

TE RŌPŪ WHAKAMANA I TE TIRITI O WAITANGI
THE WAITANGI TRIBUNAL



PŪRONGO-Ā-TAU O TE MATARIKI 2024-25
ANNUAL REPORT MATARIKI 2024-25

(29 JUNE 2024-20 JUNE 2025)

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INTRODUCTION

Kua whakaarorangi ngā whakaaro ki te atua, ki te wāhi ngaro hoki, kia tau mai ngā manākitanga ki runga i a tātou te hunga ora. Rātou kua haere, whakangaro atu ki a rātou kei tua o te arai, kei te ringaringa o te atua koutou inanei.

Hoki ki a tātou te hunga ora, e rere atu nei ngā whakamihi ki ngā rangatira, ki ngā iwi, ki ngā hāpori, ki te Kāwanatanga hoki kua haria mai nei e rātou ngā take i mua i te aroaro o tēnā, o tēnā mō te tau kua pāhure ake nei. Tēnei te whakamānawa atu.

Tēnā koutou ngā kaiwhakawā, ngā mēmā, koutou ngā ringa raupā o te Rōpū Whakamana i te Tiriti o Waitangi, me ngā kaupapa o te wā, ngā kaupapa nui, ngā kaupapa taumaha. Inā hoki te maha o ngā kaupapa i whakarite ai, i whakaoti atu koutou.

I am pleased to invite you to review the work completed by the Waitangi Tribunal over the last year through the lens of this annual report 2024–2025. In it you will discover information about the nature of the Tribunal, its work, and its administration. It includes an update on completed inquiries, latest Tribunal reports, an article on the new *Strategic Direction 2025–2035*, project activities relating to the 50th Anniversary, and other news.

It has been a gruelling year, one whereby all remaining historical claims panels have been active, and all kaupapa inquiries are underway. The level of activity was heightened by a challenging urgency inquiry programme. This report provides the opportunity to review the year that was.

This was also a year when we reflected upon and celebrated what has been achieved by the Tribunal over its 50-year history through activities which commenced at Te Kōngahu Museum, Waitangi Treaty grounds with the opening by Her Excellency the Governor-General of New Zealand Dame Cindy Kiro of the photographic exhibition *He Kura Toi Tangata – 50 Years of the Waitangi Tribunal*. The opening was also the night that the Tribunal documentary *Karanga Ra* was screened for the first time. The exhibition was subsequently moved to the Wellington Museum in May where it was opened by the Right Honourable Chief Justice Dame Helen Winkelmann. The Minister of Māori Development, the Honourable Tama Potaka spoke on both occasions. We were honoured by the attendance of these dignitaries, and we thank them for their support of the Tribunal's past work.

The 2024–25 year was also a time to review what we can do better to bring the historical claims before us to an end by finalising inquiries and reports and by planning the completion of our work programmes. These goals are reflected in the Tribunal's



new *Strategic Direction 2025–2035*, a document that has led to the development of an internal planning process that will ensure the Tribunal completes the Historic Claims Programme by 2030 and the Kaupapa Inquiry Programme by 2035.

Key measures for ensuring our success (aside from current levels of resourcing) will be maintaining the guaranteed legislative independence, integrity, and accessibility of the Waitangi Tribunal as provided for in the Treaty of Waitangi Act 1975. With that in mind, we have proactively worked with the Independent Technical Advisory Group (the ITAG) appointed by the Minister of Māori Development. We have provided technical law reform proposals, information on reports, Tribunal documents, opinions on the nature of the Tribunal, its judges, its members, and its work programme.

In addition, the Tribunal's Registrar has provided the most accurate up to date information to the ITAG on the number of applications for urgency received per year since 1975, and the number of urgent inquiries (and their reports) resulting each year from granted applications for urgency.

What exactly does this planning and potential legislative change mean for our country's future? It means that by 2040, 200 years since the signing of the Treaty of Waitangi, the claims era of our history will be over. In its place will be an era where the two partners to the Treaty of Waitangi can aspire to rely on its terms to govern their future. That can only benefit all New Zealanders. More broadly, we will be able to compare favourably with other jurisdictions by demonstrating that we have dealt fairly with the rights of our indigenous peoples.

I end by expressing my gratitude to the Deputy Chairperson (Judge Sarah Reeves) and to everyone who supported the Waitangi Tribunal during the 2024–2025 year, including the Minister of Justice, and the Leadership Team of the Ministry of Justice who support its administration. To the Director, the staff, the legal profession, Crown Law, and to Māori claimants, we thank you for your continuous and ongoing effort to assist us conclude our inquiries. It is indeed a privilege to work with you all.

Kia manawanui mai

Kaiwhakawā Matua
Dr Caren Fox, Chief Judge/Chairperson

THE YEAR IN REVIEW

Welcoming New Members

During the year, the Tribunal welcomed 11 new members: Gerrard Albert, Tipene Chrisp, Philip Crump, Vanessa Eparaima, Grant Hadfield, Rex Edward Hale, Kingi Kiriona, the Honourable Ron Mark, the Honourable Richard Prebble, Professor Tafaoimalo Tologata Leilani Tuala-Warren, and Ken Williamson.

All the incoming members were welcomed with pōwhiri and were provided with a new programme of induction sessions and an updated members' guide.

Public and International Engagement

The Tribunal continues to draw national and international interest from visiting diplomats, delegations, and educational groups wanting to learn more about the Tribunal and its work. Justin Mohamed,

Australia's inaugural Ambassador for First Nations People, paid a visit in February. A Malaysian delegation, including Her Excellency Mazita Marzuki (High Commissioner of Malaysia to New Zealand) and The Honourable Dato' Hj Sapiah Binti Dato' Mohd Noor, Director General of Department of Indigenous People Development (Jakoa), visited in March.

The Tribunal also hosted several university groups from Canada and the United States. In February, Judge Sarah Reeves hosted academics and indigenous law students from the School of Law at Dalhousie University in Canada, who were interested in Māori rights and governance issues. Students from the University of Washington in the United States paid a visit in March, and the Tribunal's Registrar hosted a group from the University of Guelph in Ontario, Canada, in May. Closer to home, Year 13 students from Howick College, Auckland, visited the Tribunal to hear more from senior staff about history and the law in June.



The Tribunal Chairperson, Chief Judge Dr Caren Fox, and the Tribunal Unit Director, Steve Gunson, accepting a large 'ie toga' (Samoan fine mat) during the pōwhiri to welcome new Tribunal members Tipene Chrisp, Philip Crump, Vanessa Eparaima, Rex Edward Hale, Grant Hadfield, Kingi Kiriona, the Honourable Ron Mark, and Professor Tafaoimalo Tologata Leilani Tuala-Warren on 17 March 2025, at Te Herenga Waka Marae, Wellington. The ie toga was presented to the Tribunal by the family of Professor Tuala-Warren, the first Pacific person appointed to the Tribunal. Pictured at the back left is Fa'amatuainu Tino Pereira.



Dr Paul Hamer, Australian High Commissioner HE Harinder Sindhu, Judge Sarah Reeves, Ambassador Justin Mohamed, Chief Judge Dr Caren Fox, and Judge Damian Stone at the Waitangi Tribunal Offices, February 2025.

Reviewing the Strategic Direction

The Tribunal's first strategic direction, which ran from 2014 to 2025, signalled a major shift in its focus from district to kaupapa inquiries. Since the mid-1990s, the Tribunal had prioritised historical claims to support the treaty settlement aspirations of Māori and the Crown.¹ By 2014, it was progressing its final district inquiries. However, there remained a large backlog of claims, including many kaupapa claims, that lay outside the scope of district inquiries. In 2015, the Tribunal officially launched its kaupapa inquiry programme.²

The process of reviewing and updating the Tribunal's strategic direction began in late 2024, when the Chairperson appointed an Independent Strategic Direction Review Group to evaluate the Tribunal's performance over the last decade and identify future needs and opportunities. The review group, made up of claimant, former Crown counsel, and Tribunal representatives, carried out focused consultation with key stakeholder groups and reported back to the Chairperson with its findings and recommendations in March.

The Tribunal adopted all the review group's recommendations and in July 2025 released its new strategic direction, which runs from 2025 to 2035. For further details, see page 13.

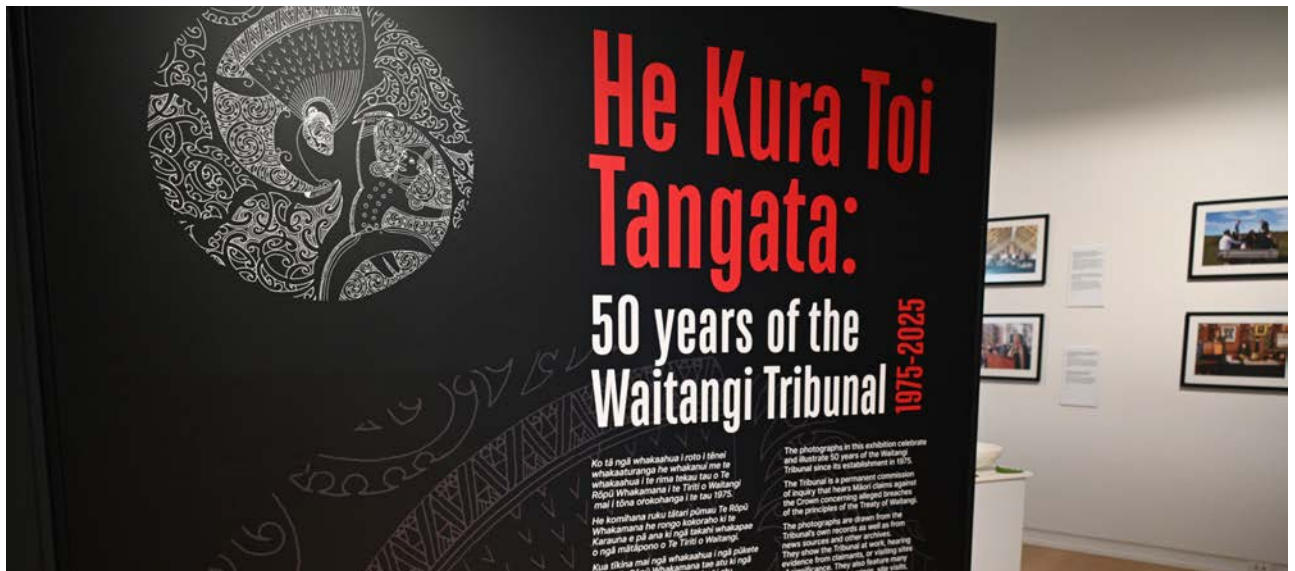
Fiftieth anniversary activities

Fittingly, activities commemorating the Tribunal's fiftieth anniversary commenced at Waitangi with a pōwhiri welcoming the Tribunal, wider judiciary, and diplomatic corps onto Te Whare Rūnanga at Waitangi Treaty Grounds on 3 February 2025.

Later that evening, the Governor General Dame Cindy Kiro officially opened the photographic exhibition *He Kura Toi Tangata: 50 years of the Waitangi Tribunal*, which the Tribunal developed in partnership with Te Kōngahu Museum of Waitangi.

Gifted by Tribunal member Professor Tā Pou Temara, the name of the exhibition *He Kura Toi Tangata* refers to the treasured contributions of many to the work of the Tribunal over the past 50 years. A series of 50 photographs illustrating each year of the Tribunal's operation provides a window into the people, the places, the claims, and the changes in New Zealand society over the period.

At the exhibition opening, the Tribunal's documentary *Karanga Rā* (produced and directed by Haututū Creatives) was also premiered to those gathered, which included the Right Honourable Chief Justice Helen Winkelmann, Chief Justice Debra Mortimer (Chief Justice of the Federal Court of Australia), Justice Sir Joe Williams, the Honourable Tama Potaka (Minister for Māori Development),



He Kura Toi Tangata: 50 years of the Waitangi Tribunal, Te Kōngahu Museum, Waitangi Treaty Grounds, 3 February 2025.



Dr Ruakere Hond leading the blessing of the exhibition followed by the Governor General Dame Cindy Kiro, Chief Judge Dr Caren Fox, Dr Hana O'Regan, and Chief Justice Helen Winkelmann, at Te Kōngahu Museum, Waitangi Treaty Grounds, 3 February 2025.

mana whenua representatives from Ngāti Kawa, Ngāti Rāhiri, Ngāti Hine and Ngāti Kuri, Members of Parliament, and other officials and guests.

Kārangā Rā is a compilation of interviews with key players in the Tribunal's history, including previous Tribunal Chairpersons: the Honourable Sir Edward Taihakurei Durie; Justice Sir Joe Williams; Judge Wilson Isaac; Chief Judge Dr Caren Fox, and Dame Sian Elias, former Chief Justice of New Zealand reflecting on the past 50 years of the Tribunal's work and legacy. The documentary was also shown on Whakaata Māori on Waitangi Day and is available to

view on the Tribunal's website and Whakaata Māori (Māori Television).

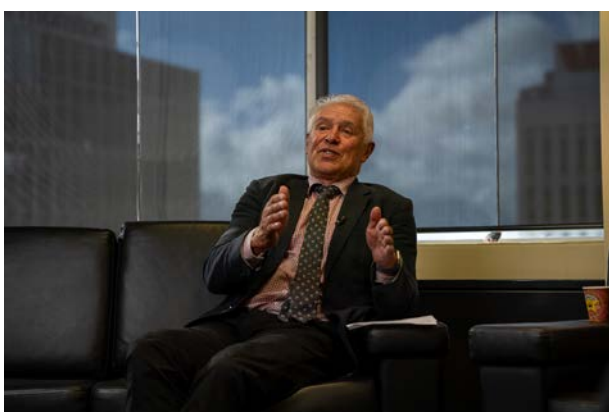
Following the closure of the exhibition and deinstallation from Waitangi in April, on 23 May 2025, *He Kura Toi Tangata* was reopened at Te Waka Huia o Ngā Taonga Tuku Iho Wellington Museum. This time, the exhibition included several significant Tribunal tāonga, most notably two pou representing two treaty signatories from opposite ends of Te Ika a Māui and the North Island, Te Kakapi o Te Rangi of Te Āti Awa (who later took the name Te Wharepouri) and Hamiora Paikoraha of Te Roroa. Carved in the style



Sir Edward Taihākurei Durie, former Chairperson of the Waitangi Tribunal between 1980 and 2004.



Justice Sir Joe Williams, former Chairperson of the Waitangi Tribunal between 2004 and 2008.



Judge Wilson Isaac, former Chairperson of the Waitangi Tribunal between 2009 and 2023.



Chief Judge Dr Caren Fox, current Chairperson of the Waitangi Tribunal and Chief Judge of the Māori Land Court.



Judge Sarah Reeves, current Deputy Chairperson of the Waitangi Tribunal.



Waitangi Tribunal member Professor Tā Pou Temara.

of tiki or waka kōiwi by Ted Nia and Manos Nathan, respectively, the two pou have stood as sentinels in the Tribunal's offices and hearing space over the last 35 years. The two pou were located at the entryway of *He Kura Toi Tangata* at Wellington Museum.

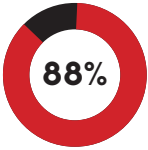
In association with the opening of *He Kura Toi Tangata*, Judges Wainwright, Armstrong, and Mullins took part in a livestreamed panel discussion at Te Papa's Rongomaraeroa Marae in May 2025. Co-facilitated by Tribunal members Dr Paul Hamer and Kingi Kiriona, the evening was well-attended. The Judges reflected on their experiences presiding

over a range of Tribunal inquiries and the wider impacts of the Tribunal's work on New Zealand society.

Details of the anniversary events held during October 2025, including a parliamentary reception and the two-day conference *Ko te Tōrino: Haere Whakamua, Haere Whakamuri* hosted by Te Herenga Waka at Victoria University of Wellington, will be captured in next year's annual report. This annual report focuses on the anniversary projects and activities up to 20 June 2025.

KEY ACTIVITIES IN THE FINANCIAL YEAR

Claims registered



119 claims registered out of 135 claims received

Event days



Event days held

Inquiry events held

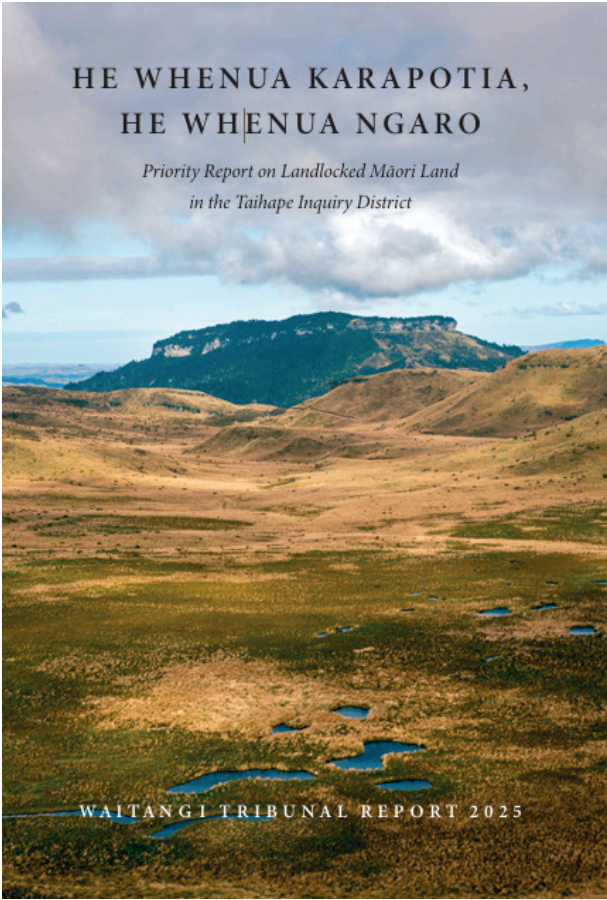


Inquiry events held across 153 event days

Commissioned research reports



Commissioned research reports completed and filed



He Whenua Karapotia, He Whenua Ngaro: Priority Report on Landlocked Māori Land in the Taihape Inquiry District (Wai 2180) published in final format in 2025

Pre-publication Tribunal reports



Tribunal reports released in pre-publication format

Final Tribunal reports



Tribunal reports published in final format

Report handovers held



Handover held for the Kura Kaupapa Māori Urgent Inquiry

ABOUT THE WAITANGI TRIBUNAL



Claims and Registrarial staff within the Waitangi Tribunal Unit

Set up by the Treaty of Waitangi Act 1975, the Waitangi Tribunal is a standing commission of inquiry. It makes recommendations on claims brought by Māori relating to legislation, policies, actions, or omissions of the Crown alleging breaches of the principles of the Treaty of Waitangi.³ The Waitangi Tribunal is also a tribunal with adjudicative functions.

The Tribunal is led by a chairperson, who is a member of the Tribunal.⁴ The chairperson is assisted in this role by a deputy chairperson, who may be either a judge or the chief judge of the Māori Land Court. The Tribunal may also have up to 20 warranted members.⁵ The Waitangi Tribunal Unit of the Ministry of Justice provides operational support to the Waitangi Tribunal.

The Waitangi Tribunal and the Waitangi Tribunal Unit's offices are in Wellington, but hearings are held throughout Aotearoa at marae and any other appropriate venues.

Claims

The Tribunal can hear claims submitted to it by any Māori who alleges they are or are likely to be prejudicially affected by any legislation, policies, actions, or omissions that were or are inconsistent with the principles of the Treaty.⁶ The Tribunal must decide whether a claim is well-founded, that is, whether the act or omission raised in the claim is in breach of Treaty principles. As part of that finding, the Tribunal must also decide if the breach has caused prejudice to the claimants. If the Tribunal finds that prejudice has occurred or is likely to occur, the Tribunal may then make recommendations to the Crown to address or remove that prejudice. Once the Tribunal issues its report to the appropriate Ministers, in most cases, its role ends.

There are generally two types of claims. **Historical claims** are those that relate to matters that

occurred before 21 September 1992.⁷ **Contemporary claims** are those that relate to matters that occurred on or after 21 September 1992. Some claims can raise both historical and contemporary issues.

Inquiries

The Waitangi Tribunal's proceedings are by way of inquiry and report. This is done by either inquiring directly into a single claim or grouping related claims for joint inquiry. For the most part, the Tribunal can make only non-binding recommendations. It is therefore up to the Crown to decide whether to accept the Tribunal's recommendations in full, in part, or not at all.

In **district inquiries**, the Tribunal groups historical and contemporary claims to be heard concurrently within geographical areas called inquiry districts. For example, Te Paparahi o Te Raki: The Northland Inquiry considered claims within the Northland region.

In **kaupapa inquiries**, the Tribunal groups for concurrent inquiry claims that concern or relate to a particular nationally significant theme or 'kaupapa'. For example, the Mana Wahine Kaupapa Inquiry will hear claims which allege prejudice to wāhine Māori as a result of Crown legislation, policies, practices, actions, or omissions.

Urgent inquiries are where the Tribunal grants an application for urgent inquiry, or an urgent application for remedies, from a claim. The Tribunal typically grants urgency to only a very small number of applications for urgency that meet specific criteria.⁸

Priority inquiries are where the Tribunal has determined that there are grounds to prioritise an inquiry into a claim, group of claims, or part of a claim because of the importance of the claim issues raised and the prospect of significant and irreversible prejudice to Māori.

MEMBERS OF THE WAITANGI TRIBUNAL

The Treaty of Waitangi Act 1975 provides for both a Chairperson (who shall also be a member) and between two and 20 other members of the Tribunal.⁹

The Chairperson of the Tribunal must be either a Judge (or retired Judge) of the High Court, or the Chief Judge of the Māori Land Court.¹⁰ The Chairperson can be appointed for up to five years and may from time to time be reappointed.¹¹ Chief Judge Dr Caren Fox is the current Chairperson and was appointed to the role for a five-year term in September 2023.

All other members of the Tribunal can be appointed for a term of up to three years and may also from time to time be reappointed. These members are appointed under warrants issued by the Governor-General, following a recommendation from the Minister of Māori Affairs. The recommendation from the Minister of Māori Affairs will follow consultation with the Minister of Justice.¹²

As the need arises, Tribunal members are assigned to panels that have been convened to hear and report on a claim or set of claims (inquiries). Inquiry panels are chaired by a Presiding Officer. The Chairperson

may be the Presiding Officer; or the Chairperson may appoint as Presiding Officer either a Judge of the Māori Land Court, or a Tribunal member with at least seven years standing as a barrister and solicitor of the High Court.¹³

Members who no longer hold current warrants may continue to serve as members on panels to which they have been appointed, 'for the purpose of completing any proceedings heard by the Tribunal before the expiry of the member's term of office or the member's resignation'.¹⁴

In addition to 11 new members (see page 2), Dr Ruakere Hond, Derek Fox, Kim Ngarimu, Dr Hana O'Regan, and Professor Sir Pou Temara were reappointed in January 2025 for another three-year term. A further five Tribunal members continue to hold current warrants: Basil Morrison, Professor Susy Frankel, Dr Paul Hamer, Kevin Prime, and Emeritus Professor David Williams. Profiles and further details about which inquiries Tribunal members are currently serving on can be found on the Tribunal's website.



The annual Waitangi Tribunal members' conference was held online from 10 to 11 July 2024. Guest speakers included the Honourable Jenny Shipley and the Honourable Margaret Wilson. The conference usually features a mixture of presentations, speakers, and discussion forums on topical issues.

From left to right: Judge Miharo Armstrong, Professor Tā Pou Temara, Chairperson Chief Judge Dr Caren Fox, Judge Terena Wara, Emeritus Professor David Williams, Judge Damian Stone, Prue Kapua, Ron Crosby, Deputy Chief Judge Craig Coxhead, Judge Carrie Wainwright, Kim Ngarimu, Judge Te Kani Williams, Dr Paul Hamer, Dr Robyn Anderson, Judge Michael Doogan, Judge Alana Thomas, Deputy Chairperson Judge Sarah Reeves, Basil Morrison, Judge Nathan Milner, Dr Hana O'Regan, Professor Susy Frankel, Judge Rachel Mullins, Dr Grant Phillipson, Kevin Prime, and Derek Fox.

Current Members (in Order of Appointment)

Chief Judge Dr Caren Fox Chairperson <i>Ngāti Porou</i>	Dr Ann Parsonson *
Dr Monty Soutar ONZM * <i>Ngāti Porou, Ngāti Awa, Ngāi Tai, Ngāti Kahungunu</i>	Dr Robyn Anderson *
Professor Tā Pou Temara <i>Ngāi Tūhoe</i>	Tania Simpson ONZM * <i>Tainui, Ngāpuhi, Ngāi Tahu</i>
Basil Morrison CNZM JP	Ron Crosby *
Dr Grant Phillipson *	Professor Rawinia Higgins * <i>Ngāi Tūhoe</i>
Professor Linda Tuhiwai Smith CNZM * <i>Ngāti Awa, Ngāti Porou, Tūhourangi</i>	Professor Thomas Roa * <i>Ngāti Maniapoto, Waikato–Tainui</i>
Kim Ngārimu <i>Ngāti Porou</i>	Prue Kapua * <i>Te Arawa</i>
Dr Ruakere Hond <i>Taranaki, Te Ati Awa</i>	Professor Susy Frankel FRSNZ†
Dr Paul Hamer	Kevin Prime ONZM, MBE <i>Ngāti Hine</i>
Dr Hana O'Regan ONZM <i>Kai Tahu</i>	Derek Fox <i>Ngāti Kahungunu, Ngāti Porou</i>
Professor Emeritus David Williams	The Honourable Richard Prebble†
Ken Williamson	Tipene Chrisp
Philip Crump	Vanessa Eparaima MNZM
Rex Edward Hale <i>Ngāti Porou ki Harataunga ki Mataora, Te Rarawa</i>	Grant Hadfield
Kingi Kiriona <i>Ngāti Ruanui, Ngā Rauru, Ngāti Apa, Ngāti Kahungunu</i>	The Honourable Ron Mark <i>Ngāti Kahungunu, Rangitāne, Ngāti Porou, Whakatōhea, Te Arawa, Ngāti Raukawa, Ngāti Tūwharetoa, Te Āti Awa, Wakatū</i>
Professor Tafaoimalo Tologata Leilani Tuala-Warren	Gerrard Albert <i>Ngā Paerangi</i>

* No longer holds a current warrant but continues to serve on their appointed panels per clause 1 of schedule 2 to the Treaty of Waitangi Act 1975.

† Resigned their office. Professor Susy Frankel resigned as a member on 15 September 2025. The Honourable Richard Prebble resigned as a member on 4 March 2025.

Current Presiding Officers

Chief Judge Dr Caren Fox
Ngāti Porou

Judge Sarah Reeves
Deputy Chairperson
Te Ātiawa

Deputy Chief Judge Craig Coxhead
Ngāti Makino, Ngāti Pikiao, Ngāti Awa, Ngāti Maru

Judge Wilson Isaac
Ngāti Porou, Ngāi Tūhoe, Ngāti Kahungunu

Judge Stephanie Milroy
Ngāi Tūhoe, Ngāti Whakaue

Judge Carrie Wainwright

Justice Layne Harvey *
Ngāti Awa, Rongowhakaata, Te Aitanga a Māhaki, Te Whānau-ā-Apanui, Ngāti Kahungunu ki Te Wairoa

Judge Michael Doogan

Judge Miharo Armstrong
Te Whānau a Apanui

Judge Terena Wara
Waikato, Ngāti Raukawa ki te Tonga

Judge Terena Wara
Waikato, Ngāti Raukawa ki te Tonga

Judge Rachel Mullins
Ngāti Kahungunu, Kai Tahu

Judge Aidan Warren
Rangitāne, Ngāti Kahungunu, Ngāi Tahu, Pākehā, Cherokee Nation

Judge Te Kani Williams
*Tūhoe, Whakatōhea, Ngāi Tai ki Tōrere,
Ngāti Manawa, Ngāti Maniapoto, Tainui, Te Aupōuri*

Judge Alana Thomas
Ngāpuhi, Ngāti Rēhia, Ngāti Kuri

Judge Nathan Milner
Ngāti Porou, Kai Tahu

* Justice Harvey, now a justice of the High Court, continues as presiding officer of the Taihape: Rangitikei ki Rangipō District Inquiry.

THE WAITANGI TRIBUNAL UNIT

The Waitangi Tribunal Unit within the Ministry of Justice provides comprehensive administrative, inquiry planning, event management, registrarial, legal, research, and report writing services to support the work of the Tribunal.

Waitangi Tribunal Unit staff come from a diverse range of professional backgrounds including law, history, Māori and indigenous studies, public policy and academia. Staff provide crucial support to the Tribunal and parties through all phases of an inquiry, from the time a claim is lodged, during the start-up and research phases, during the hearings, and through to the drafting, typesetting and handover of a Tribunal report.

At full capacity, the Unit is made up of 66 full-time equivalent staff.¹⁵ Staff work across four main teams: Claims and Registrarial, Inquiry Facilitation, Research Services, and Report Writing.

Claims and Registrarial

Claims Coordination provides logistical support and advice relating to judicial conferences, hearings, and Tribunal panel meetings. It helps inquiry participants engage effectively with Tribunal processes. It

maintains and distributes documents filed on the records of inquiry, updates key database systems, is a central point of contact and provides administration support for Tribunal members.

Registrarial analyses claims submitted to the Tribunal for registration. It provides legal and procedural advice to presiding officers, Tribunal panels and Unit staff, manages urgency applications made to the Tribunal, and maintains oversight of the records of inquiry. It completes section 49 reports for Legal Aid, and assesses applications to the Tribunal for a recommendation that land no longer be liable to resumption under section 8D of the Treaty of Waitangi Act 1975. It also responds to public enquiries to undertake search requests for properties that may be subject to section 27B memorials under the State-Owned Enterprises Act 1986.

Inquiry Facilitation

Inquiry Facilitation advises on the planning and delivery of inquiry processes, provides claimants and Tribunal panels advice on inquiry process matters, and facilitates the effective participation of all parties through inquiries up to the close of hearings.



Staff of the Waitangi Tribunal Unit. Front row left to right: Malesana Toneuila (Senior Business Advisor), Kesaia Walker (Chief Historian), Estelle Fiso-Waters (Manager (Interim), Claims and Registrarial), Steve Gunson (Pae Matua/Director), Sandra Edmonds (Kaiwhakahaere Tuarua/Deputy Director), Andrew Francis (Manager, Report Writing), and Matthew Oliver (Manager, Inquiry Facilitation).

Research Services

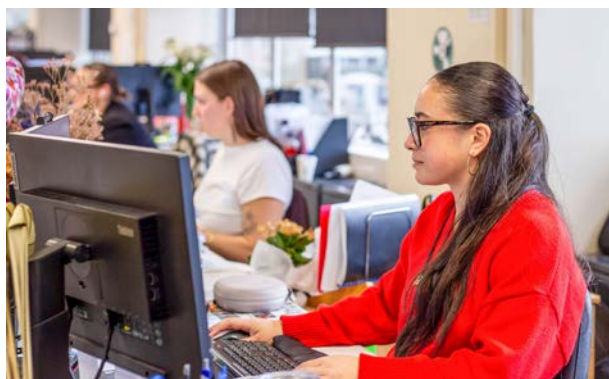
Research Services assists Tribunal panels to plan and implement casebook research programmes, undertakes Tribunal-commissioned research, provides quality assurance on research and mapping, and assists Tribunal panels to determine issues for inquiry.

Report Writing

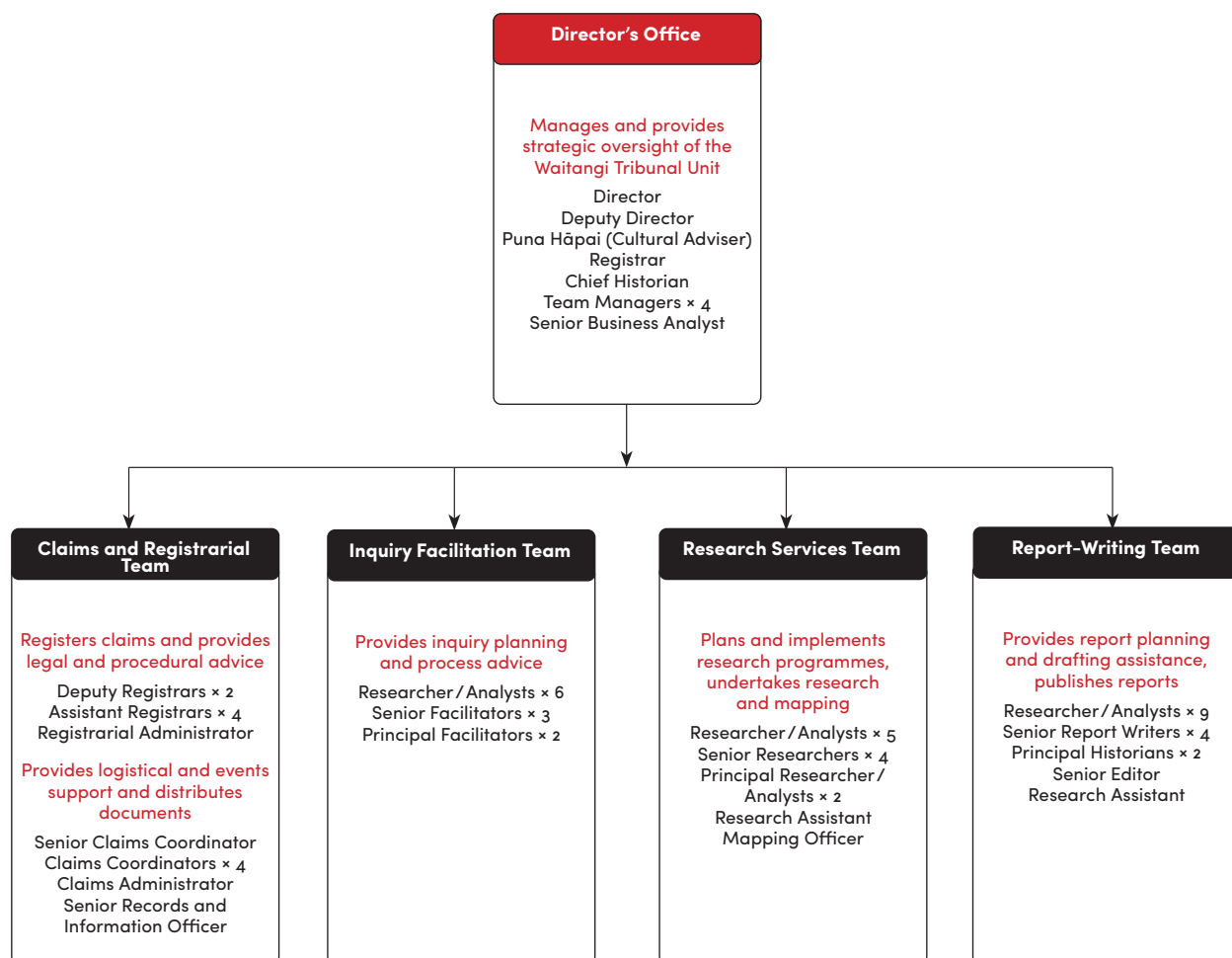
Report Writing supports the planning and delivery of Waitangi Tribunal reports, assists Tribunal panels to draft their reports, and manages report publication.

The Director's Office

The Director's Office – led by the Pae Matua / Director and the Kaiwhakahaere Tuarua / Deputy Director – is responsible for the overarching management and strategic oversight of the Unit.



Waitangi Tribunal Unit staff



THE TRIBUNAL'S NEW STRATEGIC DIRECTION



STRATEGIC DIRECTION 2025–2035



On 2 July 2025, the Waitangi Tribunal's Chairperson, Chief Judge Dr Caren Fox, released the Tribunal's *Strategic Direction 2025–2035*. It follows the conclusion of the Tribunal's first strategic direction, which ran from July 2014 to June 2025.

The new strategic direction sustains the Tribunal's comprehensive approach by providing inquiry pathways for all claims yet to be heard. The Tribunal's district and kaupapa (thematic) inquiry programmes will cover most of the claims. Complementing them will be two standing panel inquiries into claims with remaining historical and contemporary issues, respectively.

Currently, the Tribunal has 19 of its 20 programmed inquiries underway. Its overarching objective is to complete all of them over the next decade and thereby clear its backlog of unheard claims. To achieve this ambitious target, the strategic direction sequences the inquiries over the coming decade so as to provide sufficient time for claimants to prepare and the Tribunal to deploy its resources efficiently and in accordance with its priority settings.

The strategic direction sets key targets for 2030

and 2035, delivering its inquiry work programme in two phases:

- ▶ From 2025 to 2030 the Tribunal will prioritise its hearing of most historical claims by completing the final five district inquiries and the inquiry into claims with remaining historical issues, as well as five of the kaupapa inquiries.
- ▶ From 2030 to 2035 the Tribunal will complete the remaining eight kaupapa inquiries and start its inquiry into remaining contemporary claims.
- ▶ During both periods the Tribunal will continue to expedite its urgent inquiries and applications for remedies granted urgency.

The Tribunal was greatly assisted by the Independent Strategic Review Group and the recommendations in its March 2025 report to the Chairperson. The Tribunal has accepted the Review Group's recommendations and reiterated its commitment to ensuring the timely and effective delivery of its work in addressing all outstanding claims.

The new strategic direction is available for download from the Tribunal's website.

INQUIRIES' STATUS AND COMPLETION TARGETS

Inquiries (excluding urgent inquiries and remedies)	Status	Expected to be completed by	Strategic goal target
District inquiries			
Te Paparahi o Te Raki	The Tribunal is preparing the final part of its stage 2 report	2026	2030
Taihape: Rangitikei ki Rangipō	The Tribunal is preparing its final report	2027	2030
Porirua ki Manawatū	The Tribunal is preparing its report on Ngāti Raukawa claims and progressing its final district-wide hearings	2029	2030
North-Eastern Bay of Plenty	The inquiry is in hearing	2029	2030
Renewed Muriwhenua Land	Research is under way	2029	2030
Standing panel inquiries			
Remaining historical claims	The Tribunal is planning a nationwide process	2030	2030
Remaining contemporary claims	To commence by 2032	>2035	>2035
Kaupapa inquiries			
Climate Change*	Hearings are under way	2027	2030
National Freshwater and Geothermal Resources	The Tribunal is hearing claims concerning geothermal issues	2027	2030
Tomokia ngā tatau o Matangireia : The Constitutional Kaupapa Inquiry	The Tribunal is holding nationwide wānanga to develop inquiry themes and an evidential foundation for the inquiry	2029	2030
Military Veterans	The Tribunal is hearing claims concerning military service after World War Two	2030	2030
Mana Wahine	Hearings are under way	2030	2030
Health Services and Outcomes	The Tribunal is writing its reports on disability claims and claims concerning the Government's alternative plans for Māori health	2032	2035
Housing Policy and Services	The Tribunal is preparing for claimant and Crown hearings on all remaining claim issues	2031	2035
Te Rau o Te Tika : The Justice System	The Tribunal is hearing experiential evidence on criminal justice issues and progressing research	2033	2035
Education Services and Outcomes	The Tribunal is planning its inquiry	2034	2035
Natural Resources and Environmental Management	The Tribunal is planning its inquiry	2035	2035
Social Services and Social Development	The Tribunal is planning its inquiry	2035	2035
Identity and Culture	The Tribunal is planning its inquiry	2035	2035
Economic Development	The Tribunal is planning its inquiry	2035	2035

* A new kaupapa inquiry granted priority

OUR INQUIRY PROGRAMME



Tribunal site visit to Hell's Gate, National Freshwater and Geothermal Resources (Wai 2358) kaupapa inquiry

The Tribunal conducts inquiries into claims. A claim or group of claims can be grouped together for inquiry. There are five main categories of inquiries:

- ▶ urgent inquiries;
- ▶ remedies inquiries;
- ▶ priority inquiries;
- ▶ district inquiries; and
- ▶ kaupapa inquiries.

From start to finish, Tribunal inquiries typically proceed through five phases, the planning and start-up phase, the research phase, the interlocutory phase (where parties refine the issues for inquiry and plan the hearings), the hearing phase, and the report writing phase.

Urgent Inquiries

An urgent inquiry is where the Tribunal decides to urgently inquire into a claim, part of a claim, or a group of claims that are not currently scheduled for hearing. The Tribunal will grant an application for an urgent inquiry only in exceptional cases based on strict criteria. The criteria are explained in the *Guide to Practice and Procedure of the Waitangi Tribunal*.¹⁶ See page 24 for a more detailed update on urgent inquiries.

The following two urgent inquiries were held and reported on over the last year.

Regulatory Standards Bill Urgent Inquiry (Wai 3470)

Inquiry: An urgent inquiry into the Crown's process in developing the Regulatory Standards Bill, the potential impacts of the Bill, and whether the Bill is consistent with treaty principles.

Panel: The panel for this inquiry comprised Judge Nathan Milner as the presiding officer, alongside Derek Fox, Dr Hana O'Regan, Kevin Prime, Emeritus Professor David Williams, and Vanessa Eparaima as panel members.

Status: Complete. On 16 May 2025, the panel issued *The Interim Regulatory Standards Bill Urgent Report*. A summary of the report can be found on pages 30–31 of this annual report.

Marine and Coastal (Takutai Moana) Act Coalition Changes Urgent Inquiry (Wai 3400)

Inquiry: An urgent inquiry into claims concerning the coalition government's proposed amendments to the Marine and Coastal Area (Takutai Moana) Act 2011. Stage 1 concerned the Treaty compliance of the policy development process the government followed in seeking to amend the Takutai Moana Act, and of the proposed amendments themselves. Stage 2 of the inquiry concerned the alleged mismanagement of funding for customary marine title applications.

Panel: The panel for this inquiry comprised Judge Miharo Armstrong as the presiding officer, alongside

Ron Crosby, Professor Rawinia Higgins and Professor Tā Pou Temara as panel members.

Status: Complete. The Tribunal released *The Takutai Moana Act 2011 Urgent Inquiry Stage 1 Report* on 13 September 2024 and *The Takutai Moana Act 2011 Urgent Inquiry Stage 2 Report* on 5 June 2025.

The following two further urgent inquiry reports were also issued this year, although outside the June 2024 – June 2025 period, which is the focus of this annual report.

Te Reo i te Kāwanatanga Ruku Tātari Ohotata – Te Reo in the Public Sector Urgent Inquiry (Wai 3327)

Inquiry: An urgent inquiry into the Crown’s acts and omissions relating to the use of te reo Māori in the public sector, particularly arising from the current coalition government’s policies.

Panel: The panel for this inquiry comprised Judge Te Kani Williams as the presiding officer, alongside Professor Susy Frankel, Professor Tā Pou Temara, Dr Ruakere Hond, and Dr Paul Hamer as panel members.

Status: Complete. The Tribunal released *Taku Reo Kura, Taku Reo Kahurangi* on 23 October 2025.

Treaty Principles Urgent Inquiry (Wai 3300)

Inquiry: An urgent inquiry into the Crown’s proposal to introduce a ‘Treaty Principles Bill’ and review the use of treaty principles in legislation. The urgent inquiry was heard by the Constitutional Kaupapa Inquiry (Wai 3300) panel (see page 20).

Panel: The panel for this inquiry comprised Chief Judge Dr Caren Fox as the presiding officer, alongside Derek Fox, Dr Grant Phillipson, Prue Kapua, Kevin Prime, Emeritus Professor David Williams, and Dr Monty Soutar as panel members.

Status: Complete. *Ngā Mātāpono – The Principles: The Interim Report of the Tomokia Ngā Tatau o Matangireia – The Constitutional Kaupapa Inquiry Panel on The Crown’s Treaty Principles Bill and Treaty Clause Review Policies* was released on Friday 16 August 2024. Although outside the relevant time period of this annual report, *Parts II* and *III* were released in November 2024 and October 2025, respectively.

Remedies Inquiries

A remedies inquiry can only occur after the Tribunal finds that a claim submitted to it under section 6 of the Treaty of Waitangi Act 1975 is well-founded. Remedies inquiries are generally initiated by an urgent remedies application which, if granted, will lead to a remedies inquiry being commenced. The Tribunal may, if it thinks fit, recommend to the Crown that action be taken to compensate for or remove the prejudice or to prevent other Māori

from being similarly affected in the future. In such a case, the claimants may ask the Tribunal to make general recommendations or, if appropriate, binding recommendations in respect of Crown Forest Land, railways land, State-owned enterprise land, and/or land transferred to educational institutions.

Waipāoa Remedies Inquiry (Wai 3555)

Inquiry: On 4 June 2025, the Tribunal granted an urgent remedies inquiry into the Waipāoa blocks, which form part of the Mangatū Crown Forest Licensed Lands (CFL).¹⁷ The Tribunal will inquire into the asserted interests of Ngāti Ira o Waiōweka rohe claimants (Wai 558) to these lands and determine the application from Te Aitanga a Māhaki claimants (Wai 274 and Wai 283) for resumption of the Waipāoa blocks pursuant to section 8HB of the Treaty of Waitangi Act 1975.

Panel: Judge Stephanie Milroy is the presiding officer of this inquiry, along with Dr Paul Hamer, Kevin Prime, Emeritus Professor David Williams, Phillip Crump, and Kingi Kiriona as panel members.¹⁸

Status: The inquiry is in the interlocutory phase. The Tribunal and parties are working through jurisdictional and procedural matters.

Priority Inquiries

A priority inquiry is where the Tribunal has determined there are grounds to prioritise an inquiry into a claim because of the importance of the claim issues.

The Climate Change Priority Inquiry (3325)

Inquiry: A priority kaupapa inquiry into climate change policy. The inquiry is focused on the physical, spiritual, and socioeconomic impacts of climate change on Māori and the Crown’s response. The priority inquiry will also focus on the relevant Treaty principles to be considered in climate change policy and recommendations for how the Crown should meaningfully engage with and consult Māori.

Panel: Judge Stephanie Milroy is the presiding officer, along with Emeritus Professor David Williams, Prue Kapua, Basil Morrison, and Kevin Prime as panel members.

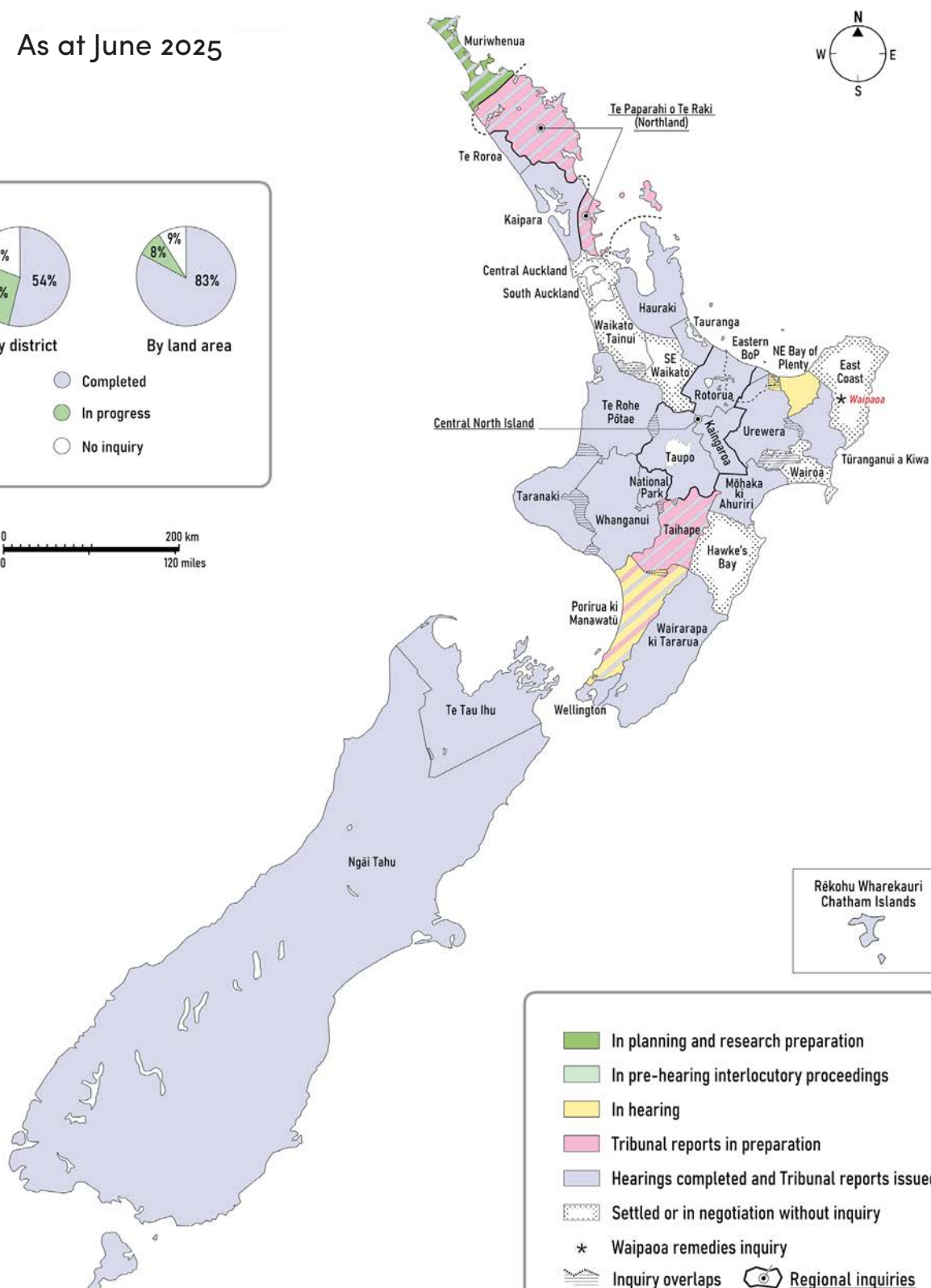
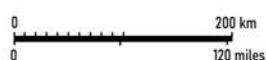
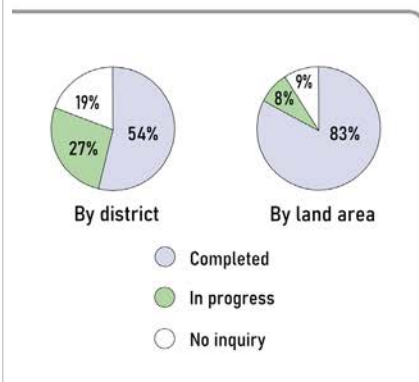
Status: Hearings commenced in November 2024.

District Inquiries

The Tribunal has 37 inquiry districts nationwide. Much of the Waitangi Tribunal’s focus over the past 20 years has been on completing the district inquiry programme, which was designed to group multiple claims (mostly historical) brought by Māori on a district basis for joint inquiry. The Tribunal has now completed its inquiries into the majority of the

PROGRESS IN WAITANGI TRIBUNAL DISTRICT INQUIRIES

As at June 2025



Progress in Tribunal district inquiries. The Tribunal has conducted inquiries in 30 districts, covering 83 per cent of Aotearoa's land area.

districts. Some districts have not had an inquiry due to the claimants choosing to negotiate a Treaty settlement directly with the Crown. The progress of district inquiries can be seen in the map on page 17. The remaining active district inquiries are described below.

Renewed Muriwhenua Land Inquiry (Wai 45)

Inquiry: The Muriwhenua district is the northernmost point of Aotearoa. Muriwhenua iwi include Ngāti Kahu, Te Paatu, Te Rarawa, Ngāi Takoto, Te Aupōuri, and Ngāti Kuri. The current inquiry is considering the claims of Ngāti Kahu, Te Paatu, and remaining unsettled groups. The Tribunal originally completed a district inquiry into Muriwhenua land claims in the late 1990s. Following that, some groups within Muriwhenua settled their claims, while other claims remain. Ngāti Kahu claimant groups sought binding recommendations from the Tribunal for the return of certain land under the Treaty of Waitangi Act 1975. After extensive litigation including judicial review, the Tribunal has initiated a further district inquiry into the claims currently before it, to inform a remedies inquiry into whether binding recommendations should be made by the Tribunal.

Panel: Judge Carrie Wainwright is the presiding officer, along with Tania Simpson, Dr Ruakere Hond, Dr Paul Hamer, and Gerrard Albert as panel members.

Status: The inquiry is currently in the research phase. Once further research reports are completed the Tribunal will proceed to hearings.

North-Eastern Bay of Plenty District Inquiry (Wai 1750)

Inquiry: This is an inquiry into historical and contemporary claims relating to the north-eastern Bay of Plenty area where the Tribunal has not previously held a district inquiry. The inquiry consists of many of the historical Whakatōhea claims along with other groups in the district, including Ngāi Tai.

Panel: Judge Michael Doogan is the presiding officer, along with Professor Tom Roa, Prue Kapua, Basil Morrison, Dr Robyn Anderson, and Dr Grant Phillipson as panel members.

Status: The inquiry is currently in hearings.

Taihape: Rangitikei ki Rangipō District Inquiry (Wai 2180)

Inquiry: The Tribunal is currently inquiring into 46 claims as part of the Taihape: Rangitikei ki Rangipō district inquiry (Wai 2180). About a dozen of these claims have been made on behalf of the iwi, hapū and whānau of Mōkai Pātea: Ngāti Hauiti, Ngāti Tamakōpiri, Ngāti Whitikaupeka, Ngāi Te Ohuake, Ngāti Paki and Ngāti Hinemanu.

Panel: Justice Layne Harvey is the presiding officer, along with Professor Tā Pou Temara, Dr Paul Hamer, and Dr Monty Soutar as panel members.

Status: The panel is drafting its wider district inquiry report. In January 2024, the Tribunal released *He Whenua Karapotia, He Whenua Ngaro: Priority Report on Landlocked Māori Land in the Taihape Inquiry District*.

Porirua ki Manawatū District Inquiry (Wai 2200)

Inquiry: Approximately 117 claims are being inquired into as part of the Porirua ki Manawatū district inquiry (Wai 2200). The inquiry is focused on the claims of Muaūpoko, Te Ātiawa/Ngāti Awa ki Kāpiti and Ngāti Raukawa and affiliated groups, which include Ngāti Kauwhata, Ngāti Wehiwehi, Ngāti Tukorehe, Ngāti Whakatere, and the hapū of Te Reureu.¹⁹

Panel: Chief Judge Dr Caren Fox is the presiding officer, along with Dr Monty Soutar, Tania Simpson, and Dr Grant Phillipson as panel members.

Status: Hearings for the Ngāti Raukawa and affiliated groups phase have concluded. The panel will now complete hearings for the wider inquiry phase. One Tribunal-commissioned research report is nearing completion.

Inquiry into Remaining Historical Claims (Standing Panel) (Wai 2800)

Inquiry: This inquiry is being conducted by a standing panel which will inquire into remaining historical claims. Remaining historical claims are claims with historical grievances (regarding events prior to 22 September 1992) that have not yet been inquired into or settled, and which are not in (or about to be in) negotiations with the Crown.

Panel: Judge Terena Wara is the presiding officer, along with Kevin Prime, Dr Paul Hamer, Rex Hale and Kingi Kiriona as panel members.

Status: The Standing Panel is undertaking a review of all relevant claims to determine how the inquiry can progress as efficiently as possible.

Kaupapa Inquiries

Kaupapa (thematic) inquiries are not specific to any district. They deal with nationally significant claim issues affecting Māori as a whole or a section of Māori in similar ways. All scheduled kaupapa inquiries have now commenced. A summary of their status, as at 20 June 2025, is set out below.

National Freshwater and Geothermal Resources (Wai 2358)

Inquiry: The inquiry concerns Māori proprietary rights in freshwater bodies and geothermal resources.²⁰ Stage one of the inquiry looked at Māori rights and interests in freshwater. Stage two focused on the Crown's freshwater management regime and its reforms. Stage three will focus on Crown acts and



Tribunal member Professor Tā Pou Temara followed by manuhiri gathered before the pōwhiri for hearing week 6 of the Wai 2500 Military Veterans' kaupapa inquiry held at Te Taura Moana Marae, Devonport, Auckland, May 2025.

omissions with respect to Māori rights and interests in geothermal resources.

Panel: Judge Wilson Isaac is the presiding officer along with Professor Tā Pou Temara, Dr Grant Phillipson, Ron Crosby, and Dr Robyn Anderson as panel members.

Status: Stage three hearings, which commenced in September 2024, are underway.

Military Veterans (Wai 2500)

Inquiry: The Military Veterans kaupapa inquiry (Wai 2500) is hearing all claims involving past military service undertaken directly for or on behalf of the Crown in right of Aotearoa or, in earlier colonial times, for or on behalf of the imperial Crown in Aotearoa. This extends to all types of military service, whether operational or routine, whether in time of war or peace, and whether at home or abroad.

Panel: Judge Wilson Isaac is the presiding officer, along with Professor Tā Pou Temara, Dr Grant Phillipson, Dr Monty Soutar, and Dr Hana O'Regan as panel members.

Status: The Tribunal has almost completed hearing claimant and Crown evidence.

Health Services and Outcomes (Wai 2575)

Inquiry: The Health Services and Outcomes inquiry is hearing all claims concerning grievances relating to health services and outcomes and which are of national significance. Stage one of the inquiry, which concluded in March 2019, inquired into and reported on aspects of primary healthcare. Stage two covers three priority areas encompassing mental health (including suicide and self-harm), Māori with disabilities, and issues of alcohol, tobacco, and substance abuse. Stage three will address all other claims issues.

Panel: Judge Damian Stone is the presiding officer, along with Professor Linda Tuhiwai Smith, Tania Simpson, and Professor Tom Roa as panel members.

Status: Hearings for claims relating to disability issues is complete. The Tribunal released *Hautupua: Te Aka Whai Ora (Māori Health Authority) Priority Report, Part 1* on the disestablishment of Te Aka Whai Ora in November 2024.

Mana Wahine (Wai 2700)

Inquiry: The Mana Wahine kaupapa inquiry is hearing claims which allege prejudice to wāhine Māori as a result of Treaty breaches by the Crown. These claims extend across many fields of Crown policy, practice, acts and omissions. They raise both historical and contemporary issues. Initial hearings to provide a tūāpapa (foundation) for the inquiry were completed in September 2022, and in December 2023 the Tribunal released *Te Kete Pūputu: The Online Guide to the Mana Wahine Tūāpapa Evidence*.

Panel: Judge Sarah Reeves is the presiding officer, along with Dr Ruakere Hond, Dr Robyn Anderson, Kim Ngarimu, and Professor Linda Tuhiwai Smith as panel members.

Status: The research programme for the inquiry was completed in October 2024. The first hearing in the wider inquiry was held in June 2025. The next hearing is scheduled for early 2026.

Housing Policy and Services (Wai 2750)

Inquiry: The Housing Policy and Services inquiry is hearing claims with grievances concerning housing policy and services. Many of the claims which raise grievances in relation to housing issues have been brought on behalf of whānau, hapū and iwi from across the nation. In May 2023, the Tribunal released *Kāinga Kore: The Stage One Report of the Housing Policy*

and Services Kaupapa Inquiry on Māori Homelessness. Stage two of the inquiry will consider all remaining claims issues.

Panel: Judge Craig Coxhead is the presiding officer, along with Dr Paul Hamer, Prue Kapua, Kim Ngārimu, and Basil Morrison as panel members.

Status: The stage 2 research programme was completed in December 2024. The inquiry is in the interlocutory phase.

Te Rau o te Tika – The Justice System (Wai 3060)

Inquiry: Te Rau o te Tika is an inquiry into claims relating to the justice system. The Tribunal commenced with a priority inquiry (Whakatika ki Runga) and report into claimant funding released in February 2023.

Panel: Judge Carrie Wainwright is the presiding officer, along with Dr Hana O'Regan, Dr Ruakere Hond, and Dr Paul Hamer as panel members.

Status: The inquiry is in the research phase, with seven Tribunal-commissioned reports underway. Four experiential evidence hearings have also been held.

Tomokia ngā tatau o Matangireia – Constitutional (Wai 3300)

Inquiry: The inquiry concerns claims that raise issues relating to the constitution, sovereignty and self-government, the electoral system and local government.²¹

Panel: Chief Judge Dr Caren Fox is the presiding officer, along with Prue Kapua, Emeritus Professor David Williams, Kevin Prime, Dr Monty Soutar, and Dr Grant Phillipson as panel members.

Status: The panel is in the 'wānanga-a-rohe' phase and has held several evidential wānanga across the country to hear from claimants about the themes and scope of the inquiry.

Education Services and Outcomes (Wai 3310)

Inquiry: The inquiry concerns claims that raise issues relating to the public education system, the Kaupapa Māori education system and other issues relating to primary and secondary school education, tertiary education, curricula, and education finance issues.

Panel: Judge Mullins is the presiding officer, along with Dr Monty Soutar, Dr Paul Hamer, Kevin Prime and Ron Crosby as panel members.

Status: The inquiry is in the start-up and planning phase. A one-day evidential hearing and judicial conference was held in November 2024.

Natural Resources and Environmental Management (Wai 3450)

Inquiry: The inquiry concerns claims that raise issues relating to the resource management regime, mineral and atmospheric resources, the use and preservation of customary food sources, the management of commercial and recreational fisheries, agriculture and horticulture, and the preservation of native flora and fauna.

Panel: Judge Miharo Armstrong is the Presiding Officer, along with Professor Tā Pou Temara, Emeritus Professor David Williams, and Professor Tafaoimalo Tologata Leilani Tuala-Warren as panel members.

Status: The inquiry is in the start-up and planning phase.

Social Services and Social Development (Wai 3460)

Inquiry: The inquiry concerns claims that raise issues relating to welfare provision, social development, child protection and family wellbeing.

Panel: Judge Aidan Warren is the presiding officer, along with Kim Ngārimu, Basil Morrison, Dr Paul Hamer, Tipene Chrisp and Gerrard Albert as panel members.

Status: The inquiry is in the start-up and planning phase.

Identity and Culture (Wai 3500)

Inquiry: The inquiry concerns claims that raise issues relating to identity, such as adoption, guardianship, wards, whāngai, custody and access control, coronial law and practices, burials, and genetic modification. It also concerns claims raising issues relating to material culture, such as mokomokai, artefacts, heritage, museum collections, archives, monuments, and films/audiovisual works.

Panel: Judge Alana Thomas is the presiding officer, along with Professor Tā Pou Temara, Dr Paul Hamer, Kim Ngārimu, Basil Morrison, Dr Hana O'Regan, and Kingi Kiriona as panel members.

Status: The inquiry is in the start-up and planning phase. A hui whakatuwhera to commence the inquiry was held on 18 to 19 June 2025 at Tūrangawaewae Marae, Ngāruawāhia.

Economic Development (Wai 3550)

Inquiry: The inquiry concerns claims that raise issues relating to Māori forestry and emissions trading, taxation, and Maori economic development institutions and law.

Panel: Judge Te Kani Williams is the presiding officer, along with Emeritus Professor David Williams, Prue Kapua, Professor Susy Frankel,²² and Ken Williamson as panel members.

Status: The inquiry is in the start-up and planning phase.

TRIBUNAL-COMMISSIONED RESEARCH

During the start-up phase of a district or kaupapa inquiry, the Tribunal will often commission a ‘case-book review’ or scoping paper. The scoping paper examines all the claims issues and existing evidence relating to the claims to determine whether further research is needed to provide the Tribunal with the required information to determine if the claims are well founded. The Tribunal, and sometimes the Crown Forestry Rental Trust and the Crown, will commission suitable experts to undertake this research.

During the research phase of an inquiry, Tribunal staff and technical researchers engage directly with claimants and other parties. This is often done through research hui (meetings) to build understandings of the claim issues and gather advice and information on resources they might use for their

work. The final collection of reports and other evidence gathered for an inquiry before hearings begin is collectively called a ‘casebook’.

Research Activity during the Year

In the 2024–25 financial year, there was significant activity across the Tribunal’s commissioned research programme for district and kaupapa inquiries. Ten commissioned research reports were commenced, four were underway, and 11 were completed.²³ Nine research hui to discuss the various reports were held with claimants, their counsel and the Crown. Seven Tribunal-commissioned witnesses presented their evidence and were cross-examined on their report at a Tribunal hearing.

Research commenced

Inquiry	Report	Commissionee
Renewed Muriwhenua Land (Wai 45)	Post-1865 Block Histories – Report Three	S Woodley
	Post-1865 Block Histories – Report Four	H Bassett
Military Veterans (Wai 2500)	Crown Assistance to Māori Ex-Servicepeople, 1950–2014	J King
Justice System (Wai 3060)	Māori and the Police, c 2000 to the Present	J West
	Māori and Prisons, Bail, and Community Sentences, c 2000 to the Present	M Roguski
	Māori and the Courts, c 2000 to the Present	V Toki and A Deckert
	Māori, Gangs, and the Criminal Justice System	P Cleaver
	Rangatahi Māori and the Criminal Justice System	B Whiley and C Brenton-Rule
	Crown Responses to Recommendations for Criminal Justice Reform	S Douglas
	‘Two Worlds . . . One Law’: Origins and Development of the Criminal Justice System in New Zealand, 1840–1990s	M Allen

Research underway

Inquiry	Report	Commissionee
Renewed Muriwhenua Land (Wai 45)	Pre-1840 Land Transactions (Old Land Claims)	B Rigby and C Swears
North-Eastern Bay of Plenty (Wai 1750)	Te Ūpokorehe Customary Landscape	P Husbands
	Economic Development, Social Services and Cultural Impacts in the North-Eastern Bay of Plenty Inquiry District	T Walzl
Porirua ki Manawatū (Wai 2200)	Tikanga me Ture Pākehā	P Meredith

Research completed

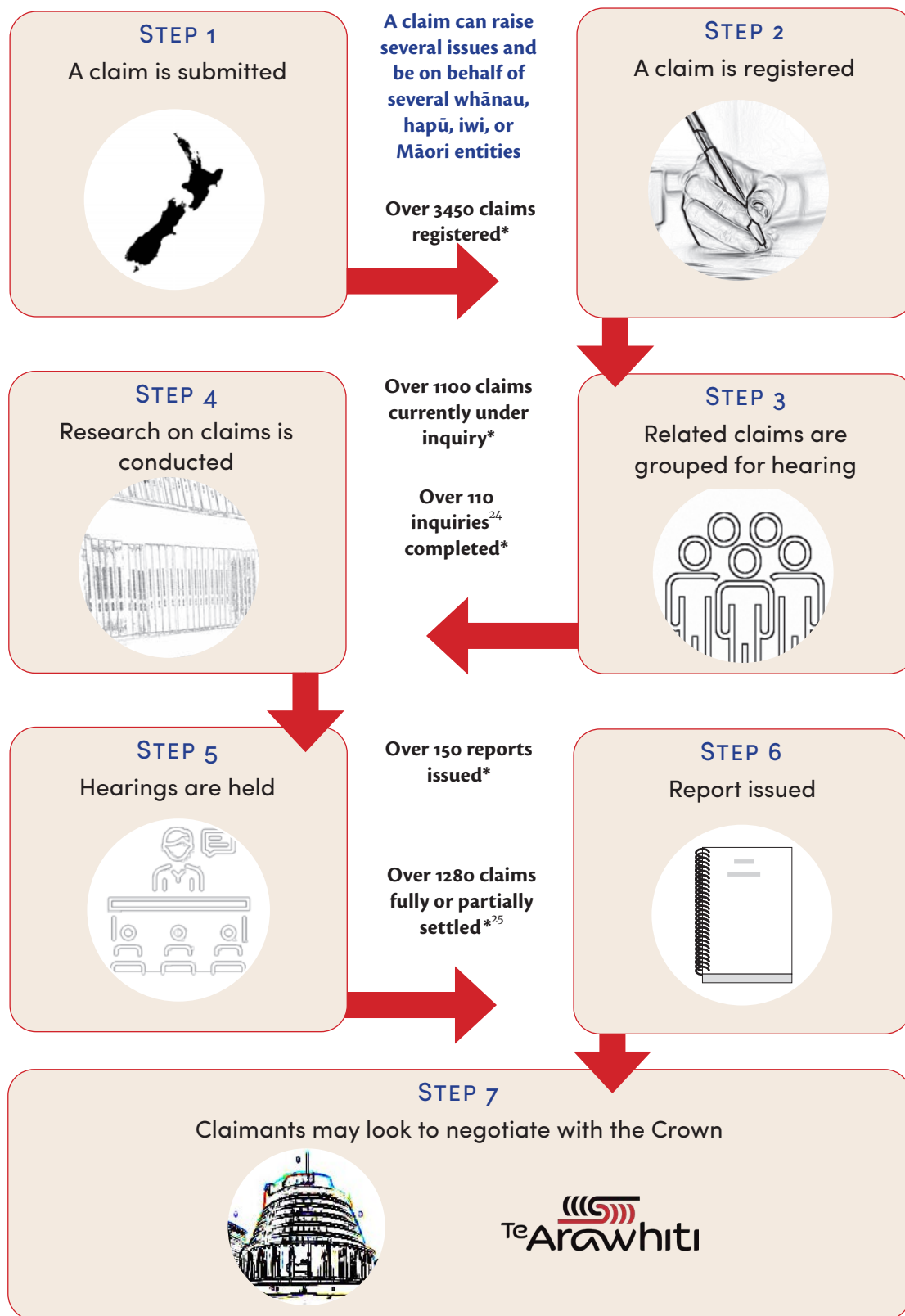
Inquiry	Report	Commissionee
Renewed Muriwhenua Land (Wai 45)	Post-1865 Block Narratives – Northern Blocks	H Bassett
	Post-1865 Block Narratives – Southern Blocks	S Woodley
	Pre-1865 Crown purchases and reserves	M Mulder
Porirua ki Manawatū (Wai 2200)	Resource Management Act and Customary Fisheries	J West
Military Veterans (Wai 2500)	Crown Assistance to Māori Ex-Servicepeople 1950–2014	J King
Mana Wahine (Wai 2700)	Historical Overview: Recognition of the Roles, Status, Knowledge, and Rangatiratanga of Wāhine Māori from 1840 to 1950	R Wolfgramm
	Contemporary Economic Issues for Wāhine Māori: Recognition of Roles, Status, and Knowledge from 1990 to 2020	T Wolfgramm
	Contemporary Employment and Education Issues	H Tomlins Jahnke
	Contemporary Justice Issues	H Rattray-Te Mana
Housing Policy and Services (Wai 2750)	Social Housing for Māori, 1991–2021	C Waldegrave and J Reid
	Special Housing Needs for Māori, 1991–2021	E Rowe



Presented and cross-examined at a Tribunal hearing

Inquiry	Report	Author	Date and venue
North–Eastern Bay of Plenty (Wai 1750)	Tribal Connections, Settlement Patterns, and Resource Use in the North Eastern Bay of Plenty prior to 1860	D Williams	November 2024, Wellington
	War and Raupatu, 1840–1871	T Walzl	November 2024, Wellington
	Raupatu and Compensation in the North Eastern Bay of Plenty 1865–1874	J McLellan	November 2024, Wellington
	Nineteenth Century Land Alienation and Administration with the North Eastern Bay of Plenty Part One: Raupatu Lands	J Luiten	November 2024, Wellington
	An Overview of Māori Political Engagement in the North Eastern Bay of Plenty, 1871–2017	T Crocker	March 2025, Ōpōtiki
Porirua ki Manawatū (Wai 2200)	The Social and Economic Experience of Porirua ki Manawatū Māori: An Analysis and Appraisal	T Hearn	June 2025, Wellington
	The Resource Management Act and Customary Fisheries in the Porirua ki Manawatū District, 1991 to 2024	J West	June 2025, Wellington

THE TRIBUNAL PROCESS



* As at 20 June 2025

UPDATE ON URGENCIES

The 2024–25 year has seen the number of applications for urgency return to a level comparable to previous years, following a sharp rise in applications for urgency in the 2023–24 year. This year, the Tribunal received 13 applications of which eight were granted resulting in two urgent inquiries being held. This compares with 20 applications received in the 2023–2024 year, with 16 granted resulting in five urgent inquiries.

The two urgent inquiries held this year concerned proposed amendments to the Marine and Coastal Area (Takutai Moana) Act 2011,²⁶ and the proposed Regulatory Standards Bill.²⁷ Both inquiries have been completed and reported on. In addition, two applications for resumption were received, with one granted²⁸ and the other declined.

Te Tukanga Taihoro – A New Process

In March 2025, the Independent Strategic Direction Review Group recommended the Tribunal adopt a standardised fast-track process to streamline the determination of applications for urgency as well as the hearing and reporting of urgent inquiries. The recommendation was accepted by the Tribunal and a practice note was issued in August 2025, outlining the new process to be known as ‘Te Tukanga Taihoro’.²⁹ New procedural features include expedited timeframes for filing, ‘on the papers’ decisions to determine urgency, and if granted, expedited hearing and reporting timeframes. This is being trialled over the next 12 months.

Use of the Urgent Jurisdiction since 1990

In September 2025, Tribunal staff compiled information for the Independent Technical Advisory Group that provides an overview and insight into how the Tribunal has exercised its urgent jurisdiction since the first applications for urgent inquiry were received in 1990.

Urgency applications	1990–2025	Percentage	2015–25	Percentage
Received	528	100	206	100
Granted	166	31	74	36
Declined or withdrawn	301	57	129	63
Adjourned, deferred, postponed, pending decision, other	61	12	3	1

Percentage of applications for urgency granted, declined, withdrawn, or adjourned etc

Applications received

Since 1990, when the Tribunal commenced a process for considering applications for urgency, a total of 528 applications have been received. Some comprised joint applications on behalf of two or more claims, while some claims were party to more than one application over time. Final determinations, particularly since around the year 2000, have sometimes combined two or more applications concerning the same set of issues.

Of these 528 applications for urgency, 206 have been received since July 2015, averaging 20.3 applications per year. Over the preceding decade from July 2005 to 2015, the equivalent numbers were very similar at 199 applications in total, averaging 19.9 per year.

Applications granted or declined

Since 1990, 166 applications (31%) have been granted and 301 (57%) declined or withdrawn, including a few where the Tribunal considered that it had no jurisdiction. A further 61 applications (12%) were adjourned, deferred, postponed with a request for further information, or subject to other decisions. In nearly all cases, proceedings did not resume. One application is pending a decision.

Since July 2015, 74 applications (36%) of the total of 206 have been granted and 129 (63%) declined, withdrawn or lacked jurisdiction, with 2 adjourned and 1 pending (1%).

Urgency applications received	Time period	Annual average
206	2015–25	20.3
199	2005–15	19.9

Annual average of urgency applications, 2005–25

REPORTS RELEASED, 2024–25

The Tribunal issued seven reports in pre-publication format, all on urgent inquiries, during the year:

- ▶ *Kei Ahotea Te Aho Matua*, a report on the urgent claim bought by Te Rūnanga Nui and the Kura Kaupapa Māori Te Aho Matua whānau (Wai 1718)
- ▶ *Ngā Mātāpono/The Principles: The Interim Report of the Tomokia Ngā Tatau o Matangireia – The Constitutional Kaupapa Inquiry Panel on the Crown's Treaty Principles Bill and Treaty Clause Review Policies* (Wai 3300)
- ▶ *The Takutai Moana Act 2011 Urgent Inquiry Stage 1 Report* (Wai 3400)
- ▶ *Ngā Mātāpono/The Principles: Part II of the Interim Report of the Tomokia Ngā Tatau o Matangireia – The Constitutional Kaupapa Inquiry Panel on The Crown's Treaty Principles Bill and Treaty Clause Review Policies* (Wai 3300)
- ▶ *Hautupua: Te Aka Whai Ora (Māori Health Authority) Priority Report, Part 1* (Wai 2575)
- ▶ *The Interim Regulatory Standards Bill Urgent Report* (Wai 3740)
- ▶ *The Takutai Moana Act 2011 Urgent Inquiry Stage 2 Report* (Wai 3400)

Final published versions of two Tribunal reports were also released:

- ▶ *He Whenua Karapotia, he Whenua Ngaro: Priority Report on Landlocked Māori Land in the Taihape Inquiry District* (Wai 2180) on 10 June 2025.
- ▶ *Kei Ahotea Te Aho Matua* (Wai 1718) on 28 March 2025



Kei Ahotea Te Aho Matua

Nō te rā nei ka puta i Te Rōpū Whakamana i Te Tiriti o Waitangi tōna pūrongo e kīia ana ko *Kei Ahotea Te Aho Matua – Pre-publication Version* e pā ana ki te tono kōhukihuki i kawea e Te Rūnanga Nui, te māngai mō ngā whānau Kura Kaupapa Māori Te Aho Matua. E whakapae ana ngā kaitono kīhai i tika te whai wāhitanga, te whai whakaarotanga atu a te Karauna ki Te Rūnanga Nui, ki ngā Kura Kaupapa Māori rānei i roto i te tukanga arotake me te whakahou i Ngā Kura o Āpōpō, mai i te tau 2018 ki te tau 2022.

Kua tuhia tēnei pūrongo ki te reo Māori. I hua ai tēnei whakatau whai muri i ngā wānanga ki ngā kaitono me te Karauna, me te whai tautoko i a rātau. Kua tāpirihia ki tētahi āpitihanga ngā upoko 3 ki te 7 kei roto i te reo Pākehā o te pūrongo, kia mārama ake ai te pūrongo.

Ko te whakatau a te Taraipiunara, he maha ngā takahi a te Karauna i ngā mātāpono o te Tiriti e pā ana ki te noho rangapū me te whakamarumaruru i te wā o

te arotake me te whakahou i Ngā Kura o Āpōpō. Kīhai te tukanga a te Karauna i eke – mai i te whakatau ki te whakaara i te arotakenga i te tau 2018, tae noa ki te pūrongo mātauranga nō te Hereturikōkā 2022 i whakatakoto i ngā kōwhiringa mō te whakahou ki ngā Minita a Hipkins rāua ko Davis. Kei ngā upoko 4 me te 5 o te pūrongo ngā taipitopito mō ēnei kitenga, me te kōrero pono e hāngai ana. Ko tētahi āhuatanga i kitea e te Taraipiunara, kāore i ea te whai wāhi a ngā kaitono ki ngā mahi waihanga kaupapa here, me te koretake rawa o te Karauna ki te whakamōhio atu ki te aronga o ngā mahi kaupapa here.

I kitea e te Taraipiunara e rua ngā huarahi nui i takahi ai ngā whakaritenga kaupapa here a te Karauna i ōna here Tiriti ki ngā Kura Kaupapa Māori Te Aho Matua whai muri i te whakahou i Ngā Kura o Āpōpō. Tuatahi, kīhai te Karauna i whakatinana i te rautaki me ngā kaupapa here e hāngai ana ki te whakatika i ngā hiahia o ngā Kura Kaupapa Māori, he mea takahi i ngā mātāpono o te noho rangapū, te whakamarumaruru, te wairua tōkeke me te

kōwhiringa. Tuarua, i kitea e te Taraipiunara he mea takahi ngā whakaritenga onāiane i ngā mātapono Tiriti o te noho rangapū me te wairua tōkeke nā te mea kāore Te Rūnanga Nui – te māngai mō ngā whānau Kura Kaupapa Māori Te Aho Matua – i whai mana ki ngā whakatau whakamutunga mō ngā kaupapa here e pā ana ki ngā Kura Kaupapa Māori.

Nā ngā takahitanga a te Karauna i whakahāwea nuitia ngā kaitono, me te mea anō kāore i ngā kaitono te mana e tika ana kei a rātau i raro i te rangapū mahitahi o te Tiriti, ki te waihanga i ngā kaupapa here e hāngai ana ki ngā Kura Kaupapa Māori Te Aho Matua.

Hei whakatika i tēnei hēnga he maha ngā tūtuhunga a te Taraipiunara, tae atu ki te tohutohu kia mahitahi te Karauna me ngā kaitono ki te waihanga i ngā kaupapa here mō ngā Kura Kaupapa Māori Te Aho Matua ki ngā kaupapa pēnei i te hanga whare, te tautoko i te marau, me te whakamahere whatunga. Mō te pae tawhiti, e tūtuhu ana te Taraipiunara kia ū te Karauna ki te whakatū i tētahi rōpū mātauranga whaimana motuhake – ko te tikanga ka waihangatia tōna korahi me āna mahi ki te taha o te hunga whaipānga Māori, tae atu ki ngā kaitono. Kei te upoko 7 te roanga ake o ngā taipitopito mō ngā tūtuhunga a te Taraipiunara.

On 26 July 2024, the Waitangi Tribunal released *Kei Ahotea Te Aho Matua – Pre-publication Version*, a report on the urgent claim bought by Te Rūnanga Nui and the Kura Kaupapa Māori Te Aho Matua whānau it represents. The claimants allege the Crown did not sufficiently involve or consider Te Rūnanga Nui or Kura Kaupapa Māori in the Tomorrow's Schools review and reform process, from 2018 to 2022.

The report is produced in te reo Māori. This decision was made following discussion with, and support from, the claimants and the Crown. English versions of chapters 3 to 7 of the report are included in an appendix, to assist in understanding of the report.

The Tribunal found the Crown breached Treaty principles of partnership and active protection in several instances during the Tomorrow's Schools review and reform. It found the Crown's process throughout lacking – from the decision to initiate the review in 2018 to the August 2022 education report that provided Ministers Hipkins and Davis options for reform. These findings, and the relevant factual narrative, are set out in detail in chapters 4 and 5 of the report. A consistent theme the Tribunal found was insufficient involvement of the claimants in key policy development steps, and very poor communication from the Crown on the direction of policy work.

The Tribunal found that the Crown's policy arrangements in the wake of the Tomorrow's Schools reforms breach the Crown's Treaty obligations to

Kura Kaupapa Māori Te Aho Matua in two critical ways. First, the Crown has failed to implement bespoke policy and strategy to address the needs of Kura Kaupapa Māori, in breach of the principles of partnership, active protection, equity and options. Secondly, the Tribunal found current arrangements breach Treaty principles of partnership and active protection because power to make final decisions on policy settings affecting Kura Kaupapa Māori is not shared with Te Rūnanga Nui, who act on behalf of Kura Kaupapa Māori Te Aho Matua whānau.

The Crown's breaches caused considerable prejudice to the claimants, including that the claimants do not have the powers they should, under the Treaty partnership, to shape policy applicable to Kura Kaupapa Māori Te Aho Matua.

To remedy this harm, the Tribunal made several recommendations, including that the Crown work with the claimants to develop specific policies for Kura Kaupapa Māori Te Aho Matua in areas like property, curriculum support and network planning. In the longer term, the Tribunal recommended the Crown commit to establishing a stand-alone Kaupapa Māori education authority – the precise scope and functions of which are to be developed with Māori stakeholders, including the claimants. More detail of the Tribunal's recommendations can be found in chapter 7 of the report.

Ngā Mātāpono / The Principles

On Friday 16 August 2024, the Waitangi Tribunal released *Ngā Mātāpono / The Principles: The Interim Report of the Tomokia Ngā Tatau o Matangireia – The Constitutional Kaupapa Inquiry Panel on the Crown's Treaty Principles Bill and Treaty Clause Review Policies* in pre-publication format.

The report concerns claims submitted to the Tribunal under urgency regarding Crown policies to progress a Treaty Principles Bill and, separately, to review legislative enactments referring to 'the principles of the Treaty of Waitangi' (the Treaty clause review). The Tribunal held the claims at hearings on 9 and 10 May 2024.

With respect to the Treaty Principles Bill policy, the Tribunal found that the Crown had breached the Treaty principles of partnership and reciprocity, active protection, good government, equity, redress, and the article 2 guarantee of rangatiratanga. The Crown failed to engage with Māori, and the Bill:

- ▶ lacked a policy imperative justifying its development;
- ▶ was based on flawed policy rationales;
- ▶ was 'novel' in its Treaty interpretations;
- ▶ was fashioned on a disingenuous historical narrative; and
- ▶ distorted the text of te Tiriti o Waitangi.



If enacted, the Tribunal found, the Bill would reduce the constitutional status of the Treaty/te Tiriti, remove its effect in law as currently recognised in Treaty clauses, limit Māori rights and Crown obligations, hinder Māori access to justice, impact Treaty settlements, and undermine social cohesion.

With respect to the Treaty Clause Review policy, the Tribunal found that the Crown breached the Treaty principles of partnership, active protection, equity, redress, good government, and the article 2 guarantee of rangatiratanga. It found that the policy was predetermined and would result in amendments to or repeals of Treaty clauses. This would reduce Treaty/te Tiriti protections for Māori, affecting the rights of Māori to access justice to have their Treaty/te Tiriti rights realised. The Crown further failed to engage with Māori on this policy.

The Tribunal concluded that the two policies, considered jointly, were consistent with an alarming pattern of the Crown using the policy process and parliamentary sovereignty against Māori instead of meeting the Crown's Treaty/te Tiriti obligations. The combined impacts of the policies are or will be highly prejudicial to Māori.

The Tribunal recommended that:

- ▶ The Treaty Principles Bill policy should be abandoned.
- ▶ The Crown should constitute a Cabinet Māori–Crown relations committee that has oversight of the Crown's Treaty/te Tiriti policies. The Tribunal did not consider it appropriate that these matters are considered by the Social Outcomes Cabinet Committee.
- ▶ The Treaty clause review policy should be put on hold while it is reconceptualised through collaboration and co-design engagement with Māori.
- ▶ The Crown should consider a process in partnership with Māori to undo the damage to the Māori–Crown relationship and restore confidence in the honour of the Crown. While the Tribunal noted that this issue was wider than the two specific policies before it in this urgent inquiry, it stated that it made this recommendation based on its findings and the redress that is necessary to remove the prejudice and prevent similar prejudice in the future.

Takutai Moana Act Stage 1

On Friday 13 September 2024, the Waitangi Tribunal released *The Takutai Moana Act 2011 Urgent Inquiry Stage 1 Report* in pre-publication format.

The Marine and Coastal Area (Takutai Moana) Act was introduced in 2011 to replace the controversial Foreshore and Seabed Act 2004. The Act restores customary interests extinguished under the 2004 Act, introduces statutory tests and awards to recognise customary interests, and provides for public access. Under the Act, Māori can obtain legal rights recognising their customary interests in the form of either customary marine title or protected customary rights. The Act provides two application pathways for this purpose: application to the High Court or direct engagement with the Crown. They may also do both.

The Marine and Coastal Area (Takutai Moana) Act Coalition Changes Urgent Inquiry was granted urgency in the Waitangi Tribunal's inquiry programme due to the importance of the customary rights at stake; the immediacy of impacts on Māori; and the lack of an alternative remedy. The inquiry panel comprises Judge Miharo Armstrong (presiding), Ron Crosby, Professor Rawinia Higgins, and Professor Tā Pou Temara.

The Tribunal's report considers the Treaty compliance of the policy development process that the Government followed in seeking to amend the Takutai Moana Act, along with the proposed amendments, and whether these cause prejudice to Māori. Claimants also raised another issue in the urgent

inquiry – the alleged mismanagement of funding for applications for customary marine title under the Act. This will be addressed in a forthcoming stage of the inquiry.

In its report, the Tribunal finds that the Crown departed from orthodox and responsible policymaking in several concerning ways. It observes that the advice of officials was regularly dismissed, and the process was rushed, leading to important steps not being taken. Key among these omissions was a failure to follow a transparent and evidence-based approach. The Tribunal says the approach to policy development was instead characterised by ideology and blind adherence to pre-existing political commitments at the expense of whānau, hapū, and iwi. Due to this, the Tribunal finds that the Crown has failed to meet the high standard it should set for itself with its Treaty partner.

Overall, the Tribunal finds that the Crown has breached the Treaty in a number of ways:

- ▶ A dismissal of official advice, and important steps not taken in the policy development process, resulted in the Crown breaching the principle of good government.
- ▶ The Crown failed to consult with Māori during the development of the proposed amendments, despite repeated advice from officials; it offered to consult with Māori only after decisions were made; and it reduced that limited offer of consultation even further to suit its own deadline to amend the Act before the end of 2024. This is a breach of the principle of partnership.
- ▶ The Crown has breached the principle of tino rangatiratanga by exercising kāwanatanga over Māori rights and interests in te takutai moana without providing any evidence for one of its key justifications – namely, that the public's rights and interests require further protection beyond what is already provided by the Act. The Crown also failed to inform itself of Māori interests.
- ▶ The Crown's consultation with commercial fishing interests (which already have statutory protection) prior to finalising the proposed amendments, while failing to consult with Māori, is a further breach of the principle of good government.
- ▶ The Crown has breached the principle of active protection and the principle of good government by failing to demonstrate how it arrived at its understanding of 'Parliament's original intent' and by seeking to amend the Takutai Moana Act before the Supreme Court can hear the matter.
- ▶ The Crown has breached the principles of active protection and good government by proposing amendments that are applied retrospectively

(from 25 July 2024 onwards). As a result, applicants will be forced to have their cases reheard, burdening them emotionally and financially through no fault of their own, and placing further strain on whanaungatanga. Retrospectivity also means that some applicants who would have been granted customary marine title under the old test might find themselves unable to meet the standards of a new test.

To give effect to Treaty principles, the Tribunal recommends that:

- ▶ the Crown halt its current efforts to amend the Takutai Moana Act;
- ▶ the Crown make a genuine effort for meaningful engagement with Māori; and
- ▶ the focus of this engagement should be on the perceived issues of permissions for resource consents, rather than interrupting the process of awarding customary marine title.

The Tribunal emphasises that these recommendations should be implemented to restore a fair and reasonable balance between Māori interests and those of the public in te takutai moana. At present, the Crown's actions are such a gross breach of the Treaty that, if it proceeds, these amendments would be an illegitimate exercise of kāwanatanga. The Tribunal cautions the Crown that, on the strength of the evidence it has received, to proceed now on its current course will significantly endanger the Māori–Crown relationship.

Ngā Mātāpono / The Principles: Part II

On Tuesday 5 November 2024, the Waitangi Tribunal released *Ngā Mātāpono / The Principles: Part II of the Interim Report of the Tomokia Ngā Tatau o Matangireia – The Constitutional Kaupapa Inquiry Panel on The Crown's Treaty Principles Bill and Treaty Clause Review Policies* in pre-publication format.

This updated report responds to further evidence provided to the Tribunal on the policy development process for the proposed Treaty Principles Bill since May 2024, including the Cabinet paper on the proposed Bill.

The earlier findings and recommendations in the Tribunal's initial interim report have not changed. Rather, this updated report consists of an additional chapter (chapter 6) that makes further findings on these specific matters.

Regarding the Crown's policy development for the Bill, the Tribunal found the Crown's process to develop the Bill has purposefully excluded any consultation with Māori, breaching the principle of partnership, the Crown's good-faith obligations, and the Crown's duty to actively protect Māori rights and interests. The Tribunal also found this policy process to be in breach of the principle of good government,

as Cabinet has decided to progress the Bill despite it being a policy that is not evidence-based, has not been adequately tested, has not been consulted upon, and fails regulatory standards.

The Tribunal analysed how the proposed content of the Bill does not reflect the texts or meaning of the Treaty/te Tiriti. The Tribunal commented that Principle 1 misinterprets the kāwanatanga granted to the Crown in 1840, which is not an unbridled power restrained only by its own sense of what is in the best interests of everyone. Cabinet's approval of Principle 2 for introduction in a Bill was found to be a breach of the principles of tino rangatiratanga, kāwanatanga, partnership, and active protection. The Tribunal commented that Principle 2, if enacted, would revoke the promises and guarantees the Queen made to Māori in 1840. The Tribunal held that Principle 3 bears no resemblance to the meaning of article 3 and that Cabinet's decision to introduce the principle in a Bill was a breach of the Treaty/te Tiriti principles of partnership, equity, and active protection.

The Tribunal found that these breaches caused significant prejudice to Māori. The Tribunal found that Māori would be particularly prejudiced by the extinguishment of tino rangatiratanga in a legal sense if the Bill were to be enacted. Among other effects, the new principles would apply to all legislation where the Treaty/te Tiriti might be considered relevant. The Tribunal also found that the new principles would advance the discredited agenda of assimilation, as they are designed to end the distinct status of Māori as the indigenous people of this country. The Tribunal commented that, even if the Bill were not enacted, Cabinet's decision to introduce the Bill would prejudice Māori by further damaging the Māori–Crown relationship. Māori would also feel the brunt of the social disorder and division caused by the introduction of the Bill, including through the select committee process.

The Tribunal confirmed its previous recommendation that the Bill be abandoned. If the Government does not abandon the Bill, the Tribunal recommended that, given the constitutional significance of the issue, the Bill be referred to the Tribunal under section 8(2) of the Treaty of Waitangi Act 1975.

The Tribunal reserved its jurisdiction to hear further evidence and submissions concerning the Bill, should it be enacted.

Hautupua

On Friday 29 November 2024, the Tribunal released *Hautupua: Te Aka Whai Ora (Māori Health Authority) Priority Report, Part 1* in pre-publication format. The report was the result of a priority inquiry granted in May 2024 into claims concerning the Crown's disestablishment of Te Aka Whai Ora – the Māori

Health Authority. These claims were previously the subject of an urgent inquiry that was vacated when the Crown introduced the Pae Ora (Disestablishment of Māori Health Authority) Amendment Bill on 27 February. The panel for the inquiry was Judge Damian Stone (presiding), Professor Susy Frankel, Professor Tom Roa, Tania Simpson, and Professor Linda Tuhiwai Smith.

Following the general election, in October 2023, the new coalition Government set to work implementing its commitment to disestablish Te Aka Whai Ora, generating urgent claims to this Tribunal. On 27 February 2024, the Crown introduced the Pae Ora (Disestablishment of Māori Health Authority) Amendment Bill ('Disestablishment Bill') removing the Tribunal's jurisdiction to hear the claims. Under urgency, the Bill passed into law on 5 March 2024.

With its jurisdiction restored, the Tribunal inquired into claims from Māori about the disestablishment process and its impacts. After assessing the evidence presented from parties, the Tribunal found breaches of te Tiriti/the Treaty principles of tino rangatiratanga, good government, partnership – including the duties of consultation and acting reasonably and in good faith – active protection, and redress.

The Tribunal found that the policy process the Crown followed to disestablish Te Aka Whai Ora was a departure from conventional and responsible policymaking in several concerning ways. The Crown did not act in good faith when disestablishing Te Aka Whai Ora as it did not consult or engage with Māori, nor did it gather substantive advice from officials. Consequently, the Crown made the ill-informed decision that Te Aka Whai Ora was not required, despite knowledge of grave Māori health inequities. The Tribunal found that Māori did not agree with the Crown's decisions but were denied the right to self-determine what is best for them and hauora Māori. Instead, the Crown implemented its own agenda – one that was based on political ideology, rather than evidence, and one that fell well short of a Tiriti/Treaty consistent process. It did so without following its own process for the development and implementation of legislative reform.

The Tribunal stated that Te Aka Whai Ora was an integral part of a system responsible for the equitable delivery of health care and services in Aotearoa New Zealand and gave effect to the Crown's Tiriti/Treaty obligations. The Crown could have left Te Aka Whai Ora in place until it had a replacement, but instead it chose to disestablish it in haste. Te Aka Whai Ora was previously established by the Crown to provide redress for the long-standing failure by the Crown to reflect tino rangatiratanga in our health system. The Crown's unilateral decision to remove Te Aka Whai Ora had effectively taken that redress away.

Overall, the Tribunal found that the Crown had prejudiced Māori in several ways:

- ▶ Māori have not been given the opportunity to engage as Tiriti / Treaty partners in the decision to disestablish Te Aka Whai Ora – the decision was made unilaterally by the Crown, without any Māori input.
- ▶ The Crown failed to conduct a robust policy process and did not follow its own regulatory impact analysis guidelines for developing robust policy when making the decision to disestablish Te Aka Whai Ora.
- ▶ Te Aka Whai Ora – a well-researched initiative that was co-designed with Māori and was widely supported by Māori – is no longer in place.
- ▶ Māori had not been informed of the Crown's replacement for Te Aka Whai Ora, creating uncertainty in addressing longstanding and well-documented Māori health inequities.

To give effect to Treaty principles, the Tribunal recommended that the Crown:

- ▶ commit to revisiting the option of a stand-alone Māori health authority;
- ▶ consult extensively with Māori in the development of any alternative plans; and
- ▶ always undertakes proper regulatory impact analysis in matters that affect Māori health.

Regulatory Standards Bill Report

On Friday 16 May 2025, the Waitangi Tribunal released *The Interim Regulatory Standards Bill Urgent Report* in pre-publication format. The report concerns the proposed Regulatory Standards Bill, which, subject to Cabinet approval, may be introduced to the House of Representatives on Monday 19 May 2025. This Bill is derived from the commitment in the New Zealand National Party–ACT New Zealand coalition agreement to pass, as soon as practicable, a Regulatory Standards Act to 'improve the quality of regulation'. The Act would introduce several principles of 'good law-making' by which future legislation and regulation would be measured. It also allows for prior legislation and regulation to be reviewed and examined for consistency with these principles.

The Crown accepted that its policy development for the Bill occurred without targeted engagement with Māori. The Tribunal found that this was in violation of the Crown's obligation to consult with Māori in good faith and therefore violated Treaty principles of partnership and active protection.

Regarding the substance of the Bill, the Tribunal found that, if it were to be enacted, it would be of constitutional significance, as it seeks to influence the way Parliament makes law, and therefore it is inherently relevant to Māori.

The Tribunal therefore found that, if the Regulatory Standards Act were enacted without meaningful

consultation with Māori, it would constitute a breach of the principles of the Treaty of Waitangi, specifically the principles of partnership and active protection. The Crown would also be in breach of Treaty principles if it were to introduce the Bill to Parliament without any further consultation with Māori.

The Tribunal found that these breaches have caused, or will cause, prejudice to Māori and that the Crown's action in progressing the policy without engaging with Māori adequately has been damaging to the relationship between Māori and the Crown. The Tribunal also found that the absence of meaningful engagement with Māori on the potential but unknown impacts of the legislation has caused stress and uncertainty, resulting in further prejudice.

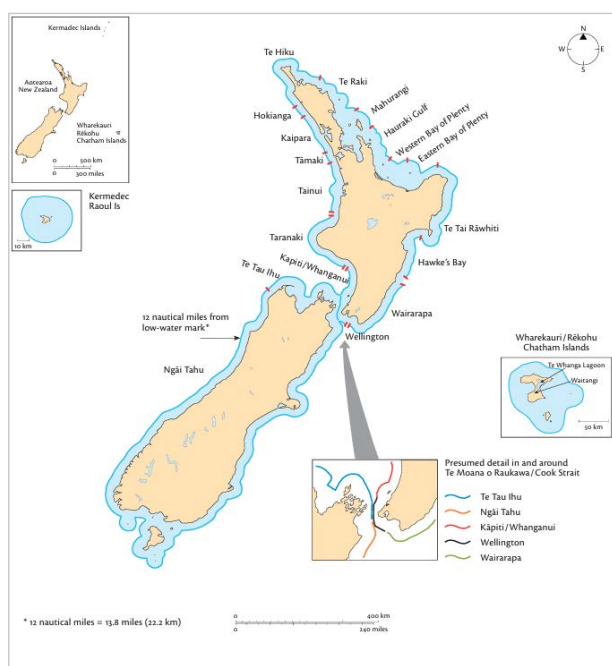
The Tribunal recommended that the Crown immediately halt the advancement of the Regulatory Standards Bill to allow for meaningful engagement with Māori and the dialogue envisioned by the Treaty partnership. In particular, the Crown should meaningfully engage with Māori on whether the proposed legislation is necessary, what further exemptions in the Bill may be required to protect Māori rights and interests, and the potential impact of the proposed 'rule of law' principle on Government measures in place to pursue equitable outcomes for Māori.

The Tribunal reserved its jurisdiction to reconsider these issues should the Regulatory Standards Bill be enacted.

Takutai Moana Act Stage 2

On 6 June 2025, the Waitangi Tribunal released *The Takutai Moana Act 2011 Urgent Inquiry Stage 2 Report* in pre-publication format. This is the second report released for the Marine and Coastal (Takutai Moana) Act Coalition Changes Urgent Inquiry (Wai 3400). The report considered claimant allegations that the Crown had breached Treaty principles through the mismanagement of the Takutai Moana Financial Assistance Scheme, which supports applicants who seek to have their customary interests in the foreshore and seabed recognised under the Marine and Coastal (Takutai Moana) Act 2011.

The claimants alleged that the Crown failed to engage adequately with Māori in their process to review and amend the scheme for the 2024–25 financial year. The claimants argued that the current scheme settings have meant that the funding available for applicants is inadequate. Other issues raised included delayed payments, the removal of funding for interested parties, and funding caps that create a one-size-fits-all model for funding allocation, regardless of the complexities of individual cases. The claimants say that they have been unable to progress applications under the Act due to current scheme settings.



Map of marine and coastal area Aotearoa New Zealand

While the Crown accepted that the July 2024 changes to the funding scheme were challenging for the claimants, it did not concede that there had been any breach of Treaty principles. It argued that its amendments to the scheme addressed significant cost pressures that had arisen in the previous financial year, and it maintained that its process in amending the scheme was reasonable in the circumstances and that it is not obliged under the Treaty to provide full funding to applicant groups.

The Tribunal found that elements of the Crown's process in reviewing and amending the funding scheme were flawed. The Crown should have been cognisant earlier of the likely increase on financial pressures on the scheme, and there were significant problems with the modelling used to calculate the annual appropriation required to fund the scheme. The Tribunal found that, in its process to review and amend the scheme, the Crown failed to meet its Treaty obligations to act reasonably and in good faith and to actively protect Māori interests. This was in breach of Treaty principles.

The Tribunal further found that aspects of the current funding scheme settings were in breach of Treaty principles. By declining the additional funding required to cover the forecast costs of the 2024–25 financial year without considering the impact of this on Māori applicants, Cabinet had not conducted a Treaty-compliant balancing exercise, in breach of the principles of partnership, good government, and active protection.

Several measures were introduced to deal with the shortfall in funding, including budgeted work-plans, changing the funding available for lawyers, and introducing a funding cap for each application.

The Tribunal commented that the way in which the budgeted work-plan requirement was introduced created significant confusion and disruption but did not find the requirement for a workplan to be inherently inconsistent with Treaty principles. However, the Tribunal found that the Crown did not undertake a proper balancing exercise when making changes to rates of funding for lawyers, in breach of its Treaty obligation to actively protect Māori interests. The Tribunal was concerned by the 'rudimentary' approach taken to funding caps, noting that the caps themselves were caused by Cabinet's decision to decline the additional funding needed.

The Tribunal found that significant prejudice had arisen due to the Crown's Treaty breaches. The funding changes were introduced quickly, without consultation, impacting applications on the verge of hearing. Applications were delayed while budgeted workplans were awaiting approval. Research for applications was delayed, and reduced funding for research undermined the strength of applications. Funding changes also limited applicants' access to legal representation.

To prevent similar prejudice being felt by applicants in the next financial year, the Tribunal recommended that the Crown engage meaningfully with Māori before decisions on funding are made. When making these decisions, the Crown must properly consider Māori interests and potential impacts on Māori in the wider context of the Act's regime. In making decisions, the Crown must keep Māori informed and provide its reasoning. The Tribunal reiterated its recommendation in an earlier report that the statutory deadline for applications be removed from the Act, as this has put financial pressure on the scheme.

ENDNOTES

1. The role of the Tribunal is to inquire into and make recommendations on well-founded treaty claims. The negotiation and settlement of historical treaty claims is led by Te Tari Whakataua The Office of Treaty Settlements and Takutai Moana (formerly Te Arawhiti The Office for Māori Crown Relations).
2. Chairperson, memorandum concerning the Kaupapa Inquiry Programme, 1 April 2015.
3. Treaty of Waitangi Act 1975, s 5.
4. Treaty of Waitangi Act 1975, s 4(2)(a).
5. Treaty of Waitangi Act 1975, s 4(2)(b).
6. Treaty of Waitangi Act 1975, s 6.
7. Since 1 September 2008, no new historical claims can be filed.
8. If a claim's application for urgent inquiry into an issue is not granted, the Tribunal is still required to hear the claim issue. The Tribunal will often therefore refer the claim to a Tribunal inquiry hearing similar issues, so that the claim issue raised can be heard within that inquiry instead.
9. Treaty of Waitangi Act 1975, s 4(2).
10. Treaty of Waitangi Act 1975, s 4(2)(a).
11. Treaty of Waitangi Act 1975, s 4(2B).
12. Treaty of Waitangi Act 1975, s 4(3).
13. Treaty of Waitangi Act 1975, sch 2, cl 5.
14. Treaty of Waitangi Act 1975, sch 2, cl 1.
15. Comprised of 63.4 permanent staff and 3 fixed-term roles.
16. Waitangi Tribunal, *Guide to the Practice and Procedure of the Waitangi Tribunal* (Wellington: Waitangi Tribunal, August 2023), pp 13–14.
17. Further details about the inquiry can be found in the decision of Judge Milroy, Wai 3555, #2.5.2.
18. Prue Kapua was a member from 23 October 2024 (Wai 558, #2.34) until the expiry of her warrant as a Tribunal member on 14 December 2024. Professor Susy Frankel was a member from 28 November 2024 until her resignation as a Tribunal member, which was effective on 15 September 2025. Tipene Chrisp was appointed to the panel on 14 February 2025 but shortly thereafter recused himself (Wai 558, #2.37).
19. The claims of Ngāti Toa, Rangitāne, and Ngāti Apa have been settled.
20. The National Freshwater and Geothermal Resources Inquiry commenced in 2012 and predates the official kaupapa inquiry programme.
21. Claims that raise issues regarding citizenship rights and equality, which were originally scheduled for separate inquiry, were merged into this inquiry.
22. Professor Susy Frankel was a Tribunal member until she resigned, effective on 15 September 2025.
23. This does not include research commissioned by claimants, the Crown, or third parties.
24. A further 22 inquiries are empanelled and currently underway.
25. The Waitangi Tribunal does not settle claims and does not have complete information on Treaty settlements. However, the Tribunal's records suggest that over 1,280 registered claims have been affected by Treaty settlements implemented in ratified deeds or legislation or both. This estimated total includes claims that are not listed by Wai number in settlement instruments but that appear to be covered by their wording.
26. Wai 3400.
27. Wai 3740.
28. On 6 December 2024, the Tribunal received an application for the resumption of the Waipāoa blocks on behalf of the Mangatū State Forest (Wai 274) claim and the East Coast raupatu (Wai 283) claim (Te Aitanga a Māhaki). The application was admitted to the Waipāoa Remedies (Wai 3555) Inquiry.
29. Chief Judge Dr Caren L Fox, 'Te Tukanga Taihoro (An Expedited Urgent Inquiry Process)' (practice note, Wellington: Waitangi Tribunal, 22 August 2025).

