OFFICIAL

IN THE WAITANGI TRIBUNAL

WAI 3325
WAI 3361

IN THE MATTER OF	the Treaty of Waitangi Act 1975
AND	
IN THE MATTER OF	the Climate Change Priority Inquiry (WAI 3325)
AND	
IN THE MATTER OF	A claim by Thomas Henry for and on behalf of the Ōtāhuhu Māori Wardens concerning the role of Māori Wardens in responding to Climate Change emergencies (Wai 3361)

SYNOPSIS OF CLOSING SUBMISSIONS ON BEHALF OF THOMAS HENRY

Dated 5 October 2026

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MAY IT PLEASE THE TRIBUNAL

Introduction

1. This synopsis accompanies the closing submissions filed on behalf of Thomas Henry (Wai 3361).[1] They address TSOI 2.1.3, 2.1.6, 2.2.1 and 3.3, and should be read with the Emergency Management and Local Government generic closing submissions.

2. Mr Henry is a Māori Warden in Ōtāhuhu and Chair of the Tāmaki Makaurau District Māori Wardens. During the 2023 Auckland Anniversary Weekend floods and Cyclone Gabrielle, he and other Wardens became closely involved in animal welfare and management, which is the focus of his evidence. His claim is that the Crown has not implemented Actions 3.3 and 3.4 of the first national adaptation plan, and has not recognised the role of Māori Wardens in climate emergency response and adaptation planning.

Māori Wardens in the 2023 emergencies

3. Wardens were called on in 2023 because they are trusted by their hapori and kaumātua, and can engage with whānau in a way other services cannot. They supported communities in Māngere and as far away as Wairoa. They did so with what they had, taking food out in their own cars.

4. NEMA accepted that Māori Wardens are commonly activated early in emergencies. The Crown's failure to recognise or resource that role is addressed in the generic emergency management submissions.

Animal welfare and evacuation

5. In 2023, many kaumātua would not evacuate, or seek medical care, because they would not leave their animals. For those people, the welfare of the animal was a condition of their own welfare.

6. The animal response worked where relationships already existed between the Wardens, the SPCA and Council animal management. However, facilities are full, many people are wary of Council animal management, and Wardens need training and resources to handle frightened animals safely.

7. Regional emergency management plans must provide for animals in advance. The Emergency Management Act 2026 does not mention Māori Wardens,

[1] Closing Submissions on behalf of Thomas Henry (Wai 3361) Wai 3325, 5 October 2026.

who appear at most as an offer of assistance once an emergency has begun, and NEMA is aware of no dedicated Crown funding for them. The framework plans for the function, but not for the trust on which a kaumātua's decision to evacuate may turn. The Crown has not met its duty to support Māori to plan for and respond to emergencies.

National adaptation plan

8. The Māori Climate Platform was the Crown's response to Action 3.3. Its funds are fully allocated and there are no plans to replace it. Mr Henry's evidence identifies Māori-led preparedness the Wardens are ready to carry out, and Wardens will act in an emergency regardless. Under TSOI 2.1.6, what is missing is not independence but resourcing.

9. Action 3.4 was to make preparedness part of everyday life, working with iwi and Māori. The Crown has delivered information, on a public education budget NEMA accepts is limited. In 2023, free microchipping and registration of pets was available but not well known. The Crown identified no work with Māori Wardens under Action 3.4.

Local government

10. The Wardens' emergency work is carried out alongside council teams, and what worked in 2023 depended on relationships formed beforehand. NEMA accepts that local engagement with Māori is variable and depends on each council's resources. The Crown has identified no guidance to councils on working with Māori Wardens, and nothing checks whether they do. For Wardens, the answer to TSOI 3.3 is no.

Prejudice

11. Mr Henry, Māori Wardens and the communities they serve have been prejudiced. Wardens respond to emergencies without the training or resources they need, at risk to themselves, and their capacity to prepare kaumātua and whānau goes unused. Kaumātua remain at risk of not evacuating because of their animals. That prejudice is continuing.

Findings sought

12. The Claimant adopts the findings sought in the generic closing submissions on emergency management and local government, and further seeks findings that the Crown has failed to:

    a. recognise or resource the role of Māori Wardens in emergency preparedness and response, including in the arrangements for animals, despite relying on that role in 2023;

    b. replace the Māori Climate Platform, its response to Action 3.3, or otherwise provide continuing funding for Māori-led preparedness;

    c. implement Action 3.4 with iwi and Māori, including Māori Wardens; and

    d. ensure that the Wardens' place in local emergency arrangements rests on a standing arrangement, rather than on the resources and priorities of individual councils.

13. The Claimant also seeks findings that those failures are inconsistent with the principles of partnership, active protection, tino rangatiratanga and equity, that the claim is well founded, and that Mr Henry and Māori Wardens have been prejudiced as a result.

Recommendations sought

14. The Claimant seeks recommendations that the Crown:

    a. recognise the role of Māori Wardens in emergency management, in the Emergency Management Act 2026 or instruments made under it;

    b. develop, with Māori Wardens, NEMA and local authorities, a national framework for the Wardens' emergency management role, including standing protocols agreed before emergencies occur;

    c. provide Māori Warden organisations with direct and continuing funding for emergency preparedness, rather than relying on voluntary effort or reimbursement after the event;

    d. fund training and equipment for Wardens in emergency animal welfare, developed with Council animal management teams and the SPCA;

    e. ensure that the arrangements for animals in regional emergency management plans provide for the Wardens' role;

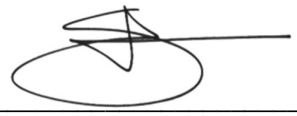
f. replace the Māori Climate Platform with continuing funding for Māori-led preparedness that Māori Warden organisations can access; and

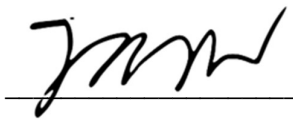
g. issue national guidance to local authorities on working with Māori Warden organisations in emergency management.

Conclusion

15. The principles of partnership, active protection, tino rangatiratanga and equity require the Crown to plan for and resource the role of the Māori organisations it relies on in emergencies before those emergencies occur. The Crown continues to depend on Māori Wardens in climate-related emergencies while providing neither the recognition nor the resourcing that dependence requires.

Dated at Tāmaki Makaurau this 5th day of October 2026





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