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 TE MANA WHAKAHAERE

MEMORANDUM-DIRECTIONS OF JUDGE STEPHANIE MILROY CONFIRMING UPDATED FILING MILESTONES FOR HEARING NINE

7 Hepetema 2026

Purpose

1. This memorandum-directions records my confirmation of filing deadlines in relation to hearing nine (9 to 13 November 2026) of the Climate Change (Wai 3325) Priority Inquiry.

2. A full updated list of filing milestones is **attached** as **Appendix A**.

Background

3. Hearing nine of the Wai 3325 Inquiry was initially scheduled to be held between 15 to 19 June 2026 for the purposes of hearing the parties' closing submissions (Wai 3325, #2.6.22 at [12]–[13]).

4. In my memorandum-directions dated 8 June 2026, I confirmed that hearing nine was, for various reasons, to be vacated. Accordingly, I directed claimant coordinating counsel and counsel for the Crown to liaise and file suggested revised dates for filing closing submissions by 13 July 2026 (Wai 3325, #2.6.33 at [42] & [44]).

5. On 15 July 2026, coordinating counsel, Bryce Lyall, Michael Sharp and Tania Te Whenua filed suggested revised dates for claimant and Crown counsel to file closing submissions, along with suggested dates for filing claimant reply submissions (Wai 3325, #3.2.378 at [2]–[4]).

6. On 16 July 2026, via an email from the Waitangi Tribunal's Registrar, I advised parties that, subject to the approval of funding for hearing nine, the dates proposed by claimant coordinating counsel for filing closing submissions in their memorandum dated 15 July 2026 would be acceptable (Wai 3325, #2.6.37 at [17]).

7. In my memorandum-directions dated 24 August 2026, I advised that the Tribunal's Strategy and Policy Committee had approved additional resources for hearing nine to be convened in the 2026/2027 financial year. I further confirmed that hearing nine would be held from Monday 9 to Friday 13 November 2026 for the purposes of hearing the parties' closing submissions (Wai 3325, #2.6.37 at [19]–[20]).

8. I accordingly directed coordinating counsel to liaise with counsel for the Crown and confirm if the dates advised in their memorandum dated 15 July 2026 for filing closing and reply submissions would still be appropriate, considering the revised date for hearing nine, by 31 August 2026 (Wai 3325, #2.6.37 at [23]).

Memoranda of coordinating counsel

9. On 1 September 2026, coordinating counsel filed a memorandum proposing a series of revised dates for filing closing and reply submissions as directed. Counsel suggest the following staggered sequence for submissions should apply (Wai 3325, #3.2.385 at [2]):

Filing	*Suggested date*
Claimant generic closing submissions	Tue 29 Sept 2026
Claimant specific closing submissions	Tue 6 Oct 2026
Crown closing submissions	Wed 4 Nov 2026
Claimant reply submissions	Wed 25 Nov 2026
Crown reply submissions (if required for matters arising out of hearing)	Wed 2 Dec 2026

10. Included in their proposal, counsel suggest new dates for filing claimant reply submissions following hearing nine and for those reply submissions to be taken as read. Counsel further suggested that, if necessary, the Crown could file reply submissions following hearing nine and the filing of claimant reply submissions. Such reply submissions would concern any matters arising out of hearing nine (Wai 3325, #3.2.385 at [3]).

11. On 2 September 2026, I directed Tribunal staff to contact coordinating counsel to seek clarification as to why the Crown had proposed to file reply submissions subsequent to the filing of claimant reply submissions. Shortly thereafter, coordinating counsel filed a further memorandum explaining their proposal above at [10] (Wai 3325, #3.2.386).

12. Coordinating counsel note that, although it is unlikely that counsel for the Crown will need to file reply submissions, counsel for the Crown consider it preferable to have an option to do so, should any matters arise out of hearing nine or the claimants' reply submissions that require a Crown reply (Wai 3325, #3.2.386 at [3]).

13. Coordinating counsel further advise that they liaised with counsel for the Crown in preparation of their memorandum and received no objection to the proposal above at [10] from any claimant counsel before the memorandum was filed with the Tribunal (Wai 3325, #3.2.386 at [4]).

Decision

14. On 3 September 2026, via email from the Registrar, I granted the leave sought by coordinating counsel for the Crown to file submissions in reply to any matters arising out of hearing nine.

15. Having considered the dates proposed by coordinating counsel above at [9], I further directed the parties to file closing and reply submissions by **5 pm** on the relevant dates as follows:

Filing	***Who***	***Filing date***
Generic closing submissions	Claimant counsel	Tue 22 Sept 2026
Specific closing submissions	Claimant counsel	Tue 29 Sept 2026
Closing submissions	Crown counsel	Wed 28 Oct 2026
HEARING NINE (9 – 13 November 2026) *Tribunal Offices and via AVL*		
Claimant reply submissions	Claimant counsel	Wed 25 Nov 2026
Crown reply submissions (if required for matters arising out of hearing)	Crown counsel	Wed 2 Dec 2026

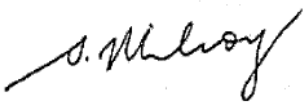
16. To assist the Tribunal in preparation for hearing nine, I now further direct parties to provide a synopsis of 10 pages or less for all closing submissions, alongside the filing of their full written closing submissions.

17. As noted above at [2], a full updated list of filing milestones is **attached** as **Appendix A**.

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 7 o te Hepetema 2026



Kaiwhakawā Stephanie Milroy
Te Mana Whakahaere
TE RŌPŪ WHAKAMANA I TE TIRITI O WAITANGI