OFFICIAL

BEFORE THE WAITANGI TRIBUNAL **WAI 3325**
WAI 3395

IN THE MATTER OF the Treaty of Waitangi Act 1975

AND
IN THE MATTER OF the Climate Change Priority Inquiry **(WAI 3325)**

AND
IN THE MATTER OF a claim by **Donna Kerridge, Pita Tipene, Moana Maniapoto, Dr George Laking, India Logan-Riley, Dr Maria Bargh, and Aroha Te Pareake Mead** for and on behalf of Ngā Toki Whakarururanga **(WAI 3395)**

MEMORANDUM OF COUNSEL FILING UNAFFIRMED THIRD AFFIDAVIT OF ELIZABETH JANE KELSEY

Dated this 10th day of March 2025

RECEIVED
Waitangi Tribunal
10 Mar 25
Ministry of Justice
WELLINGTON

ANNETTE SYKES & Co.
barristers & solicitors

Annette Sykes & Co
Barristers & Solicitors
8 – Unit 1 Marguerita Street
Rotorua, 3010
Phone: 07-460-0433
Counsel Acting: Annette Sykes, Sam Vincent
Email: asykes@annettesykes.com; sam@annettesykes.com

TĒNĀ E TE TARAIPIUNARA

1. This Memorandum of Counsel (MOC) is filed on behalf of the below named claimant group in the Climate Change Priority Inquiry:

    a) **Wai 3395,** a claim by Donna Kerridge, Pita Tipene, Moana Maniapoto, Dr George Laking, India Logan-Riley, Dr Maria Bargh, and Aroha Te Pareake Mead for and on behalf of Ngā Toki Whakarururanga.

2. In Memorandum-Directions dated 26 February 2025,[1] Her Honour Judge Milroy directed Claimant counsel to file evidence to be heard at hearing two no later than Friday, 7 March 2025.

3. On 7 March 2025, Counsel filed a Memorandum of Counsel[2] seeking leave to file the **unaffirmed** Third Affidavit and Exhibits of Elizabeth Jane Kelsey dated 7 March 2025.

4. Due to technical difficulties and Counsel travelling to Wai 1750 hearings this week, we were unable to file in time and seek leave to now file the unaffirmed Third Affidavit and Exhibits.

5. Over the weekend, Counsel received Ms Kelsey's affirmed Affidavit and Exhibit. However, it is an unclear version, and we await the receipt of the original document in the post in order to scan a clear copy and serve to all parties.

[1] Wai 3325, #2.6.4 *Memorandum-Directions of Judge Milroy following 17 February 2025 Judicial Conference.*
[2] Memorandum of Counsel filed on behalf of the Claimant with the Tribunal Registry at 2.29pm on 7 March 2025.

6. We apologise for the late filing and seek your consideration.

Dated this 10th day of March 2025

Annette Sykes

Sam Vincent

Counsel for the Claimants