IN THE WAITANGI TRIBUNAL	**WAI 3565** **WAI 3349**
CONCERNING	the Treaty of Waitangi Act 1975
AND	Te Tinihanga o Ngā Mātāpono o te Tiriti – the Treaty Principles Reform Urgent Inquiry (Wai 3565)
IN THE MATTER OF	A claim by Jack McDonald on behalf of kaimahi Māori members of Te Pukenga Here Tikanga Mahi, the New Zealand Public Service Association (Wai 3349)

SUBMISSIONS ON DRAFT STATEMENT OF ISSUES

Dated this 18th day of May 2026

RECEIVED
Waitangi Tribunal
18 May 26
Ministry of Justice
WELLINGTON

TE WHENUA LAW

Tania Te Whenua
Principal
P: 021 026 00026
E: tania@tewhenua.nz

MAY IT PLEASE THE TRIBUNAL:

1. This memorandum of counsel is filed on behalf of Wai 3349, a claim brought by Janice Panoho (former Kaihautū) and Georgina Kerr (former Kuia and Māngai) on behalf of kaimahi Māori members of Te Pūkenga Here Tikanga Mahi - the New Zealand Public Service Association (PSA) as interested parties in this inquiry.

2. On 13 May, claimants and interested parties were directed to file submissions on draft statement of issues by 4pm, Monday 18 May.

3. The draft issues to be addressed at hearing are:[1]

    a) The rationale for the decisions made by Cabinet on 23 February 2026.

    b) The effect of the repeals of Treaty principles provisions proposed on the Crown's obligations under the Treaty of Waitangi/Te Tiriti o Waitangi and on the rights of Māori therein recognised.

    c) The differences in legal meaning and effect between the 10 operative Treaty principles enactments and the proposed amendments to those enactments by a Bill that will set the standard to one of 'take into account' the principles of the Treaty of Waitangi/Te Tiriti o Waitangi.

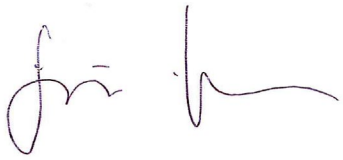
    d) Any evidence of real prejudice to the claimants and interested parties from the repeals and proposed amendment Bill beyond the impact on mana, rangatiratanga and the partnership principle.

    e) The Treaty adequacy of opportunities for Māori to influence the proposed reforms.

4. Counsel respectfully submits that an additional issue for inquiry arising in the context of the Crown's proposed legislative reforms is the extent to which standardisation and repeal of Treaty clauses will impact the Crown's capability and capacity to deliver on Tiriti commitments within the public sector.

[1] Wai 3565, 2.5.001 at [170].

DATED this 18th day of May 2026



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T Te Whenua

Counsel for Interested Party