OFFICIAL

IN THE WAITANGI TRIBUNAL

WAI 3325
WAI 3490

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 Rita Beckmannflay for herself and on behalf of Ngati Torehina ki Mataure O Hau concerning climate change (WAI 3490)

CLOSING SUBMISSIONS ON BEHALF OF RITA BECKMANNFLAY

Dated 5 October 2026

RECEIVED
Waitangi Tribunal
6 Oct 26
Ministry of Justice
WELLINGTON

LOADER
LEGAL

Loader Legal, SPACES – Level 7, 50 Albert Street, Auckland 1010

P 09 872 0816 extn. 1816 (09) | M 022 025 0436 | brooke@loaderlegal.com

Counsel acting: Brooke Loader | Grant Hewison | Jasper Sontier

Contents

Introduction 1
Ngāti Torehina ki Mataure Ō Hau and Matauri Bay 2
Assessing risk 3
Resourcing 5
Local government 7
Prejudice 8
Findings sought 9
Recommendations sought 9
Conclusion 10

MAY IT PLEASE THE TRIBUNAL

Introduction

1. These closing submissions are filed on behalf of Rita Beckmannflay, for herself and on behalf of Ngāti Torehina ki Mataure Ō Hau (Wai 3490). They are made in support of, and should be read with, the generic closing submissions filed for the Claimants. They address the issues raised by Ms Beckmannflay's evidence under clauses 2.1.6 and 3.3 of the Tribunal Statement of Issues dated 20 August 2024 (the **TSOI**).[1]

2. TSOI 2.1.6 asks what Tiriti / Treaty principles the Crown should apply when "[w]orking with and resourcing Māori to mitigate and adapt to the impacts of climate change, including the degree of independence in those efforts from central and local government".

3. TSOI 3.3 asks: "With regard to local government, has the Crown provided local authorities with sufficient guidance, direction, and support to mitigate and address the impacts of climate change on Māori (including their physical, spiritual, cultural, social, health, and economic needs and aspirations) at a local level?"

4. Ms Beckmannflay's evidence was filed on 26 April 2025 in the claims of Mereana Peka and Thomas Henry, before her own claim was filed in July 2025.[2] Her evidence has two parts. The first describes Holding Space Aotearoa and Songwriters 4 Climate Action.[3] The second is place-based evidence of climate impacts at Matauri Bay, on wāhi tapu and urupā, on the marae, and on customary resources and the marine environment.[4]

[1] Final Tribunal Statement of Issues for the Climate Change Priority Inquiry Wai 3325 #1.4.3 at [2.1.6] and [3.3].
[2] Statement of Claim of Rita Beckmannflay Wai 3490 #1.1.1.
[3] Brief of evidence of Rita Beckmannflay Wai 3325 #A60 at [4] and [5]–[30].
[4] Brief of evidence of Rita Beckmannflay, above n 3, at [4] and [31]–[60].

Ngāti Torehina ki Mataure Ō Hau and Matauri Bay

5. Ms Beckmannflay is of Ngāti Torehina ki Mataure Ō Hau. She gives evidence as Puhi Ariki, with her husband Richard Beckmannflay, on behalf of the Te Taotahi Ariki Whānau, and is a direct descendant of the Ariki Tangaroa Te Tao Whakarongorua.[5] The Hereditary Ariki Tane Tātai of Taotahi are signatories to He Wakaputanga o te Rangatiratanga o Nu Tireni in 1835 and to the Treaty of Waitangi in 1840.[6]

6. The rohe of Ngāti Torehina ki Mataure Ō Hau is in and around Matauri Bay, in Te Tai Tokerau.[7] Ms Beckmannflay's evidence identifies Te Taotahi as the marae of the hapū, Te Kai Kupenga as the pā, Whakamuhu and Karamerememere as their urupā, Te Piki Puke o Te Taotahi as their maunga, Pateretere and Wairere as their awa, and Mata-ure ki Whangaroa as their moana.[8] It also identifies Putataua, the place at which the tohunga of the hapū taught their chants, in view of the pā site and the Cavalli Islands.[9]

7. Her evidence is that for generations the hapū have and continue to fish the waters of the bay, cultivated its land, and protected its maunga and awa.[10] Ms Beckmannflay says that the effects of climate change are now increasingly visible at Matauri Bay. Rising sea levels are eroding parts of the coastline, placing pressure on infrastructure, urupā and homes; during king tides and storm surges parts of the bay are temporarily inundated; and extreme weather events have become more frequent and more intense.[11] Coastal erosion is accelerating, and threatens wāhi tapu and culturally significant places integral to the identity of tangata whenua.[12] Urupā, which are often located near the coast, are particularly vulnerable.[13] Local marae are at risk from extreme weather and infrastructure damage.[14]

8. In the marine environment, warming ocean temperatures and acidification threaten traditional food sources including kina, pāua and mussels, and changing migration patterns of fish and birds disrupt long-held practices of seasonal harvesting.[15]

---

[5] Brief of evidence of Rita Beckmannflay, above n 3, at [2].
[6] Brief of evidence of Rita Beckmannflay, above n 3, at [31].
[7] Brief of evidence of Rita Beckmannflay, above n 3, at [31] and [33]. See also Statement of Claim of Rita Beckmannflay, above n 2, at [7].
[8] Brief of evidence of Rita Beckmannflay, above n 3, at 1 (Te Taotahi Pepeha).
[9] Brief of evidence of Rita Beckmannflay, above n 3, at [37].
[10] Brief of evidence of Rita Beckmannflay, above n 3, at [38].
[11] Brief of evidence of Rita Beckmannflay, above n 3, at [41].
[12] Brief of evidence of Rita Beckmannflay, above n 3, at [42].
[13] Brief of evidence of Rita Beckmannflay, above n 3, at [46].
[14] Brief of evidence of Rita Beckmannflay, above n 3, at [47].
[15] Brief of evidence of Rita Beckmannflay, above n 3, at [43].

Assessing risk

9. The Crown's assessment of the risk climate change poses to hapori Māori is its 2023 report Understanding Climate Hazards for Hapori Māori – insights for policy makers, produced under Action 3.10 of the NAP.[16] The analysis considered where Māori households live and where marae are located, their exposure to the climate hazards expected to have the most immediate and substantial impact, and the resilience and adaptability of Māori households.[17] It found that hapori Māori face greater projected risk than the overall population, and that over 300 marae are in areas of both very high overall climate risk and very high socio-economic risk.[18]

10. The report did not extend to the places Ms Beckmannflay describes. Ms Rawiri, for Te Puni Kōkiri, gave evidence that, "other than identifying the number of marae within at-risk areas, due to the lack of available data for this study we did not explore the likely impact of climate hazards on infrastructure, including wāhi tapu, and subsequent impacts on community resilience".[19] Urupā were not within the analysis; the Crown's figure for urupā exposed to sea level rise comes from external research.[20] Dr Awatere's evidence, which Ms Rawiri cites alongside Ms Beckmannflay's at [107.2], identifies marae and urupā as a specific climate risk for Māori communities because they sit on exposed, erosion-prone land.[21]

11. Ms Rawiri accepted that the absence of that data limits Te Puni Kōkiri's ability to advise government on those matters,[22] and that she would expect the impact of climate change on wāhi tapu and Māori infrastructure to be properly assessed in consultation with Māori.[23] No such assessment is under way. In answers filed after the hearing, Te Puni Kōkiri confirmed that no such work is currently being undertaken by it, and that it is not aware of any such work being undertaken by any other government agency.[24] Nor is the omission explained by the want of a method: a kaupapa Māori risk assessment overlaying the framework used in the first national climate change risk

[16] Brief of evidence of Paula Huia Rawiri Wai 3325 #A149 at [39]; Te Puni Kōkiri *Understanding Climate Hazards for Hapori Māori – Insights for Policy Makers* (December 2023).
[17] Brief of evidence of Paula Rawiri, above n 16, at [41.1]–[41.2].
[18] Brief of evidence of Paula Rawiri, above n 16, at [43] and [45].
[19] Brief of evidence of Paula Rawiri, above n 16, at [47].
[20] Brief of evidence of Paula Rawiri, above n 16, at [18.2] and n 10, citing Akuhata Patrick Stephen Bailey-Winiata "Understanding the potential exposure of coastal marae and urupā in Aotearoa New Zealand to sea level rise" (MSc thesis, University of Waikato, 2021).
[21] Brief of evidence of Dr Shaun Awatere Wai 3325 #A80 at [117]; Brief of evidence of Paula Rawiri, above n 16, at [107.2] and n 49.
[22] Transcript of Hearing Week Seven Wai 3325 #4.1.11 at 226:12–14.
[23] Transcript of Hearing Week Seven, above n 22, at 226:15–19.
[24] Responses to questions in writing for Paula Rawiri Wai 3325 #A149(c) at [14]–[15].

assessment, and scoring risk across four domains including Māori culture and practices, was published in 2021.[25]

12. Nor can the existing analysis answer the question at the level of a particular place. It was conducted at Statistical Area 2 level, covering populations of roughly 1,000 to 4,000 residents and excluded any area with fewer than 30 Māori households.[26] Ms Rawiri described the available data as patchy and disaggregated, and said that it can only take the Crown so far: it must be combined with the experience and local expertise of the people on the ground.[27]

13. At Matauri Bay the Crown has not obtained that knowledge. Asked whether anyone from Te Puni Kōkiri had engaged with Ms Beckmannflay's whānau, including Ngāti Torehina and the Te Taotahi Ariki Whānau, in relation to climate hazard risk or adaptation, Te Puni Kōkiri's answer identified no such engagement. It pointed instead to investment unrelated to climate, and to the Far North District Council's programme.[28]

14. The Crown's own evidence is that a one size fits all approach will be insufficient to address the needs of many Māori communities, and that mātauranga Māori at a hapū and iwi level is critical to informing climate adaptation responses.[29] The Claimant submits that the Crown has not done so. It has counted marae nationally, has not assessed wāhi tapu or urupā, has no work under way anywhere in government to do so, and has not asked this hapū what is at risk. Asked what it has done about climate risk at Matauri Bay, the responsible agency points to the district council. Ms Beckmannflay's evidence supplies, for one rohe, what the Crown accepts it does not have. The Crown cannot actively protect taonga it has not identified, and delay narrows what protection remains available.

[25] Brief of evidence of Dr Shaun Awatere, above n 21, at [74]–[75], referring to Shaun Awatere and others He huringa āhuarangi, he huringa ao: a changing climate, a changing world (Manaaki Whenua Landcare Research, 2021).
[26] Brief of evidence of Paula Rawiri, above n 16, at n 23.
[27] Transcript of Hearing Week Seven, above n 22, at 206:3–16.
[28] Responses to questions in writing for Paula Rawiri, above n 24, at [50]–[51].
[29] Brief of evidence of Katherine Mary Wilson Wai 3325 #A141 at [25].

Resourcing

15. In answer to the claimant evidence about impacts on marae, wāhi tapu and urupā, Ms Rawiri points to four matters: the Kāinga Rua Fund; the 2023 to 2024 analysis; the Cyclone Gabrielle Māori Communities Response Fund; and the Whenua Māori and Marae Pathway.[30]

16. None of those is available to Ngāti Torehina ki Mataure Ō Hau to address what Ms Beckmannflay describes. The Kāinga Rua Fund is described in Ms Rawiri's evidence as the "former" fund; it supported around 77 marae emergency preparedness projects between 2019 and 2024.[31] The Cyclone Gabrielle fund provided rapid assistance to marae and hapori Māori directly affected by that cyclone, and Ms Rawiri accepted it was a one-off response to those events.[32] Those separate streams have since been consolidated within the Māori Development Fund, and Ms Rawiri's evidence is that a current investment priority is to improve the productivity of iwi or Māori assets.[33] She confirmed in cross-examination that some or all of the funds no longer exist and that funding is now much more targeted towards that priority.[34] The two current climate-related investments given in her evidence are a solar farm feasibility study and infrastructure support for a Māori-owned air service.[35]

17. Asked what Te Puni Kōkiri had done at Matauri Bay, its answer was two investments in the Matauri X Incorporation: one towards the infrastructure or build costs of a papakāinga, and one towards improving the productivity of Māori freehold land.[36] Neither concerns climate change, and nothing identified by the Crown is directed at the urupā, wāhi tapu or marae described in Ms Beckmannflay's evidence.

18. Ms Rawiri acknowledges in her evidence that owners of whenua Māori face barriers to meeting the cost of adapting to climate change because of restricted access to funding, finance and capital.[37] The Crown's response is a work programme led by the Treasury with the National Iwi Chairs Forum, on which Te Puni Kōkiri co-leads a workstream directed at the accessibility and effectiveness of existing government funds and programmes for Māori

[30] Brief of evidence of Paula Rawiri, above n 16, at [108.1]–[108.4].
[31] Brief of evidence of Paula Rawiri, above n 16, at [91].
[32] Brief of evidence of Paula Rawiri, above n 16, at [83]; Transcript of Hearing Week Seven, above n 22, at 222:12–15.
[33] Brief of evidence of Paula Rawiri, above n 16, at [93].
[34] Transcript of Hearing Week Seven, above n 22, at 222:16–27.
[35] Brief of evidence of Paula Rawiri, above n 16, at [94.1]–[94.2].
[36] Responses to questions in writing for Paula Rawiri, above n 24, at [50]; Te Puni Kōkiri *Investment Recipients 2024-25*, annexed at Appendix B to Responses to questions in writing for Paula Rawiri Wai 3325 #A149(d), at 24 and 29.
[37] Brief of evidence of Paula Rawiri, above n 16, at [100].

businesses and entities.[38] In cross-examination Ms Rawiri accepted that the system requires hapū to navigate national and local government policies and to apply for competitive funding which may not be adequate to meet their needs, and that resourcing, coordination and accountability mechanisms are absent when they are most needed.[39]

19. Ms Beckmannflay's evidence also describes Holding Space Aotearoa, a kaupapa centred on community resilience, intergenerational dialogue and climate justice, which creates platforms where creativity and activism intersect.[40] Its principal project, Songwriters 4 Climate Action, brings songwriters together with climate scientists, Māori knowledge holders, rangatahi and community elders through workshops and wānanga, and the works produced draw on te reo Māori, taonga pūoro and stories from the whenua.[41] Two albums have been released and a third, focused on rangatahi, was in preparation when she gave her evidence.[42]

20. Te Puni Kōkiri's stated purpose is to enable hapū, iwi and Māori communities to "lead and shape" climate adaptation decisions affecting their whenua and taonga,[43] and Ms Rawiri accepted that this implies a meaningful role in decision-making rather than simply providing input.[44] She also accepted that participation occurs through engagement and consultation, that Māori views are not binding, that final decisions are made by the government of the day, and that Māori participation is accordingly advisory and not determinative.[45] Against that, Ms Beckmannflay's evidence describes responses organised outside both central and local government: the initiatives described above, and at Matauri Bay coastal restoration planting, hapū-led vulnerability and adaptation work undertaken with councils, scientists and non-government organisations, and education through local kura.[46]

21. The Claimant submits that this is what TSOI 2.1.6 is directed at. Where a climate response has been organised at Matauri Bay it has been organised by the hapū, on their own initiative and in their own relationships. What the Crown offers is a consolidated fund directed at asset productivity, a capital access programme framed around Māori businesses and entities, and participation in decisions that others make. Partnership and tino

[38] Brief of evidence of Paula Rawiri, above n 16, at [101]–[103].
[39] Transcript of Hearing Week Seven, above n 22, at 250:5–16; Brief of evidence of Dr Shaun Awatere, above n 21, at [67]–[68].
[40] Brief of evidence of Rita Beckmannflay, above n 3, at [8].
[41] Brief of evidence of Rita Beckmannflay, above n 3, at [13]–[14], [16] and [20].
[42] Brief of evidence of Rita Beckmannflay, above n 3, at [23].
[43] Brief of evidence of Paula Rawiri, above n 16, at [34].
[44] Transcript of Hearing Week Seven, above n 22, at 224:2–9.
[45] Transcript of Hearing Week Seven, above n 22, at 224:32–226:1.
[46] Brief of evidence of Rita Beckmannflay, above n 3, at [48]–[51].

rangatiratanga are not satisfied by a consultative role in decisions the Crown reserves to itself, nor by funding directed at purposes other than the protection of the taonga at risk.

Local government

22. Adaptation at Matauri Bay will be carried out through local government. The Generic Local Government Closing Submissions address the Crown's framework for that work, and the Claimant adopts them.[47] Ms Wilson's evidence for the Ministry for the Environment is that, even under a decentralised approach, the government has an important role in providing consistent settings to guide adaptation responses.[48] The Crown has not provided those settings. Local authorities have no specific statutory function to undertake adaptation, and because there is no statutory requirement no guidance exists on how the function would be undertaken.[49] Nor is there guidance on how Māori values or locally derived Māori solutions are to be identified, assessed or weighed in adaptation planning.[50] Guidance is to follow by regulation after the enacting legislation, which had not been introduced when Ms Wilson gave evidence.[51]

23. The Crown accepts the consequence. Ms Rawiri agreed with Dr Awatere's evidence that the Crown's devolution of climate adaptation and resilience responsibilities to local government, without adequate support, funding or Treaty-based accountability frameworks, has created a fragmented and uneven climate response landscape.[52] Dr Awatere's evidence is also that local authorities are already resource-constrained and often lack the capacity to engage with hapū and iwi in a partnership manner.[53]

24. Asked what had been done at Matauri Bay, Te Puni Kōkiri pointed to the Far North District Council's Te Hōtaka Urutau Hapori | Community Adaptation Programme of August 2025, and said that for further information the claimants would need to contact the Council.[54]

[47] Generic closing submissions on Local Government (25 September 2026) Wai 3325 #3.3.36 at [33]–[37].
[48] Brief of evidence of Katherine Wilson, above n 29, at [24].
[49] Transcript of Hearing Week Six Wai 3325 #4.1.10 at 133:18–25.
[50] Transcript of Hearing Week Six, above n 49, at 133:26–30.
[51] Transcript of Hearing Week Six, above n 49, at 134:1–14.
[52] Transcript of Hearing Week Seven, above n 22, at 251:10–24; Brief of evidence of Dr Shaun Awatere, above n 21, at [65].
[53] Brief of evidence of Dr Shaun Awatere, above n 21, at [66].
[54] Responses to questions in writing for Paula Rawiri, above n 24, at [51].

25. Matauri falls within Stage 2 of that programme, scheduled for 2027 to 2030.[55] The Council's stated reason for its staging is that the timeframes respond to the urgency of the work "balanced with what Council can achieve with current resources", and the scope of any plan will depend on the resources, data and knowledge available.[56]

26. The Claimant submits that the Crown has not provided local authorities with sufficient guidance, direction or support to address the impacts of climate change on Māori at a local level. There is no statutory function, no guidance, and no direction on how Māori values are to be weighed. The consequence at Matauri Bay is that no council adaptation planning for the rohe will begin before 2027 at the earliest, and what is then done will depend on the resources of one district council and on data the Crown accepts it does not have. Whether the urupā, wāhi tapu and marae at Matauri Bay are identified and protected turns on which stage of one council's programme the rohe happens to fall within. Equal protection under the Treaty cannot properly depend on that, and the Crown is responsible for the framework that allows it to.

Prejudice

27. Coastal erosion at Matauri Bay is accelerating and threatens wāhi tapu and culturally significant places; the urupā near the coast are particularly vulnerable; the marae is at risk from extreme weather and infrastructure damage; and the customary food sources on which the hapū rely are threatened.[57] Those effects are occurring now, and the loss of an urupā to the sea cannot be undone.

28. The Crown has not assessed what is at risk, has no work under way anywhere in government to assess it, and has not asked the hapū what is at risk. Its resourcing at Matauri Bay has been directed at housing supply and land productivity. Adaptation planning for the rohe will not begin before 2027. The Claimant and Ngāti Torehina ki Mataure Ō Hau are accordingly left to carry the risk to their urupā, wāhi tapu and marae without Crown information, Crown resourcing or Crown protection, and to meet it, so far as it can be met, from their own efforts. That prejudice is continuing.[58]

---

[55] Far North District Council *Te Hōtaka Urutau Hapori* | *Community Adaptation Programme* (August 2025) at 9, annexed at Appendix C to Responses to questions in writing for Paula Rawiri, above n 36.
[56] *Te Hōtaka Urutau Hapori*, above n 55, at 9 and 10.
[57] Brief of evidence of Rita Beckmannflay, above n 3, at [42], [43], [46] and [47].
[58] Statement of Claim of Rita Beckmannflay, above n 2, at [16].

Findings sought

29. The Claimant adopts the findings sought in the Generic Local Government Closing Submissions.[59] She seeks further findings that:

    a. the Crown has not assessed the impact of climate hazards on wāhi tapu, urupā and marae, and no work to do so is under way within government;

    b. the Crown has not sought from Ngāti Torehina ki Mataure Ō Hau the local knowledge its own evidence identifies as necessary to understand what is at risk at Matauri Bay;

    c. the resourcing the Crown has directed to Matauri Bay is not directed at the protection of the taonga identified in Ms Beckmannflay's evidence; and

    d. the Crown has accordingly breached the principles of the Treaty of Waitangi, and the Claimant and Ngāti Torehina ki Mataure Ō Hau have suffered and continue to suffer prejudice.

Recommendations sought

30. The Claimant seeks recommendations that the Crown:

    a. undertake, with Māori, an assessment of the exposure of marae, urupā and wāhi tapu to climate hazards, and resource that work;

    b. provide funding to support adaptation initiatives by iwi, hapū and Māori for Māori land and Māori cultural infrastructure, and take a specific approach to whenua Māori and Māori cultural assets, as recommended to it by the Independent Reference Group on Climate Adaptation;[60]

    c. resource Ngāti Torehina ki Mataure Ō Hau to identify and assess the risk to the urupā, wāhi tapu and marae at Matauri Bay, without awaiting the commencement of Stage 2 of the Far North District Council's programme; and

    d. ensure that adaptation funding is accessible to hapū and Māori communities without requiring them to surrender leadership of their own initiatives.

[59] Generic Local Government Closing Submissions, above n 47, at [67]–[68].
[60] Brief of evidence of Katherine Wilson, above n 29, at [127.3]–[127.4].

Conclusion

31. The Crown does not know what climate change will do to the urupā, wāhi tapu and marae at Matauri Bay. It has not assessed them, no part of government is assessing them, and it has not asked the people who hold the knowledge its own witness says is required. What it has provided to the hapū is directed elsewhere, and what may be provided through local government will not begin before 2027.

32. The Claimant submits that the Treaty requires the Crown to identify what is at risk, with the hapū, and to resource its protection, rather than leave both to a hapū acting alone and to the programme and budget of a single council.

Dated at Tāmaki Makaurau this 5th day of October 2026

Dr Grant Hewison
Counsel for the Claimant

Jasper Sontier

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