IN THE WAITANGI TRIBUNAL
KEI MUA I TE ROOPU WHAKAMANA I TE TIRITI O WAITANGI

WAI 3550
WAI 745

IN THE MATTER OF	the Treaty of Waitangi Act 1975
AND	
IN THE MATTER OF	the Economic Development Kaupapa Inquiry (Wai 3550)
AND	
IN THE MATTER OF	a claim by Luana Pirihi and the late Paki Pirihi on behalf of the hapū of Patuharakeke

MEMORANDUM OF COUNSEL CONCERNING PREPARATIONS FOR PRECASEBOOK REVIEW

Dated this 20th day of November 2025

This document is filed by:-

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MAY IT PLEASE THE TRIBUNAL

1. This memorandum of counsel is filed on behalf of Wai 745, a claim by Luana Pirihi and the late Paki Pirihi on behalf of themselves and their hapū, Patuharakeke ('**the Claimants**');

2. In Memorandum-Directions dated 30 Mahuru 2025, Kaiwhakawā Williams directed parties who seek participation in the Wai 3550 Economic Development Inquiry ('**the Inquiry'**) to file written submissions by **5pm, 28 November 2025**, concerning:[1]

   a. likely issues relevant to this inquiry;

   b. areas of research for this inquiry; and

   c. suggestions for relevant source material.

3. Accordingly, counsel take the opportunity to address the issues at 2(a)-(c), as follows. In doing so, Counsel also suggests that the Tribunal – in the Inquiry's infancy – develop a clear definition of economic development.

4. Furthermore, counsel offers a possible structure to guide the thematic and sequential approach of the Inquiry.

ISSUES RELEVANT TO THIS INQUIRY

5. The Tribunal indicated the Inquiry could hear claims on the following issues:[2]

   a. Carbon taxation, emissions trading scheme ('**ETS**'), impact on Māori forestry; and

   b. Taxation: rates, rating, land valuation, land tax, death duties, control of taxation and revenue, Māori economic development institutions and the law.

6. The claimants acknowledge that debt and superannuation (including KiwiSaver) are currently missing from this list of issues, and should accordingly be added, given their importance within the wider landscape of economic development.

7. Respectfully, the Claimants take the position that the preliminary list of issues needs to be broadened. At this stage, the issues cover the tools or consequences of economic development. The Claimants say this should also encompass the well-developed and widely regarded pou or structures of economic

[1] Wai 3550, #2.5.8 at [16].
[2] Wai 3550, #2.5.2 at [4].

development of which include physical capital (including land), human capital, financial capital and technology.

8. By way of example, it would be remiss of the Tribunal to not focus on the alienation and dispossession of land through various Crown practices, legislation and policies, which has been one of the greatest retardants of economic development for Māori.

9. The claimants have indicated that this Inquiry should explicitly address the arrival and imposition of capitalism – as a colonial tool – and the associated structures of economic development that capitalism is responsible for, or, has affected.

10. At a general level, it is submitted that the Tribunal should invite claims on the drivers and inhibitors of economic development, within the aforementioned pillars. This will enable the issues outlined at [4], such as land taxes, Māori forestry and the ETS, to still be heard, but within the entire framework of economic development.

11. To facilitate this, counsel suggest that it would be important for the Tribunal to establish and set a clear definition of 'economic development' as part of the pre-casebook discussion paper. It is submitted that 'economic development' is well defined and there is a vast amount of literature that the Tribunal can reference.

12. The establishment of such definition can serve to create a clear starting point for dialogue between claimant groups and the Crown. The definitions in the Wai 3500 (Identity and Culture Kaupapa Inquiry) and the Wai 3300 (Constitutional Kaupapa Inquiry) may be looked to, to guide the process of establishing a clear definition for this Inquiry.

13. Another benefit that establishing a definition of 'economic development' will bring is to locate this Inquiry within the wider ecosystem of concurrent Tribunal inquiries, some of which His Honour, Kaiwhakawā Williams identified in Memorandum-Directions dated 12 November 2024.[3]

14. To note, whilst economic development by way of definition brings into focus issues such as health, labour and education, that are the focus of other kaupapa inquiries, this Inquiry brings the unique and important perspective of addressing them through an economic development lens. Therefore, it is submitted that the

[3] Wai 3550, #2.5.2 at [7].

Tribunal not shy away from an expansive view of economic development on the basis that the evidence would be repetitive, as the evidence itself, and the lens of analysis will be distinct from other inquiries.

AREAS OF RESEARCH FOR THIS INQUIRY / PROPOSED APPROACH FOR THE INQUIRY

15. Given the breadth of issues in this Inquiry, counsel submit that alongside drafting the pre-casebook discussion paper for this Inquiry, it would be helpful for the Tribunal to thematically and sequentially cluster the issues within this Inquiry.

16. Counsel suggests that after establishing a definition of 'economic development', comprised of pou or structures of economic development—physical capital (land), human capital, financial capital and technology—these pou or structures, could become the four-stages of the Inquiry itself.

17. Counsel also acknowledges the alignment with the Wai 3325 (Climate Change Priority Inquiry) on issues including forestry, carbon taxation, carbon credits, and the ETS. Although a joint hearing is unlikely given the current scheduling of respectively, Wai 3325 and Wai 3550 hearings, we submit that the Wai 3325 Tribunal members, prior to issuing their final report, could sit under Wai 3550 for the purpose of addressing these matters. Such an approach would be mutually advantageous, enabling both Inquiries to recognise the merit in considering these intersecting economic issues, while neither delaying the progression of Wai 3325 nor pre-empting the broader scope of the Wai 3550 Inquiry.

18. Counsel supports the view of other claimant counsel that it is important to give room to examine possible contemporary Treaty breaches related to the process and outcome of settlement, including Post Settlement Governance Entities (PGSEs), and the disparity between settled and non-settled iwi.[4]

SUGGESTIONS FOR RELEVANT SORUCE MATERIAL

19. Counsel acknowledges that there are significant points of overlap with other inquiries, which provide this Inquiry with rich foundational material from pre-existing Tribunal commissioned research and reports.

20. Counsel has identified the sources in the following (non-exhaustive) list as being of value and relevance to this Inquiry:

[4] Wai 3550, #3.1.11. at [28].

a. He Wāhine, he Ōhanga; he Ōhanga, he Wāhine (The Socio-economic status and wellbeing of wāhine Māori from 1990-2020) (Dr Tania Haerekiterā Wolfgramm, 2024);

b. The Private Rental Market and Māori 1991-2021 (Elizabeth Rowe, 2023);

c. Māori Home Ownership 1991-2021 (Charles Waldegrave, 2023);

d. Historical Māori Housing 1935-1990 (Timothy Gassin and Max Nichol, 2023);

e. The Stage One Report on the National Freshwater and Geothermal Resources Claim (Wai 2358) (Waitangi Tribunal, 2012);

f. Ko Aotearoa Tēnei (TT1, TT2 Vol 1, TT2 Vol2) (Wai 262) (Waitangi Tribunal, 2011); and

g. The economic rehabilitation of Māori military veterans (T.J. Hearn, 2018).

21. In addition to research that has already been published, counsel submits that there may be merit in Tribunal engagement with the research of key Māori institutions, including the Kīngitanga following hui-ā-motu in 2024 (in particular the hui focused on the economy in Ōtautahi) and the upcoming 'Ōhanga Ki Te Ao' to be held this year, which is focused on Māori economic development opportunities.

CONCLUSION

22. In summary, counsel suggest that the first step would be establishing and setting a definition of 'economic development', drawing on existing and highly regarded research and setting the foundation for a staged Inquiry as outlined above.

DATED at Auckland this 20th day of November 2025

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