BEFORE THE WAITANGI TRIBUNAL

WAI 2750
WAI 558
WAI 1885
WAI 2494
WAI 2807

IN THE MATTER OF the Treaty of Waitangi Act 1975

AND

IN THE MATTER OF the Housing Policy and Services Kaupapa Inquiry

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MEMORANDUM OF COUNSEL
Dated this 13th day of August 2026

RECEIVED
Waitangi Tribunal
13 Aug 26
Ministry of Justice
WELLINGTON

ANNETTE SYKES & Co.
barristers & solicitors

Annette Sykes & Co
Barristers & Solicitors
8 – Unit 1 Marguerita Street
Rotorua, 3010
Phone: 07-460-0433
Fax: 07-460-0434
Counsel Acting: Annette Sykes / Kalei Delamere-Ririnui / Jack Potaka / Rangipurei Manley
Email: asykes@annettesykes.com / kalei@annettesykes.com / jack@annettesykes.com / rangipurei@annettesykes.com

AND

IN THE MATTER OF — **a claim by the late John Kameta, Te Rua Rakuraku and John Te Rehita Pio for Ngāti Ira o Waiōweka Rohe (WAI 558)**

AND

IN THE MATTER OF — **a claim by Ariana Simpson, Ruahine Albert, Catherine Anne Mitchell, Ann Hartwell and on behalf of the Māori Women's Refuge (WAI 1885)**

AND

IN THE MATTER OF — **a claim by Donna Awatere-Huata of Ngāti Whakaue and Ngāti Porou on behalf of all Māori women (WAI 2494)**

AND

IN THE MATTER OF — **a claim by Rangiuia Riki on behalf of Te Rūnanga o Kirikiriroa Housing (WAI 2807)**

MAY IT PLEASE THE TRIBUNAL

1. This Memorandum of counsel is filed on behalf of:

    a) a claim by the late John Kameta, Te Rua Rakuraku and John Te Rehita Pio for Ngāti Ira o Waiōweka Rohe (WAI 558);

    b) a claim by Ariana Simpson, Ruahine Albert, Catherine Anne Mitchell, Ann Hartwell and on behalf of the Māori Women's Refuge (WAI 1885);

    c) a claim by Donna Awatere-Huata of Ngāti Whakaue and Ngāti Porou on behalf of all Māori women (WAI 2494); and

    d) a claim by Rangiuia Riki on behalf of Te Rūnanga o Kirikiriroa Housing (WAI 2807).

2. Counsel acknowledge the Joint Memorandum of Counsel dated 4 August 2026 filed by Claimant Coordinating Counsel.

3. Due to time constraints, counsel were unable to review the Joint Memorandum prior to filing and, accordingly, our clients were not included in Appendix A. Having now considered the memorandum, counsel confirm that our clients support the general approach proposed by Coordinating Counsel.

4. In particular, counsel support:

    a) the request for a judicial conference to assist with progressing inquiry planning;

    b) the Tribunal's continued consideration of thematic hearing approaches where appropriate;

    c) measures that improve hearing efficiency while ensuring claimants retain meaningful opportunities to participate in the inquiry;

    d) continued coordination between claimant counsel to minimise unnecessary duplication of evidence; and

e) the recognition that the expansion of Stage Two to include broader homelessness issues may require updated claimant evidence and further research.

5. Counsel respectfully add the following matters for the Tribunal's consideration.

Updating claimant pleadings

6. Counsel note that the Tribunal's Statement of Issues, together with the continuing development of Crown housing policy and the expansion of Stage Two to encompass broader homelessness issues, may mean that a number of existing statements of claim require amendment.

7. Counsel are presently reviewing our clients' pleadings and obtaining updated instructions to determine whether amended statements of claim are required to reflect:

a) recent developments in Crown housing policy;

b) ongoing experiences of homelessness and housing insecurity;

c) barriers to accessing public, social and emergency housing;

d) papakāinga aspirations and barriers to Māori housing development; and

e) any continuing prejudice arising since the original claims were filed.

8. Counsel submit that claimants should be afforded a reasonable opportunity to update their pleadings where necessary so that the inquiry proceeds on the basis of the most current factual and policy context.

Maintaining meaningful claimant participation

9. Counsel recognise the practical constraints arising from the number of participating claims and available hearing time. However, any efficiency measures should continue to preserve the ability of individual claimants to

meaningfully participate in the inquiry and to have their unique experiences appropriately reflected in the Tribunal's consideration.

10. While counsel support thematic presentation where appropriate, the diversity of Māori housing experiences across regions, whānau and communities should remain visible within the inquiry process.

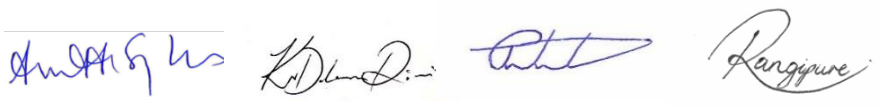
Crown policy developments

11. Counsel note that the Crown has advised it is presently reviewing amended claims and preparing its Statement of Response.

12. Given the pace of housing policy reform, counsel respectfully submit that sufficient flexibility should remain within the inquiry timetable to allow claimants to address significant policy developments occurring before the hearing programme commences.

13. Counsel otherwise support the proposals advanced in the Joint Memorandum of Counsel.

DATED at Rotorua, on this day 13th day of August 2026



Annette Sykes	Kalei Delamere-Ririnui	Jack Potaka	Rangipurei Manley

Counsel for the Claimants