KEI MUA I TE AROARO O TE RŌPŪ WHAKAMANA
I TE TIRITI O WAITANGI

BEFORE THE WAITANGI TRIBUNAL WAI 3582

IN THE MATTER OF the Treaty of Waitangi Act 1975

AND

IN THE MATTER OF the Paikauri Conservation Area (Rivers) Urgent Claim

AFFIDAVIT OF MICHAEL ANDREW HOGG

Affirmed on 25 September 2026

Te Tari Ture o te Karauna
Crown Law

Pouaka Poutāpeta
Te Whanganui-a-Tara
Waea

PO Box 2858
Wellington 6140
Tel: 04 472 1719

Whakapā mai: **Contacts:**

Kate Peirse-O'Byrne / Samantha Fowler
Kate.Peirse-O'Byrne@crownlaw.govt.nz / Samantha.Fowler@crownlaw.govt.nz

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Waitangi Tribunal
28 Sep 26
Ministry of Justice
WELLINGTON

I, Michael Andrew Hogg, of Auckland, Manager - Tiakina Kauri Management Agency (**Tiakina Kauri**) at the Ministry for Primary Industries (**MPI**), solemnly and sincerely affirm:

Introduction

1. I have been employed as the Manager of Tiakina Kauri, MPI since November 2025. Tiakina Kauri sits within Biosecurity New Zealand, a branded business unit within MPI.

2. A national pest management plan to manage the impact of the pathogen *Phytophthora agathidicida* (**PA**), the causative agent of kauri dieback disease, has been established under the Biosecurity Act 1993. This followed a period of extensive consultation.

3. In this affidavit, I address the following points:

   3.1 Tiakina Kauri's role in implementing the National PA Pest Management Plan (**NPMP**), and what this involves; and

   3.2 Implementation of the NPMP in Paekauri Conservation Area[1] and Stoney Creek Settlement Road (which runs through the Paekauri Conservation Area).

4. I have prepared this affidavit based on personal knowledge and experience, material contained in records held by MPI, and publicly available information. For events that predate my personal involvement, my evidence relies on documentation that I have reviewed and my general involvement with these matters since that time. To the extent that I express opinions below, it is on matters within my expertise and role as Manager of Tiakina Kauri and that I am required to understand and know as part of my role.

Tiakina Kauri's role in implementing the NPMP

5. MPI is the management agency for the NPMP, meaning it is responsible for administering and implementing the NPMP. MPI's functions and

[1] In this affidavit I adopt the spelling 'Paekauri' that is used in the Ngātikahu Ki Whangaroa Claims Settlement Act 2017.

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responsibilities relating to the NPMP are delivered out of a team within Biosecurity New Zealand called Tiakina Kauri. Tiakina Kauri works with iwi and hapū, collaborating agencies including the Department of Conservation (**DOC**), and regional councils across kauri lands, to help protect kauri from *Phytophthora agathidicida*.

6. The NPMP came into effect on 2 August 2022.[2] A national pest management plan is the strongest form of protection against pests that is available under the Biosecurity Act 1993. A national pest management plan ensures a nationally consistent approach in managing a pest, including enabling nationally consistent rules and objectives, a management agency to monitor and implement the plan and powers to manage the pest. The NPMP sets out objectives, principal measures and rules for reducing the spread of PA and the adverse effects it has. The NPMP is also a recognition of the importance of kauri as a taonga species.

7. Our implementation of the NPMP is guided by our National Operational Plan, attached as **Exhibit A**. Tiakina Kauri is required, under s 100B of the Biosecurity Act, to prepare an operational plan for the implementation of the NPMP. The term of the current National Operation Plan is from 2024 – 2032 but is to be reviewed and updated (as needed) annually.

National Operational Plan

8. Our National Operational Plan is prepared for the purpose of implementing the NPMP in a manner that meets its objectives. These include reducing the spread of PA, and stopping its adverse effects (on the environment, enjoyment of the environment, Māori relationships with their culture and ancestral lands, and economic wellbeing).

9. In making decisions about funding and workstream priorities, we are guided by four investment pou set out in the National Operational Plan:

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[2] Biosecurity (National PA Pest Management Plan) Order 2022, cl 4. Noting, rule 5 in cl 19, relating to earthworks, came into force on 2 August 2023.

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9.1 Building the capability and capacity of mana whenua to lead kauri protection locally.

9.2 Increasing monitoring of, and surveillance over, kauri forests to support strategic kauri protection decisions.

9.3 Leveraging scientific research and mātauranga Māori in operational management.

9.4 On-the-ground kauri protection work, including building awareness, education and infrastructure that prevents the spread of the PA pathogen.

10. The implementation plan is focused on collaborating with and supporting our partners, including mana whenua and local councils, in our shared goal of protecting kauri from kauri dieback disease.

11. As described in the National Operational Plan, the regulatory approach for the NPMP follows the VADE model. This breaks down compliance into the following categories: voluntary compliance, assisted compliance, directed compliance, and enforced compliance. This model provides for the bulk of effort to go into voluntary compliance. Voluntary compliance is the goal of any compliance regime – that people are informed, willing to do the right thing and incentivised to do so. The focus of this voluntary compliance is to inform, educate and engage with stakeholders and relevant parties. To date, Tiakina Kauri has largely considered exercising powers such as the power to require an occupier to have an approved PA Risk Management Plan (under Rule 4) in circumstances where parties are not engaging and there is no voluntary action being taken. The NPMP rules – such as Rule 4 above – are levers available for us to pull when needed to achieve the NPMP outcomes.

Implementation of the NPMP in Paekauri Conservation Area and Stoney Creek Settlement Road

Parties with interests / responsibilities in the area

12. Paekauri Conservation Area is "kauri land" subject to all of the rules set out in the NPMP. There are several different parties with significant interests

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and responsibilities in relation to Paekauri Conservation Area. Firstly, there are two separate land managers:

12.1 The Paekauri Conservation Area is Public Conservation Land (**PCL**) managed by DOC.

12.2 Stoney Creek Settlement Road is a local road managed by the Far North District Council (**FNDC**), which runs through Paekauri Conservation Area.

13. In addition, the Paekauri Conservation Area is within the territory of the Northland Regional Council (**NRC**). NRC has its own Regional Pest Management Plan (**RPMP**) under the Biosecurity Act, which pre-dates the National Pest Management Plan.[3] I have been made aware that NRC developed a plan under rule 8.1.1 of the RPMP to meet both RPMP and NPMP requirements. I understand that plan is under consideration by FNDC.

14. Finally, Ngāti Kahu Ki Whangaroa (**NKKW**) is tangata whenua in the area and Paekauri Conservation Area (and Stoney Creek Settlement Road) is within their Treaty settlement's "area of interest".[4] MPI recognised this in a Letter of Recognition (LoR), attached as **Exhibit B**, following the passage of the Ngāti Kahu ki Whangaroa Claims Settlement Act 2017.[5]

Soil sampling activities by our partners

15. Tiakina Kauri does not undertake soil sampling but enables land managers to do so, for example by setting best practice standards and providing funding. We hold some soil sampling records relating to Paekauri Conservation Area via our partners. These each produced multiple positive findings of PA. These were:

15.1 Soil sampling in 2020 by DOC, within the Paekauri Conservation Area. These pre-date the existence of Tiakina Kauri and the NPMP.

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3 Northland Regional Pest and Marine Pathway Management Plan 2017 – 2027, came into force 1 July 2018.

4 Ngātikahu Ki Whangaroa Claims Settlement Act 2017, sch 1, part 1.

5 Letter from Martyn Dunne CNZM (Director-General of MPI) to David Manuel (Chair of Kahukuraariki Trust) regarding the Ngātikahu Ki Whangaroa letter of recognition (20 September 2017).

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15.2 Soil sampling in 2024 by NRC, along the Stoney Creek Settlement Road alignment.

Funding for kauri protection activities

16. Tiakina Kauri has granted over $2 million to NRC since 2021 for kauri protection activities in their territory (which, as set out above, encompasses Paekauri Conservation Area).

17. More specifically, since 2023, Tiakina Kauri has granted funding to the Te Amohia Taiao Charitable Trust for kauri protection activities in Paekauri Conservation Area on four occasions. The Te Amohia Taiao Charitable Trust operates on behalf of Ngāti Aukiwa, which is a hapū of NKKW. I understand the claimant is a trustee of the Trust, and states that she has filed the claim on behalf of Ngāti Aukiwa.

18. Funded activities align with the four investment pou identified in the National Operational Plan and contribute to the NPMP outcomes and measures.

19. The list of grants are:

19.1 In May 2023, MPI provided $70,000 to the Trust to contribute to the development and implementation of a hapū-led Operational Plan for monitoring PA, eliminating / minimising its transmission, and initiating a long-term programme for this work, including increasing the capability of the hapū.

19.2 On 15 February 2024, MPI provided $50,000 to the Trust to contribute to the repair or renewal of a boundary fencing in line with the above operational plan.

19.3 On 18 February 2025, MPI provided $10,000 to the Trust to support monitoring and surveillance within the Paekauri Conservation Area through field surveys, monitoring, soil sampling and data recording, and essential operational and support costs.

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19.4 On 14 October 2025, MPI provided $5,000 to the Trust to contribute to local community and government agencies working together to manage vector movement.

Ongoing engagement with our partners

20. Another aspect of NPMP implementation in Paekauri Conservation Area is ongoing engagement with our partners to discuss kauri protection.

21. Although I was not employed by MPI at the time, I am aware there is a history of engagement and have seen examples of engagement going back to at least 2023. This includes MPI providing FNDC with information and guidance concerning its obligations under rule 5 NPMP (concerning any earthworks on Stoney Creek Settlement Road).

22. I have read the response to the application for urgency from counsel for FNDC, dated 17 September 2026. That response refers to a meeting regarding Stoney Creek Settlement Road on 2 September 2026. I confirm there was a meeting about the road on 2 September 2026 and that a member of Tiakina Kauri was in attendance (although I personally was not in attendance). I am also aware that a NKKW representative was in attendance, and that the claimant was not.

23. At that meeting, FNDC advised there had been some minimal repair works undertaken: primarily, filling potholes.

24. It is unclear, at this stage, whether any further works would require an approval under Rule 5 of the NPMP. Rule 5 requires a person to have an approved earthworks PA risk management plan prior to engaging in any earthworks in a kauri hygiene zone. A kauri hygiene zone is the areas 3 times the maximum radius of the canopy dripline of a kauri tree. Earthworks would need to be assessed on a case by case basis, with consideration of the proximity of any kauri to the intended works.

25. To my knowledge, Tiakina Kauri, acting as the management agency, or an Authorised Person appointed under the Biosecurity Act, has not given

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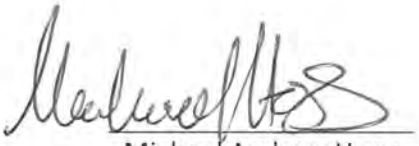
written direction to DOC or FNDC to produce and operate in accordance with a PA risk management plan under rule 4.

AFFIRMED)
at Manukau this 25th day of) 
September 2026)
before me: Oliver James) Michael Andrew Hogg
Southern

A Solicitor / ~~Deputy Registrar~~ of the High Court of New Zealand