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

17 September 2026

Te Tari Ture o te Karauna
Crown Law

Pouaka Poutāpeta
Te Whanganui-a-Tara
Waea

PO Box 2858
Wellington 6140
Tel: 04 472 1719

Whakapā mai: **Contacts:**
Daniel Kleinsman
daniel.kleinsman@crownlaw.govt.nz

External Barrister:
Nick Whittington
Nick.Whittington@hawkestone.co.nz

RECEIVED
Waitangi Tribunal
17 Sep 26
Ministry of Justice
WELLINGTON

E TE RŌPŪ WHAKAMANA I TE TIRITI O WAITANGI:

MAY IT PLEASE THE TRIBUNAL:

1. This memorandum updates the Tribunal on the Crown's recent meeting with claimant coordinating counsel and provides an update and proposed timetable for filing the Crown statement of response.

Meeting between the Crown and coordinating claimant counsel

2. Counsel for the Crown and an official met with coordinating claimant counsel in Auckland on 3 September 2026 to:

    2.1 discuss planning for and the minimum viable requirements for the hearing; and

    2.2 consult on approaches to discovery and the Crown statement of response.

3. Coordinating claimant counsel have subsequently been in discussion with other claimant counsel and these matters will be addressed in a joint memorandum, or memoranda, to be filed by 7 October 2026 in accordance with directions.[1]

Update on Crown statement of response and progress towards hearing

4. The Crown has undertaken an extensive examination of the statements of claim and is now conducting pakitara-based analysis to address the matters raised in the Tribunal's finalised statement of issues.

5. The Crown considers this will helpfully inform its engagement with the issues raised, and its evidence by way of substantive response.

6. Regarding the formal statement of response, various options were discussed with claimant counsel including the possibility of pakitara-based responses to be filed on a staged basis during 2027. That approach was the Crown's initial preference.

7. However, the Crown understands that claimant counsel collectively prefer that the Crown provide a conventional statement of response to

[1] Wai 2750, #2.6.71 at [43].

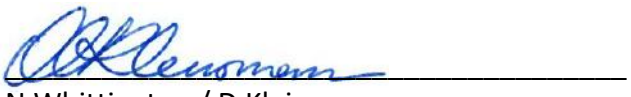
all issues as soon as possible, and then provide any follow up concessions or responses if and when these may arise.

8. Accordingly, the Crown proposes to file a statement of response by Monday 14 December 2026 and seeks a direction accordingly.

9. For the reasons previously set out, including the constraints created by the upcoming General Election, the Crown is likely to be limited in its ability to produce any concessions by this date. However, the Crown will continue its analysis of claims and issues, and consideration of concessions as appropriate, including as evidence is presented and tested in the course of this inquiry.

10. As indicated above, counsel for the Crown will provide further submissions on wider hearing planning matters and minimum viable requirements by 7 October 2026.

17 September 2026



N Whittington / D Kleinsman
Counsel for the Crown

TO: The Registrar, Waitangi Tribunal
AND TO: Claimant Counsel