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 **Pita Tipene, Moana Maniapoto, George Laking, India Logan-Riley, Donna Kerridge, Aroha Te Pareake Mead,** and **Maria Bargh** for and on behalf of **Ngā Toki Whakarururanga** (**WAI 3395**)

MEMORANDUM OF COUNSEL RE-FILING FIFTH BRIEF OF EVIDENCE OF PROFESSOR JANE KELSEY

Dated on this 3rd day of February 2026

RECEIVED
Waitangi Tribunal
3 Feb 26
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WELLINGTON

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TĒNĀ E TE TARAIPIUNARA:

Introduction

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 ("**the Claimants**").

Re-filing Brief of Evidence of Professor Jane Kelsey

2. On 29 January 2026, counsel for the Claimants filed Professor Jane Kelsey's fifth Brief of Evidence, including Appendix A (the responses of Professor Kelsey to Crown questions of cross-examination) and Appendix B (the index of exhibits to the Brief of Evidence). The exhibits themselves were provided by way of a Dropbox link.

3. To comply with Waitangi Tribunal filing guidelines, Professor Kelsey's Brief of Evidence is re-filed alongside this memorandum. The documents comprising the Brief of Evidence are now structured as follows:

    3.1 The text of the Brief of Evidence (unchanged from the filings on 29 January);

    3.2 Index to the Appendices of the Brief of Evidence;

    3.3 Appendix A – the responses of Professor Kelsey to Crown questions of cross-examination (now paginated); and

    3.4 Appendix B – the index of exhibits to the Brief of Evidence and the exhibits.

Dated at Rotorua this 3rd day of February 2026

Annette Sykes | Sam Vincent

Counsel for the Claimants