IN THE WAITANGI TRIBUNAL **WAI 3325**

IN THE MATTER OF the Treaty of Waitangi Act 1975

AND

IN THE MATTER OF the Climate Change Priority Inquiry (WAI 3325)

SYNOPSIS OF EMERGENCY MANAGEMENT

GENERIC CLOSING SUBMISSIONS

Dated 25 September 2026

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MAY IT PLEASE THE TRIBUNAL

Introduction

1. This synopsis accompanies the Emergency Management Generic Closing Submissions filed for the Claimants.[1] It addresses TSOI 2.1.3 and 2.2.1, which concern the Tiriti principles the Crown should apply when developing emergency management approaches, and its duties to support Māori to plan for and respond to climate-related emergencies.

2. The Crown was told in 2017 what recognition of the role of Māori in emergency management required. It accepted that, and has not delivered it. Iwi and hapū still have no statutory standing in the system. The Crown has devolved the Treaty relationship to local authorities without the resourcing, monitoring or accountability that devolution demands. It also depends, in emergencies, on marae and Māori capability that it does not fund.

Developing emergency management approaches

3. The Crown accepts that climate-related emergencies are becoming more frequent and severe. It also accepts that Māori are often disproportionately affected, and adopts the finding that many marae, papakāinga and urupā sit on marginal floodplain land as a result of historical land loss.

4. In 2017, a Ministerial Review recommended legislation to enable iwi to participate in emergency planning and response, with iwi representation at both the advisory and decision-making tiers. The Crown later committed to recognising and enabling the contribution of iwi and Māori.

5. The Civil Defence Emergency Management Act 2002 did not explicitly recognise the Treaty or the role of Māori. The Emergency Management Act 2026 (the Act) contains no reference to Te Tiriti. Emergency Management Committees make the decisions, and Māori membership of them is not required. The Māori requirement sits at the advisory tier, and the person concerned need not represent a particular iwi or hapū. Being heard is not the same as deciding.

6. The applicable principles are partnership, active protection and the guarantee of tino rangatiratanga. The Crown has not acted consistently with them.

[1] Emergency Management Generic Closing Submissions Wai 3325, 25 September 2026.

Supporting Māori to plan for emergencies

7. The Crown has placed the Treaty relationship with councils. The National Emergency Management Agency (NEMA) accepts that their engagement with Māori is variable and, where the rating base is low, sometimes ad hoc. NEMA has limited capacity to give councils direct assistance as standard practice. There is no formal process for iwi or hapū when a council will not engage. Neither the Crown nor NEMA assesses whether a Civil Defence Emergency Management (CDEM) Group has the capacity or resourcing to respond to a disaster.

8. The only standing fund for building Māori capability before an emergency is the contestable CDEM Resilience Fund. It holds $889,000 a year, has not been adjusted for inflation in decades, and is oversubscribed. Cabinet has agreed in principle to expand it, but no amount has been decided. The Māori Climate Platform is fully allocated and no replacement has been identified.

9. A fund of that size cannot discharge a duty of active protection owed to communities facing disproportionate climate risk.

Supporting Māori to respond to emergencies

10. The Crown accepts that marae often act as de facto civil defence centres. They are not funded to do so. Reimbursement goes through local authorities under a process NEMA accepts is clunky and somewhat bureaucratic. The Act does not address marae resourcing.

11. Māori Wardens are activated early in emergencies. Their role has no statutory basis. DIA says this is not its responsibility, and the Act does not mention them.

12. Active protection is not discharged by an unfunded reliance on Māori organisations that the statute does not recognise.

Findings sought

13. The Claimants seek findings that the Crown has failed to:

    a. recognise Te Tiriti o Waitangi or the role of Māori in emergency management legislation;

    b. provide for Māori authority in emergency management, rather than participation and consultation;

    c. resource iwi, hapū and marae to prepare for emergencies before they occur;

    d. recognise and resource the established role of Māori Wardens in preparing for and responding to climate-related emergencies;

    e. resource NEMA to support local authorities to engage and partner with iwi, hapū and marae;

    f. assess whether CDEM Groups, now Emergency Management Committees, have the capacity or resourcing to respond to a disaster;

    g. provide any means by which iwi or hapū may raise a local authority's failure to engage;

    h. fund marae for the welfare functions they perform during emergencies; and

    i. ensure the adequacy of the national emergency management system, notwithstanding its devolution to local authorities.

Conclusion

14. The Crown depends on Māori capability during climate-related emergencies. It provides neither the standing nor the resourcing that dependence requires.

Dated at Tāmaki Makaurau this 25th day of September 2026

Dr Grant Hewison **Jasper Sontier**

TO: The Registrar, Waitangi Tribunal, Wellington;
All Counsel - WAI 3325 The Climate Change Priority Inquiry