KEI MUA I TE AROARO O TE RŌPŪ WHAKAMANA I TE TIRITI O WAITANGI

BEFORE THE WAITANGI TRIBUNAL **WAI 3325**

IN THE MATTER OF **the Treaty of Waitangi Act 1975**

AND

IN THE MATTER OF **the Climate Change Priority Inquiry**

MEMORANDUM OF COUNSEL FOR THE CROWN

6 Poutūterangi | March 2025

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Waitangi Tribunal
6 Mar 25
Ministry of Justice
WELLINGTON

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MAY IT PLEASE THE TRIBUNAL:

Introduction

1. In this memorandum, in accordance with an undertaking of the Crown made during the judicial conference on 17 February 2025, and the directions of the Tribunal (Wai 3325, #2.6.4), the Crown provides:

    1.1 an update relating to Crown funding for expert conference costs; and

    1.2 a timeline of upcoming key dates under the Climate Change Response Act 2002 (**CCRA**).

Claimant funding for expert conference

2. The Crown understands:

    2.1 Expert conferencing would take the form of those agreed experts in a particular field meeting after the exchange of evidence to agree facts, issues and respective areas of disagreement.

    2.2 If conferencing occurred, it would result in an expert conference witness statement of agreement facts and issues for use in the hearing.

    2.3 Topics for consideration and attendees at expert conferences would be agreed between the Tribunal, claimant and Crown counsel prior to beginning. Only the experts, and potentially a neutral note taker would be present at the conference itself.

3. Assuming the above process, expert conferences can be covered under the Ministry for the Environment (**the Ministry**) claimant funding policy as research costs:

    3.1 Claimant funding will cover time for expert witnesses to read other participants' briefs of evidence and time spent at the conference. Expert witnesses can be remunerated at a rate of $125 per hour. However, the Ministry's claimant funding policy cannot cover lost wages or legal costs at the expert conferences.

4. The Crown proposes that expert conferences be held online, pursuant to the kaupapa of the inquiry, and assuming expert witnesses will have the ability to attend online. If any expert witnesses do not already have the means to attend remotely, claimant funding can be used for other costs associated with attending Tribunal events such as travel, accommodation, venue hire, AVL equipment hire and kai.

5. There is no standard application form for expert conference funding. But applications for claimant funding for expert witnesses and any inquiries relating to funding can be made via email at claimantfunding@mfe.govt.nz. The Ministry's general claimant funding policy can be found here.

Timeline of upcoming key dates

6. The Crown provides the following timeline of upcoming key dates under the CCRA:

   6.1 **By 18 April 2025**: the fourth Climate Change Commission advice on New Zealand Emissions Trading Scheme unit limits and price control settings for 2026-2030 (s 5ZOA of the CCRA). Refer to: Our upcoming work » Climate Change Commission

   6.2 **By 21 November 2025**: the Minister for Climate Change must advise the Climate Change Commission in writing of the Government's response to amend the 2050 target (s 5U of the CCRA).

   6.3 **By 31 December 2025**: the Minister for Climate Change is to set and notify in the Gazette the fourth emissions budget (2036-40) (s 5X of the CCRA).

   6.4 **31 December 2025**: the first emission budget period ends (s 5X of the CCRA).

   6.5 **1 January 2026**: the second emissions budget period begins (s 5X of the CCRA).

6.6 **By 31 August 2026**: the Climate Change Commission is to deliver the second National Adaptation Plan (NAP) progress report (4 years after NAP1 published – s 5ZU of the CCRA). Refer to: National Adaptation Plan Progress Assessments » Climate Change Commission

6.7 **By 31 December 2026**: the Climate Change Commission to prepare the second National Climate Change Risk Assessment (s 5ZQ of the CCRA). Refer to National Climate Change Risk Assessments » Climate Change Commission

6.8 **By no later than 31 December 2028**: the Minister must present the second NAP to Parliament (s 5ZT of the CCRA).

6.9 The first, second, and third emissions budgets have been set by the Government based on advice from the Climate Change Commission (from the period 2022 to 2035). The Climate Change Commission has already provided advice on the fourth emissions budget (21 November 2024), so will provide advice on the fifth in 2029 (s 5ZA(4) of the CCRA).

7. Counsel for the Crown are available to discuss this timeline with coordinating counsel once they have had the opportunity to review.

6 Poutūterangi | March 2025

J Prebble / N Fong / G Seeley
Counsel for the Crown

TO: The Registrar, Waitangi Tribunal

AND TO: Claimant Counsel