



**MAY IT PLEASE THE TRIBUNAL:**

1. The Tribunal invited parties to file submissions on the inclusion of the Mangataikapua and other blocks in this inquiry.<sup>1</sup>
2. The Crown submits the Tribunal may appropriately conclude that it is unnecessary to include the Mangataikapua block in the inquiry or draw the inquiry district boundaries beyond the Waipāoa and Mangaorongo blocks.
3. While inclusion of the Mangaorongo block was not opposed by the Crown, it is likely that to continue to extend the boundaries of the inquiry to encompass the various interests of claimant groups would ultimately have a domino effect of drawing in other blocks.<sup>2</sup>
4. The purpose of the inquiry is for the Tribunal to inquire into and determine claims to the Waipāoa blocks and associated remedies sought by claimants for the return of Crown forestry license land located on part of the blocks. There is no CFL land on the Mangataikapua block (or outside of the Waipāoa blocks). To enable the Tribunal to process the claims in the shortest reasonable time, claimants and the Crown have agreed that the Tribunal ought to conduct a single inquiry process and reporting that deals with both inquiry into the claims concerning the Waipāoa blocks and any remedies recommendations the Tribunal will make. Expansion of the inquiry boundaries would have the potential to impact on the efficient processing of the claims.
5. Focusing the inquiry on claims to the Waipāoa blocks would also be consistent with the Court of Appeal's recent judgment on the test under s 8HB for whether claims relate to CFL land. The Court of Appeal majority held that the words "relates to" in s 8HB:<sup>3</sup>

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<sup>1</sup> Wai 3555, #2.5.15 at [63].

<sup>2</sup> In setting the inquiry boundaries for the Wai 814 inquiry in 2000 the Tribunal said "The reality of the position in Turanga (as elsewhere) is that to extend boundaries to encompass all of the interests of Gisborne claimant groups would grow the hearing district into the rohe of other iwi and hapū creating thereby a mana whenua domino effect": Wai 814, #2.21 at 6.

<sup>3</sup> *Ruru v Attorney-General* [2025] NZCA 597 at [300] per Courtney and Ellis JJ.

... require an identifiable nexus between a claim of Treaty breach and the subject land. There must be proximity between the breach and the land in terms of place and circumstance, in recognition of the distinction between the broad scope of s 6 claims generally and the much more specific ambit of s 8HB. Treaty breaches that merely set the scene for later breaches connected with the land in a remote 'but for' sense will not be sufficient.

6. For these reasons the Crown submits it would be appropriate for the Tribunal to focus the geographical scope of the inquiry on the Waipāoa blocks.

19 December 2025



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C Linkhorn / D Hunt  
Counsel for the Crown

**TO:** The Registrar, Waitangi Tribunal

**AND TO:** Claimant Counsel