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IN THE WAITANGI TRIBUNAL **KEI MUA I TE TARAIPIUNARA**	**WAI 3325** **WAI 3279**
UNDER	**The Treaty of Waitangi Act 1975**
CONCERNING	**The Climate Change Priority Inquiry**
AND	**Te Upokorehe Future Generations Climate Change Claim**

MEMORANDUM OF COUNSEL FILING OPENING SUBMISSIONS, ADDRESSING COURT OF APPEAL DECISION, AND SEEKING EXTENSION FOR SUMMARIES OF EVIDENCE FOR HEARING WEEK TWO

Te Upokorehe Future Generations Climate Change Claim

Dated: 28 March 2025

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Waitangi Tribunal
28 Mar 25
Ministry of Justice
WELLINGTON

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TĒNĀ, E TE TAIRAIPIUNARA,

1. This memorandum is filed for the Wai 3279 Te Upokorehe Future Generations Climate Change Claim. It addresses opening submissions for hearing week 2, and summaries of evidence.

Opening Submissions for Wai 3279

2. In reliance on the extension sought on 26 March, this memorandum accompanies the opening submissions for the Wai 3279 Te Upokorehe Future Generations Climate Change Claim.

3. On 17 March 2025 documents received from MFE through the Official Information Act 1982. We have **attached** two of documents as they are referred to in the openings and ask that they are placed on the record of inquiry. We anticipate filing the remaining documents as a bundle once they have been reviewed and collated.

Court of Appeal Decision

4. Minutes before filing this memorandum counsel received the Court of Appeal's decision in *Lawyers for Climate Action NZ Inc v Climate Change Commission* [2025] NZCA 80. This is **attached** for ease of reference. In the time available we have not been able to fully review the decision and respectfully seek leave to provide a further short supplementary submission on the meaning and effect of this decision prior to the hearing.

Summaries

5. Summaries of evidence for briefs longer than five pages were due to be filed on 27 March 2025.[1] Given the administrative burden that preparing these summaries places on claimants, and the real risk that vital kōrero lost focus in shorter briefs, we respectfully seek reconsideration of the threshold.

6. Counsel propose that summaries be required only for very briefs of more than 20 pages, and that those summaries be restricted to 5 pages, which

[1] Wai 3325 #2.6.4(a).

will take approximately 10 minutes to read out.[2] This better acknowledges the time needed to convey complex evidence meaningfully and without undue compression, and also minimises the risk that the impact of valuable kōrero is diminished when presented out of context from the full brief.

7. Should the Tribunal agree with this proposal, the claimants would only be required to file a summary for the evidence of Wallace Aramoana and Maude Edwards. If not, the claimants will need to file summaries for nine of their ten witnesses.

8. The Tribunal has recently issued directions in the Wai 2700, Wai 3300 and Wai 3060 inquiries with short deadlines for response that have required Te Upokorehe's attention. In addition, they are preparing for Stage Two of the Wai 3400 Urgent Inquiry, scheduled for 14–16 April. Given these competing demands, speaking notes are being prepared by Te Upokorehe witnesses, but they are not yet complete.

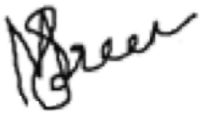
9. We respectfully seek a direction from the Tribunal on the proposed change to procedure above. Regardless of the Tribunal's decision, leave is respectfully sought to file the speaking notes for Te Upokorehe witnesses on or before 3 April 2025.

10. Dr Every-Palmer is preparing a PowerPoint presentation to assist presentation of his evidence. As claimant experts do not have access to funding to assist with drafting, leave is sought to file this presentation in lieu of a written summary of his brief. Counsel are currently seeking instructions as to when the presentation will be available. However, analysis of the recent Court of Appeal decision referenced above is expected to cause some delay. Leave is therefore sought to provide a

[2] In the Te Paparahi o Te Raki Inquiry, between 30 and 45 minutes was routinely allowed for the presentation of summaries of technical evidence. The Tribunal noted that, as a general guideline, a 15 page double-spaced document in 12-point font takes approximately 30 minutes to read aloud—see Wai 1040 #2.5.145.

further update to the Tribunal regarding the filing of this document by 5PM on Tuesday, 1 April 2025.

Dated: 28 March 2025



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