

WAITANGI TRIBUNAL

Wai 2358

CONCERNING

the Treaty of Waitangi Act 1975

AND

the National Fresh Water and Geothermal Resources Inquiry

MEMORANDUM-DIRECTIONS OF THE PRESIDING OFFICER

1. On 19 July 2013 the Tribunal received a joint memorandum from the Crown and the claimants, which proposed a revised approach to stage two of the Tribunal's National Fresh Water and Geothermal Resources Inquiry.¹
2. Parties suggested that the sole issue for stage two of the inquiry should be:

*What further reforms need to be implemented by the Crown in order to ensure that Māori rights and interest in specific water resources as found by the Tribunal at Stage One are not limited to a greater extent than can be justified in terms of the Treaty?*²
3. In consideration of this issue parties suggested that the Tribunal may wish to consider the following:
 - a) *The scope of the current reforms and in particular the extent to which the reforms address Māori rights and interests, and the extent to which Māori rights and interest remain unaddressed;*
 - b) *To the extent that Māori rights and interests are addressed by the current reforms, whether the resultant recognition of those rights is consistent with the Treaty; and*
 - c) *To the extent that Māori rights and interests are not addressed by the current reforms or are inadequately addressed, what further reforms are required?*³
4. On 2 August 2013 I directed interested parties to file submissions in response to the joint memorandum.⁴ All responses have now been fully considered.⁵
5. In principle, we agree with the proposed revision of issues for stage two as advanced by the claimants and the Crown. Our preliminary view is that the proposed issue question and sub-issues for stage two will allow the inquiry to accommodate many of the issues raised by interested parties in their submissions.

¹ Wai 2200, #3.1.206

² Wai 2200, #3.1.206, para 27

³ Wai 2200, #3.1.206, para 28

⁴ Wai 2358, #2.5.41

⁵ Wai 2358, #3.1.211; Wai 2358, #3.1.214; Wai 2358, #3.1.217; Wai 2358, #3.1.218; Wai 2358, #3.1.219; Wai 2358, #3.1.220; Wai 2358, #3.1.221; Wai 2358, #3.1.222; Wai 2358, #3.1.226; Wai 2358, #3.1.227

6. While we accept the proposed stage two issues provisionally, the exact wording of the issue question will need to be reconsidered and confirmed following receipt of the Crown's proposed reform programme.
7. The next step is for the Crown to set out in detail its reform programme. I direct the Crown to advise by what date the details of its proposed reforms for both fresh water and geothermal resources can be filed with the Tribunal. This update is to be filed no later than **midday, Friday 22 November 2013**.
8. Upon receipt of the Crown's update, the Tribunal will consider the next steps for stage two, including:
 - a) stage two inquiry issues;
 - b) stage two evidence;
 - c) stage two hearing dates; and
 - d) further timetabling directions for the filing of submissions and evidence.

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 2358, the National Fresh Water and Geothermal Resources Inquiry.

DATED at Wairoa this 6th day of November 2013



Chief Judge W W Isaac
Presiding Officer

WAITANGI TRIBUNAL