

WAITANGI TRIBUNALWai 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 28 March 2012 the Tribunal issued its decision granting an urgent hearing of the Wai 2357 and Wai 2358 claims (Wai 2357, #2.5.13; Wai 2358, #2.5.13).
2. Previously the claimants had filed with the Tribunal an inquiry management plan, which briefly set out a proposed process by which an urgent inquiry into their claims could proceed should one be granted (Wai 2357, #3.1.50; Wai 2358, #3.1.50).
3. I now direct counsel for the claimants to file a further, more detailed submission addressing how they propose the inquiry should proceed. Counsel is to ensure that their submissions cover the following matters:
 - a) the role of the proposed expert group (including who is to produce the documentation that this group is to consider);
 - b) an outline of the evidence to be filed on the record of inquiry (including expert briefs of evidence and material from other records of inquiry);
 - c) reconfirmation of the principal issues that the claimants wish to be heard on, specifically:
 - i. Do the case examples indicate a proprietary interest in water?
 - ii. Do the case examples illustrate or evidence the breach of such interests?
 - iii. Do they inform the nature of the interests and the framework by which such interests might today be provided for or compensated?¹
 - d) the timeframes for the filing of evidence; and
 - e) the hearing time necessary.


¹ Wai 2357, #3.1.50; Wai 2358, #3.1.50

4. Counsel is to file these submissions by **midday, Thursday 5 April 2012.**
5. The Crown and interested parties are to file written submissions in response by **midday, Friday 13 April 2012.**
6. Counsel for the claimants is to then file any submissions in response by **midday, Wednesday 18 April 2012.**
7. Following receipt of these submissions the Tribunal will convene a judicial conference to consider the following matters:
 - a) the issues to be heard;
 - b) the claimants' proposed hearing plan;
 - c) the participation of the Crown;
 - d) the participation of interested parties; and
 - e) any other inquiry business.
8. At this stage I indicate to parties that this conference will likely be held at the Waitangi Tribunal offices on Friday 20 April 2012. However, the time and date of the conference will be confirmed in further memorandum-directions.

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 Wellington this 30th day of March 2012



Chief Judge W W Isaac
Chairperson

WAITANGI TRIBUNAL