

IN THE WAITANGI TRIBUNAL

Wai 3325

IN THE MATTER OF the Treaty of Waitangi Act 1975

AND

IN THE MATTER OF the Climate Change Priority Kaupapa Inquiry

BY Awhirangi Panehina Lawrence, on
behalf of herself, her whānau, and Ngā
uri o Ngatau me Pomana Honetua

AND others...

MEMORANDUM OF COUNSEL

SEEKING LEAVE TO CROSS-EXAMINE CROWN WITNESSES

Dated: 25 February 2026

RECEIVED Waitangi Tribunal
25 Feb 26
Ministry of Justice WELLINGTON

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Counsel Acting: Janet Mason and Umar Abdul Kuddus

Counsel Assisting: Arabela Boatwright

MAY IT PLEASE THE TRIBUNAL

1. This Memorandum of Counsel (“MoC”) is filed on behalf of:
 - a. the Claimants represented by Phoenix Law Limited as listed in **Annex A** (“the Claimants”); and
 - b. seeks leave to cross examine Crown witnesses appearing at Hearing Week Six (“HW Six”).
2. In Memorandum Directions (“MD”) dated 10 December 2025, the Presiding Officer Judge Milroy directed Counsel to seek leave to cross examine HW Six Crown witnesses, by Tuesday 17 February 2026.¹
3. Counsel have received instructions to cross examine the following Crown witnesses at the upcoming HW Six held via AVL on 16 – 20 March 2026:
 - a. Anne Haira and Gina Rangi – 25 minutes;²
 - b. Evangelos (Vangelis) Vitalis – 30 minutes;³
 - c. Kay Harrison – 20 minutes;⁴
 - d. Paul Barker – 20 minutes;⁵
 - e. Victoria Hallum – 20 minutes;⁶
 - f. Daniel Bolger – 20 minutes;⁷
 - g. Bryan Smith and Simon Madal-Johnson – 25 minutes;⁸ and
 - h. Katherine Wilson – 20 minutes (collectively known as “the Witnesses”).⁹
4. Counsel indicates that the cross examination of the Witnesses will cover the following topics raised by the Claimants:
 - a. Crown engagement and consultation with Māori;
 - b. impacts of Climate Change on Māori;
 - c. use of Mātauranga Māori in the development of Crown policies; and

¹ Wai 3325, #2.6.020(a).

² Wai 3325, #A118.

³ Wai 3325, #A123.

⁴ Wai 3325, #A133.

⁵ Wai 3325, #A136.

⁶ Wai 3325, #A127.

⁷ Wai 3325, #A139.

⁸ Wai 3325, #A140.

⁹ Wai 3325, #A141.

- d. the inclusion of Māori when considering the Emission's Trading Scheme and forestry credits.
5. Counsel will continue to work with other Claimant Counsel to minimise the duplication of cross examination topics and other areas of questioning, and to ensure that hearing time is used efficiently and proportionately.
6. Due to competing schedules of the Claimants, Counsel was unable to confirm instructions prior to the filing deadline. Counsel sincerely apologises for filing out of time and respectfully seeks leave for the same.

Dated: 25 February 2026



Janet Mason
Counsel Acting



Umar Abdul Kuddus
Counsel Acting



Arabela Boatwright
Counsel Assisting

Annex A: Claimants Represented by Phoenix Law Limited

1. The claimants represented by Phoenix Law Limited are:

- a. Wai 3394:** Awhirangi Panehina Lawrence, on behalf of herself, her whānau, and Ngā Uri o Ngatau me Pomana Honetua;
- b. Wai 3409:** Moerangi Potiki, on behalf of Te Rūnanga o Ngāti Whakaue Incorporated, for and on behalf of Ngāti Whakaue ki Maketu Hapu;
- c. Wai 3392:** Ruiha Te Matekino Collier, on behalf of herself, her whānau and hapū, and her iwi of Ngāpuhi, as part of Ngāpuhi-nui-Tonu;
- d. Wai 3411:** Jane Mihingarangi Ruka, on behalf of the Grandmother Council of the Waitaha Nation, including the three hapū of Ngāti Kurawaka, Ngāti Rakaiwaka, and Ngāti Pakauwaka;
- e. Wai 120:** Te Raumoia Balneavis Kawiti, Rhonda Aorangi Kawiti, and Michelle Jessop on behalf of the Kawiti Marae Committee, the Kawiti Whānau, and their descendants of Ngāti Hine, Ngāti Manu, Te Kapotai, Ngāti Rahiri, Ngāti Rangi, Ngaitewake and Ngāpuhi iwi;
- f. Wai 3408:** Sailor Morgan and Frances Goulton, on behalf of themselves, the Ngāti Raumahue hapū, and Ngāti Kahu ki Whangaroa;
- g. Wai 1018:** Apihaka Maka, on behalf of herself, her whānau and hapū, and Ngātiawa Tōputōnga Tai Kapiti;
- h. Wai 3393:** Rihari Richard Takuirā Dargaville, on behalf of himself, his whānau and hapū, and his iwi of Ngāpuhi, as part of Ngāpuhi-nui-Tonu and Tai Tokerau District Māori Council;
- i. Wai 3396:** Mane Grant Tahere, Chairperson of Te Rūnanga-Ā-Iwi-O-Ngāpuhi, Chrisandra Iti Rana Joyce, Deputy Chairperson of Te Rūnanga-Ā-Iwi-O-Ngāpuhi, and Hone Sadler, kaumatua, on behalf of themselves, and the whānau, hapū and iwi who constitute te Whare Tapu o Ngāpuhi;
- j. Wai 3410:** Evelyn Ratima, on behalf of herself, her whānau, hapū and iwi, and the Māori communities in her district which she represents;
- k. Wai 3407:** Michelle Marino and David James Churton, on behalf of themselves, their whānau and hapū, and the Ngāti Tama Te Kaeaea Trust;

- l. Wai 3397:** Eve and Peter Vaughan, on behalf of themselves, and their whānau and hapū, as part of Ngāpuhi-nui-Tonu;
- m. Wai 1307:** Matutaeara Te Nana Clendon, Robert Sydney Willoughby on behalf of Te Aroha Rewha, Russell Hook on behalf of Mārara Kaweora Hook, Huia Storm Azimi, George Frederick Riley and James Hemi Clendon, on behalf of themselves and their whānau and the hapū of Ngāti Kuta ki te Rawhiti;
- n. Wai 3280:** Anthony Whata, on behalf of his whānau, hapū, iwi, whānau whānui, and whāngai;
- o. Wai 3345:** Denise Messiter, on behalf of her whānau, hapū, iwi, whānau whānui, and whāngai;
- p. Wai 3344:** John Fenwick, on behalf of his whānau, hapū, iwi, whānau whānui, and whāngai;
- q. Wai 3346:** Katarina Skerrett-White, on behalf of her whānau, hapū, iwi, whānau whānui, and whāngai;
- r. Wai 3283:** Laurie Porima, on behalf of his whānau, hapū, iwi, whānau whānui, and whāngai;
- s. Wai 3284:** Mark Ross, on behalf of his whānau, hapū, iwi, whānau whānui, and whāngai;
- t. Wai 3347:** Merepeka Raukawa-Tait, on behalf of her whānau, hapū, iwi, whānau whānui, and whāngai;
- u. Wai 3348:** Teina Boasa-Dean, on behalf of her whānau, hapū, iwi, whānau whānui, and whāngai; and
- v. Wai 3282:** Te Ohu Wi-Kingi, on behalf of his whānau, hapū, iwi, whānau whānui, and whāngai.