

BEFORE THE WAITANGI TRIBUNAL

WAI 2358

IN THE MATTER OF

the Treaty of Waitangi Act 1975

AND

IN THE MATTER OF

the National Fresh Water and Geothermal
Resources Inquiry

MEMORANDUM OF COUNSEL FOR THE CROWN

10 March 2017



CROWN LAW
TE TARI TURE O TE KARAUNA
PO Box 2858
WELLINGTON 6140
Tel: 04 472 1719
Fax: 04 473 3482

Contact Person:

J R Gough / D A Ward

Jason.Gough@crownlaw.govt.nz, Damen.Ward@crownlaw.govt.nz

MAY IT PLEASE THE TRIBUNAL:

1. On 9 March 2017 the Presiding Officer issued a memorandum-direction indicating that a panel member, Timothy Castle, has disclosed that he is Chairman of and a shareholder in Kahurangi Virgin Waters Limited, a joint Maori/Pakeha venture holding a water permit consent in Golden Bay.
2. The Presiding Officer directed that the parties deliver submissions on whether it is appropriate for Mr Castle to continue to sit on the Inquiry panel in light of these interests. Submissions are due **17 March 2017**.
3. In order to make fully informed submissions, the Crown believes that the parties require further information. This would include a chronology of the following:
 - 3.1 when Mr Castle became a director of the company;
 - 3.2 his roles, responsibilities and activities on the board of directors;
 - 3.3 when he first acquired a shareholding in the company;
 - 3.4 what his shareholdings were at various times since;
 - 3.5 when he was appointed Chairman;
 - 3.6 his roles, responsibilities and activities as Chairman;
 - 3.7 any discussions about this Inquiry within the company during his tenure as director or Chairman.
4. The Crown will endeavour to deliver its submissions in accordance with the direction, but submits that the parties will need this information when determining their respective positions.

10 March 2017



Kevin Hille
Counsel for the Crown

TO: The Registrar, Waitangi Tribunal
AND TO: Claimant Counsel