

TE RŌPŪ WHAKAMANA I TE TIRITI O WAITANGI
WAITANGI TRIBUNAL

Tākiri te haeata, ka ao, ka awatea, horahia mai ko te ao mārama



**STRATEGIC DIRECTION
2025–2035**



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Illustrations

Cover: The cover features a design by Cliff Whiting that invokes the signing of the Treaty of Waitangi and the consequent interwoven development of Māori and Pākehā history in New Zealand as it continuously unfolds in a pattern not yet completely known.

Page iv: Waitangi Tribunal Chairperson Chief Judge Dr Caren Fox.

Page vi: Waitangi Tribunal Unit Pae Matua Director Steve Gunson.

Page 7 (top left): A site visit to Lake Tangimata during a Porirua ki Manawātū Inquiry hearing in December 2022. From left: Joel de Boer (witness), Dr Monty Soutar (panel member), Jacob Hapeta (claimant), Tim Stephens (Crown counsel), and Isabella Clarke (Crown counsel).

Page 7 (top right): The Te Rau o Te Tika: The Justice System Inquiry panel during the second He Rau Kōrero Tara ā-Whare, Turner Centre, Kerikeri, May 2025. From left: Dr Ruakere Hond, Judge Carrie Wainwright, Dr Paul Hamer, and Dr Hana O'Regan.

Page 7 (bottom): Kura Kaupapa Māori tamariki perform a haka at the first Kura Kaupapa Māori Urgent Inquiry hearing, Hoani Waititi Marae, Auckland, April 2023.

Page 8: Claimants in the Health Services and Outcomes Inquiry performing a waiata during a hearing on disability issues, Te Rauparaha Arena, Wellington, December 2024.

Page 9: Kura Kaupapa kaiako and tamariki during the first Kura Kaupapa Māori Urgent Inquiry hearing, Hoani Waititi Marae, Auckland, April 2023.

Page 10 (left): Waitangi Tribunal members Dr Ruakere Hond (left) and Kingi Kiriona hongī during the pōwhiri to welcome new Tribunal members, March 2025.

Page 10 (right): Tomokia ngā tatau o Matangireia – the Constitutional Kaupapa Inquiry panel members Dr Monty Soutar and Prue Kapua hearing evidence from Natalie Coates during the urgent hearing on the Treaty Principles Bill held in October 2024.

Page 12: Te Paparahi o Te Raki District Inquiry claimants and panel during the handover of the Tribunal's Stage 2 Part 1 report at the Waitangi Treaty Grounds in December 2023.

Page 16: The late Tā Robert 'Bom' Gillies giving evidence in the first hearing of the Military Veterans Inquiry, Tunohopu Marae, Rotorua, June 2023.

Page 17: Site visit during a Ngā Kōrero Tuku Iho hearing in the North-Eastern Bay of Plenty District Inquiry, March 2023.

Page 20: Ani Mikaere speaking at the first hearing of the Mana Wāhine Kaupapa Inquiry, Te Tumu Herenga Waka Marae, Victoria University of Wellington, June 2025.

Page 21: Waitangi Tribunal report covers. Clockwise from top left: *He Whenua Karapotia, he Whenua Ngaro, Ngā Mātāpono: The Principles, The Māori Wards and Constituencies Urgent Inquiry Report, Kei Ahotea te Aho Matua, He Pāharakeke, he Rito Whakakīkinga Whāruarua, The Marine and Coastal Area (Takutai Moana) Act 2011 Stage 1 Report, Kāinga Kore*, volume 6 of *Te Urewera*.

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FROM THE CHAIRPERSON

*Tikina, tikina atu rā
Tikina atu rā
Te mauri o Tawhiti Nuku
Te mauri o Tawhiti-Rangi
Te mauri o Tawhiti pāmamao
Koinei te ahunga mai o te mauri o te kāhui o ngā atua
Kia tau nei ki runga ki te whenua
Ki runga ki ngā iwi katoa o Aotearoa
Koia rā e Rongo, whakairia ake ki runga
Tuturu ō whiti whakamau ai kia tīna
Haumī e, hui e, tāiki e*



E ngā iwi o te motu, tēnā koutou, tēnā koutou katoa. Rātou kua whetūrangitia, haere ki Tawhiti pāmamao. Huri atu ki a tātou te hunga ora, tēnā tatou.

As the Waitangi Tribunal approaches the fiftieth anniversary of its foundation in October 1975, our first strategic direction, launched in July 2014, is reaching its conclusion. In this publication, we take stock of progress to date, review our priorities and objectives, and set out our strategic direction for the decade ahead.

In 2014, with what it expected to be its final six district inquiries under way, the Tribunal adopted a comprehensive approach. This offered three new inquiry pathways for the many claims awaiting hearing that lay outside the scope of the district inquiries. The kaupapa inquiry programme grouped together claims that raised nationally significant issues affecting Māori as a whole. Other claims with remaining issues would be addressed in standing panel inquiries for historical and contemporary issues.

We have made substantial progress since 2014. Three of the six district inquiries then under way have been completed and the final three are in their late stages. We have initiated all of the programmed kaupapa inquiries and the standing panel for remaining historical claims. Two kaupapa inquiries have finished and several are well advanced. Our scope of work has also been greatly expanded, in particular by two new district inquiries, a high volume of urgent inquiries, and the filing of many contemporary kaupapa claims.

Much remains to be done. Today, 19 programmed inquiries are under way. Under the strategic objective now starting, our overall aim is to complete all of them by 2035 – 11 by 2030 and eight by 2035. Second only to inquiries granted urgency, we expect to hear most historical claims by finishing the five district inquiries and the remaining historical claims inquiry by 2030. With so heavy an inquiry workload, some sequencing of the kaupapa inquiries is unavoidable. Five are expected to finish by 2030. The five recently started are then likely to begin their main hearings after completing their preparations, including claim eligibility and grouping, wānanga or short tūāpapa (evidential base) hearings, research, judicial conferencing, revision of statements of claim, Crown responses, and statements of issues.

We recognise that fulfilling these objectives will require the Tribunal to seek to expedite its inquiry processes and ensure the efficient deployment of its resources. To that end, I appointed a Strategic Direction

Review Group, whose co-chairs were selected by the New Zealand Law Society and the Māori Law Society. Its report, submitted in March 2025, makes a number of insightful recommendations. I wish to thank the review group for the tremendous effort they put into completing their work. We have appraised and accepted their recommendations, which we consider that this strategic direction will address and which we will adopt in the Tribunal's *Guide to Practice*.

Accordingly, it gives me great pleasure to present the Waitangi Tribunal's *Strategic Direction 2025–2035* setting out its strategic goals. They are challenging but achievable. Delivering them will require the effective coordination of resourcing and activity across a crowded inquiry work programme, a whole-of-inquiry approach, an efficient and frugal use of hearing time, and the expedited drafting of final Tribunal reports. The Tribunal will need to work at full capacity over the decade ahead. We look forward to the challenge.

Nō reira nau mai te whakamutunga pai o te mahi ki te tau 2035, a, nau mai te rua rau tau o te Tiriti o Waitangi.



Chief Judge Dr Caren Fox
Chairperson of the Waitangi Tribunal

FROM THE DIRECTOR

E kārangaranga ana te reo o mihi ki te raki, ki te tonga, ki te rāwhiti, ki te uru – ki tuawhenua, ki tai, tae noa ki ngā pito katoa o te whenua – tēnā koutou katoa.

Karanga mai rā te kaupapa nui o te tau, arā te huringa tau rima tekau o Te Rōpū Whakamana i Te Tiriti o Waitangi. Karanga mai rā hoki te wero kia whakaritea te ara e tutuki ai ngā mahi nui o te anamata. E kī ana te kōrero ‘tē tōia, tē haumatia’ – arā, mā te whakamahere e hua ai te wawata. Nā konā, mā te whakamahere rautaki e hua ai, e mana ai ngā wawata o te Taraipiunara, otirā, o te iwi whānui. Nō reira, tēnā tātou i runga i tā tātou nei kaupapa e hora nei, tēnā koutou, tēnā koutou, tēnā tātou katoa.

2025 is significant as we celebrate the Tribunal’s fiftieth anniversary and mark the year that the Tribunal’s first strategic direction ends.

The past five years have seen a transition in the focus of our work programme from district inquiries towards kaupapa (thematic) inquiries. This transition has seen the Waitangi Tribunal Unit and the Ministry of Justice remain agile and flexible in adjusting our ways of working to provide effective support to the Tribunal.

Once again, the Tribunal has set itself ambitious goals which will require the Tribunal Unit to continue to demonstrate its organisational agility and flexibility to support the inquiry work programme before us. We will continue to focus on developing core staff capabilities, maintaining a diversified skillset and provide the technical leadership to effectively coordinate and support a whole-of-inquiry approach.

Through this work, we are well placed to support the Tribunal’s new strategic goals for the period 2025–2035.

Kia kaha tātou ki te whakatutuki i tā tātou e whai nei i runga i te whakaaro tapatahi, hei aha? Hei painga mō te kaupapa, hei painga mō te motu whānui. Kia ora mai koutou katoa.

Kia ora rā



Steve Gunson

Pae Matua Director, Waitangi Tribunal Unit



OUR VISION

Our vision is that the Crown and Māori, acting in accordance with the principles of the Treaty of Waitangi/te Tiriti o Waitangi, are enabled to join in creating a better future for all New Zealanders. This vision requires the Tribunal to determine claims under the Treaty of Waitangi Act 1975 in a timely, cost-effective manner whilst demonstrating a commitment to the rule of law and tikanga Māori.

This vision is expressed in the whakataukī of the Waitangi Tribunal:

Transitioning from our past to a new future

*Tākiri te haeata, ka ao, ka awatea,
horahia mai ko te ao mārama*

*Dawn breaks, comes the daylight
and the world is aglow with brilliant light*

OUR PURPOSE AND ROLE

The Treaty/te Tiriti

The Waitangi Tribunal is required by the Treaty of Waitangi Act 1975 to determine claims alleging that certain actions, policies, or enactments of the Crown are inconsistent with the principles of the Treaty of Waitangi, causing prejudice.

Mission

The Waitangi Tribunal is the primary forum for hearing and reporting on Māori claims alleging breaches of the Treaty by the Crown. The Tribunal hears the claims and makes impartial findings. Where it

concludes that claims are well-founded, it may make recommendations to the Government for redressing Treaty breaches and removing proven prejudice.

The Tribunal contributes to the durable and fair resolution of Treaty claims and to restoring and upholding the Treaty partnership between Māori and the Crown. In so doing, it aims to advance the well-being of the Crown–Māori relationship.

Role and functions

The Waitangi Tribunal was established by statute in 1975 as a permanent commission of inquiry. For the first 10 years of the Tribunal's existence, its jurisdiction was restricted to hearing post-1975 contemporary claims.

In 1985, the Tribunal was empowered to inquire into claims arising at any time from the signing

THE WAITANGI TRIBUNAL

- ▶ The **Waitangi Tribunal** comprises a chairperson and up to 20 members appointed by the Governor-General, with Māori Land Court judges and legally qualified members able to serve as inquiry presiding officers.
- ▶ The Tribunal's **Governance Group**, convened by the chairperson, provides strategic direction and reviews the progress of the Tribunal's work programme.
- ▶ The Ministry of Justice provides operational support to the Tribunal through the **Waitangi Tribunal Unit**, which delivers a comprehensive range of registrarial, event management, research, report writing, and administrative services.

THE TRIBUNAL'S STRATEGIC FRAMEWORK, 2025–2035

The Tribunal's overarching objective is to provide timely access to an appropriate inquiry pathway for all claimants who wish to bring their unresolved grievances before it. Our 10-year inquiry programme will be progressed in two phases.

From 2025 to 2030, we will complete the district inquiries, the remaining historical claims, and five of the kaupapa inquiries.

During the first period, we will:

- complete the final five district inquiries
- address claims with remaining historical issues not included in district or kaupapa inquiries; and
- complete five of the 13 kaupapa inquiries under way.

From 2030 to 2035, we will complete the kaupapa inquiries and start to address the remaining contemporary claims.

During the second period, we will:

- complete the remaining eight kaupapa inquiries; and
- commence a process to address claims with remaining contemporary issues not included in kaupapa inquiries.

During both periods, we will hear claims granted urgency.

During both periods, we will:

- hear and report rapidly on claims granted urgency; and
- expedite inquiries into applications for remedies granted urgency.

From 2035, we will complete the backlog of remaining contemporary claims, progress new contemporary claims, and hear claims granted urgency.

From 2035, we will:

- complete the hearing of claims with remaining contemporary issues that the claimants wish to be heard;
- begin hearing new contemporary claims as they are filed; and
- inquire into claims and applications for remedies granted urgency.

The Tribunal's strategic goals for 2025 to 2035 are presented on pages 18 and 19.

of the Treaty in 1840 to the present day. Another amendment in 2006 deemed that after 1 September 2008 no new historical claims could be submitted. With a few exceptions, the Tribunal has a statutory duty to inquire into every valid claim submitted to it. The Tribunal's principal functions are:

- ▶ to inquire into Māori claims relating to the practical application of Treaty principles;
- ▶ to determine whether the matters alleged by the claimants are inconsistent with those principles; and, if so,
- ▶ to establish whether prejudice to the claimants has resulted or may occur; and
- ▶ to recommend to the Crown, in respect of claims adjudged well-founded, action to compensate for, remove, or prevent the prejudice.

The Tribunal may also:

- ▶ refer claims to mediation; and
- ▶ under specific circumstances, make binding recommendations for the return of land currently or formerly owned by the Crown where the Crown and the claimants have not been able to negotiate a settlement.

SETTING THE TRIBUNAL'S STRATEGIC DIRECTION

An inclusive approach

On 2 July 2014, the then Chairperson of the Waitangi Tribunal, Chief Judge Wilson Isaac, launched the Tribunal's *Strategic Direction 2014–2025*. Its publication signalled a change of approach. Since the mid-1990s, the Tribunal had concentrated its effort on the district inquiry programme, focusing mainly on historical Treaty grievances. By 2014, we had completed 18 of the original 37 districts and were progressing

what were expected to be our final six district inquiries, covering 11 districts. Most claims in the remaining eight districts had been settled or were in Treaty settlement negotiations without a Tribunal inquiry. The desire to bring closure to historical claims was, we recognised, a shared priority for Māori and the Crown.

We also acknowledged, however, that a growing number of claims not yet heard or settled lay outside the scope of the district inquiries, some of which had been waiting for many years. They included claims, both historical and contemporary, that had been submitted too late for inclusion in the relevant district inquiries or were related to a district that had not seen a district inquiry. They also included generic claims that raised kaupapa (thematic) issues of national scope. Apart from the few granted urgency, most of these claims had so far had no access to a Tribunal hearing, nor a prospect of one until some unspecified future time.

We decided that a comprehensive approach was needed that covered all claimants who wished the Tribunal to hear their claims. Accordingly, the reach of our work programme was expanded to provide three new inquiry pathways:

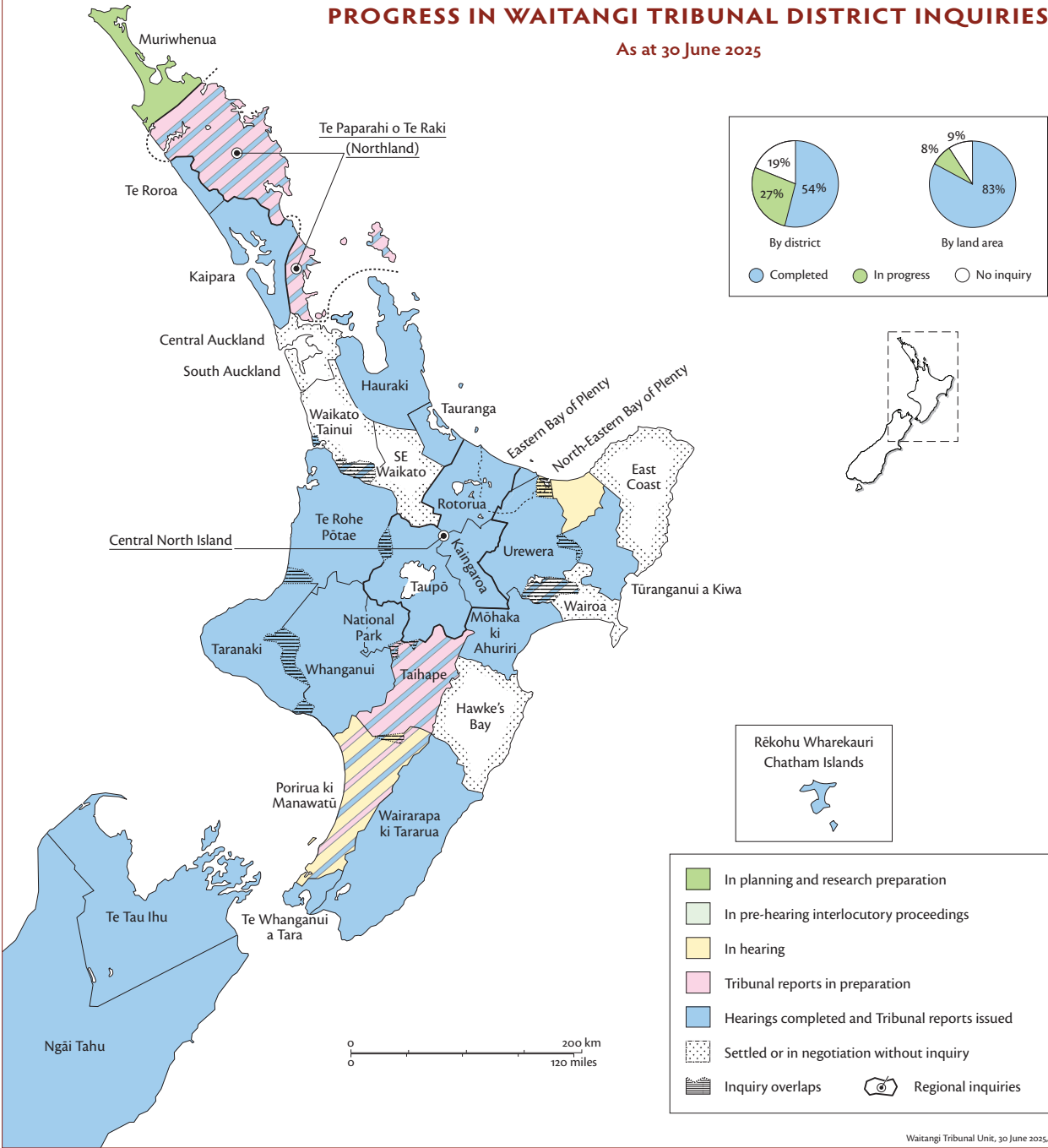
1. for kaupapa claims that raised or related to nationally significant issues affecting Māori as a whole in similar ways, covering both historical and contemporary claims;
2. for remaining historical claims that the claimants wanted to bring before the Tribunal; and
3. for addressing the backlog of specific and local contemporary claims.

The strategic goals

The strategic direction was envisaged as both transitional and transformative. Success would enable the Tribunal to address most claims awaiting a hearing,

PROGRESS IN WAITANGI TRIBUNAL DISTRICT INQUIRIES

As at 30 June 2025



Waitangi Tribunal Unit, 30 June 2025, NH

clear its claim backlog and move towards hearing new contemporary claims as they were filed, thus providing more timely access to justice. To achieve this overarching objective, we set five long-term strategic goals, which in our 2020 mid-term review we updated as follows:

- SG1** Complete the final district inquiries by 2025.
- SG2** Complete or advance at least half of the 13 major kaupapa inquiries by 2025.
- SG3** Address remaining historical claims.
- SG4** Plan for addressing remaining contemporary claims that fall outside the kaupapa inquiries.
- SG5** Address claims granted urgency, including urgent applications for remedies.

THE STORY SO FAR

How far has the Tribunal progressed towards achieving the strategic goals it set for 2025?

Strategic goals 1 and 3: complete the final district inquiries by 2025 and address the remaining historical claims

Our expectation in 2014 was that all six district inquiries then under way would finish by 2020, which would mark the end of the district inquiry programme. The *Te Urewera*, *Whanganui Land*, and *Te Rohe Pōtae* panels completed the release of their reports in 2015, 2015, and 2020 respectively.

Of the other three:

- ▶ The *Te Paparahi o Te Raki* panel released the first part of its main (stage 2) report in 2022 and is well advanced with the second part, which will complete its inquiry. The first

'HISTORICAL' AND CONTEMPORARY CLAIMS

The Treaty of Waitangi Act 1975 defines 'historical' Treaty grievances as those having arisen before 21 September 1992 and therefore contemporary grievances are those having arisen on or after that date. Many claims allege both types of grievance. Since the statutory deadline of 1 September 2008 for filing new historical claims, the Tribunal's registry has been open only to new contemporary claims, although existing historical claims can be amended.

tranche of part 2 chapters is due for release by the end of 2025.

- ▶ The *Taihape* panel gave priority to a report on landlocked land, released in 2024, and is working on its main report, the first tranche of which is due for release in early 2026.
- ▶ The *Porirua ki Manawatū* (Wai 2200) panel released four parts of its report as inquiry phases were completed and will shortly start writing a fifth part. It expects to complete its district-wide hearings over the next year and then turn to writing its final report.

Three of the six district inquiries have thus taken longer than expected but are well advanced towards completion. We did not, however, anticipate the start of two new district inquiries in 2019:

- ▶ The *North-Eastern Bay of Plenty*, where a sizeable body of claimants wanted a Tribunal inquiry despite settlement negotiations having recommenced. The Crown and claimants agreed in the Whakatōhea settlement that the Tribunal should continue to hear and report

REVIEWING OUR PROGRESS SINCE 2014

In October 2024, the Chairperson, Chief Judge Dr Caren Fox, appointed a 13-member Strategic Direction Review Group representative of broad Tribunal stakeholder interests. Its brief was 'to evaluate whether the work plan outlined in the strategic direction (as updated in 2020) continues to be suitable for the Waitangi Tribunal's current and future needs'. It was 'to focus on the Tribunal's short- and long-term objectives, including its approach to completing the historical and kaupapa claims programmes and determining its future role'. In March 2025, the review group submitted its report, which is available on the Tribunal's website. Here, we draw extensively on its analysis and recommendations.

on the claims following the passage of settlement legislation in 2024. The panel released an early report on the Whakatōhea settlement process in 2021 and is currently in hearing.

- ▶ *Renewed Muriwhenua Land*, where applications for binding remedies led to the appointment of a new inquiry panel and a second district inquiry. Research is under way in preparation for further hearings.

Alongside the district inquiries, in 2024 the *Remaining Historical Claims (Standing Panel)* inquiry was configured as a single nationwide process, which the panel is preparing to launch.

Strategic goal 2: complete or advance at least half of the 13 major kaupapa inquiries by 2025

The kaupapa inquiry programme, inaugurated in 2015, is based on grouping claims that relate to nationally significant issues for joint hearing. The first kaupapa inquiry, into the claims of *Military Veterans*, had commenced in late 2014. It is about to complete its final hearings for stage 1 and begin writing its report. By 2020, three more programmed inquiries were under way:

- ▶ *Health Services and Outcomes* (commenced in 2016), which has produced reports on primary health care (2019) and the COVID-19 protection framework (2021), has completed hearings on Māori with disabilities and is planning hearings on mental health and addiction issues;
- ▶ *Housing Policy and Services* (commenced in 2019), which has reported on Māori homelessness (2023) and is preparing its main hearings; and
- ▶ *Mana Wāhine* (commenced in 2019) has held contextual tūāpapa hearings, commissioned research, and in mid-2024 commenced its main evidential hearings.

Two more programmed inquiries commenced in 2022:

- ▶ *Te Rau o Te Tika: The Justice System*, which undertook a rapid inquiry and report on claimant funding in Waitangi Tribunal processes (2023) and is currently in its research phase; and
- ▶ *Tomokia ngā tatau o Matangireia: The Constitutional Kaupapa Inquiry*, which produced an urgent interim report on the Government's





proposed Treaty Principles Bill and Treaty clause review policies (2024) and is currently holding countrywide consultative wānanga.

In 2023 and 2024, panels were appointed for five programmed inquiries:

- *Education Services and Outcomes* (2023);
- *Natural Resources and Environmental Management* (2024);
- *Social Services* (2024);
- *Identity and Culture* (2024); and
- *Economic Development* (2024).

In 2024, a sixth proposed kaupapa inquiry, *Citizenship Rights and Equality*, was combined with *Tomokia ngā tatau o Matangireia: The Constitutional Kaupapa Inquiry*.

Thus by 2025, the Tribunal had initiated all the originally programmed kaupapa inquiries. In

addition, new kaupapa inquiries had also commenced. Two were targeted kaupapa inquiries given priority:

- *Marine and Coastal Area (Takutai Moana) Act* (commenced in 2018), which wrote two reports (2020, 2023); and
- *Climate Change* (commenced in 2024), which is in hearing.

Two more were urgent inquiries that were extended to hear non-urgent issues:

- *Trans-Pacific Partnership Agreement* (commenced in 2015), which released three reports (2016, 2020, 2021); and
- *National Freshwater and Geothermal Resources* (begun in 2012), which has released three reports (2012, 2019, 2022) and is currently hearing geothermal resource claims.



Strategic goal 4: plan for addressing remaining contemporary claims that fall outside the kaupapa inquiries

For many years, claims have continued to be filed about matters as they arise which were not district-specific matters and which did not meet the threshold for inclusion in the kaupapa inquiries. Preliminary staff analysis of the potential eligibility of these claims has started.

Strategic goal 5: address claims granted urgency, including urgent applications for remedies

Urgent inquiries most often concern proposed Government policy or the impact of present-day Government actions, and as such the Tribunal

cannot foresee what and when urgent claim issues may come before it. In 2014, we pledged to deal with urgent claims effectively and quickly, in particular those arising from the historical Treaty settlements process. These predominated from 2014 to 2020, with a total of 14 urgent inquiries under action and many more applications declined. The volume of applications and inquiries was much higher than expected and absorbed substantial Tribunal resources.

By 2020, the focus for urgency applications was shifting towards areas of contemporary policy and action. Policy and legislative changes in 2024 led to multiple inquiries within very condensed timeframes. Overall, seven of the 10 urgent reports produced since early 2020 were released in 2024.

Remedies proceedings arising from completed



district inquiries also featured prominently, with repeated lengthy delays imposed by court litigation. In particular:

- following long-running proceedings concerning the *Mangatū forest land* inland from Gisborne, in 2021 the Tribunal released its *Mangatū Remedies Report*, a re-adjudication of the original 2014 remedies decision;
- *Ngāti Kahu's* remedies application led to the overturning of the Tribunal's first report in the High Court and the resumption of the *Muriwhenua Land* inquiry in 2019 under a new panel;
- *Wairarapa* remedies proceedings were halted by the passage of settlement legislation in 2022.

The inquiry programme today

As of mid-2025, the comprehensive inquiry programme envisaged back in 2014 is in high gear:

- The five final district inquiries, including the two new inquiries, are progressing, with two in hearing and two preparing their final reports, and the newest in its research phase.
- All 12 unfinished inquiries in the kaupapa programme have started, with seven well under way and five recently initiated. Alongside these, one new kaupapa inquiry granted priority is in hearing.
- The standing panel for remaining historical claims is configuring its inquiry into a single nationwide process for all claimants with outstanding historical issues that they wish the Tribunal to hear.
- One urgent inquiry is currently under way, with another assigned to an existing kaupapa inquiry.
- Only a standing panel for remaining contemporary claims has yet to be initiated. Focusing on the backlog of contemporary claims rather than new claims, its programme will be

influenced by the extent to which remaining claims are admitted to kaupapa inquiries that may have their issues within scope.

For an overview of the inquiries under way, please consult the summary table at the end of this document.

OUR EXPERIENCE IN PERSPECTIVE

It is clear that our original strategic goals were over-optimistic. Amongst others, the following factors have been influential:

- ▶ the final district inquiries have needed more time to complete their hearings and write their reports;
- ▶ new inquiries have been initiated and urgent inquiries extended on non-urgent matters, significantly expanding both the district and kaupapa programmes;
- ▶ the number of applications for urgency and urgent inquiries has been far larger than anticipated;
- ▶ remedies proceedings have required substantial time and effort, with lengthy delays pending court proceedings, and rehearing following the overturning of Tribunal reports on review;
- ▶ kaupapa inquiries have needed time to design, plan and develop new inquiry processes and procedures, with inquiries increasingly organised into multiple sequential stages, and widespread issue overlaps across related inquiries;
- ▶ in the absence of a funding facility equivalent to the Crown Forestry Rental Trust and

despite support from the Crown, in some kaupapa inquiries claimants have lacked support for research in some kaupapa inquiries, limiting their ability to prepare and present their evidence to the Tribunal;

- ▶ similarly, greater reliance on the Tribunal's resources to commission evidential research has delayed progress across an expanding kaupapa programme;
- ▶ in the early 2020s the COVID-19 pandemic disrupted and delayed Tribunal proceedings, especially hearings.

Although new kaupapa inquiry starts were delayed, they have outnumbered inquiry completions, greatly expanding the roll of active inquiries. Whereas in 2014 we had six active district and three urgent inquiries under way, today, 11 years later, the number of active inquiries has grown to five district, 12 kaupapa, one priority and one urgent, as well as the standing panel for remaining historical claims – a total of 20 inquiries running in parallel. This unprecedented workload unavoidably stretches the capacity of our part-time membership and judges and complicates the coordination of inquiry schedules, especially for members and judges appointed to multiple panels.

At the same time, many historical claims not heard in other Tribunal inquiries have been included in Treaty settlements and ongoing negotiations with the Crown. This has reduced the number – currently less than 400 – likely to require further Tribunal consideration by the standing panel for remaining historical claims.

All the planned inquiries envisaged in the Tribunal's strategic direction have now commenced except for a process for remaining contemporary claims. This opens two major opportunities. On the one hand, for all claimants it has opened pathways to an inquiry that covers the remaining issues that they wish to bring before the Tribunal. On the other,



it will enable inquiry panels to coordinate overlaps in the scope of their inquiries, especially across the issue-focused kaupapa programme.

As kaupapa inquiries have become the centre-piece of our inquiry programme, in recent years we have actively sought ways to improve both quality and efficiency in their conduct. Multiple Tribunal panels have engaged with claimants and the Crown to develop procedural innovations. Wānanga or tūāpapa hearings have been held to set the foundation of their inquiries, covering matters such as the relevant tikanga and proposed inquiry process. Early evidential hearings have also been convened to streamline inquiries and allow us to hear matters of substance while procedural and interlocutory matters are addressed.

STRATEGIC CHALLENGES OVER THE NEXT 10 YEARS

Resolving Treaty grievances

The past four decades have seen a sustained effort by both Treaty partners to settle historical Treaty claims, address contemporary issues and build a lasting platform for positive future engagement. The Tribunal makes a critical contribution to this process, which is now well advanced. Tribunal inquiries bring the challenge of engagement between the Crown and Māori into an open process in which grievances are presented and evidence is produced and tested. Many of the historical Treaty settlements and some

significant contemporary policy reforms have their foundation in a Tribunal report. In this context, we face seven main strategic challenges.

1 Bringing closure to historical claims

Both Māori and the Crown – and all New Zealanders – are keen to see historical Treaty grievances settled as soon as possible. Māori and the Crown have already concluded a wide range of historical Treaty settlements. Our main focus has been on hearing and reporting on historical claims in district inquiries. Research, multiple claimants, a fair and open hearing, and a comprehensive Tribunal report demand time and effort of the claimants and the Crown, as well as the Tribunal.

The challenge is to complete as rapidly as possible (for those who wish to be heard) the final five district inquiries in time to add real value to the integrity and durability of Treaty settlements.

A sizeable number of claims with historical grievances were filed too late to be heard in the inquiry for their district, many of them in the weeks before the statutory deadline of 1 September 2008 for filing new historical claims. Others relate to districts where most claims have been settled and we have not held an inquiry. We are preparing a nationwide standing panel process for remaining historical claims to hear those that claimants wish to be heard.

The challenge is to deliver (for those who wish to engage) an effective standing panel process for remaining historical claims that assists the settlement of their claims.

2 Addressing kaupapa claims of national significance

Some kaupapa inquiries have a significant historical dimension, an example being *Military Veterans*. Increasingly, however, kaupapa inquiries

are focusing on contemporary claims, many of which raise issues of national significance and relate to recent or current Crown policies and actions.

With our kaupapa inquiry programme now fully deployed, all existing claimants with kaupapa issues will be able to have their kaupapa issues heard. Conducting many kaupapa inquiries in parallel, each with large numbers of eligible claims, does, however, pose major challenges. These include resources being spread thinly, slowing inquiry progress; widening procedural diversity in inquiry practice; and issue overlaps between related inquiries, for example *Health Services and Outcomes* and *Housing Policy and Services*. The Strategic Direction Review Group raised a number of concerns about the kaupapa programme (see below). These and other concerns will be addressed in a revision of the Tribunal's *Guide to Practice* aimed at expediting the hearing of kaupapa claims.

The challenge is to provide (for those who wish to be heard) access to a kaupapa inquiry process that enables a timely hearing of their kaupapa issues.

3 Addressing remaining contemporary claims

Contemporary grievances now stretch back more than 30 years. Some claims have been heard in district inquiries, others in earlier urgent and kaupapa inquiries on issues concerning, for example, indigenous flora and fauna and cultural and intellectual property (Wai 262) and kōhanga reo (Wai 2336). Few have featured in Treaty settlements, whose focus is on historical grievances.

Some claims raise contemporary issues specific to the claimants or their local interests. These issues may sit beside historical grievances, which in some cases have previously been heard or settled. Where the contemporary issues connect with national kaupapa topics, claimants may be eligible for admission to the relevant kaupapa inquiry. Where this is

neither possible nor desired, we are planning a future process for the remaining registered contemporary claims that claimants wish to be heard.

The challenge is to enable claimants alleging specific and/or local contemporary grievances to access either a relevant kaupapa inquiry or an effective process for remaining contemporary claims.

4 Responding rapidly to urgent situations
Alongside its regular inquiries, the Tribunal provides claimants a pathway for rapid response to any urgent claims alleging significant and irreversible prejudice. Some urgent claims arise from the process or terms of Treaty settlement negotiations. A few follow the failure of negotiations after a Tribunal inquiry, with the claimants returning to the Tribunal for binding remedies. Today, most urgent claims are triggered by a Government policy or action, ranging from a specific local matter to a national issue affecting Māori as a whole. Previous examples of the latter are the foreshore and seabed policy (Wai 1071), rights to freshwater and geothermal resources (Wai 2358) and, most recently, the Māori wards policy (Wai 3365) and the proposed Treaty Principles Bill and Treaty clause review policies (Wai 3300).

The challenge is for the Tribunal to respond quickly and effectively where a claim meets the threshold for urgent inquiry, without unduly impeding or delaying existing inquiries.

5 Balancing priorities and deploying resources effectively

As of 30 September 2024, the Tribunal had completed reports on 1628 (48%) of the 3367 claims on its register, about half of them having been heard on all their issues. Altogether, 2189 (65%) of all claims

have been or are being fully reported, heard, settled and/or in negotiation, or fully withdrawn. The grievances of another 509 (15%) have been partially addressed, making a combined total of 2698 (80%) claims. This total includes 2056 claims with historical issues that have been fully (83%) or partly (9%) addressed.

More than a third of registered claims (1178, 35%) have yet to be heard on all or some of their grievances. The Tribunal needs to be responsive to the wishes of the claimants and the Crown, in particular to complete its inquiries into historical claims.

The challenge is for the Tribunal to enable the final district inquiries and the remaining historical claims ('standing panel') process to expedite the hearing and reporting of historical claims within its expanded inquiry work programme.

Increasingly, it is contemporary claim issues that dominate the future inquiry horizon, for the Tribunal and for claimants engaging with the kaupapa inquiries. Large multi-year inquiries demand sustained effort from the claimants, the Crown, and the Tribunal alike, and long-term planning of the Tribunal's inquiry programme will give greater certainty on when claims are expected to be heard.

In the district inquiry programme, we adopted a sequential approach, balancing the start of the next inquiry with current inquiries finishing. The last five district inquiries are all planned to complete their final reports by 2030, although the Muriwhenua panel is likely to conduct a remedies inquiry after completing its district report.

Recently, the number of kaupapa inquiries in action has expanded, and in late 2024 we appointed panels to conduct the remaining five planned inquiries. This broad approach will offer all claimants with kaupapa issues early access to a Tribunal inquiry. Given finite resources and the 20-person cap on warranted members, it also risks spreading our effort

more thinly and leading to slower overall inquiry progress.

Recent procedural innovations in the preparation of kaupapa inquiries for hearing may assist in improving efficiency in their design and conduct. However, further concerted action is needed to streamline kaupapa inquiries and coordinate the delivery of the kaupapa programme. In addition, we plan to sequence the five kaupapa inquiries started in 2023 and 2024 (*Education Services and Outcomes; Natural Resources and Environmental Management; Social Services; Economic Development; and Identity and Culture*) so as not to commence their hearings before 2030, after most of the kaupapa inquiries already under way have released their final reports.

The challenge is for the Tribunal to coordinate, organise and sustain its kaupapa inquiry programme. It will need to balance priorities and resources and respond to the aspirations of the parties to its inquiries.

6 Managing uncertainty and risk

Many external factors influence the demand for a Tribunal inquiry and the pace at which inquiries can be prepared and the claims heard and reported on. In particular, urgent inquiries and any new kaupapa inquiries given priority inevitably divert our resources from regular inquiries under way.

Claimants' readiness to pursue their Treaty claims before the Tribunal is affected by a wide array of competing demands on their communities and leaders, including access to sufficient resources to prepare and present their claims. Claimant aspirations, opportunities and ability to engage may also change mid-inquiry. The Tribunal will need to be alert to such changes and to consult claimants and Crown as an inquiry unfolds on whether it continues to meet the needs of claimants and Treaty settlement objectives, adapting inquiry processes and, if

appropriate, reducing the number of hearings and hearings days per inquiry and shortening and expediting Tribunal reports.

The challenge for the Tribunal is to assess and manage risk effectively. It will need to consult and communicate clearly and promptly with participants in affected inquiries, while sustaining high-priority commitments.

7 Managing transition and change

Over the last four decades, our main focus has been on hearing historical claims in iwi-based and district inquiries. That focus is now rapidly changing as the Tribunal completes its district inquiries and remaining historical claims. Where claimants participating in kaupapa inquiries have a significant historical interest, the indications so far are that it will mainly include late twentieth-century issues. Meanwhile, contemporary claims will increasingly dominate the agenda of most kaupapa inquiries. Both during this decade-long transition and for the long term, major changes in modes of inquiry and resources are likely to be required.

Over the decade from 2025 to 2035, our strategic direction will continue and complete the transition and transformation envisaged in 2014. By 2035, it is expected that the Waitangi Tribunal will transition to a body whose main focus will be directed to hearing contemporary claims as they are filed, as well as claims and applications for urgency. This transition is also likely to involve substantial change in the operating and delivery model, structures, and resources of the Tribunal and the administration that services it.

The challenge for the Tribunal is to plan for and manage the transition while sustaining the efficient delivery of its inquiry programme across multiple inquiry pathways.



OUR STAKEHOLDERS' RECOMMENDATIONS

The review group made three principal recommendations that they considered would assist the Tribunal to achieve its strategic goals. We reproduce them here in full:

Our recommendations set out the measures we believe the Tribunal will need to implement in developing its strategic direction. They are based on stakeholder feedback, our review of the Tribunal's past and future work programme, and an assessment of the Tribunal's performance against its previous strategic goals. The focus of the recommendations is on streamlining and procedural innovations to better expedite Tribunal processes.

In implementing these recommendations it will

be important that the Tribunal maintain its commitment to tikanga, te reo and te Ao Māori. We also recognise the wide discretion of the Waitangi Tribunal to exercise its inquisitorial function and the flexibility this provides in the conduct of inquiry processes.

We consider that the recommendations can be given effect through:

- a full and prompt update to the Waitangi Tribunal's *Guide to Practice and Procedure*;
- innovation from adversarial procedure to inquisitorial procedure;
- an appraisal and plan to address resource constraints; and
- the adoption of a strategic direction for the next 10 years.

Recommendation 1: Streamline urgent inquiry procedure

Improve the efficiency with which urgent hearings are conducted by introducing a new and standardised procedure for the management of urgencies and by appointing dedicated judges to conduct urgent inquiries. We recommend:

- a) that 'Te Tukanga Taihoro' (an expedited urgent inquiry process) be developed, initially as a pilot scheme; and
- b) that a dedicated group of 2–3 Māori Land Court judges and legally qualified members be delegated responsibility for assessing applications for urgent inquiry and presiding over the inquiries where these are granted (with this being a large part of their workload).

Recommendation 2: Standardisation and innovation across kaupapa inquiries

Kaupapa inquiries make up a significant portion of the Waitangi Tribunal's work programme over the next 10 years. The kaupapa inquiry programme



would benefit from greater standardisation and innovation. We recommend:

- a) an appraisal of kaupapa inquiry processes to date; and
- b) the development of a streamlined approach to inquiry design, interlocutory processes, research, hearings and reporting.

Recommendation 3: Address resourcing issues

The Tribunal, as currently configured, with a fixed budget and a 20-member cap, experiences significant issues in resourcing its hearing programme. Given the volume and complexity of the Tribunal's projected workload over the next decade, the matter of resourcing will need to be addressed (acknowledging that there are significant resource constraints across government at present). We recommend:

- a) seeking a review of Crown funding support for claimants' involvement in inquiries;

- b) the use of jointly appointed researchers to ease the research constraints that are currently constraining progress in kaupapa inquiries; and
- c) seeking an increase in resourcing provided to the Waitangi Tribunal so as to better enable the Tribunal to complete its work expeditiously.

PRIORITY SETTINGS FOR RESOURCE ALLOCATION

General priority settings will be essential for planning the long-term inquiry programme for the next decade and for balancing the allocation of resources. On 24 July 2024, the Chairperson, Chief Judge Dr

Caren Fox, amended the settings to accommodate inquiries granted priority rather than urgency and to promote the hearing of remaining historical claims.

With minor amendments, the 2024 settings will apply for the period of this strategic direction. They are, in ranking order of priority:

1. claims granted urgency, including applications for remedies granted urgency;
2. claims participating in district inquiries and remaining historical claims not yet heard, settled or included in Treaty settlement negotiations;
3. claims eligible to participate in kaupapa inquiries in or being prepared for hearing and in any new kaupapa inquiries granted priority status;
4. claims eligible to participate in kaupapa inquiries initiated in 2023 and 2024; and
5. remaining contemporary claims not yet heard or settled.

STRATEGIC GOALS

2025–2035

Strategic goal 1: hear claims and applications for remedies granted urgency

With many Treaty settlements now completed and legislated, related applications for urgency have become less frequent. We remain committed, nevertheless, to dealing effectively and quickly with urgent claims generated by the historical Treaty settlement process so as to assist claimants and the Crown to achieve durable settlements without undue delay.

Applications for urgency have increasingly focused on current government policies and actions,

often concerning policy development, proposed legislation, and recent or prospective actions. In such cases, urgent inquiries have to adjust rapidly to official timetables and deadlines, as demonstrated in the series of fast-moving urgent inquiries undertaken in 2024. Drawing on that experience, we will design and consult on a fast-track urgency process that can be completed within weeks rather than months as an option where rapid findings are required.

Conversely, most urgent remedies proceedings are long-drawn-out and resource intensive, with repeated interruptions during lengthy rounds of litigation.

The Tribunal's first strategic goal is to hear claims and applications for remedies granted urgency efficiently and expeditiously.

Strategic goal 2: complete the final district inquiries and remaining historical claims by 2030

The Tribunal will add real value to the integrity and durability of historical Treaty settlements through the timely completion of the final district inquiries, in which most of the outstanding historical claims of iwi, hapū, and whānau are being heard. Currently, 584 claims are under action in the final five district inquiries. Two district inquiries are preparing their final reports on 449 claims, two are in hearing and one is preparing for hearings.

Under the second strategic goal, the Tribunal will finish the five district inquiries by 2030.

Outside the district inquiries, claims with historical issues not yet heard currently total 380. Many were submitted in the weeks leading up to the historical claims filing deadline of 1 September 2008. The Standing Panel Inquiry into Remaining Historical Claims is currently preparing its nationwide process to confirm the eligibility of and hear those claims that the claimants wish to bring before the Tribunal.

Approximately a third of the claims may, alternatively, have issues that fall within the coverage of kaupapa inquiries.

As part of the second strategic goal, the Standing Panel Inquiry into Remaining Historical Claims will complete its work by 2030.

Strategic goal 3: complete five kaupapa inquiries by 2030 and the remaining eight kaupapa inquiries by 2035

The Tribunal's kaupapa inquiry programme has expanded and matured. One inquiry has been completed, eight are under way and the remaining five are in the start-up phase. It is clear that most kaupapa inquiries are likely to be larger than originally envisaged and that the programme as a whole will take longer to complete. A contributing factor is that many existing and new claims, brought mainly by local groups and individuals rather than national organisations, have sought to participate under the umbrella of the nationally significant issues set down for inquiry. Although enlarging the kaupapa inquiries, their participation will enable earlier access to a Tribunal inquiry and reduce the number of remaining contemporary claims requiring separate Tribunal attention.

Progress continues to be limited by the substantial resources required to complete the district inquiries. When they finish, the pace will pick up as kaupapa inquiries take centre stage. As the review group recommends, there is opportunity to improve and expedite kaupapa inquiries through procedural innovation, by standardising and streamlining the kaupapa inquiry process, and by coordinating issue overlaps between related inquiries.

The Tribunal's third strategic goal is to complete five of the programmed kaupapa inquiries by 2030 and the remaining eight by 2035.

Strategic goal 4: start a process addressing remaining contemporary claims that fall outside the kaupapa inquiries by 2035

Now that all the planned kaupapa inquiries have been initiated, we will start a process to address the backlog of claims with remaining contemporary issues not yet heard and outside kaupapa inquiry coverage. Their number is currently estimated at approximately 450 but will fluctuate until the full scope of claims eligible to participate in kaupapa inquiries has been finalised. Some claims focus on specific grievances and local areas. Some may be left over from settlements restricted to their historical grievances. Some will have issues that failed to meet the urgency or priority threshold but are still live.

The Tribunal's fourth strategic goal is to commence a process by 2035 for remaining contemporary claims that fall outside the scope of the kaupapa inquiries.

WHAT WILL THE ACHIEVEMENT OF THE STRATEGIC GOALS MEAN?

By achieving these strategic goals between 2025 and 2035, the Tribunal will assist the restoration of the Crown–Māori Treaty relationship and enhance access to justice for all claimants. They aim to enable:

- all historical claims to be addressed;
- disputes arising from the Treaty settlement process to be heard;
- claims granted urgency to be rapidly heard and reported on;
- streamlined and coordinated processes to be



implemented for the hearing of all eligible claims in kaupapa inquiries;

- ▶ a process to be commenced to address remaining contemporary claims; and
- ▶ following 2035, new contemporary claims to be heard and reported on expeditiously.

ORGANISATIONAL CAPACITY AND CAPABILITY

Preparing for change

The Tribunal's strategic direction will require us to complete its transition from a body focused on hearing hundreds of historical claims in large district inquiries to:

- ▶ a body focused on hearing kaupapa claims of

national scope and addressing remaining historical and contemporary claims; and once its strategic goals are fully achieved, to

- ▶ a body focused on hearing urgent claims, urgent applications for remedies, and contemporary claims as they are filed.

An ability to streamline and coordinate in both process design and planning will be critical to overall strategic success, as will the efficient use of resources geared to achieving the strategic objectives.

High-quality evidence will continue to be an indispensable foundation for effective Tribunal inquiries. While some historical research will still be required, the focus will turn increasingly to contemporary issues alongside a broadening range of specialised evidence in fields such as resource management, public policy and state services.

The Tribunal's membership

Completing the inquiry programme up to 2035 will rely on a Tribunal membership maintained at full strength, with minimal delays between member appointments and reappointments. The higher level and greater diversity of inquiry activity will intensify calls on the membership to serve on inquiry panels. More Tribunal members, for example, may be needed who are able either to work between half-time and full-time or to commit substantial periods to the writing of Tribunal reports.

A consultative and responsive approach

There will need to be intensive engagement with claimants about the status of their long-standing registered claims, to determine whether there is still a live issue that the claimants want heard, and whether commonalities will allow contemporary claims to be grouped for joint research and hearing. We will also need to design streamlined and efficient inquiry

processes, in consultation with claimants and the Crown, that are tailored to the needs of the parties and the scope of each group of kaupapa and contemporary claims.

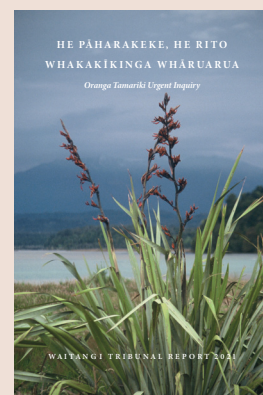
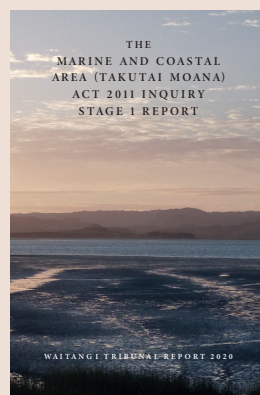
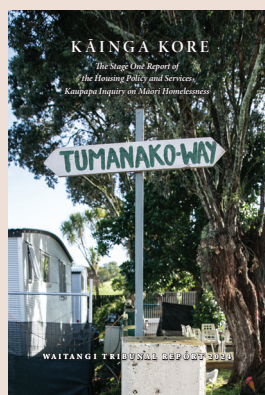
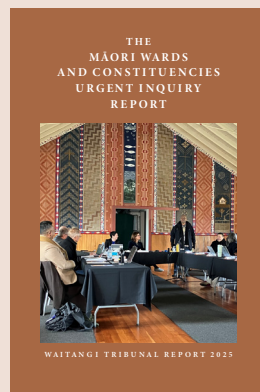
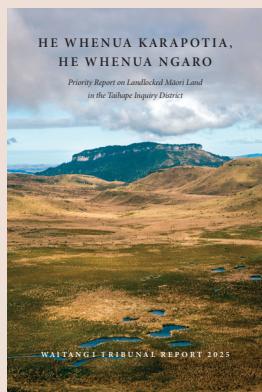
Balancing priorities and setting achievable goals

All these considerations highlight the importance of planning the inquiry programme within the Tribunal's long-term strategic framework. Inquiry targets must be achievable as well as contribute to the Tribunal's strategic goals. This will also require a

careful balancing of human and financial resources across parallel inquiry pathways, with priority given to inquiries predominantly hearing historical claims.

Sustaining core functions

Organisational flexibility and redesign must not compromise the fundamental function of the Tribunal as a commission of inquiry and a forum for access to justice for the many claimants who have been waiting a long time for their claims to be heard and reported upon.



Current Status and Completion Targets of Programmed Tribunal Inquiries

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 Wāhine	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