

I TE RŌPŪ WHAKAMANA I TE TIRITI O WAITANGI
IN THE WAITANGI TRIBUNAL

Wai 3300
Wai 1312
Wai 1684

In the Matter of the Treaty of Waitangi Act 1975

And

In the Matter of the Tomokia ngā tatau o Matangireia –
the Constitutional Kaupapa Inquiry (Wai
3300)

And

In the Matter of a claim by the late Karanga Pourewa,
Hinemoa Pourewa, the late Tarzan Hori,
and William Hori on behalf of themselves
and the descendants of Whakaki and te
hapū o Ngāti Kawau (Wai 1312)

And

In the Matter of a claim by Doreen Puru, Anna
Kahukura Hotere, the late Louie Katene,
Emma Torckler, and William Puru on
behalf of themselves, Te Hoia, Ngāti
Rangimatamomoe and Ngāti
Rangimatakaka (Wai 1684)

JOINT AMENDED STATEMENT OF POSITION OF WAI 1312 AND WAI 1684

Dated 20 February 2026

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Waitangi Tribunal

20 Feb 26

Ministry of Justice
WELLINGTON

TĒNĀ E TE TARAIPUNARA
MAY IT PLEASE THE TRIBUNAL

1. Our names are Bill Hori and Doreen Puru. Collectively, we represent two Whangaroa-based Waitangi Tribunal claims – Wai 1312 and Wai 1684. We previously provided a joint statement of position (together with Patricia Tauroa and Robyn Tauroa on behalf of Wai 58), filed on 13 November 2025¹ and presented at te Wānanga Tūaono on 4 December 2025.
2. We now provide this joint amended statement of position in response to the Crown’s statement of position, filed on 11 December 2025² and presented via AVL on 13 February 2026. This amended statement of position does not replace our earlier statement and should be read in conjunction with it.
3. To start, we would be remiss not to point out that the Crown still, 12 years on, fails to accept the findings of the Wai 1040 report.³ The Crown can never move forward if it is still stuck in the past.
4. The Crown says that giving practical effect to the intersection of tikanga and constitutional principles “*should be the subject of broad public discussion and support, as with all proposed constitutional change.*”⁴ We think it is problematic to view tikanga in these terms. What the Crown is effectively saying is that tikanga cannot, or should not, be given effect unless it enjoys broad public support – but that is not what te Tiriti envisioned. It is not appropriate to subject something like tikanga to a public referendum. How tikanga is incorporated into our constitutional arrangements is, in our view, something for hapū and the Crown to work out.
5. We would like to address the Crown’s position on parliamentary sovereignty and systems. The Crown says our constitution has enabled the recognition of te Tiriti by:
 - a. enacting legislation recognising Treaty rights, interests and

¹ Wai 3300, #B67.

² Wai 3300, #B14(c).

³ At [35].

⁴ At [56].

obligations;⁵

- b. creating obligations or allowing discretion for decision makers to consider te Tiriti;⁶
 - c. the jurisdiction of the Waitangi Tribunal to inquire into the Tiriti consistency of Crown actions;⁷
 - d. the capacity to refer draft legislation to the Tribunal before it is passed;⁸ and
 - e. the Māori electorates, which provide a specific mechanism for Māori representation in Parliament.⁹
6. We do not think any of these are particularly strong means of recognising te Tiriti.
7. Tiriti o Waitangi clauses in legislation enjoy no special protection. As the Crown’s statement acknowledges, these can be reviewed, amended and repealed. This is not just a hypothetical scenario – the government’s recent Treaty clause review highlights just how vulnerable these clauses are.
8. Decision makers *may* have an obligation to consider te Tiriti, but this is not a universal requirement. Even if it was, many decision makers lack the expertise to properly assess whether a decision or policy is consistent with te Tiriti.
9. The Waitangi Tribunal is a vital for holding the Crown accountable on its Tiriti obligations, but the Tribunal’s resources are stretched thin, and it struggles to keep up with all the claims submitted to it – especially with so many urgent inquiries being necessary over the last two years. More importantly, the Tribunal’s powers are purely recommendatory. The Crown is free to ignore the Tribunal’s findings and recommendations, and often

⁵ At [62.1].

⁶ At [62.2].

⁷ At [62.3].

⁸ At [62.4].

⁹ At [62.5].

does so.

10. Parliament's powers to refer draft legislation to the Tribunal have, as the Crown points out, never been used. While it is perhaps not surprising that successive parliaments would not voluntarily subject themselves to greater scrutiny than necessary, it does make this a very hollow protection.
11. The Māori electorates are just as vulnerable as Treaty clauses in legislation because they are not subject to any entrenchment provisions, unlike some parts of the Electoral Act.
12. Lastly, we would like to respond to the Crown's position on local government. The Crown says local authorities are separate legal entities and not part of the Crown.¹⁰ We see this a serious issue. As the Crown itself says, local authorities are established *by Parliament*. In other words, Parliament has effectively delegated some of its responsibilities/powers to local authorities.
13. We do not think it is good enough for the Crown to say that these authorities not part of the Crown and therefore not directly subject to te Tiriti when they exercise just as much influence as central government does (and possibly more) over local resources and infrastructure. The Crown must always be responsible for ensuring that the rights of Māori under te Tiriti are upheld. It cannot simply wash its hands of this responsibility.

Dated at Whangaroa this 20th day of February 2026



William Grant Douglas Hori
Claimant for Wai 1312



Doreen Ann Puru
Claimant for Wai 1684

¹⁰ At [86].