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

23 Hānuere | January 2026

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MAY IT PLEASE THE TRIBUNAL:

1. In this memorandum, the Crown responds to the email issued by the Registrar on 22 January 2026, in respect of the proposal to utilise vacated hearing time in the week beginning 16 February 2026.

2. In the 19 December 2025 memorandum filed by the Crown, counsel indicated that it would be useful to have all three witnesses initially proposed for expert conferencing (Professor Kelsey, Vangelis Vitalis, and Victoria Hallum) appear during one of the Crown hearing weeks in 2026 to provide discussion of the evidence and to give the Tribunal the opportunity to test the evidence at one hearing.[1]

3. The 22 January email from the Registrar records that Crown witnesses Vangelis Vitalis and Victoria Hallum are available to present during the proposed February week. Crown witnesses are not available to give evidence during the proposed February week, but will be available to give evidence during the scheduled Crown hearing weeks (hearings six and seven).

4. Counsel are focused on the currently timetabled steps, including filing the supplementary evidence (13 February), economics evidence in reply (24 February), and opening submissions (26 February). The proposed new hearing week (16-20 February) will fall closely among these scheduled steps. Given the time commitment associated with those steps, the Crown's ability to take an active role in cross-examination is likely to be impacted should the proposed hearing week commencing 16 February 2026 go ahead. Accordingly, the Crown's preference is for the remaining claimant evidence to be heard in the Crown hearing weeks, with

[1] Memorandum of counsel for the Crown, dated 19 December 2025 at [18].

provision made for any evidence not able to be heard in hearings six and seven in a subsequent hearing week.

23 Hānuere | January 2026

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

TO: The Registrar, Waitangi Tribunal

AND TO: Claimant Counsel