IN THE WAITANGI TRIBUNAL

WAI 2750

IN THE MATTER of the Treaty of Waitangi Act 1975

AND

IN THE MATTER the Housing Policy and Services Kaupapa Inquiry

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MEMORANDUM OF COUNSEL REGARDING ACCESSIBILITY REQUIREMENTS FOR STAGE TWO HEARINGS

Dated this 14th day of August 2026

RECEIVED
Waitangi Tribunal
14 Aug 26
Ministry of Justice
WELLINGTON

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MAY IT PLEASE THE TRIBUNAL:

1. This Memorandum of Counsel is filed by Claimant Co-ordinating Counsel.

2. A list of Claimant Counsel in support of this Memorandum is provided at **Appendix A**.

3. In Memorandum-Directions dated 23 Pipiri 2026 ("**Directions**"), Presiding Officer Judge C T Coxhead released the Tribunal Statement of issues and gave directions on the next steps in Stage Two of the inquiry.

4. His Honour directed Claimant Coordinating Counsel to confer with Claimant Counsel and advise any accessibility requirements needed for the stage two hearings by no later than 5pm, Friday 14 August 2026.[1]

5. Claimant Coordinating Counsel have liaised with Claimant Counsel to provide accessibility requirements to assist with forward hearing planning.

Accessibility Requirements

6. Claimant Counsel have advised that some claimants require particular accessibility measures to enable them to participate fully in the hearings. Those requirements are set out in the proposal at paragraph [9] below.

7. Claimant Co-ordinating Counsel are not aware of any other specific accessibility measures required at this time. However, as the inquiry progresses towards the hearings phase, and depending on the witnesses the Tribunal requires to appear at the hearings, this may change.

8. In general, Claimant Counsel support appropriate measures to ensure that the inquiry is accessible to all participants, including whānau hauā / tāngata whaikaha Māori claimants. The requirements of individual participants may differ, and counsel therefore consider that a flexible approach is preferable to applying a single protocol uniformly across all hearing weeks.

[1]Wai 2750, #2.6.70 at [57] and Wai 2750, #2.6.70 (a).

9. Claimant Counsel consider that the hearings should incorporate at least the following accessibility measures as a baseline, with additional measures adopted for particular hearing(s) as required:

   (a) accessible hearing venues, including wheelchair access and accessible facilities;

   (b) claimants and/or witnesses permitted to be accompanied by a support person, or support people, where required;

   (c) additional time for claimants or witnesses to present their opening statements and/or respond to questions where this is necessary;

   (d) where a claimant or witness uses augmentative and alternative communication, providing questions in writing in advance where appropriate to allow them to prepare their responses ahead of time, or permitting them to provide further detail in writing following the hearing if required; and,

   (e) ensuring that hearing pānui are communicated to participants in an accessible manner and with sufficient time for further accessibility measures to be adopted if required.

10. Depending on claimant and witness demand, it may be appropriate to have one hearing week set aside as a fully accessible hearing adopting the hearing structure elements of the Wai 2575 Health Services and Outcomes Kaupapa Inquiry Disability Protocol.[2] For the avoidance of doubt, if that approach is to be applied Counsel are of the view it is important this is an "opt-in" arrangement with witnesses choosing to participate in that hearing week rather than being automatically assigned on the basis of their accessibility needs.

11. Similarly, attendance at such a hearing week should not be limited to only those claimants and witnesses with accessibility needs. This would enable all witnesses for a particular claim to present their evidence at the same

[2] Wai 2575, #2.6.59(a) at [37].

hearing regardless of their individual needs. It would also ensure the efficient utilisation of available hearing time in circumstances where the demand from witnesses and claimants with accessibility needs is insufficient to fill an entire hearing week.

12. Also depending on the final hearing structure and claimant and witness demand, it is likely that the presentation of any Crown evidence and submissions will also require the adoption of elements of the Wai 2575 Health Services and Outcomes Kaupapa Inquiry Disability Protocol,[3] particularly in relation to the provision of NZSL interpreters and captioning.

Dated: this 14th day of August 2026

N Lambert / J C Alexander / A Madsen

Claimant Co-ordinating Counsel

[3] Wai 2575, #2.6.59(a) at [37].