WAITANGI TRIBUNAL

Wai 2357
Wai 2358

CONCERNING the Treaty of Waitangi Act 1975

AND an application for an urgent hearing by Sir Graham Latimer, Tom Murray, Taipari Munro, Kereama Pene, Rangimahuta Easthope, Peter Clarke, Jocelyn Rameka, Eugene Henare, Nuki Aldridge, Ani Martin, Ron Wihongi, Eric Hodge, Walter Rika, Emily Rameka, Maanu Paul, Charles White and Whatarangi Winiata

MEMORANDUM-DIRECTIONS OF THE CHAIRPERSON

1. On 29 February 2012 I held a teleconference with parties to determine how to proceed in relation to the applications for an urgent hearing of Wai 2357 and 2358. During this conference it became evident that the substance of the applications had changed somewhat from the original pleadings filed by the claimants. As such I directed counsel for the claimants to file further revised pleadings (Wai 2357, #2.5.4; Wai 2358, #2.5.4).

2. On 2 March 2012 counsel for the applicant filed their revised pleadings (Wai 2357, #1.1.1(a); Wai 2358, #1.1.1(a)), accompanied by a single application seeking an urgent inquiry into both claims (Wai 2357, #3.1.24; Wai 2358, #3.1.24). As directed, counsel also filed further submissions regarding their application on 5 March 2012 (Wai 2357, #3.1.25; Wai 2358, #3.1.25).

3. In their revised application the claimants state that the Crown is proposing to sell shares in four power generating State-Owned Enterprises in the third quarter of 2012, and is currently taking significant steps to review and reformulate the national approach to ownership and management of water resources. The claimants submit that these steps are being undertaken in the absence of a comprehensive inquiry into and determination on Māori rights in water and geothermal resources and therefore seek an urgent inquiry into and report on these claims prior to 1 June 2012.

4. As I indicated in my previous memorandum-directions (Wai 2357 #2.5.4; Wai 2358 #2.5.4) I intend to hold a judicial conference at the Waitangi Tribunal offices to hear the application for urgency at **10am, Tuesday, 13 March 2012**.

5. Pursuant to clause 8(2) of the Second Schedule to the Treaty of Waitangi Act 1975, I now appoint Dr Grant Phillipson, Professor Pou Temara and Mr Tim Castle as members of the Tribunal panel to determine this application for urgency.

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 2357, the Sale of Power Generating State-Owned Enterprises Claim; and
- Wai 2358, the National Fresh Water and Geothermal Resources Claim.

DATED at Rarotonga this 7th day of March 2012

Chief Judge W W Isaac
Chairperson
WAITANGI TRIBUNAL