TE RŌPŪ WHAKAMANA I TE TIRITI O WAITANGI

Wai 3550
Wai 2358

E PĀ ANA KI
CONCERNING

te Treaty of Waitangi Act 1975

Ā,
AND

te Economic Development Kaupapa Inquiry

Ā,
AND

te National Fresh Water and Geothermal Resources Inquiry

HE PĀNUI WHAKAHAU O KAIWHAKAWĀ WILLIAMS RĀUA KO KAIWHAKAWĀ ISAAC

MEMORANDUM-DIRECTIONS OF JUDGE WILLIAMS AND JUDGE ISAAC CONCERNING A PROPOSED JOINT SITTNG

12 Hiringa-ā-rangi 2024

Background

1. On 15 December 2023, Judge Wilson Isaac confirmed that stage three of the National Freshwater and Geothermal Resources (Wai 2358) Inquiry (the Freshwater Inquiry) would focus solely on the rights and interests of Māori generally in geothermal resources (Wai 2358, #2.6.96 at [10]). Hearing two of stage three of the inquiry is scheduled to be held from 9 to 13 December 2024, at Te Pākira Marae, in Whakarewarewa, Rotorua (Wai 2358, #2.6.118).

2. On 12 November 2024, Judge Te Kani Williams confirmed the initial scope of Economic Development Kaupapa (Wai 3550) Inquiry (the Economic Inquiry) and proposed initial interlocutory steps (Wai 3550, #2.5.2).

Proposed joint sitting

3. On 4 October 2024, Waitangi Tribunal Chairperson Chief Judge Caren Fox released memorandum-directions highlighting alternative processes and innovations that the Tribunal may follow in commencing and progressing its kaupapa inquiry programme. These innovations include early evidential hearings which enable the Tribunal to hear matters of substance while procedural and interlocutory matters are addressed.[1]

4. The Presiding Officer of the Freshwater Inquiry, Judge Isaac, and the Presiding Officer of the Economic Inquiry, Judge Williams, have conferred and propose to sit jointly for one day during hearing two of the Freshwater Inquiry on **Tuesday, 10 December or Wednesday, 11 December 2024**.

5. The purpose of the sitting would be to enable the Economic Inquiry panel to hear evidence currently being heard in the Freshwater Inquiry. Namely, evidence which relates broadly to economic development of geothermal resources.

6. It is envisaged that evidence of economic development in regards to geothermal resources could be considered in both inquiries. Namely, the Economic Inquiry panel considers that a joint sitting could help inform the evidential foundation of the kaupapa inquiry.

7. The Economic Inquiry panel would attend hearing two via audio-visual link (AVL).

8. We understand this may complicate the timetable, namely allocated time for Tribunal questioning of witnesses. The Economic Inquiry panel will reserve their questions or testing of the evidence until after the hearing, and will file any questions in writing.

Judicial conference

9. A joint judicial conference will be convened via audio-visual-link (AVL) at **10 am** on **Friday, 15 November 2024 by AVL** to discuss the proposed joint sitting with inquiry parties. Possible topics for discussion may include:

[1] Waitangi Tribunal, 'Memorandum-direction of the Chairperson concerning the kaupapa inquiry programme' (4 October 2024) at [28] – [30] (https://www.waitangitribunal.govt.nz/assets/DOCUMENTS/Memorandum-of-the-Chairperson-and-appendices-concerning-the-Kaupapa-Inquiry-Programme.pdf-FINAL.pdf).

(a) the nature and subject of evidence being heard in hearing week two of the Freshwater inquiry;

(b) the views on this proposal of Freshwater Inquiry parties who are presenting evidence at hearing two;

(c) any practical considerations presented by the Economic Inquiry panel hearing the evidence; and

(d) any other matters.

10. To clarify, parties are not expected to file written submissions prior to the judicial conference. Rather, the Tribunal intends to hear submissions viva voce.

11. I direct parties who wish to participate in the judicial conference to e-mail the Waitangi Tribunal's Registrar (WT.Registrar@justice.govt.nz) by **10 am, Thursday 14 November 2024.**

Me tuku atu te Kairēhita i tētehi kape o tēnei whakahau ki ērā ki ngā rārangi whakamōhio mō te Wai 3550, the Economic Development Kaupapa Inquiry, me te Wai 2358, the National Freshwater and Geothermal Resources Inquiry.

The Registrar is to send a copy of this direction to all those on the distribution lists for Wai 3550, the Economic Development Kaupapa Inquiry, and Wai 2358, the National Freshwater and Geothermal Resources Inquiry.

WHAKAPŪMAUTIA ki Tāmaki Makaurau me Tairāwhiti i te 12th o te Hiringa-ā-rangi i te tau 2024.

Kaiwhakawā T K Williams
Tumuaki Pakirehua

Kaiwhakawā W W Isaac
Tumuaki Pakirehua

TE RŌPŪ WHAKAMANA I TE TIRITI O WAITANGI