

TE RŌPŪ WHAKAMANA I TE TIRITI O WAITANGI

Wai 3325

E PĀ ANA KI
CONCERNING

te Treaty of Waitangi Act 1975

Ā,
AND

te Climate Change Priority
Inquiry

HE PĀNUI WHAKAHAU A KAIWHAKAWĀ STEPHANIE MILROY

*MEMORANDUM-DIRECTIONS OF JUDGE STEPHANIE MILROY CONFIRMING VARIOUS
PRE-HEARING WEEK SEVEN MATTERS AND THE FINAL TIMETABLE*

23 Āperira 2026

Purpose

1. This memorandum-directions:
 - (a) records my response to various recent extensions granted via the Waitangi Tribunal Registrar (the Registrar), specifically those concerning:
 - (i) Crown evidence in reply to claimant witness Dr Richard Meade (Wai 3325, #3.2.294);
 - (ii) outstanding hearing six materials; and
 - (iii) matters ahead of hearing seven;
 - (b) records my response to the Crown's release of Cabinet material relevant to section 3A of the Climate Change Response Act 2002 (CCRA) (Wai 3325, #3.2.294);
 - (c) records my response to directions sought by counsel for the Ngāti Ruapani ki Waikaremoana Climate Change (Wai 3278) claim and six other claims, Bryce Lyall and Hannah Swedlund, regarding the supplementary evidence of William John Martin (Wai 3325, #3.2.307); and
 - (d) confirms the timetable for hearing seven, including leave sought by counsel to cross-examine hearing seven witnesses.
2. An updated list of filing milestones is **attached** as **Appendix A**.

Crown evidence in reply to Dr Richard Meade

3. Crown evidence in reply to Dr Meade (Wai 3325, #A151) was due to be filed by 27 March 2026 (Wai 3325, #2.6.23 at [10]).
4. On 26 March 2026, counsel for the Crown, Jeremy Prebble, Nixon Fong, Grace Seeley and Larissa Tucker filed a memorandum seeking an extension to file the Crown's reply evidence to Dr Meade by 14 April 2026, due to constraints imposed by hearing six of this inquiry (Wai 3325, #3.2.294 at [4]).
5. On 30 March 2026, via email from the Registrar, I granted the leave sought.

Outstanding materials arising from hearing six

6. In memorandum-directions dated 31 March 2026, I directed (Wai 3325, #2.6.25 at [44]):
 - (a) claimant counsel to file any questions in writing for Crown witnesses who appeared at hearing six by 26 March 2026; and
 - (b) counsel for the Crown to file responses to any questions in writing by 9 April 2026.
7. In addition, I directed counsel for the Crown to file by 2 and 9 April 2026, respectively (Wai 3325, #2.6.25 at [16] & [5]):
 - (a) documents pertaining to, or an update on, the status of the Ministry for Environment's Mātauranga Māori workstream; and
 - (b) any other outstanding materials arising from hearing six.

Memorandum of counsel for Te Urunga o Kea (Te Arawa Climate Change) (Wai 3285) and the Climate Change (Warmenhoven) (Wai 3286) claims

8. On 30 March 2026, counsel for the Te Urunga o Kea (Te Arawa Climate Change) (Wai 3285) and the Climate Change (Warmenhoven) (Wai 3286) claims, Tania Te Whenua and Lauren Chand, filed a memorandum seeking an extension to file questions in writing by 1 April 2026 on the basis that counsel were heavily involved in the proceedings for the North-Eastern Bay of Plenty (Wai 1750) District Inquiry (Wai 3325, #3.2.299 at [4]).
9. On 30 March 2026, via email from the Registrar, I granted the leave sought.

Memoranda of counsel for the Crown

10. On 7 April 2026, counsel for the Crown filed a memorandum along with an update on Mātauranga Māori National Adaptation Plans Actions, noting work was ongoing despite being scheduled for completion in March 2026. Counsel sought an extension to file 'the remaining materials and information [...] due on 9 April 2026' by 24 April 2026 (Wai 3325, #3.2.305 at [3] and #3.2.305(a)). I granted the leave sought via email from the Registrar on 8 April 2026.
11. On 10 April 2026, the Tribunal received a further memorandum from counsel for the Crown, clarifying that the complete information on the Mātauranga Māori workstream was filed on 7 April 2026. Counsel accordingly sought an extension to file the outstanding materials arising from hearing six, including responses to questions in writing, by 24 April 2026 (Wai 3325, #3.2.309).
12. On 15 April 2026, via email from the Registrar, I granted the leave sought and accordingly directed counsel for the Crown to file by **5 pm, Friday 24 April 2026**:
 - (a) the outstanding materials listed at [11] – [41] of my memorandum-directions dated 31 March 2026 (Wai 3325, #2.6.25); and
 - (b) responses to any questions in writing arising from hearing six.

Extensions ahead of hearing week seven

Memorandum of counsel for the Crown

13. In memoranda-directions dated 13 March 2026 and 31 March 2026 respectively, I directed counsel for the Crown to file (Wai 3325, #2.6.23 & #2.6.25):
 - (a) the supplementary brief of evidence of Paul Stocks, by 13 April 2026;
 - (b) the brief of evidence of Grahame Morton, by 7 April 2026; and
 - (c) evidence summaries, speaking notes and PowerPoint presentations for hearing seven briefs of evidence by 21 April 2026.
14. Counsel for the Crown, in their memorandum dated 10 April 2026, sought an extension to file the brief of evidence of Mr Morton by 20 April 2026 (Wai 3325, #3.2.309 at [4]).
15. On 14 April 2026, counsel for the Crown sought an extension to file the supplementary evidence of Mr Stocks by 20 April 2026 (Wai 3325, #3.2.310 at [2]). Counsel submit the evidence of Messrs Morton and Stocks is connected as it pertains to critical minerals and that both witnesses are experiencing workload pressures due to the conflict in the Middle East and its implications for New Zealand (Wai 3325, #3.2.309 at [5] & #3.2.310 at [3] – [4]).

16. On 20 April 2026, counsel for the Crown filed a further memorandum seeking leave to file Messrs Stocks' and Morton's evidence by 21 April 2026 (Wai 3325, #3.2.313 at [5]).
17. In addition to the above, counsel for the Crown sought an extension to file evidence summaries, speaking notes and PowerPoint presentations iteratively, by 24 April 2026 (Wai 3325, #3.2.313 at [6]).
18. On 21 April 2026, I instructed Tribunal staff to contact counsel for the Crown to advise that the extensions sought at [16] and [17] above are granted.

Memorandum of Annette Sykes and Co.

19. On 14 April 2026, the Tribunal received a memorandum from counsel for the Racism Against Māori (Wai 2494), the Climate Change (Skerrett-White) (Wai 3281), the Climate Change (Ngāruahine) (Wai 3382) and the Climate Change (Ngā Toki Whakarururanga) (Wai 3395) claims, Annette Sykes, Scott Fletcher and Sam Vincent.
20. Pursuant to the leave sought by the Crown above, counsel sought leave to file (Wai 3325, #3.2.311):
 - (a) evidence in reply to Mr Stocks by 28 April 2026; and
 - (b) bundles of documents for cross-examination by 22 April 2026.
21. On 15 April 2026, via email from the Registrar, I granted blanket leave for claimant counsel to file the above materials as per the filing deadlines at [20] above.

Release of Cabinet material

22. On 12 March 2026, counsel for the Crown filed a memorandum advising the Tribunal that it was taking instructions on the release of the Cabinet material relevant to section 3A of the CCRA (Wai 3325, #3.2.285 at [5]).
23. Counsel for the Crown, in their memorandum dated 26 March 2026, advised that, absent a specific Tribunal direction, they did not have instruction to release the Cabinet material relevant to section 3A of the CCRA (Wai 3325, #3.2.294 at [7]).
24. On 30 March 2026, via email from the Registrar, I directed counsel for the Crown to file the relevant Cabinet material by 10 April 2026.

Supplementary evidence of William John Martin

25. On 8 April 2026, counsel for Wai 3278 and six other claims, Mr Lyall and Ms Swedlund, filed a joint memorandum of counsel along with the following government announcements for (Wai 3325, #3.2.307, #3.2.307(a) & #3.2.307(b)):
 - (a) a new science funding strategy to replace the existing strategy, dated 14 October 2025; and
 - (b) a reallocation of science spending, dated 1 April 2026.
26. Counsel advised that, considering the above announcements, the claimants were concerned that Crown witness William John Martin's (#A135) evidence was now out of date. Counsel noted the limited hearing time available and requested the Tribunal direct the Crown to file an updated brief of evidence for Mr Martin (Wai 3325, #3.2.307 at [4]).
27. I instructed Tribunal staff to contact counsel for the Crown regarding the matter. Counsel for the Crown advised that the updates above could be addressed in Mr Martin's speaking notes.

28. On 10 April 2026, via email from the Registrar, I granted leave for Mr Martin to address the above matters in his speaking notes. In addition, I advised claimant counsel that any further information arising from Mr Martin’s speaking notes can be obtained by way of cross-examination or questions in writing.

Cross-examination requests and the hearing seven timetable

Cross-examination requests

29. In memorandum-directions dated 10 December 2025, I directed claimant counsel to file hearing seven cross-examination requests alongside time and topic indications by 31 March 2026 (Wai 3325, #2.6.20(a)).

30. On 1 April 2026, the Tribunal received a memorandum from claimant coordinating counsel, Mr Lyall, Michael Sharp and Ms Te Whenua, filing a list of claimant counsel cross-examination requests for hearing seven as follows (Wai 3325, #3.2.301 & Wai 3325, #3.2.301(a)):

| Witness | Time (min) |
|--|--|
| Robyn Julie Collins and Samuel Ross Keenan (#A120) | <ul style="list-style-type: none"> • Sykes & Co: 10 • Bennion Law: 30 • Woodward Law/Michael Sharp: 20 • Kahui Legal: 45 • Bryce Lyall: 10 • Tukau Law: 40 • Phoenix Law: 10 • Oranganui Legal: 5 • Te Whenua Law: 20 |
| Robyn Julie Collins (#A121) | <ul style="list-style-type: none"> • Sykes & Co: 30 • Bennion Law: 30 • Kahui Legal: 30 • Tukau Law: 40 • Woodward Law/Michael Sharp: 20 • Phoenix Law: 10 • Oranganui Legal: 5 |
| Paul Gerard Stocks (#A122) | <ul style="list-style-type: none"> • Sykes & Co: 45 • Bennion Law: 30 • Woodward Law/Michael Sharp: 20 • Oranganui Legal: 5 • Te Whenua Law: 15 |
| Kirstie Knowles and Catherine Wilson (#A124) | <ul style="list-style-type: none"> • Bryce Lyall: 15 • Oranganui Legal: 5 • Sykes & Co: 15 • Te Whenua Law: 30 |

| Witness | Time (min) |
|--|--|
| | <ul style="list-style-type: none"> • Woodward Law/Michael Sharp: 15 |
| Kieran Murray (#A127) | <ul style="list-style-type: none"> • Sykes & Co: 40 • Bennion Law: 30 • Woodward Law/Michael Sharp: 20 • Kahui Legal: 45 • Bryce Lyall: 15 • Oranganui Legal: 5 • Te Whenua Law: 15 |
| Helen Joan Plume (#A128) | <ul style="list-style-type: none"> • Bennion Law: 30 • Oranganui Legal: 5 • Kahui Legal: 15 • Woodward Law/Michael Sharp: 30 • Bryce Lyall: 15 • Sykes & Co: 5 |
| Siobhan Routledge (#A129) | <ul style="list-style-type: none"> • Bennion Law: 40 • Woodward Law/Michael Sharp: 20 • Phoenix Law: 15 • Oranganui Legal: 5 • Te Whenua Law: 20 |
| Katrina Eileen Casey (#A130) | <ul style="list-style-type: none"> • Bennion Law: 20 • Woodward Law/Michael Sharp: 20 • Bryce Lyall: 10 • Phoenix Law: 15 • Oranganui Legal: 5 • Te Whenua Law: 30 |
| Jenna Rachel Rogers and Dwain Gerard John Hindriksen (#A131) | <ul style="list-style-type: none"> • Sykes & Co: 45-60 • Woodward Law/Michael Sharp: 10 • Bryce Lyall: 10 • Oranganui Legal: 5 • Te Whenua Law: 20 |
| William John Martin (#A135) | <ul style="list-style-type: none"> • Bennion Law: 20 • Tukai Law: 40 • Woodward Law/Michael Sharp: 15 • Bryce Lyall: 10 • Oranganui Legal: 5 • Te Whenua Law: 20 |

| Witness | Time (min) |
|----------------------|---|
| Paula Rawiri (#A149) | <ul style="list-style-type: none"> • Sykes & Co: 20 • Bryce Lyall: 30 • Bennion Law: 10 • Tukai Law: 40 • Woodward Law/Michael Sharp: 20 • Phoenix Law: 15 min • Oranganui Legal: 5 • Te Whenua Law: 20 |

31. On 1 April 2026, the Tribunal received a memorandum from counsel for the Wai 2494, Wai 3281, Wai 3382 and Wai 3395 claims, Ms Sykes, Mr Fletcher and Mr Vincent, seeking leave to cross-examine the following Crown witnesses at the hearing (Wai 3325, #3.2.300):

| Witness | Time (min) |
|--|-------------------|
| Robyn Julie Collins and Samuel Ross Keenan (#A120) | 10 |
| Robyn Julie Collins (#A121) | 30 |
| Paul Gerard Stocks (#A122) | 45 |
| Kirstie Knowles and Catherine Wilson (#A124) | 15 |
| Kieran Murray (#A127) | 40 |
| Helen Joan Plume (#A128) | 5 |
| Jenna Rachel Rogers and Dwain Gerard John Hindriksen (#A131) | 30 |
| Paula Rawiri (#A149) | 20 |

32. On 7 April 2026, the Tribunal received a memorandum from counsel for the Mana Wahine (Peka) (Wai 2821), the Climate Change (Henry) (Wai 3361) and the Climate Change (Beckmannflay) (Wai 3490) claims, Dr Grant Hewison and Jasper Sontier, seeking leave to cross-examine the following Crown witnesses at hearing week seven (Wai 3325, #3.2.303):

| Witness | Time (min) |
|--|-------------------|
| Katrina Eileen Casey (#A130) | 5 |
| Jenna Rachel Rogers and Dwain Gerard John Hindriksen (#A131) | 10 |

| Witness | Time (min) |
|----------------------|------------|
| Paula Rawiri (#A149) | 10 |

33. On 8 April 2026, counsel for Wai 3278 and six other claims, Mr Lyall and Ms Swedlund, filed a joint memorandum seeking 15 additional minutes to cross-examine Crown witnesses Kirstie Knowles and Catherine Wilson (Wai 3325, #3.2.306 at [3]).

Draft hearing week seven timetable

34. On 10 March 2026, counsel for the Crown filed draft timetables for hearing six and seven (Wai 3325, #3.2.277(a) & #3.2.277(b)). On 7 April 2026, via email from the Registrar, I directed counsel for the Crown and coordinating counsel to liaise and file an updated draft timetable for hearing seven by 20 April 2026.

35. On 20 April 2026, counsel for the Crown filed an updated draft timetable for hearing seven (Wai 3325, #3.2.313 & #3.2.313(a)).

36. On 21 April 2026, coordinating counsel filed a memorandum in response to the Crown's draft timetable. Counsel submit, for several reasons, that it would be most efficient to hear the evidence of Messrs Stocks and Morton at hearing eight (25 – 29 May 2026) instead of hearing seven (Wai 3325, #3.2.314 at [2] – [6]).

37. Having considered coordinating counsel's submissions, I instructed Tribunal staff to contact counsel for the Crown regarding the above. Counsel for the Crown advise that their strong preference is for Messrs Stocks and Morton to give evidence at hearing seven, due to their commitments as senior civil servants, including Mr Morton's anticipated overseas travel in May 2026.

38. On 22 April 2026, via email from the Registrar, I advised counsel for the Crown to use their best efforts to arrange for Messrs Stocks and Morton to appear at hearing eight, noting their evidence may be given via audio visual link if necessary. I accordingly directed counsel for the Crown to confirm the above by 22 April 2026.

39. On 23 April 2026, counsel for the Crown filed an updated timetable confirming that Messrs Stocks and Morton are both available to appear to give evidence in hearing eight, alongside Crown witness Siobhan Routledge (Wai 3325, 3.2.318(a)).

Decision

40. On 7 and 10 April 2026, via email from the Registrar, I granted claimant counsel's hearing seven cross-examination requests from [30] – [33] above. I reminded parties that the hearing seven timetable is heavily subscribed and that all cross-examination must fit within the hearing week.

41. As per hearing six, I signalled that claimant counsel should be prepared to put any remaining questions in writing if cross-examination goes beyond the time provided in the final hearing timetable.

42. I accordingly **attach** as **Appendix B** the final hearing seven timetable.

Me tuku atu te Kairēhita i tētehi kape o tēnei whakahau ki ērā ki te rārangi whakamōhio mō Wai 3325, the Climate Change Priority Inquiry.

The Registrar is to send this direction to all those on the distribution list for Wai 3325, the Climate Change Priority Inquiry.

WHAKAPŪMAUTIA ki Kirikiriroa i te 23 o te Āperira 2026



Kaiwhakawā Stephanie Milroy
Te Mana Whakahaere

TE RŌPŪ WHAKAMANA I TE TIRITI O WAITANGI