OFFICIAL

IN THE WAITANGI TRIBUNAL

WAI 3325
WAI 2821

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	the claim by Mereana Peka (Turehou Māori Wardens) concerning the role of Wahine Māori Wardens in responding to climate change emergencies (WAI 2821)

CLOSING SUBMISSIONS ON BEHALF OF MEREANA PEKA

Dated 5 October 2026

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MAY IT PLEASE THE TRIBUNAL

Introduction

1. These closing submissions are filed on behalf of Mereana Peka (Wai 2821). They should be read with the Emergency Management Generic Closing Submissions (the **Generic EM Submissions**) and the Local Government Generic Closing Submissions (the **Generic LG Submissions**). They address clauses 2.1.3, 2.1.6, 2.2.1 and 3.3 of the Tribunal Statement of Issues dated 20 August 2024 (the **TSOI**).[1] Submissions for Ms Peka on TSOI 2.1.5 are filed separately.

2. TSOI 2.1.3 and 2.2.1 ask what Tiriti/Treaty principles the Crown should apply in developing emergency management approaches, and what duties arise from them in supporting Māori to plan for and respond to climate-related emergencies. TSOI 2.1.6 asks the same of working with and resourcing Māori to adapt to climate change, including the degree of Māori independence from central and local government. TSOI 3.3 asks whether the Crown has given local authorities sufficient guidance, direction and support to address the impacts of climate change on Māori at a local level.

3. Ms Peka's evidence was filed on 21 October 2024.[2] She also called Jean Rangiwhakakii Yern, whose evidence is a presentation given at one of the Wardens' climate hui.[3] Rita Beckmannflay also gave evidence in Ms Peka's claim; that evidence is addressed in Ms Beckmannflay's own closing submissions.[4] Dr Stephen Knight-Lenihan later gave expert evidence for Ms Peka and Mr Henry on local government and climate adaptation.[5]

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[1] Final Tribunal Statement of Issues for the Climate Change Priority Inquiry Wai 3325 #1.4.3 at [2.1.3], [2.1.6], [2.2.1] and [3.3].
[2] Brief of evidence of Mereana Peka Wai 3325 #A11.
[3] Brief of evidence of Jean Rangiwhakakii Yern Wai 3325 #A12 at [3]; "Climate Impact from a Māori Perspective" Wai 3325 #A12(a).
[4] Brief of evidence of Rita Beckmannflay Wai 3325 #A60; Closing submissions on behalf of Rita Beckmannflay (Wai 3490) Wai 3325.
[5] Brief of evidence of Stephen Knight-Lenihan Wai 3325 #A61 at [2] and [5]–[6].

Background

4. Ms Peka is Ngāpuhi. She is a Māori Warden and Chair of the Turehou Māori Wardens ki Ōtara Charitable Trust (the **Turehou Māori Wardens**), based in Ōtara.[6] She lives in Ōtara and has significant whānau networks throughout Tāmaki ki te Tonga. She has a strong background with Māori Wardens during emergencies, and increasingly during climate emergencies.

5. Ms Peka's claim alleges that the actions in the first national adaptation plan concerning Māori, in particular Actions 3.3 and 3.4, have not been implemented.[7] It also alleges breach of the principles of tino rangatiratanga, active protection, partnership and equity, on the basis that the special status of Māori Wardens, including Wāhine Māori Wardens, is not recognised in climate change adaptation planning.[8]

6. Ms Peka describes the Auckland Anniversary Weekend floods and Cyclone Gabrielle as very traumatic for her community. During both events she and the Turehou Māori Wardens helped organise plans and responses for the community, and especially for kaumātua.[9]

7. During 2024, Ms Peka and Mr Henry facilitated a series of climate change hui of Māori Wardens, hosted by the Turehou Māori Wardens at Te Pupu Tahi Tanga, the Wardens' office in Ōtara. The report of those hui is attached to Ms Peka's evidence.[10] Ms Yern's presentation was given at the third hui.[11]

[6] Brief of evidence of Mereana Peka, above n 2, at [2]–[4].
[7] First Amended Statement of Claim of Mereana Peka Wai 2821 #1.1.1(a) (Wai 3325 #1.1.13), second cause of action at [1] and [8]–[10].
[8] First Amended Statement of Claim of Mereana Peka, above n 7, second cause of action at [11]–[14].
[9] Brief of evidence of Mereana Peka, above n 2, at [7] and [9].
[10] Brief of evidence of Mereana Peka, above n 2, at [5]; Turehou Māori Wardens Climate Change Hui (July to October 2024) Outcomes Report (21 October 2024) Wai 3325 #A11(a) [Outcomes Report] at 5, 7 and 11.
[11] Outcomes Report, above n 10, at 11.

Preparing for emergencies

8. The Claimant submits that the Wardens' response in 2023 depended on work done before the emergency, and that this is the work the Crown does not support. From their contact with kaumātua during COVID-19, the Wardens already knew that more than 200 kaumātua in Ōtara would need support, many living alone and many with disabilities.[12] That knowledge allowed them to set up a response team that checked on kaumātua, delivered food and medication, and relayed their needs to other agencies.[13] Keeping that knowledge current is constant work.[14]

9. The Wardens' work, both before and during an emergency, is done with limited equipment and limited people. When the power failed in Ōtara, the Wardens handed out candles and helped whānau cook on open fires, and nearly two years later, when Ms Peka gave evidence, they were still looking for safer alternatives.[15] When Wardens were sent to Wairoa, this meant only a skeleton crew could be kept back in Ōtara.[16] Those who rely on the Wardens do not generally see their work as having a cost. Ms Peka's evidence is that many people treat the Wardens as a free resource, thinking: "Go and see the Māori Wardens, you don't have to pay them, and they'll come and help you."[17]

10. The Crown is among those who rely on the Wardens. NEMA's evidence records that Māori Wardens are commonly activated early in emergencies.[18] NEMA is aware of no dedicated Crown funding for Wardens to prepare for or respond to emergencies.[19] The Crown's wider failure to recognise or resource the Wardens is addressed in the Generic EM Submissions, which the Claimant adopts.[20]

11. That reliance is not matched by support for the work that makes it possible. What support exists comes after the event, by reimbursement through local authorities.[21] No dedicated Crown support reaches the knowledge of

[12] Brief of evidence of Mereana Peka, above n 2, at [10]–[11]; Transcript of Hearing Week One Wai 3325 #4.1.3 at 455:20–29.
[13] Brief of evidence of Mereana Peka, above n 2, at [12].
[14] Transcript of Hearing Week One, above n 12, at 456:8–14.
[15] Brief of evidence of Mereana Peka, above n 2, at [16]; Transcript of Hearing Week One, above n 12, at 456:15–31.
[16] Transcript of Hearing Week One, above n 12, at 458:1–10.
[17] Transcript of Hearing Week One, above n 12, at 456:32–457:7.
[18] Joint brief of evidence of Jenna Rogers and Dwain Hindriksen Wai 3325 #A131 at [14]; Transcript of Hearing Week Seven Wai 3325 #4.1.11 at 390:12–18.
[19] Transcript of Hearing Week Seven, above n 18, at 391:15–23.
[20] Generic closing submissions on Emergency Management (25 September 2026) Wai 3325 #3.3.37 at [13] and [31]–[32].
[21] Generic EM Submissions, above n 20, at [32].

who is vulnerable and how to reach them, which is built and kept up between emergencies and on which the 2023 response depended. The Claimant submits that the Crown has not met its duty to support Māori to plan for emergencies.

National adaptation plan

12. The first national adaptation plan, covering 2022 to 2028, is the Crown's plan under the Climate Change Response Act 2002 for responding to the risks identified in the national climate change risk assessment.[22] It sets out actions for central and local government, including actions directed at Māori and at the Crown's partnership with Māori in adaptation.

Action 3.3: Te Pupu Tahi Tanga

13. Action 3.3 provided for a platform for Māori climate action. One of its stated purposes was to activate kaupapa Māori and tangata Māori solutions.[23] The Crown's response was the Māori Climate Platform, which He Pou a Rangi describes as the main mechanism for meeting the Government's obligations to iwi and Māori in adaptation, and the only Māori-led, climate-specific source of central government funding.[24] All of its funds have been allocated, and there are no plans to replace it.[25]

14. Te Pupu Tahi Tanga is the kind of Māori-led solution the Platform was meant to support. The building at 117 Bairds Road, Ōtara is dedicated to Māori Wardens and other ethnic Wardens. It is owned by Auckland Council and leased to the Te Pupu Tahi Tanga Incorporated Society.[26] The Wardens are working to make it a stable, reliable whare for the community during emergencies, with supplies, independent power and communications. It would be a place where whānau can get reliable information, shelter, food, water and support in their own language.[27] It stands on high ground within surrounding flood plains, and has served the

[22] Generic closing submissions on Local Government (25 September 2026) Wai 3325 #3.3.36 at [8]–[10].
[23] Brief of evidence of Stephen Knight-Lenihan, above n 5, at [73]–[74].
[24] He Pou a Rangi Climate Change Commission Progress Report: National adaptation plan assessing progress on the implementation and effectiveness of the Government's first national adaptation plan Wai 3325 #3.2.383(a) [Progress Report] at 60 and 121.
[25] Progress Report, above n 24, at 87, 91 and 121.
[26] Brief of evidence of Mereana Peka, above n 2, at [18].
[27] Brief of evidence of Mereana Peka, above n 2, at [19]–[20].

community for about 36 years.[28] Mr Henry's proposal to store animal supplies there is addressed in his closing submissions.

15. The Wardens have little to build it with. Asked about funding for the Wardens' initiatives, Ms Peka said it is very minimal and comes from the Council and the local board, and that the Wardens will continue regardless.[29] With the Platform no longer funding new projects and no dedicated Crown funding for Wardens, the only other avenue is the contestable CDEM Resilience Fund, whose limits are addressed in the Generic EM Submissions.[30]

16. Te Pupu Tahi Tanga shows what the independence referred to in TSOI 2.1.6 looks like in practice. The Wardens identified the need, designed the response and will pursue it whether or not it is funded. But the building is Council-owned, and what funding there is comes from the Council and the local board. With no Crown vehicle for Māori-led adaptation, the Wardens' independence depends in practice on local government. The Claimant submits that the degree of independence the Wardens can exercise is limited by the Crown's failure to resource it.

Action 3.4: Emergency information

17. Under Action 3.4, the Crown is to work with communities, including iwi and Māori, to make emergency preparedness part of everyday life.[31] The Crown has approached it as an information exercise: He Pou a Rangi records that the action remains focused on creating and sharing information, and NEMA accepts that its public education budget of about $800,000 a year limits what can be achieved.[32]

18. Ms Peka's evidence is that, for much of her community, general information needs to be translated into a language and worldview that hapori understand. For many kaumātua, a fridge magnet with key information and emergency numbers is more useful than a social media page.[33] Participants at the Wardens' hui criticised a climate presentation that centred a Pākehā worldview and showed no Māori, and the Auckland

[28] Outcomes Report, above n 10, at 8 and 16.
[29] Transcript of Hearing Week One, above n 12, at 454:15–33.
[30] Generic EM Submissions, above n 20, at [25].
[31] First Amended Statement of Claim of Mereana Peka, above n 7, second cause of action at [9].
[32] Progress Report, above n 24, at 101 and n xxvii; Joint brief of evidence of Jenna Rogers and Dwain Hindriksen, above n 18, at [130].
[33] Brief of evidence of Mereana Peka, above n 2, at [22]–[23].

Emergency Management presenter told them that emergency management is approached from a western, Eurocentric perspective.[34] Ms Yern's presentation took the opposite approach. It framed climate impacts through people, wairua, economy, whenua and ecosystems, and cultural practices, and concluded that Māori must be at the table on climate readiness, because Māori hold the solutions, knowledge, mātauranga and tikanga.[35]

19. The Claimant submits that information alone does not make preparedness part of everyday life for the people most at risk. Ms Peka's evidence shows that, for Ōtara kaumātua, preparedness information works when it comes from people they trust, in their own language and worldview, and in a form they can use without a phone.[36] The Wardens already reach kaumātua in that way. Action 3.4 was to be delivered with iwi and Māori, yet the Crown identified no work with the Wardens under it.

Local government

20. TSOI 3.3 is addressed in the Generic LG Submissions, which the Claimant adopts. Dr Knight-Lenihan's evidence for Ms Peka is central to them.[37] He identified the absence of Crown guidance to help councils weigh Māori spiritual and cultural values, and locally derived Māori solutions, when allocating adaptation resources. He also identified the absence of any central platform of best practice with a Māori focus. Crown witnesses could not identify any such guidance.[38]

21. Ms Peka's evidence shows what that absence means in practice. Te Pupu Tahi Tanga is Council-owned, and the Wardens' funding comes from the Council and the local board. Auckland Council is among the councils Dr Knight-Lenihan's supplementary evidence identifies as seeking to support Māori-led climate responses.[39] Even so, the Wardens' funding is very minimal. The hui also heard that asking the Council to install solar power at Te Pupu Tahi Tanga for emergencies had not been done before, and would need to be spread over three years.[40]

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[34] Outcomes Report, above n 10, at 15 and 16.
[35] "Climate Impact from a Māori Perspective", above n 3, at 37.
[36] Brief of evidence of Mereana Peka, above n 2, at [12]–[13] and [22]–[23].
[37] Brief of evidence of Stephen Knight-Lenihan, above n 5, at [20]–[29] and [80].
[38] Generic LG Submissions, above n 22, at [27]–[30] and [33].
[39] Generic LG Submissions, above n 22, at [64].
[40] Outcomes Report, above n 10, at 10.

22. Local emergency management already depends on organisations like the Wardens. Auckland Emergency Management told the Wardens' hui that its new approach relies on community emergency hubs and civil defence centres in each local board area, supported by local community organisations and volunteers.[41] It also told the hui that an earlier attempt at the same approach failed for lack of community consultation. Te Pupu Tahi Tanga is the kind of hub that approach depends on. Yet emergency management groups are funded largely from local rates, which do not match the needs of the communities they serve, and the Crown does not assess whether those groups have the capacity to respond.[42]

23. The Claimant submits that if a Māori-led initiative struggles for support in a rohe whose council is among the more active, organisations in rohe whose councils have not made that choice are worse placed still. Where councils support Māori-led climate responses, that support rests on each council's own policy and resources, and is exposed to the pressures on them, including proposed rates capping.[43] The Crown has not required, guided or resourced councils to provide that support.[44] As a result, the support available to a Māori-led initiative depends on the rohe it is in.

24. The Crown remains responsible for that outcome. The Tribunal has found that where local authorities exercise functions delegated by the Crown, the Crown must ensure they act consistently with the Treaty, and must monitor and audit their performance in that respect.[45] On the Crown's own evidence, no agency requires councils to report on their Māori participation obligations, and no mechanism monitors whether adaptation delivers outcomes for Māori communities.[46] He Pou a Rangi identifies the resulting risk: relationships that depend on local political will, rather than on consistent processes aligned with Te Tiriti.[47]

25. The Claimant submits that the Crown has placed councils at the centre of a local emergency and adaptation system that depends on Māori community organisations, without the guidance, direction, funding or oversight needed to ensure those organisations are supported. For the Wardens, the answer to each limb of TSOI 3.3 is no.

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[41] Outcomes Report, above n 10, at 19–20.
[42] Generic EM Submissions, above n 20, at [23].
[43] Generic LG Submissions, above n 22, at [51] and [66].
[44] Generic LG Submissions, above n 22, at [70]–[71].
[45] Generic LG Submissions, above n 22, at [20]–[21].
[46] Generic LG Submissions, above n 22, at [59]–[62].
[47] Generic LG Submissions, above n 22, at [46].

Prejudice

26. The Claimant submits that Ms Peka, the Turehou Māori Wardens and the kaumātua and whānau they serve have been prejudiced by the Crown's failure to recognise and resource the Wardens' role.

27. That prejudice falls on the Wardens who do this work, including Wāhine Māori Wardens such as Ms Peka. They prepare for emergencies unpaid and under-equipped, which limits how much of that work they can do. In 2023, emergency contact details for kaumātua had to be re-established during the emergency itself.[48] Te Pupu Tahi Tanga remains unequipped to operate as an emergency hub, preparedness information does not reach kaumātua in a form they can use, and what support there is depends on the council of the rohe.

28. That prejudice is continuing. Emergencies do not end when the civil defence response does. Whānau face lasting damage to their homes, trauma, and complex insurance and legal processes long afterwards, and the Wardens continue to support them.[49] Climate change will make severe weather events more frequent and more severe.

Findings

29. The Claimant adopts the findings sought in the Generic EM Submissions and the Generic LG Submissions.[50] The Claimant further seeks findings that the Crown has failed to:

    a. resource the preparatory work on which the Wardens' emergency response depends, including keeping relationships with kaumātua and vulnerable whānau current between emergencies, despite relying on that response in 2023;

    b. replace the Māori Climate Platform, its response to Action 3.3, or otherwise provide continuing funding for Māori-led adaptation initiatives such as Te Pupu Tahi Tanga;

[48] Brief of evidence of Mereana Peka, above n 2, at [11].
[49] Brief of evidence of Mereana Peka, above n 2, at [24]; Transcript of Hearing Week One, above n 12, at 457:24–31.
[50] Generic EM Submissions, above n 20, at [33]; Generic LG Submissions, above n 22, at [67]–[68].

c. implement Action 3.4 with iwi and Māori, including Māori Wardens, or provide preparedness information in forms and languages accessible to kaumātua; and

d. ensure that support for Māori-led initiatives does not depend on the rohe in which they are located.

30. 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 Ms Peka and Māori Wardens, including Wāhine Māori Wardens, have been prejudiced as a result.

Recommendations

31. The Claimant seeks recommendations that the Crown:

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

b. establish, with Māori Wardens, NEMA and local authorities, standing arrangements for the Wardens' role in emergency preparedness and response, agreed before emergencies occur;

c. provide Māori Warden organisations with direct and continuing funding for emergency preparedness, including maintaining relationships and contact information for kaumātua and vulnerable whānau, subject to appropriate consent and privacy protections;

d. replace the Māori Climate Platform with continuing funding for Māori-led adaptation that Māori Warden organisations can access, including for community emergency hubs such as Te Pupu Tahi Tanga;

e. develop, with Māori Wardens and Māori communities, preparedness information in languages, worldviews and non-digital forms accessible to kaumātua;

f. recognise the continuing role of Māori Warden organisations in supporting whānau after emergencies; and

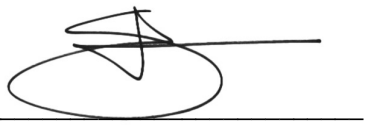
g. issue national guidance and direction to local authorities on supporting Māori-led emergency and adaptation initiatives, so that the support available does not depend on the rohe.

Conclusion

32. In answer to TSOI 2.1.3 and 2.2.1, the Claimant submits that the principles of partnership, active protection, tino rangatiratanga and equity require the Crown to support the work Māori communities do to prepare for emergencies, before those emergencies begin. For the Turehou Māori Wardens, that work means knowing which kaumātua are vulnerable and how to reach them, and keeping that knowledge current, so that whānau can be supported and informed when an emergency comes.

33. The Wardens do that work unpaid and with very little, and the Crown has relied, and continues to rely, on it. Yet no replacement for the Māori Climate Platform has been identified, the Crown identified no work with the Wardens under Action 3.4, and what support Te Pupu Tahi Tanga receives depends on the council of the rohe. Ms Peka seeks recommendations that ensure that work is resourced before the next emergency.

Dated at Tāmaki Makaurau this 5th day of October 2026



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