

CHAPTER 2

THE HEARING

The Wai 996 Ngāti Rangitihi urgent hearing was held at the Tribunal's office in Wellington on 5 February 2003.

The Wai 996 claimants were represented by Richard Boast with Deborah Edmunds; the Wai 62 Ngāti Tūwharetoa ki Kawerau claimants by Rachael Brown with Leanne Clarke; the Wai 46 and 206 Ngāti Awa claimants by Mātanuku Mahuika; and the Crown by Helen Carrad with Virginia Hardy. Those present from the Office of Treaty Settlements included Peter Hodge (senior policy analyst) and Maureen Hickey (historian).

Mr Kahukiwa informed the Tribunal by way of memorandum that he would not be seeking the Tribunal's leave for the Wai 524 claimants to be made a party to the inquiry, and he would not be attending the hearing.¹

Counsel for the Wai 46 and 206 Ngāti Awa claimants stated prior to the hearing that he would be present to maintain a watching brief. He stressed, however, that Ngāti Awa would seek to file further evidence, and cross-examine Ngāti Rangitihi witnesses, in the context of the Tribunal's Rotorua district inquiry when the substance of the Ngāti Rangitihi claims is heard.²

The Wai 996 claimants' application for an urgent hearing was granted on the basis of its being a hearing of 'very limited compass'.³ As the hearing was allocated only one day, all evidence would be taken as read. Submissions in reply, if required, were to be filed within three working days of the conclusion of the hearing. The three hours of the morning session were allocated to the applicants to present their case, while the Crown and Ngāti Tūwharetoa ki Kawerau had the three hours of the afternoon to divide between them. Leave was required for cross-examination.⁴ The Crown sought leave for a brief cross-examination of Dr Bryan Gilling, who had been commissioned by counsel for Wai 996 to critique the Crown's research on Ngāti Rangitihi interests.⁵ Counsel for Wai 996, on the basis that cross-examination of Dr Gilling could give rise to new evidence, requested that the Crown's witness, OTS official Peter Hodge, be available 'for short cross-examination on matters arising from Dr Gilling's

1. Paper 2.35

2. Paper 2.29

3. Paper 2.18

4. Paper 2.21

5. Paper 2.32

examination that relates to matters within Mr Hodge's knowledge'.⁶ The Tribunal granted the leave sought.

The hearing was completed within the one-day timeframe allocated and, at its conclusion, counsel for Wai 996 informed the Tribunal that it would file submissions in reply within the agreed timeframe.

6. Paper 2.33