

WAITANGI TRIBUNAL

Wai 3561

CONCERNING

the Treaty of Waitangi Act 1975

AND

a claim by Jesse Thompson on behalf of himself.

MEMORANDUM-DIRECTIONS OF THE DEPUTY CHAIRPERSON

The Registrar will please enter this matter on the register of claims and give it the next available Wai number. The register should note that the claim was received on 4 March 2026.

The claimant has applied to have their claim heard urgently by the Tribunal and this application will be dealt with in separate directions.

The claimant should please take note of the 'Wai' number reference at the top of the page. Please use this claim number in any communication with the Tribunal.

This claim is lodged by Jesse Thompson on behalf of himself and concerns the sewage discharge events at the Bromley Wastewater Plant resulting from the Lyttelton Harbour Wastewater Scheme. The claimant alleges that the Crown has breached the principles of the Treaty of Waitangi by:

- operating within a 16-hour notification delay during recent sewage discharge events;
- diverting 25.7 million dollars from Terminal Wastewater Infrastructure to the Te Kaha Stadium, through the Long-Term Activity Plan 2021-2031, leading to the inability to prevent the January cluster failure at the Whakaraupō catchment;
- deferring the Biogas/Liquefied Petroleum Gas remediation project until 2028, forcing the hapū to endure "managed pollution"; and
- misclassifying industrial sewage pumps and coastal beach showers as parks and foreshore assets, bypassing the Water Services Act 2021 and the Ngāi Tahu Claims Settlement Act, effectively silencing Mana Whenua oversight.

The claimant seeks a variety of relief, including recommendations that the Crown:

- fast-track the Thermal Anaerobic Digestion project to replace the deferred 2028 Biogas plan;
- disclose the "green/red level" (condition 1-5) status of all pipes around Whakaraupo; and
- immediately halt any chlorine discharges into the water.

The claimant may amend this claim at a later stage. In any case the Tribunal may require the claimant to prepare a fully particularised statement of claim before the claim can be heard.

The Tribunal currently runs district and kaupapa inquiry programmes in which claims are grouped either by district or by kaupapa (thematic) issue. Historical claims are those that raise grievances which arose before 21 September 1992. Contemporary claims have grievances

that arose on or after that date. Some claims have both historical and contemporary grievances.

If an urgent hearing is not granted for this claim, it would appear to fall within the scope of the Wai 3450, the Natural Resources and Environmental Management Kaupapa Inquiry.

The claimant should also note that this claim is registered only insofar as it concerns contemporary allegations of Treaty breaches by the Crown.

When the time comes for the claim to be prepared for hearing, the Tribunal will decide whether there are any matters in the present claim that the Tribunal may not inquire into. The claimant needs to be aware that there are some matters that the Tribunal is not allowed to inquire into, such as any Bill that has been introduced into Parliament (unless the Bill has been referred to the Tribunal under section 8 of the Treaty of Waitangi Act 1975). Also, when historical claims are settled, the settlement legislation usually forbids the Tribunal from inquiring further into the matters that have been settled.

The claimant also needs to be aware that the Tribunal does not make settlements. After the Tribunal has completed an inquiry into claims, it writes a report making recommendations to the Crown. It cannot tell the Crown what to do; it may only recommend that the Crown acts to address the negative consequences of its breaches of the principles of the Treaty.

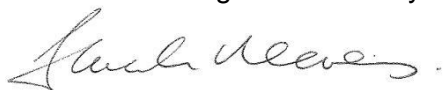
Legal Aid Services provides help for Waitangi Tribunal claimants. For advice on getting a lawyer or receiving funding, please contact Legal Aid Services at their Wellington central office or one of the local offices; the claimant should check their telephone directory for contact details.

Any questions about the contents of this document should be directed to The Registrar, Waitangi Tribunal, DX SX 11237, Wellington; phone (04) 914 3000, fax (04) 914 3001; email wt.registrar@justice.govt.nz.

The Registrar is to send a copy of this direction to the claimant and to:

- Crown Law Office;
- Te Kahui Whakatau (Treaty Settlements), Office of Treaty Settlements and Takutai Moana – Te Tari Whakatau;
- Crown Forestry Rental Trust;
- Legal Aid Services;
- Te Puni Kōkiri;
- Ministry for the Environment;
- Department of Internal Affairs;
- Christchurch City Council;
- Environment Canterbury Regional Council;
- Te Rūnanga o Ngāi Tahu; and
- All those on the notification list for Wai 3450, the Natural Resources and Environmental Management Kaupapa Inquiry.

DATED at Wellington this 6th day of March 2026



Judge Sarah Reeves
Deputy Chairperson

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