

**IN THE WAITANGI TRIBUNAL**

Wai 2358

**CONCERNING**

the Treaty of Waitangi Act 1975

**AND**

the National Fresh Water and  
Geothermal Resources Inquiry

---

**MEMORANDUM-DIRECTIONS OF PRESIDING OFFICER**

**SEEKING A RESPONSE TO THE CROWN'S PROPOSED TIMETABLE CHANGES**

12 January 2017

---

### **Crown memorandum on further evidence**

1. On 21 December 2016, Crown counsel, Jason Gough and Damen Ward, filed a memorandum seeking leave to file further evidence in Stage 2 of the National Fresh Water and Geothermal Resources Inquiry (Wai 2358, #3.2.34). Counsel also seek timetabling directions from the Tribunal, and they provide an update on Crown policy development.
2. Crown counsel state that they had understood Stage 2 of the inquiry would focus on the proposals contained in the 'Next Steps for Fresh Water' consultation document; the Crown's evidence reflected this understanding. However, counsel submit that it became apparent during hearing week 1 that 'the Tribunal intends to inquire into issues that are significantly broader than originally anticipated by the Crown and outlined in the Tribunal's directions issued in advance of hearing week 1' (Wai 2358, #3.2.34). Therefore, the Crown seeks leave to file further evidence in Stage 2 by Friday 21 April 2017.
3. Crown counsel also note that certain interested parties (represented by Janet Mason) have indicated that they will advance a separate case theory to that of the New Zealand Māori Council, and intend to file evidence by 20 January 2017. As the Crown cannot at present clearly identify the case advanced against it from these interested parties, it seeks an extension to file its evidence in response to any further evidence from the interested parties.
4. The Crown proposes a number of amendments to the inquiry timetable, including:
  - a. Further Crown evidence, both in response to the interested parties as well as additional evidence for Stage 2, is filed by Friday 21 April 2017.
  - b. Any claimant and interested party evidence in reply to the additional Crown evidence is filed by Friday 26 May 2017.
  - c. A judicial teleconference is held following the filing of additional reply evidence.
5. The Crown propose for hearing week 2 to continue as planned, and that the additional reply evidence is heard, if necessary, within the first two days of hearing week 3.
6. Claimants and interested parties are to respond to the Crown's proposal **no later than 12pm, Friday 20 January 2017**.

The Registrar is directed to send a copy of this direction to counsel for the claimants, Crown counsel and all those on the distribution list for Wai 2358, the National Fresh Water and Geothermal Resources Inquiry.

**DATED** at Wellington this 12<sup>th</sup> day of January 2017.



Chief Judge W W Isaac  
Presiding Officer

**WAITANGI TRIBUNAL**