I TE RŌPŪ WHAKAMANA
I TE TIRITI O WAITANGI

WAI 682
WAI 2831

KEI RARO I TE MANA O te ture o te Tiriti o Waitangi 1975

Ā

I TE TAKE O he kerēme mo Te Rūnanga o Ngāti Hine (Wai 682/49)

Ā

I TE TAKE O he kerēme mo Te Rūnanga Nui o Te Aupōuri Trust (Wai 2831)

He Manatū Rōia

I tēnei rā, te 28 o Āperira 2026

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Ngā rōia

Dr Season-Mary Downs
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TĒNĀ, Ē TE RŌPŪ WHAKAMANA I TE TIRITI O WAITANGI:

1. This Memorandum of Counsel is filed on behalf of Te Rūnanga Nui o Te Aupōuri Trust (Wai 2831) ("Te Rūnanga").

2. By way of directions emailed to parties on 22 April 2026, her Honour Judge Reeves directed parties to respond to the application of Te Rūnanga o Ngāti Hine ("Ngāti Hine") for an urgent inquiry into the Crown's proposals to repeal or amend Treaty provisions in legislation, following its review of references to the principles of the Treaty of Waitangi in legislation.[1]

3. This memorandum:

   (a) records Te Rūnanga's support for the urgent inquiry sought by Ngāti Hine; and

   (b) seeks leave for Te Rūnanga to participate in an urgent inquiry as an interested party, if granted by the Tribunal.

Te Rūnanga Nui o Te Aupōuri Trust

4. Te Aupōuri are one of the five iwi of Muriwhenua and are a signatory to te Tiriti o Waitangi ("te Tiriti").

5. Te Rūnanga is a post-settlement governance entity for Te Aupōuri. It was established in 2011 after a lengthy process of engagement with the members of Te Aupōuri which began in 2004 and resulted in a vote of 97% in favour of establishing a single iwi authority entity for Te Aupōuri.

6. Accordingly, Te Rūnanga is mandated to represent hapū and iwi of Te Aupōuri.

Position of Te Rūnanga Nui o Te Aupōuri

7. As noted above, Te Rūnanga supports Ngāti Hine's application for an urgent inquiry into the Crown's proposals to repeal or amend Treaty

[1] Wai 1546, #2.5.1, *Memorandum-Directions of the Deputy Chairperson regarding an application for an urgent inquiry* [19 Noema 2025], at [3].

provisions in legislation, following its review of references to the principles of the Treaty of Waitangi in legislation, and seeks to participate as an interested party.

8. In proceedings before the Waitangi Tribunal, the test to be satisfied to join as an interested party is set out in Section 4A(1) of the Commissions of Inquiry Act 1908 which states:[2]

> *"Any person shall, if he or she is a party to the inquiry or satisfies the Commission that he or she has an interest in the inquiry apart from any interest in common with the public, be entitled to appear and be heard at the inquiry"*

9. Counsel submit that Te Rūnanga satisfy the above test for the reasons laid out below:

   (a) As signatories to te Tiriti, Te Aupōuri have rights under te Tiriti including the right to exercise rangatiratanga in relation to matters which concern them;

   (b) The Crown's proposals to repeal or amend Treaty provisions in legislation have been developed without the agreement of Te Aupōuri as a Tiriti partner;

   (c) The Crown's proposals will impact the recognition of Te Aupōuri's Tiriti rights at law; and

   (d) Te Rūnanga participated in the Wai 3300 Treaty Principles Bill and Treaty Clause Review urgent inquiry as an interested party and continue to have an interest in the outcomes of the Crown's Treaty Clause Review policy.

10. Te Rūnanga say Te Aupōuri are and will continue to suffer prejudice as a result of the Crown's proposals which seek to impact and/or weaken the recognition of te Tiriti/ the treaty at law. Te Aupōuri say

[2] See also The Treaty of Waitangi Act, Schedule 2, Clause 8(1) which confirms that section 4A(1) of the Commissions of Inquiry Act 1908 apply to the Waitangi Tribunal as a commission of inquiry.

this prejudice is significant and will continue to grow as the Crown progresses, introduces and/or enacts its legislative amendments.

Need for a further inquiry

11. The Crown's proposals represent a significant development in the Crown's Treaty Clause Review policy.

12. There is new information available to both the claimants and the Tribunal which has not yet been considered or reported on by the Tribunal.

13. In this respect, in order to understand the Crown's proposals, the impact the proposals will have on Māori, and the extent to which they might breach te Tiriti, a further urgent hearing is necessary.

Conclusion

14. Accordingly, Te Rūnanga has an interest in the inquiry apart from any interest in common with the public and respectfully seeks to be joined and participate as an interested party in any inquiry into these issues, urgent or otherwise.

I TĒNEI RĀ, te rā 28 o Āperira 2026, ki Whangārei

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Dr Season-Mary Downs/Majka Cherrington
Ngā rōia mō ngā kaikerēme