soper. Present from the Office of Treaty Settlements were Andrew Hampton (director); Deborah Collins (claims manager); and Maureen Hickey (historian).

Prior to the commencement of the hearing, the presiding officer informed counsel that, while the Tribunal would hear such evidence as was required to support the arguments and submissions of counsel, 'it is clear that the parties' contributions to the urgent inquiry, whether by way of argument or evidence, will need to be tightly controlled in order for the Tribunal to get through its business in two days'. Counsel for the Ngāi Tūhoe claimants (that is, claimants in Wai 36, Wai 958, and Wai 975) were advised to confer so as to ensure that the Ngāi Tūhoe evidence was not duplicated.¹ Counsel for Ngāti Awa noted that, since the claims were made against the Crown, Ngāti Awa would supplement the submissions and evidence presented by the Crown.

At the commencement of the hearing, the Tribunal advised counsel that it wished to hear evidence that provided a context within which to examine the arguments presented in submissions, and that submissions should be focused on alleged Crown breaches of the principles of the Treaty of Waitangi. The Tribunal was anxious to avoid being drawn into inter-tribal issues.

While it had been anticipated that two days would allow sufficient time to hear the claim, by the lunchtime adjournment of the second day of the hearing, it became obvious that additional time was needed. Arrangements were made for the hearing to continue in Wellington at the Quality Hotel on Thursday and Friday 20 and 21 June.

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As a result of both the evidence presented and the extensive cross-examination of the Crown's witness, the Tribunal directed that closing submissions be filed in writing – claimant counsel by 27 June, and the Crown and Ngāti Awa by 2 July. Claimant counsel were granted the opportunity to address any new material in the Crown's closing submissions by 5 July. The Tribunal would then seek to report on the matter as soon as possible.