

Wai 3400 Takutai Moana Act 2011 Urgent Inquiry Stage Two Statement of Issues

The Tribunal has granted an urgent inquiry into whether the Crown has acted consistently with Treaty principles, on both process and outcomes, when determining the funding available to applicants under the Takutai Moana financial assistance scheme (**Scheme**) for the 2024/25 financial year (Wai 3400, #2.5.4 at [62]).

Issues for Inquiry in Stage Two Takutai Moana Act 2011 Urgent Inquiry

1. Which principles of the Treaty of Waitangi / Te Tiriti o Waitangi (**Te Tiriti**) were and are engaged?
2. What were the Scheme settings prior to the 2024/25 financial year?
3. What are the Scheme settings for the 2024/25 financial year?
4. What process did the Crown follow in developing and settling on the Scheme settings for the 2024/25 financial year?
5. In what ways (if any) do, or will, the Scheme settings prejudice applicants seeking to progress their applications under the Marine and Coastal Area (Takutai Moana) Act?
- 5.1 Will any increased costs that result from groups having to revisit/amend their pleadings and evidence in order to meet the new statutory test(s), which are proposed in the Marine and Coastal Area (Takutai Moana) (Customary Marine Title) Amendment Bill that is currently in the House of Representatives, be covered under the new Scheme settings?
6. Is the process the Crown followed in developing and settling on the Scheme settings for the 2024/25 financial year consistent with the principles of Te Tiriti?
7. Are the Scheme settings for the 2024/25 financial year and the effects of the Scheme settings consistent with the principles of Te Tiriti?
8. If the answer to Issue 5 or 7 is no, what recommendations are required to address any prejudice caused to claimants by these breaches?