

Waitangi Tribunal
New Zealand Fuel Response Plan 2026
Protocol

1. This protocol applies while the New Zealand Fuel Response Plan 2026 (attached as Annex 1) is operative.

Principles

2. Courts and Tribunals are an essential service. The Waitangi Tribunal is committed to continuing its constitutional role and will continue all scheduled work while the Fuel Response Plan is operative, albeit with an increased focus on the conduct of hearings by remote participation at Phase 2 and above, where that is possible and appropriate.

Matters to take into account

3. When determining whether to conduct a hearing in person or by remote technology during Phases 2 and 3, a presiding officer may take into account the precautionary approach to fuel consumption.
4. They may also take into account the fact that a significant number of claimants and members of the public who attend Waitangi Tribunal sittings are people who are on low incomes, or over 65. They are particularly vulnerable to the fluctuations in fuel prices likely to continue over the coming months. It is important that we take this into account and establish guidelines to ensure as far as possible access to justice for all who normally attend Waitangi Tribunal sittings – particularly pakeke (elderly), but also all parties, counsel, staff, judges, Tribunal members and members of the public.
5. With this in mind, all persons entering Waitangi Tribunal hearings or inquiry related events – namely, all parties, counsel, staff, Judges, Tribunal members, and members of the public – must comply with the directions set out in this protocol.

Remote access to hearings and other Tribunal events during Phases 1 and 2

6. Any person who needs to participate remotely in a judicial conference or hearing due to fuel shortages should contact the Tribunal in advance of the hearing so that the necessary arrangements for remote participation can be made. If any party does not have access to the necessary phone or internet services to participate in a judicial conference or hearing by telephone or videoconferencing, they should apply to the Tribunal for directions as to how they can be heard remotely.
7. Tribunal hearings will only be held on a marae during Phase 1 and 2. Tribunal staff will liaise with marae representatives to discuss remote participation requirements and ensure that there are no concerns with them being in place during the hearing. Tribunal hearings will only take place at marae when the marae committee and representatives are comfortable with these requirements.
8. All Tribunal hearings will be open to the public, as is normal practice, subject to any memorandum-directions from the Presiding Officer.
9. All Tribunal hearings will where possible be livestreamed to enable the public to observe proceedings if they are unable to attend in person.

Hearings & other events during Phase 1 & 2

10. Tribunal events will generally be conducted in person or via remote technology, subject to the direction of the presiding officer.

Hearings & other events during Phase 3

11. The Waitangi Tribunal will continue to carry out its work, however all Tribunal events including hearings, judicial conferences and panel hui will be conducted via remote technology.

Hearings & other events during Phase 4

12. Unless otherwise directed by a Presiding Officer, there will be no hearings or other public events held during Phase 4. All matters will be dealt with on the papers.

Filing

13. Any filing with the Tribunal should be done, where possible, by email or post. The email and postal addresses for all Waitangi Tribunal filing can be found on the Tribunal's website at <https://waitangitribunal.govt.nz/contact-us/>.

14. Where email or postal filing is not possible, Tribunal applications and documents may be filed in person at the Tribunal offices during Phases 1 and 2.

15. During Phase 3, all documents parties seek to produce for the Tribunal during a hearing must be filed electronically.

Media

16. Accredited news media will continue to have entry to Tribunal hearings (subject to the Waitangi Tribunal's media guidelines) in order to report on proceedings in person, and to ensure open and transparent justice. Remote access for accredited news media will also continue to be facilitated. All access by media must be approved by the Presiding Officer of the relevant inquiry through a media application, available on the Tribunal's website.

Expectations of counsel

17. Counsel are expected to assist the Tribunal by:

- a. Briefing clients and witnesses on New Zealand Fuel Response Plan 2026 and the requirements of this protocol, including:
 - i. Not to travel to any Tribunal event during Phases 3 and 4.
 - ii. To advise as early as possible if they are unable to attend a Tribunal event.
 - iii. What they may expect by way of services during the different phases.
- b. Seeking remote participation in appropriate cases.

Chief Judge Dr Caren Fox, Chairperson

7 May 2026