KEI MUA I TE AROARO O TE RŌPŪ WHAKAMANA I TE TIRITI O WAITANGI

BEFORE THE WAITANGI TRIBUNAL **WAI 2750**

IN THE MATTER OF	**the Treaty of Waitangi Act 1975**
AND	
IN THE MATTER OF	**Kaupapa inquiry into claims concerning Housing Policy and Services**

MEMORANDUM OF COUNSEL FOR THE CROWN REGARDING STATEMENT OF RESPONSE AND INQUIRY PLANNING MATTERS

29 July 2026

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MAY IT PLEASE THE TRIBUNAL:

1. This memorandum addresses parts of the Tribunal's memorandum-directions dated 23 June 2026 regarding the Crown statement of response. It also addresses other administrative and inquiry planning matters.

Ministry for Cities, Environment, Regions and Transport now formally operating

2. On 1 July 2026, the Ministry of Housing and Urban Development, Ministry for the Environment, Ministry of Transport and the local government functions of the Department of Internal Affairs became part of the Ministry for Cities, Environment, Regions and Transport (**MCERT**). MCERT has assumed the coordination responsibilities for Wai 2750 and is responsible for many of the ongoing core functions and legislative and policy reform programmes relevant to Stage Two issues.

3. Information about MCERT is available online.[1]

Timeframes for the Crown statement of response and any concessions or acknowledgments

4. Now that the issues for Stage Two of the inquiry have been finalised by the Tribunal, the Crown is committed to providing a statement of response that assists the Tribunal in progressing the inquiry.

5. The Crown notes that the Tribunal's original direction for the Crown to file a statement of response by 19 February 2024[2] was overtaken by its subsequent direction accepting the Crown's proposal for an alternative approach.[3] This led to the process by which the recently finalised statement of issues has been developed. In particular:

    5.1 On 18 December 2023, the Tribunal directed the Crown to file a statement of response and any Crown concessions by 19 February 2024.[4]

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1 Ministry for Cities, Environment, Regions & Transport "Helping New Zealand make better decisions about the places we live, move, build, grow and protect - Ministry for Cities, Environment, Regions and Transport" <www.mcert.govt.nz>.

2 Wai 2750, #2.6.56 at [8]; Wai 2750, #2.6.70 at [45].

3 Wai 2750, #2.6.57 at [13].

4 Wai 2750, #2.6.56 at [8].

5.2 On 13 February 2024, Crown counsel submitted:

5.2.1 The purpose and scope of a statement of response required clarification, particularly given the differing approaches adopted across Tribunal inquiries.[5]

5.2.2 A meaningful statement of response could not readily be prepared without an agreed articulation of the issues arising from the pleaded claims.[6]

5.2.3 The Crown was not then in a position to consider concessions or acknowledgements without a settled statement of issues, final statements of claim, relevant research, evidence, and any necessary Cabinet approvals.[7]

5.2.4 It would be preferable, with leave of the Tribunal, for the deadline to be adjourned and an overarching list of issues arising from the statements of claim developed, with input from claimant counsel and the Tribunal.[8] The purpose would be to establish an agreed issues framework, before preparation of a statement of response.[9]

5.3 On 21 February 2024, the Tribunal accepted the Crown's proposed approach and issued directions accordingly.[10]

6. Counsel note there are approximately 19 Crown agencies, departments and/or Crown entities (including three of the four agencies that are now part of MCERT) which hold information relevant to Stage Two of the inquiry. Counsel note further that the provision of concessions or

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5 Wai 2750, #3.2.424 at [4]-[5].

6 Wai 2750, #3.2.424 at [6]-[8].

7 Wai 2750, #3.2.424 at [13]-[14].

8 Wai 2750, #3.2.424 at [9]-[10].

9 Wai 2750, #2.6.57 at [9]-[10].

10 Wai 2750, #2.6.57 at [13]-[16].

acknowledgements is subject to Cabinet approval. Therefore, the Crown is not in a position to provide a Crown statement of response or indication of any early concessions within the timeframes set out by the Tribunal.

7. However, the Crown is well underway in its detailed analysis of amended claims and the statement of issues, including analysis against any relevant concessions or acknowledgements the Crown has previously made. With leave of the Tribunal, as sought below, counsel propose to update the Tribunal on the Crown's progress in this regard, and a corresponding timetable for its statement of response, by memorandum dated 31 August 2026.

Opportunity to progress discussions with claimant counsel

8. The Crown considers that discussions with claimant counsel would help to ensure that the scope, structure, and timing of the Crown's statement of response contribute as far as possible to the efficiencies sought by the Tribunal, including by further refining the issues and supporting the development of focused, high-quality evidence and submissions.[11]

9. Against this background, Crown counsel are intending to meet with coordinating claimant counsel in the coming weeks to discuss broader inquiry planning matters, including discovery, the sequencing of hearing weeks, and the presentation of claimant and Crown evidence across the various pakitara.

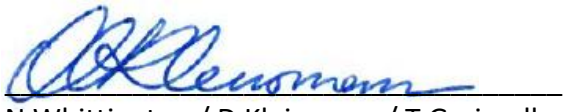
10. As these matters are relevant to the preparation of a statement of response, Crown counsel also intend to discuss this step with claimant counsel.

11. Following those discussions, the Crown proposes to update the Tribunal on the matters discussed, the proposed form of the statement of response, and a realistic timeframe for its filing.

[11] Wai 2750, #2.6.070 at [48].

12. For these reasons, the Crown respectfully seeks directions deferring the current filing deadline of 31 July 2026, and providing for a Crown memorandum updating the Tribunal on the timing and nature of the Crown's statement of response by 31 August 2026.

29 July 2026



N Whittington / D Kleinsman / T Garimella
Counsel for the Crown

TO: The Registrar, Waitangi Tribunal

AND TO: Claimant Counsel