

**TE RŌPŪ WHAKAMANA I TE TIRITI O WAITANGI**

Wai 2358

**E PĀ ANA KI**  
*CONCERNING*

te Treaty of Waitangi Act 1975

**Ā,**  
*AND*

te National Freshwater and  
Geothermal Resources Inquiry

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**HE PĀNUI WHAKAHAU A TE MANA WHAKAHAERE**

*MEMORANDUM-DIRECTIONS OF THE PRESIDING OFFICER CONFIRMING THE  
HEARING TWO TIMETABLE, QUESTIONS IN WRITING AND SITE VISIT  
ARRANGEMENTS*

4 Thema 2024

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## Purpose

1. This memorandum-directions:
  - (a) confirms the timetable for hearing two of stage three of the National Freshwater and Geothermal Resources Inquiry (Wai 2358);
  - (b) confirms arrangements for written questions to be filed following the conclusion of the hearing; and
  - (c) addresses further hearing two site visits arrangements.
2. An updated stage three inquiry timetable is **attached** as **Appendix B**.

## Hearing two timetable and related matters

### *Background*

3. On 18 November 2024, the Tribunal received a draft hearing two timetable and accompanying memorandum from Donna Hall, counsel for the New Zealand Māori Council (NZMC) and coordinating counsel for hearing two (Wai 2358, #3.2.659 & #3.2.659(a)).
4. In my directions of 22 November 2024, I noted the draft timetable did not accommodate for appearances, nor for cross-examination or Tribunal questioning for witnesses whose evidence was filed out of time (Wai 2358, #2.6.121 at [14]).
5. I further noted that the timetable did not (Wai 2358, #2.6.121 at [16]–[18]):
  - (a) reflect the named witnesses appearing for the Tūhourangi and the Taumanu Land (Wai 1194) and Ngā Uri o Ngā Tokotoru o Manawakotokoto Lands and Resources (Wai 1212) claims; and
  - (b) include all witnesses now understood to be appearing for the NZMC.
6. I therefore directed coordinating counsel to confer further with parties and refile a revised hearing two draft timetable that addressed the above concerns by 27 November 2024 (Wai 2358, #2.6.121 at [19]).
7. On 27 November 2024, Ms Hall filed an updated draft hearing two timetable as directed along with an accompanying memorandum (Wai 2358, #3.2.666 & #3.2.666(a)).
8. Coordinating counsel have requested that the majority of cross-examination occurs by way of questions in writing following the hearing. Counsel submit that this is to ensure all intended witnesses are able to be heard at hearing two (Wai 2358, 3.2.#666 at [2]).
9. Ms Hall advises that supporting counsel have agreed with this approach so long as proceeding in this way is not taken to indicate that their clients accept the claims being made over the geothermal taonga (Wai 2358, #3.2.666 at [3]).

### *Decision*

10. I thank Ms Hall for the revised timetable and note that the majority of the Tribunal's concerns have now been addressed.
11. The confirmed hearing two timetable is accordingly **attached** as **Appendix A** to these directions.

12. Parties will note that further changes have been made to accommodate appearances on Monday 9 December. Morning tea has also been shifted to occur immediately following the planned pōwhiri. Tribunal staff have also been informed that Marianne Parker (#121) is no longer able to attend hearing two. Ms Parker's allocated appearance has therefore been removed from the final timetable.
13. Parties will be aware that in previous directions I indicated that I would confirm any arrangements for written questions in directions following hearing two (Wai 2358, #2.6.121 at [23]).
14. In response to coordinating counsel's request noted at paragraphs [8] – [9] above, I agree that, given the possible volume of cross-examination, counsel who are unable to put questions to witnesses at hearing two should do so by way of writing.
15. I also now see benefit in confirming these arrangements prior to hearing to ensure parties have advanced notice of expected filing timeframes.
16. I therefore confirm that counsel may file any written cross-examination questions arising for hearing two witnesses by no later than **5 pm, Friday 14 February 2025**. I confirm that the Tribunal will also endeavour to file any written questions it has for hearing two witnesses by the same date.
17. I further confirm that counsel should file answers to any cross-examination and Tribunal questions in writing by no later than **5 pm, Friday 7 March 2025**.
18. Parties will note that additional filing time has been allowed in light of the forthcoming Christmas and New Year period.

#### **Site visits**

19. In my directions of 22 November 2024, I granted leave sought by coordinating counsel to conduct site visits respectively on Tuesday afternoon and Friday morning as part of hearing two (Wai 2358, #2.6.121 at [29]).
20. I confirm that the Tribunal will not be releasing a transcript of any kōrero said during the hearing two site visits. On this basis, I grant leave for counsel to file any summary or supporting documents arising from the site visits by no later than **5 pm, Friday 14 February 2025**.

Me tuku atu te Kairēhita i tētehi kape o tēnei whakahau ki ērā ki te rārangi whakamōhio mō Wai 2358, the National Freshwater and Geothermal Resources Inquiry.

*The Registrar is to send this direction to all those on the distribution list for Wai 2358, the National Freshwater and Geothermal Resources Inquiry.*

**WHAKAPŪMAUTIA** ki Tairāwhiti i te 4 o te Tihema 2024



Kaiwhakawā W W Isaac  
Te Mana Whakahaere

**TE RŌPŪ WHAKAMANA I TE TIRITI O WAITANGI**