

OFFICIAL

Wai 1401 # 2.5.1

WAITANGI TRIBUNAL

Wai 1401

CONCERNING

the Treaty of Waitangi Act 1975

AND

the Māori Vietnam Veteran
ex-defence personnel claim
regarding Agent Orange chemical
exposure.

MEMORANDUM-DIRECTIONS OF THE CHAIRPERSON

I received yesterday a memorandum of counsel for the above-named claimant seeking directions as to the deposition by video of the claimant's evidence for the reason that Bishop Vercoe is suffering from lung cancer and has an inoperable brain tumour.

Counsel sought ideally to convene a presiding officer of the Tribunal (my paraphrase), Crown counsel and claimant counsel at the deponent's bedside in order to ensure that the evidence so deposed was given the additional weight attendant upon evidence heard in front of a judicial officer, and tested by Crown counsel. It seems unlikely that this can be done in the short-term though I would be interested in the views of Crown counsel in this regard.

In the meantime, I would advise that the Treaty of Waitangi Act provides that the Tribunal can hear otherwise inadmissible evidence (2nd schedule clause 6(1)) and it has on many occasions received evidence by videotape where the witness is either unavailable or no longer alive. I therefore see no difficulty whatever in the Tribunal receiving the evidence deposed in this way nor do I see that the absence of a Judge or Crown counsel at the place and time in which the evidence was deposed should diminish its weight. I am mindful in that regard of the fact that Bishop Vercoe is an illustrious leader of his people and until recently the Anglican Primate in New Zealand.

I am grateful to counsel for bringing this matter to my attention. I wish him well in this task and offer every good wish to Bishop Vercoe.

A copy of this memorandum-direction is to go to counsel and to the Solicitor-General.

DATED at Wellington this 26th day of July 2007


J V Williams
Chairperson

WAITANGI TRIBUNAL