

IN THE WAITANGI TRIBUNAL

Wai 2800

CONCERNING

the Treaty of Waitangi Act 1975

AND

the Inquiry into Remaining
Historical Claims

**MEMORANDUM-DIRECTIONS OF JUDGE WARA REGARDING A NEW
APPROACH TO THE INQUIRY INTO REMAINING HISTORICAL CLAIMS**

12 January 2026

Introduction

1. This memorandum-directions notifies changes to the membership of the Tribunal panel which will conduct the Wai 2800, Inquiry into Remaining Historical Claims,¹ and advises that the panel intends to adopt a new approach to enable efficient inquiry into remaining historical claims.
2. To ensure that it reaches all claimants who may have remaining historical issues that they wish the Tribunal to hear, the memorandum-directions is addressed to all those who submitted their claims up to and including 1 September 2008, the statutory cut-off date for the submission of historical claims to the Waitangi Tribunal.²

The panel

3. I note that the panel for this inquiry has undergone various changes to its membership since the inquiry commenced in 2018. I thank all previous members for their contributions and take this opportunity to acknowledge and welcome Kevin Prime, Dr Paul Hamer, Rex Hale and Kingi Kiriona, who, alongside myself as Presiding Officer, now comprise the panel for this inquiry (Wai 2800, #2.5.16).

The new approach

4. After reviewing the progress made by the panel for this inquiry since its appointment on 8 March 2018, I am of the view that:
 - (a) a new approach is required; and
 - (b) the new approach must be informed by both the Waitangi Tribunal's recently released *Strategic Direction 2025-2035* and an assessment of what is feasible in the current resourcing climate.³
5. The Tribunal will therefore step away from the organisation of the inquiry by region, and adopt a new nation-wide approach to grouping, prioritising and addressing claims that raise historical issues (hereafter 'historical claims'). These are claim issues that relate to Crown enactments, policies, practices, acts and omissions before 21 September 1992,⁴ regardless of whether they continued beyond then or whether the claim also raises later contemporary issues.
6. In my view, all historical claims can be grouped into one of the three categories below:
 - (a) **Category One** includes:
 - (i) historical claims that the claimants no longer intend the Tribunal to inquire into; or
 - (ii) historical claims that are ineligible to participate in this inquiry because they have been fully settled, previously reported on by the Tribunal, are being addressed by current Tribunal inquiries or subject to Treaty settlement

¹ Previously known as the 'Wai 2800, Inquiry into Remaining Historical Claims: Southern North Island and South Island Claims'.

² Treaty of Waitangi Act 1975, section 6AA.

³ Te Rōpū Whakamana i te Tiriti o Waitangi | Waitangi Tribunal, [Strategic Direction 2025–2035](#).

⁴ Treaty of Waitangi Act 1975, section 2.

negotiations.

These claims will be dealt with by this inquiry panel on the papers and in consultation with the claimants concerned.

(b) **Category Two** comprises claims that the claimants wish to bring before the Tribunal and which can be heard expeditiously because:

- (i) no gap-filling research is required; and
- (ii) the claim can be inquired into on the papers (without a hearing) if the claimants and Crown consent; or
- (iii) the claim can be inquired into through a remote AVL hearing or a brief in-person hearing.

(c) **Category Three** comprises claims that the claimants wish to bring before the Tribunal which will require more extensive or complex Tribunal processes because:

- (i) further research is required; and
- (ii) the claim has overlapping interests with other remaining historical claims or interested parties; and
- (iii) more extensive hearings, possibly including in-person hearings, are required to inquire into the claim.

7. This inquiry will proceed by addressing, in the first instance, those historical claims which claimants do wish to bring before the Tribunal and which fall under categories two and three.
8. Claimants should note that where a claim raises *nationally significant* outstanding historical issues that fall within the scope of an existing kaupapa inquiry, those claims will generally be heard within the relevant kaupapa inquiry. By contrast, this inquiry will focus on inquiring into outstanding historical issues that are discrete or local in nature and that do not fall within the ambit of an existing kaupapa inquiry.

Intention to participate in the inquiry

9. Claimants with remaining historical claim issues who wish to participate in this inquiry need to inform the Tribunal at the outset. Alongside this memorandum-directions, the Tribunal will attempt to notify claimants of the new approach through various channels including last known addresses, social media, and public notices. This pānui process will comprise:
 - (a) Radio and digital audio advertisements across January to April 2026; and
 - (b) New Zealand Herald advertisements across January to April 2026.
10. A period of **four months** will be provided for claimants to advise the Tribunal whether they wish to participate in this inquiry. Claimants should note that, with the exception of other inquiries currently underway, the Tribunal does not plan to hold any further inquiries into historical claims under its *Strategic Direction 2025-2035*.
11. Where the Tribunal does not receive any response from claimants, the Tribunal will regard these claimants with claims that appear to have remaining historical issues as not seeking any further inquiry into their historical claim. These claims will therefore be assigned to category one within this inquiry, and may be dismissed.

Indicative inquiry timeframes

12. In the table below, I signal now the broader anticipated timeframes for this inquiry which, per the *Strategic Direction 2025-2035*, is expected to conclude by 2030. Some inquiry events and milestones are indicated for the upcoming interlocutory phase of the inquiry, which is due to conclude by the end of this year. Events and milestones for the remaining inquiry phases will be confirmed in due course.

Inquiry phase	Timeframe	Inquiry event/milestone	
		Date	Details
<i>Interlocutory</i>	January 2026 – December 2026	12 January 2026 - 11 May 2026	Claimant pānui process
		27 February 2026	Judicial conference: Introduction to the inquiry
		11 May 2026	Complete claimant pānui process
		22 May 2026	Judicial conference: Inquiry planning
<i>Research</i>	December 2026 – December 2028		
<i>Hearing</i>	January 2027 – October 2029		
<i>Report writing</i>	July 2027 – December 2030		
<i>Complete inquiry</i>	December 2030		

Next steps

13. Claimants who consider that they have outstanding historical claim issues that have not been, or are not being addressed, in other Tribunal inquiries should file submissions with the Tribunal's Registrar indicating whether they intend to participate in this inquiry by **Monday 11 May 2026**. A template response is available on the Standing Panel (Remaining Historical Claims) | Waitangi Tribunal webpage.

14. This applies to all claimants who submitted historical claims up to or on the statutory deadline of 1 September 2008.

15. I will convene an online judicial conference at **11 am, Friday 27 February 2026** via audio visual link (AVL) to discuss how we will implement this new approach to this inquiry.

16. A second judicial conference will be held at the conclusion of the pānui process to undertake further inquiry planning. The conference will be held in Wellington (with the option of joining remotely via AVL), at **11 am, Friday 22 May 2026**.
17. I also signal that, as part of this interlocutory process, claimants who indicate that they do wish to present their historical claims in this inquiry will be invited to further particularise their claim issues and the recommendations they intend to seek from the Tribunal. Further directions on this will be issued in due course.

The Registrar is to send this direction to all claimants who submitted their claims to the Tribunal before or on 1 September 2008.

DATED at Rotorua this 12th day of January 2026



Judge T M Wara
Presiding Officer

WAITANGI TRIBUNAL