

APPENDIX 1

CRITERIA FOR URGENCY

1. The criteria the Tribunal will consider in determining whether to grant an urgency application are set out at paragraph 2.5 of the *Guide to the Practice and Procedure of the Waitangi Tribunal* of May 2012. We set these criteria out in Appendix 1.
2. The three key urgency criteria are:¹¹
 - 2.1 The applicants can demonstrate that they are suffering, or are likely to suffer, significant and irreversible prejudice as a result of current or pending Crown actions or policies;
 - 2.2 There is no alternative remedy that, in the circumstances, it would be reasonable for the applicants to exercise; and
 - 2.3 The applicants are ready to proceed urgently to a hearing.
3. Other factors that the Tribunal may consider include whether:¹²
 - 3.1 the claim or claims challenge an important current or pending Crown action or policy;
 - 3.2 an injunction has been issued by the courts on the basis that the applicants have submitted to the Tribunal the claim or claims for which urgency has been sought; and
 - 3.3 any other grounds justifying urgency have been made out.
4. The Tribunal will grant an urgent hearing only in exceptional cases and where it is satisfied that adequate grounds for urgency have been made out. Applicants need to establish that there is an exceptional case that warrants the diversion of the Tribunal's resources from the Tribunal's other inquiries and priorities to conduct an urgent inquiry into their claims.¹³

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Waitangi Tribunal

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¹¹ Guide to the Practice and Procedure of the Waitangi Tribunal (May 2012) at [2.5(1)].

¹² Guide to the Practice and Procedure of the Waitangi Tribunal (May 2012) at [2.5(1)(a)].

¹³ Guide to the Practice and Procedure of the Waitangi Tribunal (May 2012) at [2.5(1)].