

BEFORE THE WAITANGI TRIBUNAL
I TE RŌPŪ WHAKAMANA I TE TIRITI O WAITANGI

WAI 3287
WAI 3325

IN THE MATTER of the Treaty of Waitangi Act 1975

AND

IN THE MATTER of a claim by **Chris Insley** on behalf of Te Taumata
and Māori generally

MEMORANDUM OF COUNSEL UPDATING TRIBUNAL AS TO THE
STATUS OF DR RICHARD MEADE'S EXPERT EVIDENCE

26 November 2025

RECEIVED

Waitangi Tribunal

27 Nov 2025

Ministry of Justice
WELLINGTON

KĀHUI
LEGAL

Solicitor: T N Hauraki / T L Thoms
PO Box 1654
WELLINGTON
Telephone: 04 495 9999
Email: tara@kahuilegal.co.nz /
tamahou@kahuilegal.co.nz

Counsel Acting: M K Mahuika
PO Box 3087
GISBORNE
Telephone: 021 406 525
Email: matanuku@mahuikalaw.nz

TĒNĀ, E TE TARAIPUNARA:

Introduction

1. This memorandum is filed on behalf of the Wai 3287 claim, for the purposes of:
 - (a) providing the Tribunal with an update on the proposed evidence of Dr Richard Meade; and
 - (b) to seek leave from the Tribunal for the filing of that evidence.

Our hope is that there may be time to discuss this at tomorrow's judicial conference.

2. The intention to file evidence from Dr Meade was foreshadowed early in the hearing process for this inquiry. Periodic updates have been provided to the Tribunal concerning Dr Meade's evidence. In these updates we have indicated that the filing of Dr Meade's evidence was contingent upon the provision of funding by Legal Aid.

Process for obtaining legal aid funding

3. Legal Aid funding was sought for Dr Meade's evidence on 28 April 2025. Funding for the expert brief would have, in fact, been sought earlier, but was not possible as Legal Aid Services did not approve legal aid for the Wai 3287 claim until mid-April 2025. The original intention was to have Dr Meade's evidence heard during this week's hearing of claimant expert witnesses. As the Tribunal will be aware from the periodic updates we have provided, the process of obtaining legal aid approval for expert witness funding turned out to take much longer and be more drawn out than we had anticipated.
4. Legal aid approval was finally confirmed for Dr Meade's evidence on 6 November 2025. This followed multiple urgent requests for confirmation of funding by us throughout May, July, August and finally on 16 October 2025. Ultimately, legal aid funding was not approved until the Tribunal

confirmed by memorandum-directions on 3 November 2025 that it would not commission any expert evidence or research for the Wai 3325 inquiry.¹

Progress on Dr Meade's brief

5. Dr Meade had completed some initial scoping work on his evidence prior to legal aid approval being confirmed. He is now working to complete his evidence as quickly as possible. His evidence will utilise Te Tairāwhiti as a case study and analyse the impacts of climate change and other Crown policy on Tairāwhiti Māori. It will also consider policy approaches that would have a net benefit impact and support the socio-economic and cultural aspirations of Te Tairāwhiti. In addressing these matters, Dr Meade's evidence will:
 - (a) provide a critique from an economic perspective (institutional, regulatory, environmental etc) on the Crown's development and implementation of climate change policy in Aotearoa New Zealand with a focus on forestry;
 - (b) analyse the impact of Crown policies on Māori forestry highlighting how those policies have affected and continue to affect Māori economic interests;
 - (c) assess the cost of the policy and regulatory interventions to Māori;
 - (d) assess the cost to Māori of Crown failures to adequately recognise existing Māori forests for carbon sequestration benefits;
 - (e) assess the value of Māori forestry to Aotearoa New Zealand's climate change commitments; and
 - (f) assess the cost to Māori if the Crown was to remove exotic species from the ETS.
6. We will also ask Dr Meade to consider the impacts of the most recent changes to the ETS and related changes to the broader Crown climate

¹ Wai 3325, #2.6.017 at [15].

change policy settings. These are the matters that coordinating counsel have asked the Tribunal to consider at tomorrow's judicial conference.

Conclusion

7. We appreciate that Dr Meade's evidence is now very late from the point of view of the timetable for this inquiry, coming after the Crown has filed its evidence, although before any reply and updating evidence has been considered and timetabled. This evidence remains extremely important to the Wai 3287 claim. There is currently no evidence on the record of inquiry that is the same as, or similar to, the evidence that Dr Meade will be providing. We therefore submit that it remains of benefit to this inquiry that the Tribunal receive and consider the evidence that Dr Meade will provide.
8. In all the circumstances we respectfully seek leave to file Dr Meade's evidence, once completed, and for that evidence to be heard during one of the upcoming hearing weeks. We expect to be able to file Dr Meade's evidence by no later than the start of February 2026.

DATED at Wellington this 26th day of November 2025

Three handwritten signatures in blue ink are displayed horizontally. The first signature is highly stylized and illegible. The second signature is written in a cursive style and appears to read 'T N Hauraki'. The third signature is also cursive and appears to read 'M K Mahuika'.

M K Mahuika / T N Hauraki / T L Thoms
Counsel for Wai 3287