IN THE WAITANGI TRIBUNAL **WAI 3565**

CONCERNING	the Treaty of Waitangi Act 1975
IN THE MATTER OF	Te Tinihanga o Ngā Mātāpono o te Tiriti – the Treaty Principles Reform Urgent Inquiry (Wai 3565)
AND	
IN THE MATTER OF	An Interest of Lizz Crawford for herself

BRIEF OF EVIDENCE OF LIZZ CRAWFORD

Dated 18 May 2026

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Waitangi Tribunal
19 May 26
Ministry of Justice
WELLINGTON

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Introduction

1. My name is Lizz Crawford.

2. I provide this evidence regarding the relationship between gambling legislation in Aotearoa New Zealand, Māori communities, and gambling harm.

3. In my experience, Māori communities experience disproportionate levels of gambling-related harm. This harm is not limited to financial loss. It affects whānau wellbeing, mental health, relationships, housing stability, community cohesion, and intergenerational wellbeing.

4. Gambling harm also intersects with wider issues already disproportionately affecting Māori communities, including deprivation, addiction, family violence, and inequitable health outcomes.

5. Māori concepts of wellbeing recognise harm collectively. Harm caused by gambling is experienced not only by individuals, but also by whānau, hapū, and wider communities. For this reason, Māori organisations and public health providers have consistently raised concerns about the impact of gambling availability and gambling-related harm on Māori communities.

Gambling Harm and Māori

6. Māori communities are disproportionately exposed to gambling harm, particularly through Class 4 gaming machines ("pokies"), which are often concentrated in areas of higher deprivation.

7. In many communities, gambling harm compounds existing social and economic pressures and contributes to cycles of hardship affecting tamariki and future generations.

8. Despite these impacts, the legislative framework governing gambling in New Zealand contains very limited recognition of Māori interests, Māori participation, or Te Tiriti o Waitangi obligations.

Gambling Legislation

9. The principal gambling legislation in New Zealand is the Gambling Act 2003.

10. The Gambling Act 2003 contains very few direct references to Māori or Te Tiriti o Waitangi.

11. Importantly, the Gambling Act contains no Treaty clause and no express requirement to recognise or give effect to Te Tiriti principles. There are also no co-governance provisions, no mandatory Māori representation requirements, and no express recognition of tino rangatiratanga.

12. One of the clearest references relevant to Māori appears in section 4 of the Act, which defines "gambling harm" as including harm affecting "persons, families, whānau, and the wider community".

13. While this reflects an acknowledgment of collective harm and aligns with Māori concepts of wellbeing, it remains very limited.

14. Section 102 of the Gambling Act requires territorial authorities to adopt venue policies regarding Class 4 (pokie) gambling venues. Although Māori are not specifically referred to, these provisions at least provide an opportunity for iwi, hapū, and Māori organisations to participate in local decision-making regarding gambling venue density and location.

15. Section 277 provides that a gambling proceeds distribution committee must have regard to the needs of Māori.

16. However, even within those provisions, there remains no Treaty framework directing how gambling harm affecting Māori should be addressed.

17. Other gambling-related legislation similarly contains limited recognition of Māori and the Treaty.

18. The Racing Industry Act 2020 contains some indirect recognition of Māori participation and community interests but does not contain a substantive Treaty clause or Māori governance framework.

19. More recently, the proposed Online Casino Gambling legislation similarly contains no specific references to Māori and no Treaty clause.

Effect of the Absence of Treaty Clauses

20. In my view, the absence of Treaty clauses within gambling legislation has practical consequences for how gambling harm affecting Māori is understood, prioritised, and addressed.
21. If gambling legislation contained substantive Treaty clauses, this could significantly strengthen Māori participation and Māori-led approaches within gambling regulation and harm minimisation.

22. A Treaty clause could require decision-makers, regulators, and Ministers exercising powers under gambling legislation to:

    a. recognise and provide for Te Tiriti o Waitangi principles;

    b. actively protect Māori wellbeing and Māori communities from gambling harm;

    c. engage with Māori in decision-making processes;

    d. consider disproportionate impacts on Māori when making licensing and policy decisions; and

    e. support Māori participation in governance, policy development, and harm minimisation strategies.

23. A Treaty clause could also support greater recognition of kaupapa Māori approaches to wellbeing and harm prevention, including understanding harm collectively through whānau, hapū, and community impacts rather than solely individual gambling behaviour.

24. In practice, this could influence the location and density of gambling venues, gambling advertising and accessibility, allocation of gambling proceeds, public health strategies, funding for Māori providers, and culturally appropriate intervention and prevention services.

25. It could also create stronger obligations on the Crown and regulatory bodies to collect and assess evidence regarding the impacts of gambling on Māori communities and to respond proactively where inequitable harm is identified.

Conclusion

26. Overall, New Zealand gambling legislation contains very limited references to Māori and no direct recognition of Te Tiriti o Waitangi obligations.

27. In my view, this has contributed to a limited systemic response to gambling harm affecting Māori communities.

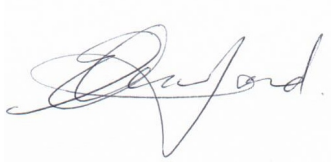
28. While Māori providers and public health agencies have developed important kaupapa Māori approaches through policy and service delivery, those

responses have largely occurred despite the legislative framework rather than because of it.

29. The absence of strong Treaty provisions, Māori participation mechanisms, and explicit recognition of disproportionate Māori harm has meant that Māori perspectives and Māori-led solutions have not been embedded within gambling regulation to the extent they should be.

30. In my opinion, the inclusion of meaningful Treaty provisions would likely result in a more responsive and equitable gambling regulatory system and would strengthen efforts to minimise gambling harm affecting Māori communities.

Dated at Gisborne this 18th day of May 2026



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Lizz Crawford

TO: The Registrar, Waitangi Tribunal, Wellington;
All Counsel – WAI 3565 Te Tinihanga o Ngā Mātāpono o te Tiriti – the Treaty Principles Reform Urgent Inquiry