

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

WAI 682

WAI 2959

KEI RARO I TE MANA O

te ture o Tiriti o Waitangi 1975

Ā

I TE TAKE O

he kerēme nā Rewiti Paraone rātou ko Erima Henare, ko Pita Tipene, ko Waihoroi Shortland mō Te Rūnanga o Ngāti Hine mō ngā uri o Torongare and Hauhaua (Wai 682)

MEMORANDUM OF COUNSEL

I tēnei ra, i te rā 28 o Apereira 2026

RECEIVED

Waitangi Tribunal

28 Apr 26

Ministry of Justice
WELLINGTON

This document is filed by:-



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MAY IT PLEASE THE TRIBUNAL

Introduction

1. This memorandum is filed on behalf of Dr Hope Tupara and Te Ropu Wahine Maori Toko i te Ora/the Maori Women's Welfare League Incorporated (**the League**) on behalf of its members, and all wāhine Māori of Aotearoa (**the Claimants**).
2. On 21 April 2026, Te Rūnanga o Ngāti Hine (**Wai 682**) filed an application for an urgent inquiry on Crown proposals to repeal or amend Treaty provisions in legislation, following its review of references to the principles of the Treaty of Waitangi in legislation (**the Application**).¹
3. In Memorandum-Directions dated 22 April 2026, Her Honour Judge Reeves directed interested parties to file a response to the Application by 6 May 2026.²
4. In a further direction issued on 22 April 2026, the Deputy Chairperson directed interested parties to respond to the Wai 682 application for urgency by midday, Tuesday 28 April 2026.

Wai 2959 response

5. The League supports an urgent inquiry as sought by the Wai 682 claimants and if granted, seeks to participate as an interested party. Specifically, the League seeks the ability to file submissions and evidence.
6. The League is the only national Māori Women's organisation in Aotearoa, comprised of approximately 3,000 members in 150 branches operating across eight regions throughout Aotearoa and 4 overseas branches.
7. The League was established in 1951 with the purpose of promoting activities that aim to improve the position of Māori, particularly women and children, in the fields of health, education and welfare. The League remains principally concerned with the wellbeing of wāhine Māori and their whānau.
8. Since establishment the League has been involved in matters relating to the Child Welfare Division, the Department of Education, housing surveys, the Department of Social Welfare, consultation in relation to the Puao-Te-Ata-Tu report and as part of the community component of programmes such as Kohanga Reo, Tu

¹ Wai 682, #2.114

² Wai 682, #2.116.

Tangata and Matua Whangai.

9. The Crown's proposed repeal or amendment of Treaty provisions, particularly the move to require decision makers to merely "take into account" the Treaty of Waitangi,³ will directly affect the League's operations, resulting in significant prejudice accruing to its members and their whānau.
10. The potential to weaken the effect of Te Tiriti o Waitangi across the board was noted in a December 2025 report by the United Nations committee for the convention on the elimination of all forms of racial discrimination (**CERD**).⁴ CERD stated that recent legislative and policy developments around the Crown / Māori relationship framework "raise serious questions".⁵
11. In addition, CERD raised concern around reinterpretation of the Treaty and proposals that could weaken mechanisms for shared decision-making and co-governance between Māori and the Crown.⁶
12. The Claimants assert that the CERD Report highlights growing concern at an international level, as well as a domestic level, of weakening the effect of the Treaty.
13. The Claimants also submit that the intention by the Minister of Justice to consult the National Iwi Chairs Forum and not the Claimants, or other wāhine Māori at a hapū and whānau level, is a cause for concern, given fruition of the proposals would have grave impact on the Claimants.
14. This prejudice is compounded by consultation occurring after the fact, as late in the process as being after Cabinet approval, and only prior to final approval of the Bill.⁷

Utility of holding a further inquiry

15. Central to the 2025 Constitutional Kaupapa Inquiry on the Treaty Principles Bill and Treaty Clause Review policies were issues as to the process of review. We now have a clearer picture of exactly what that process looks like. However, the Crown is doubling down on its position to undermine the foundational

³ Cabinet Minute "Review of References to the Principles of the Treaty of Waitangi in Legislation: Next Steps" (23 February 2026) CAB-26-MIN-0048.01 (**CAB Minute**) at [16].

⁴ United Nations Committee on the Elimination of Racial Discrimination *Concluding observations on the combined twenty-third and twenty-fourth periodic reports of New Zealand* CERD/C/NZL/CO/23-24 (19 December 2025) (**CERD Report**).

⁵ CERD Report at [35].

⁶ CERD Report at [35(a)]

⁷ CAB Minute at [21].

significance of Te Tiriti o Waitangi in legislation. For this reason, and those raised by counsel for Wai 682, an urgent hearing is necessary in these circumstances.

16. Should the Application be granted, the Claimants are ready to proceed to a hearing.

Conclusion

17. Accordingly, the League has an interest in the inquiry apart from any interest in common with the public which entitles it to appear and be heard pursuant to section 4A of the Commissions of Inquiry Act 1908.

I TĒNEI RĀ i Tāmaki Makaurau i te rā 28 o Apereira 2026

A handwritten signature in black ink, appearing to read 'Kelly Dixon, Toni Talamaivao & Harriett Morrow'. The signature is written in a cursive style and is positioned above a horizontal line.

Kelly Dixon, Toni Talamaivao & Harriett Morrow

Counsel for the Claimants