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IN THE WAITANGI TRIBUNAL	**WAI 3300** **WAI TBC**
UNDER	The Treaty of Waitangi Act 1975
AND	
IN THE MATTER OF	The Constitutional Kaupapa Inquiry (Wai 3300)
AND	
IN THE MATTER OF	A claim by Michaela Rangitaawa-Schofield (Wai TBC)

STATEMENT OF CLAIM
DATED 4 SEPTEMBER 2026

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Waitangi Tribunal
4 Sep 26
Ministry of Justice
WELLINGTON

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MAY IT PLEASE THE TRIBUNAL

The Claim

1. The Waitangi Tribunal found that when Te Rohe Pōtae rangatira signed Te Tiriti, "they did so on the understanding that they would retain their tino rangatiratanga, their full chieftainship and right to self-government."[1]

2. The Waitangi Tribunal found that Te Wai Pounamu Māori exchanged the right to govern over their lands including Rakiura Island, for the right of Māori to retain full tribal authority and control over their lands and all other valued possessions.[2]

3. This statement of claim outlines the claimants' contemporary grievances relating to the abrogation of Māori rangatiratanga through the silencing of Māori and lack of Māori participation in local government. Whilst the Tribunal has previously made findings regarding historical breaches of Te Tiriti; the contemporary breaches of Te Tiriti pleaded in this claim, continue to exist today, and require determination by the Tribunal.

The Claimant

4. The claimant is Michaela Rangitaawa-Schofield, who brings this claim on behalf of herself, all Māori and in particular Māori of Te Rohe Pōtae and Rākiura.

5. The claimant falls within section 6(1) of the Treaty of Waitangi Act 1975 as:

    a. She is Māori; and

    b. She has been and continues to be, or is likely to be prejudicially affected by the various Acts and Crown policies, practices, acts and omissions adopted by, or on behalf of the Crown or its agents.

[1] Waitangi Tribunal Te Mana Whatu Ahuru Report on Te Rohe Pōtae Claims Pre-publication Version Parts I and II (Wai 898, 2018) at xxxviii.
[2] Waitangi Tribunal The Ngai Tahu Report 1991 (Wai 27, 1991) vol 1 at 236.

Introduction

6. The claimant is the youngest child of the late Richard Tokitahi Rangitaawa and Amy nee Te Tata Henry (Wahanui) - Rangitaawa.

7. The claimants' parents are the great-grandchildren of the esteemed rangatira and diplomat Huatare Reihana Wahanui of Maniapoto, better known by the one name 'Wahanui'.

8. Wahanui in his era held great mana, esteem and influence in the affairs of Te Rohe Pōtae. Through Wahanui the rangatiratanga of Māori in Te Rōhe Pōtae held weight.

9. Wahanui was a part of the June 1883 petition to parliament which invoked Te Tiriti O Waitangi and raised issues regarding several pieces of legislation that breached Te Tiriti.[3]

10. The claimant is also a descendant of Te Pakuru Haupokiawho who signed Te Tiriti at Kāwhia.[4]

11. Since that time, the ability of Māori to exercise rangatiratanga, in particular their ability to participate in decisions and affairs through local government has greatly diminished.

12. After growing up in Te Rohe Pōtae, the claimant moved to Rakiura island and has spent more than thirty years embedded in the community at Rakiura, including with the local Māori of the motu.

13. The claimant has witnessed similar sidelining of the voice of Māori in Rakiura as she has seen in Te Rohe Pōtae.

14. In 2026, policies and Crown decision making are diminishing the ability of Māori to have their voice heard including in referendums; through differing sets of rules for Māori wards; the removal of mana whakahono-a-rohe agreements from the Resource Management Act and the enforcement of 'iwi partnership agreements';

[3] Manuka Henare, 'Wahanui Huatare', *Dictionary of New Zealand Biography*, first published 1993, Te Ara – the Encyclopedia of New Zealand, https://teara.govt.nz/en/biographies/2w2/wahanui-huatare (accessed 30 July 2026).
[4] Claudia Orange, 'Tiriti o Waitangi sheets: Manukau–Kāwhia' (5 June 2012, updated 28 March 2023) *Te Ara – the Encyclopedia of New Zealand*.

low turnout for Māori voters; and a continued refusal by the government to establish guaranteed representation for Māori in local government.

15. The basis of this claim is simple. Māori were guaranteed a right to exercise tino rangatiratanga over their rohe under Te Tiriti. In the modern day, this means being part of decision making that impacts them and their rohe, and being guaranteed a seat at the council table when decisions are being made which impact them. To date they are not always included in decision making and they do not have a seat at the table; this is a breach of Te Tiriti.

Duties

16. Māori gave the ability to the Crown to exercise kawanatanga in exchange for the protection by the Crown of Māori rangatiratanga.[5]

17. The participation of Māori in decision making at the local government level is an expression of tino rangatiratanga.

18. Some of the most impactful decisions in relation to Māori taonga protected under Te Tiriti are made through local government.

19. The Crown has a duty to ensure Māori have equitable representation in local government and allow Māori to defend their rights and interests through the same.[6]

20. The Crown has a duty to actively protect Māori tino rangatiratanga and Māori rights and interests by ensuring Māori are appropriately and adequately represented in local government.[7]

21. The Crown has a duty under the principle of options to ensure Māori can choose to be represented by Māori in local government.[8]

22. Under the principal of partnership the Crown has a duty to consult and involve

[5] Waitangi Tribunal The Ngai Tahu Report 1991 (Wai 27, 1991) vol 1 at 236.
[6] Waitangi Tribunal *The Māori Wards and Constituencies Urgent Inquiry Report* (Wai 3365, 2024) at 18.
[7] At 4.
[8] At 4.

Māori when making local government decisions.[9]

23. The Crown has a duty to take into account the Treaty rights of Māori in relation to their taonga which are affected by local government decisions.

24. The Crown has a duty to ensure Te Tiriti and the participation of Māori are recognised through the legislation governing local government.

25. The Crown cannot divest it's obligations to Māori by delegating functions to local authorities.[10]

Breaches

26. The Crown has breached Te Tiriti by failing to ensure Māori are able to exercise tino rangatiratanga through participating in local government decision making.

27. The Crown has breached Te Tiriti by taking active steps to limit the influence of Māori in local government.

28. The Crown has breached Te Tiriti by failing to ensure Māori have a guaranteed seat on local governments within their rohe.

29. The Crown has breached Te Tiriti by failing to ensure Māori participate in local elections and has failed to ensure options are available for Māori to appropriately and adequately participate and be represented in local government.

30. The Crown has breached Te Tiriti by creating deficient legislation regarding local government that does not sufficiently recognise Te Tiriti, Māori rights and interests, and the right of Māori to participate in decisions which impact them.

Particulars

Importance of local government decisions

31. Local government make decisions on matters such as freshwater and waterways,

[9] Waitangi Tribunal *The Māori Wards and Constituencies Urgent Inquiry Report* (Wai 3365, 2024) at 19–20.
[10] New Zealand Maori Council v Attorney-General [1987] 1 NZLR 641 (CA) at 664 per Cooke P.

resource consents and district/regional planning, coastal and land use, wāhi tapu and sites of cultural significance, rates on Māori freehold land, and infrastructure affecting ancestral land. These matters directly impact Māori and their ability to exercise their tino rangatiratanga over their taonga which are protected under Te Tiriti.

No guaranteed representation of Māori

32. There is no guaranteed representation for Māori in local government, like there is in parliament. This is despite several calls for this to be instituted, such as by the Royal Commission that made recommendations on the establishment of the Auckland Super City.[11]

Māori wards

33. Although Māori can be and are represented in some rohe through Māori wards, the government has instituted a number of rules and policies that have severely prejudiced Māori wards.

34. There are not Māori wards in every rohe. Only 46 percent of local government areas have a Māori ward or constituency.[12]

35. There is no Māori ward for the Southland Council that represents Rakiura.

36. There is a Māori ward for the claimants rohe of Otorohanga, but this has been voted to be removed by referendum and will be removed from 2028.

37. Māori wards can be disestablished by veto. Once a council decides to establish a Māori ward, a binding referendum can overturn that decision. This occurred in more than 20 wards nationwide. No equivalent referendum mechanism exists to challenge the establishment of general/geographic wards.

38. Retrospective referendums were instituted by the current government which disestablished the Rangiatea ward in the claimants Ōtorohanga rohe.

[11] Royal Commission on Auckland Governance Report of the Royal Commission on Auckland Governance (2009) vol 1.
[12] Department of Internal Affairs Regulatory Impact Statement: Māori Wards and Māori Constituencies (March 2024) at 16.

Lack of Māori sitting in local government

39. In terms of general council seats, Māori make up less than 11 percent of the total.[13] This has particular ramification in the more than fifty percent of areas that have no Māori ward.

Lack of Māori voting in local government

40. The participation by Māori in local government is extremely low. Pākehā voters are significantly more likely to vote in local government than Māori,[14] in the recent Auckland elections 75% of Māori did not vote.[15]

The claimant's experience

41. The claimant has witnessed herself several significant examples of the council making decisions in both Te Rohe Pōtae and Rākiura on matters that affect Māori, without Māori participation. Decisions have been made in relation to rates; and decisions regarding urupā and resource consents for Māori tourism operators, to name a few.

The Local Government Act

42. The lack of participation of Māori at local government level is driven by the deficient legislation which fails to protect Māori tino rangatiratanga in relation to the operations of local government.

43. Local governments derive their authority from the Crown through the Local Government Act 2002 ("LGA"). The LGA describes the purpose of local government as:[16]

    a. To enable democratic local decision-making and action by, and on behalf of, communities; and

[13] Local Government New Zealand Elected Members' Census 2022 (LGNZ, 2022)
[14] See S Asquith, S Baker and S Barrett "Voting in New Zealand local government elections: The need to encourage greater voter turnout" (2021) 24 Commonwealth Journal of Local Governance 79.
[15] S Asquith and B Osborne "2025 Auckland local election voter turnout: Who did and did not vote?" (Auckland Council, February 2026).
[16] Local Government Act 2002, s 10(1).

b. To meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses.

44. However, the LGA fails to give adequate weight and effect to Te Tiriti and the principles of Te Tiriti o Waitangi. Section 4 of the LGA states:

> In order to recognise and respect the Crown's responsibility to take appropriate account of the principles of the te Tiriti o Waitangi and to maintain and improve opportunities for Māori to contribute to local government decision-making processes, Parts 2 and 6 provide principles and requirements for local authorities that are intended to facilitate participation by Māori in local authority decision-making processes.[17]

45. Despite this section, Parts 2 and 6 fail to refer to the principles of Te Tiriti o Waitangi. Furthermore, they fail to offer adequate direction to local authorities as to how to give effect to the Crown's Tiriti obligations.

46. The LGA locates Tiriti responsibilities within a local government's jurisdiction, and it has been criticised for its lack of clarity in ensuring Māori have consistent opportunities to contribute to local government decision-making.[18]

47. The only mention of Māori in Part 2 is included in section 14(1)(d), which requires a local authority to "provide opportunities for Māori to contribute to its decision-making processes."[19] There is no statement of the extent of contribution expected, nor any guidance as to how to implement and maintain such opportunities. Further there is no requirement for the local authority to provide such opportunities in accordance with tikanga.

48. Part 6 offers more detail as to the obligations of local authorities in relation to the involvement of Māori in decision-making processes.

[17] Local Government Act 2002, s 4.
[18] Te One, above n 9, at 63.
[19] Local Government Act 2002, s 14(1)(d).

49. For example, section 77(1)(c) requires local authorities to take into account the relationship of Māori to their ancestral land, water, wāhi tapu, flora and fauna or other taonga when making decisions about land or a body of water.[20] There is no requirement for local authorities to follow or refer to tikanga when taking the relationship into account.

50. Furthermore, the use of the term "take into account" conveys the notion that Māori relationships to land or water are a tokenistic factor for obligatory consideration amongst other factors of greater importance. In addition, the weight given to Māori relationships is likely to vary from council to council, with no test or scale for how to measure the varying factors.

51. Challenges with the LGA stem from the levels of interpretation that have been enabled through the wording, and an overall lack of accountability.[21] Councils are left to interpret Part 2 and 6 of the LGA as they see fit. This freedom and lack of legislative restraint on local government has led to inequities and mismatched results for Māori across different rohe.

52. Section 81(1) of the LGA requires local authorities to establish processes to provide for and foster Māori in contributing to decision-making, and to provide information to Māori.[22]

53. Section 81(2) makes it clear that the judgment about the manner in which those processes are complied with, lies with the local authority.[23] The section does not reference the principles of Te Tiriti, and the Crown provides no direction as to the methods local authorities should engage with in order to ensure the principles of Te Tiriti are adhered to. This creates ambiguities and leads to mixed results for Māori across different regions.

Prejudice

54. The prejudice suffered by Māori, in particular Māori of Te Rohe Pōtae and Rakiura is as follows:

[20] Local Government Act 2002, 2 77(1)(d).
[21] Te One, above n 9, at 63.
[22] Local Government Act 2002, s 81(1).
[23] Local Government Act 2002, s 81(2).

a. Destruction of rangatiratanga;
b. Inability to participate in decisions that affect their taonga;
c. Subsequent degradation of taonga;
d. Loss of their mana;
e. Loss of whenua and natural resources;
f. Destruction of their rohe taiao and wāhi tapū;
g. Poverty and homelessness as a result of local government decisions;
h. Inability to establish a financial base through decisions that need resource consents; and
i. Harm to wairua.

Relief Sought

Findings and Recommendations

55. The claimant seeks the following findings:
    a. That this claim is well-founded;
    b. That the Crown has failed to establish a local government system that sufficiently allows for the realisation of Māori tino rangatiratanga and their participation in decision-making.

56. The claimant seeks the following recommendations:
    a. A recommendation that the Crown redesign the local government system to ensure that tino rangatiratanga is realised and Māori can participate in local government decision making;
    b. An establishment of a guaranteed Māori ward or other means of guaranteed Māori representation in every local government area;
    c. The establishment of a dedicated Māori local government voting strategy;
    d. A recommendation that the Crown amend the LGA to include a need to give effect to Te Tiriti; and
    e. Any other appropriate recommendations that the Waitangi Tribunal deems fit.

Dated at Auckland this 4th day of September 2026

David Stone **Catherine Leauga** **Harry Clatworthy**

Counsel for the Claimant

To: The Registrar, Waitangi Tribunal and Crown Law Office, and those on the notification list for the Wai 3300 Constitutional System Kaupapa Inquiry.