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IN THE WAITANGI TRIBUNAL
KEI MUA I TE TARAIPIUNARA

WAI 3325

UNDER **The Treaty of Waitangi Act 1975**

CONCERNING **The Climate Change Priority Inquiry**

MEMORANDUM OF COORDINATING COUNSEL

Dated: 4 September 2025

RECEIVED
Waitangi Tribunal
4 Sep 25
Ministry of Justice
WELLINGTON

TĒNĀ, E TE TARAIPIUNARA

1. This memorandum of claimant co-ordinating counsel concerns the agreed list of hearing week 4 claimant witnesses, and a suggested approach to claimant reply evidence.

Agreed List of Witnesses

2. A list of claimant witnesses in order of their intended appearance is attached as Appendix A.

3. This list covers witnesses for hearing weeks 4 and 5. We estimate that hearing the balance of tangata whenua evidence will require the first half of hearing week 4. Expert evidence has been added throughout weeks 4 and 5 to ensure the weeks are filled.

4. While estimates, counsel stress that hearing time is tight and subject to change depending on Crown and Tribunal cross examination estimates, or should there be agreement that some evidence can be admitted by consent.

Crown Position on Economic Evidence

5. The Crown memorandum of counsel dated 29 August signalled that economic evidence has been prepared, but the Crown's preference (no leave was sought for this approach) is that it is filed after Dr Meade's proposed evidence for Wai 3287.

6. It is understood that the claimants for Wai 3287 will file a separate updating memorandum, it is the collective position of claimant counsel that all Crown evidence should be filed as soon as is possible.

7. Claimants have filed expert economic evidence through John Ballingal, Professor Noy, Ivo Bertram and others, who are due to give evidence in October. Those experts should be able to respond to the Crown's expert.

8. Claimant commissioned experts require sufficient time to review the Crown's evidence and to respond directly to any points that may be of assistance to the Tribunal during their presentations.

9. There would be no objection should the Crown consider that it is necessary to file a supplementary brief from their expert in response to the evidence of Dr Meade, if legal aid funding enables that evidence to be produced.

Reply evidence

10. On 18 August 2025, counsel were directed to a further memorandum that advises the confirmed volume of intended reply evidence and a proposal for how this material should be accommodated within the Tribunal's remaining hearing phase.

11. Crown evidence was received at 21:44 on Friday evening. Counsel and witnesses are still reviewing that evidence to assess what reply is required.

12. There are five weeks left in this inquiry. Hearing weeks 4 and 5 are required for claimant evidence. Your Honour has directed that the final hearing week 8 is reserved for closing submissions.

13. Counsel anticipates that Crown evidence will take the entirety of hearing weeks 6 and 7. The Crown has filed sixteen briefs of evidence with more economic evidence to be filed.

14. Counsel have had early indications that reply evidence may be substantial. Claimant reply evidence could be filed by 12 December 2025.

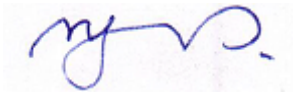
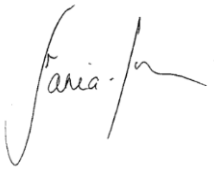
15. Two options have been considered for this evidence to be heard:

    a. Reply evidence could be heard during the last two days of hearing week 7. Given the extent of Crown evidence this option is not preferred. We would not support the Crown or reply evidence being taken as read, given its technical nature and complexity.

    b. Week 8 be used for reply evidence from the claimants, and any spillage from hearing weeks 6 and 7. Additional time would need to be set aside for closing submissions. This will ensure that there is enough time to hear and test all evidence in this inquiry.

16. Counsel therefore consider that using week 8 for reply evidence, with closing submissions to follow.

Dated: 4 September 2025

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