BEFORE THE WAITANGI TRIBUNAL

WAI 3325
WAI 3395

UNDER the Treaty of Waitangi Act 1975

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 ON INQUIRY PLANNING

Dated this 28th day of January 2026

ANNETTE SYKES & Co.
barristers & solicitors

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Waitangi Tribunal
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WELLINGTON

TĒNĀ E TE TARAIPIUNARA

1. This Memorandum of Counsel is filed on behalf of the claimants for Wai 3395, that is 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. This memorandum responds to the directions received from the Tribunal on 22 January 2026, and the memorandum filed by the Crown on 23 January 2026.

3. Counsel apologise for the delay overnight in filing this memorandum, and seek leave for the same.

4. Counsel consider that Professor Kelsey should give her further evidence (by way of cross-examination) at the same time as, or after, Crown witnesses Mr Vangelis Vitalis and Ms Victoria Hallum. This would give the Tribunal the best opportunity to test this evidence.

5. Counsel note the Crown's indication that Mr Vitalis and Ms Hallum are not available during the week beginning 16 February 2026.

6. In that week, Professor Kelsey's availability is now limited to 19 and 20 February.

7. Counsel remain of the view that if the Crown could make their witnesses available, the best option is to have all three witnesses give evidence during the week beginning 16 February.

8. Failing this, Professor Kelsey can give evidence with Mr Vitalis and Ms Hallum in Hearing Six or Hearing Seven. Professor Kelsey is available during those hearing weeks, except on 17 March and 28 April.

Dated this 28th day of January 2026

Annette Sykes

Sam Vincent

Counsel for the Claimants