

**From:** Water Users' Group  
**Sent:** Thursday, 21 July 2022 12:42 p.m.  
**To:** Brigitte Morten  
**Subject:** Court Update - we are trying to get you access



Dear << Test First Name >>,

At this time in two weeks, our legal team would have just finished up the interlocutory hearing for our case. This hearing is will ask the important question - whether the public can access the advice the Minister relied on to say we must have co-governance for Three Waters.

**But before we argue for access to the advice, we are fighting to get you access to the hearing.**

We think that on the 4 August you should be to hear for yourself what the Crown's justification for requesting access to the advice is.

Interlocutory hearings are not normally open to the public but we think it is in the public interest for you to hear directly about the case you are supporting. So we have applied to the Court for the hearing to be accessible to the public and for you to be able to watch it live via a video link.

The Crown is arguing against this happening. They don't want the public to know the basis for this key information.

So it is up to the judge to decide.

As a reminder, this is what we are fighting for -

- Last year, the Government proactively released Cabinet papers that discussed the legal advice Minister Mahuta relied upon to argue for co-governance
- When the Government saw our Statement of Claim and realised that we had used this information, they tried to get us to remove it. We refused and asked for all of the advice (not just what was released publicly)
- Then the Crown said they could release all of the advice but only to the lawyers.
- We refused. We believe you, the taxpayer, should be able to see this information.

Once we deal with this issue, we should then get a hearing date for the substantive issue - whether co-governance is required by the Treaty.

Our legal team has put in an application for the substantive hearing to be set down as soon as possible. The first Three Waters bill is going through Parliament now. The MPs voting on it should know whether this is correct.

We'll let you know as soon we hear from the Court whether you can watch the hearing on the 4 August.

Thank you for your support,

**Stephen Franks**

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