KEI MUA I TE AROARO O TE RŌPŪ WHAKAMANA	**WAI 3325**
I TE TIRITI O WAITANGI	**WAI 2607**
BEFORE THE WAITANGI TRIBUNAL	**WAI 3412**
	WAI 3413
	WAI 3414

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 Jennifer Takuta-Moses on behalf of herself and the Wairoa Māori Committee (Wai 3412)

CLOSING SUBMISSIONS FOR JENNIFER TAKUTA-MOSES ON BEHALF OF HERSELF AND THE WAIROA MĀORI COMMITTEE

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AND

IN THE MATTER OF a claim by Tane Cook on behalf of himself and Mataatua District Māori Council (Wai 2607)

AND

IN THE MATTER OF a claim by Grace Hoet on behalf of herself and the New Zealand Māori Council (Wai 3413)

AND

IN THE MATTER OF a claim by Anthony Olsen on behalf of himself and the Matiti Māori Committee (Wai 3414)

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MAY IT PLEASE THE TRIBUNAL

THE CLAIMANT SAYS.

1. These closing submissions are filed on behalf of Jennifer Takuta-Moses (the Claimant) and the Wairoa Māori Committee.

2. The claimant endorses and adopts the closing submissions for the other claimants above under the umbrella of the New Zealand Māori Council, including the *Generic Closing Submissions on Mitigation Policies.*

3. These closing submissions primarily address the following issues identified by the Tribunal Statement of Issues:[1]

    3.1. **Issue 1:** *What are the physical, spiritual, cultural, social, health, and economic impacts of climate change on Māori? This includes present impacts and likely impacts in the future.*

        3.1.1. **Sub issue 1.2:** *What are the spiritual and cultural impacts of climate change on Māori?*

        3.1.2. **Sub issue 1.3:** *What are the social and health impacts of climate change on Māori?*

    3.2. **Issue 2.2**: *What are the Crown's duties and obligations to Māori arising from those Tiriti/Treaty principles in terms of:* ***2.2.1.*** *Supporting Māori to plan for and respond to emergencies relating to severe weather events caused or exacerbated by climate change?*

    3.3. **Issue 3.1.2:** *Whether, and if so to what extent has, the Crown's conduct contributed to or facilitated prejudice to Māori communities affected by climate change?*

[1] Wai 3325, #1.4.3 *Tribunal Statement of Issues Climate Change Priority Kaupapa Inquiry.*

3.4. **Issue 3.1.3:** *Have Māori been disproportionately impacted by the Crown's conduct in response to climate change. If so, in what ways?*

3.5. **Issue 3.2:** *What steps has the Crown taken to inform itself of the physical, spiritual, cultural, social, health, and economic impacts of climate change on Māori when formulating climate change legislation and policies?*

3.6. **Issue 4:** *What recommendations should the Tribunal make in terms of how the Crown should conduct itself consistently with Tiriti/Treaty principles when forming future climate change legislation and policies?*

4. With regard to **Issue 2** "What relevant Tiriti/Treaty principles should the Crown consider when addressing the impacts of climate change on Māori?", the Claimant supports and adopts the *Generic Closing Submissions on Te Tiriti o Waitangi and Tiriti Principles.*[2]

5. The Claimant relies on the following te Tiriti principles in particular order: tino rangatiratanga in the ability to exercise kaitiakitanga, active protection, good government, equity, mutual recognition and respect, mutual benefit and the right to development, and partnership.

GENERIC SUBMISSIONS

6. In addition, the following Generic Closing Submissions are adopted and relied on.

7. *Closing Submissions on Climate Impacts on Māori.*[3] In particular these parts are referred to:

[2]Wai 3325, #3.3.34 *Closing Submission in Relation to Te Tiriti o Waitangi and Tiriti Principles,* dated 25 September 2026.
[3] Wai 3325, #3.3.39, *Closing Submissions on Climate Impacts on Māori*, dated 25 September 2026.

7.1. Climate impacts on biodiversity and taonga species.[4] In particular relevant to the claimant's evidence it states:

7.2. "A decline has been noticeable at the small northern colonies of tītī and in recent years mutton bird harvests have become more variable with some very poor seasons. It is likely changing ocean currents and frequent marine heatwave events caused by global climate change is impacting on natural prey availability. This in turn affects bird survival and breeding success."[5]

7.3. Māori are often affected by climate-related emergencies such as flooding, coastal inundation and other severe weather and mana whenua were disproportionately affected by Cyclone Gabrielle.[6]

7.4. The impacts on the mauri on the community when damage is sustained to Māori infrastructure and culturally significant sites:

7.5. Damage to Māori infrastructure, exacerbates and amplifies other climate risks, especially those affecting identity, governance, and well-being. When repeatedly damaged, these sites can lose their functional capacity to host community gatherings, coordinate emergency response, or maintain tikanga.[7]

7.6. When tikanga-based relationships to place are disrupted by climate-related damage, the result may be systemic harm to whanaungatanga and kaitiakitanga.[8]

7.7. The climate impacts on health in particular on mental health and wellbeing which will be discussed later in these submissions. For now in particular noting:

[4] At [38]-[46].
[5] At [46].
[6] At [92]-[93].
[7] At [172].
[8] At [174].

7.8. Crown evidence recognises that Climate Change presents the biggest global health threat of the 21st Century; and that Māori are both especially vulnerable and disproportionately affected by climate impacts on health.[9]

7.9. Additionally, the ongoing health inequities mean Māori are more sensitive to climate shocks and slower to recover.[10]

7.10. Māori well-being is tightly linked to tikanga and whenua, which are highly climate-sensitive and currently under-protected in health system planning.[11]

7.11. The cumulative and cascading impacts upon wellbeing that arise in the context of climate change, through witnessing degradation of te taiao, and loss of connection with taonga species, as well as climate related trauma in the aftermath of experiencing climate emergencies such as the North Island Severe Weather Events which is detailed in the Claimant's evidence.[12]

8. *Closing Submissions on Biodiversity.*[13] In particular these parts are referred to:

8.1. The starting point begins with Te Orokohanga o te Ao, and associated pūrākau;[14]

8.2. The whakatauki: he patunga taiao, he patunga tangata: the harms to te taiao are not separate from the people who whakapapa to them; but are wounds already inflicted;[15]

[9] At [238]-[239]
[10] At [240]
[11] At [257].
[12] See for example [236]; [245]-[252]; [267]; [293]; and [304].
[13] Wai 3325, #3.3.33, *Closing Submissions on Biodiversity,* dated 25 September 2026.

[14] At [8]-[14].
[15] At [136].

8.3. understanding biodiversity through tikanga, explains why biodiversity is fundamental to why and how we respond to climate change:[16]

The upset balance represented by climate change has brought peril to the web of life, which protects us and connects us all through whakapapa. Whanaungatanga demands that we in turn protect the web of life.

9. *Closing Submissions on Adaptation.*[17] In particular these parts are referred to:[18]

9.1. Māori hold mātauranga at place, are intimately aware of the existing changes within their taiao and are developing flax-roots responses to protect their communities and environment from climate change.

9.2. However, the Crown has failed to partner with Māori in development of adaptation responses to climate change. The Crown has instead focused its response around high-level adaptation frameworks, developed with minimal input from Māori and without sufficient support for their implementation;

9.3. Overall, the Crown response has been ad hoc, reactive and far too slow for the scale and pace of the climate emergency.

9.4. Specific submissions are relied on further in the submissions

10. *Closing Submissions – Emergency Management* and *Local Government*.[19]

[16] At [15]-[24].
[17] Wai 3325, #3.3.38, *Closing Submissions on Adaptation,* dated 25 September 2026.
[18] At [8]-[10]
[19] Wai 3325, #3.3.37 *Closing Submissions on Emergency Management,* dated 25 September 2026; Wai 3325, #3.3.36, *Closing Submissions – Local Government,* dated 25 September 2026.

10.1. The particulars are referred to further in these closing submissions. But overall it is adopted:

10.2. that the Crown was told in 2017 what recognition of the role of Māori in emergency management required, accepted it and has not delivered it. Iwi and hapū still have no statutory standing in the system. The Crown has instead devolved the Treaty relationship to local authorities, without the resourcing, monitoring or accountability that devolution demands, and depends on marae and Māori capability in emergencies it does not fund[20]; and

10.3. The Crown has not discharged its duty to support Māori to respond to emergencies. The Crown relies upon marae and other Māori entities, such as Māori Wardens, to discharge a welfare function that the statute assigns to local authorities while providing no direct funding pathway, or standardised process.[21]

CLAIMANT EVIDENCE

On Climate Change impacts in her rohe

11. The claimant's evidence records her experience witnessing the effects of climate change in her rohe.[22] As tangata whenua, whānau, hapū, and iwi have obligations of kaitiakitanga and manaakitanga towards whenua, wai, maunga, and ngāhere in this rohe and have been directly affected by the lack of an adequate Crown's response to manage greenhouse gas emissions.[23]

12. The Claimant observes:[24]

[20]Wai 3325, #3.3.37 *Closing Submissions on Emergency Management,* At [4]
[21] At [32].
[22] Wai 3325, #A6, *Brief of Evidence of Jennifer Takuta-Moses,* dated 23 October 2024.
[23] At [15] – [16].
[24] At [21].

> The global climate changes have affected the Maunga, who are observed to be out of balance, including with respect to wildlife migrations. The annual migration of tītī flying to nest on Te Maunga Te Ahi is no longer witnessed. The inland waterways, lakes, and rivers have been a lifeline and food source for whānau, hapū and iwi and have been affected by the harsh weather patterns.

13. In this observation, the Claimant echoes the issues raised in the G*eneric Closing Submissions on Biodiversity.* Particular significance should be placed upon the articulation there of how environmental degradation directly impacts on the wellbeing, mauri and whakapapa of tangata whenua through the understanding of Te Orokohanga o te Ao.[25] These are themes that run through the Claimant's kōrero as well, and it is helpful at the outset of this kōrero to establish this foundation:[26]

> Harm to the soil is not merely an environmental effect to be weighed against others; it is harm to the substance from which the first human was shaped, and so harm to whakapapa itself.

14. It is against this tikanga foundation which the Crown's conduct falls to be assessed. As these submissions will survey, the Crown's failure to centre mauri, wellbeing and whakapapa in relation to environmental matters has meant that it continues to fail to discharge its duties under te Tiriti.

On Cyclone Gabrielle and Wairoa Flooding Events

15. Ms Moses' evidence also speaks to her personal experience of Cyclone Gabrielle, and the June 2024 Severe Flooding Event, in particular that:[27]

    15.1. many kāinga, marae, gardens, shops and businesses were destroyed;

[25] Wai 3325, #3.3.33, *Generic closing submissions on Biodiversity,* dated 23 September 2026, at [8]–[14].
[26] At [10], see also [136].
[27] Wai 3325, #A6, at [4] – [11].

15.2. communities were isolated for weeks due to the highways being closed;

15.3. many homes and properties were declared unliveable which saw many having to live in emergency housing and prefabricated pods;

15.4. the June flooding event in 2024 took out four streets of homes on the south side of Wairoa;

15.5. the Wairoa River Bar was closed preventing the river from flowing out toward the ocean causing it to flow back towards the town;

15.6. the numerous pine logs which had been left on the ground after harvesting flowed down the rivers blocking its flows and increasing the destructive nature of the cyclone and flooding in Wairoa; and

15.7. the impacts are more than just physical. They are spiritual, cultural, and social; creating a long journey towards recovery.

16. The Claimant's personal account is not overstated. The independent review of the Civil Defence response to the disaster found not only that the regional level emergency response had failed, but that the national emergency management system at a whole was not fit for purpose. [28]

17. The *Closing Submissions on Climate Impacts on Māori* confirmed that following the NISWE "a number of marae, and over twenty residential buildings located on whenua Māori, have been categorised by local authorities as having an intolerable risk to life from a future event."[29]

[28] Department of Internal Affairs, *Final Report of the Government Inquiry into the Response to the North Island Severe Weather Events* (23 April 2024); [28] Wai 3325, #A131, *Joint brief of evidence of Jenna Rachel Rogers and Dwain Gerard John Hindriksen,* dated 3 October 2025,at [170]

[29] Wai 3325, #A124 at [87]–[88].; Wai 3325, #3.3.39, *Closing Submissions on Climate Impacts on Māori*, at [100].

18. The subsequent review into the Wairoa flood response to the June 2024 event ("Bush Review") found that remote management and monitoring of the Wairoa River bar contributed significantly to the flooding impacts of Wairoa, and that the Hawkes Bay Regional Council (HBRC) did not communicate or include the community in decision-making nor listen to their concerns.[30] Management decisions for the river mouth are made in Napier/Hastings by the HBRC on the basis of infrequent physical inspections of the bar[31] and the risks of remote management of the bar were well known prior to this event.[32]

19. The report is congruent with Ms Moses' account and explains that the placement of the bar, the size of the river mouth, the heavy swell of the sea and the rainfall all caused the river mouth to back up and overflow, sending the water into low lying areas of the Wairoa township.[33]

CROWN EVIDENCE AND RESPONSE

20. The Crown's own evidence acknowledges that Māori are particularly vulnerable to the impacts of climate change, especially rural and remote communities.[34]

21. The findings that arose from the Inquiry into the North Island Severe Weather Events (NISWE) include:

    21.1. that the emergency management system is not fit for purpose to meet the frequent and severe weather events that New Zealand is facing;[35]

[30] Bush international Consulting, *Review of the Management of the Wairoa River Bar by Hawke's Bay Regional Council*, (30 August 2024) at 28.
[31] At 27-28.
[32] At 14.
[33] At p17.
[34] Wai 3325, #A134, *Brief of Evidence of Dr Andrew Olds* at [18]; Wai 3325, #A131 at [12]-[13]; Wai 3325, #A118 *Joint Brief of Evidence of Anne Haira and Gina Rangi,* dated 3 October 2025 at [13].
[35] Wai 3325, #A136, *Brief of evidence of Paul Barker,* dated 3 October 2025, at [94].

21.2. that iwi and Māori communities played a significant role in supporting those affected by the NISWE, particularly marae which served as centres for assistance despite having no formalised role in emergency management;[36] and

21.3. that there is a major disconnect between affected communities and Civil Defence agencies and the CDEM response was perceived as either absent or inadequate.[37]

22. Crown witness Katrina Casey acknowledged that:[38]

> The Wairoa District was particularly impacted by the NIWE, as it sits alongside one of the largest rivers in the region and faced extensive flooding. Damaged roads led to prolonged isolation.

23. The evidence of Paul Barker covers the June 2024 flooding events for Wairoa including the findings of the Bush Review.[39] He acknowledged the Claimant's evidence relating to the severe weather events and the lack of appropriate management of the natural hazards that harmed her community. [40] In his evidence, Mr Barker advises that $70 million of Crown funding was ringfenced in relation to flood mitigation solutions for Wairoa.[41]

24. In their written questions to the claimant, the Crown established that following the Bush Review:

24.1. a Crown manager was appointed to help progress flood protection works;

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[36] Wai 3325, #A149, *Brief of evidence of Paula Huia Rawiri,* dated 3 October 2025, at [68].
[37] Wai 3325, #A131, *Joint brief of evidence of Jenna Rachel Rogers and Dwain Gerard John Hindriksen,* dated 3 October 2025, at [172.2]
[38] Wai 3325, #A130, *Brief of evidence of Katrina Eileen Casey,* dated 3 October 2025, at [24].
[39] Wai 3325, #A136, at [122]-[127].
[40] At [93].
[41] At [127].

24.2. this included management of the Wairoa Bar through an Operational plan;

24.3. the Plan is intended to establish clear monitoring protocols and define trigger thresholds for managing the flooding risk;

24.4. as well as setting out communication protocols with the community.[42]

25. The Claimant acknowledges the practical steps taken to prepare Wairoa for the next emergency.

26. However, the Claimant's evidence is broader than the specifics of how the Wairoa River is managed by local authorities. The emphasis is that these events are attributable to climate change in the wider context of her iwi's relationship with their environment, including with the wai and maunga.

27. It is a firsthand testimony of the impacts on a community that run deeper than the physical loss of homes, although this is itself devastating, but also is an illustration of the cultural and spiritual impacts associated with witnessing these events. It is linked to the claim that, through failing to implement robust polices to mitigate greenhouse gas emissions, the Crown has failed to uphold their obligations owed to those represented in the Wairoa Māori Committee.

EMERGENCY MANAGEMENT REFORMS

28. The evidence of the Crown recognises the distinct capabilities of Māori and iwi during emergencies, including leadership and activation of marae to assist their communities.[43]

[42] Wai 3325, #A6(a), *Questions in writing to Jennifer Takuta-Moses,* dated 6 December 2024.
[43] Wai 3325, #A131, at [178].

29. As set out in the Generic Closing Submissions on *Local Government* and *Adaptation*, the Crown has accepted it needs to change, based both on the Ministerial Review in 2017, which found that iwi were excluded from official response mechanisms during emergenices where their response was rapid and that the government relied on their marae as critical community hubs while affording them no formal recognition; and the Government Inquiry into 2023 North Island Severe Weather Events.[44]

30. The evidence of Paula Rawiri details the Government's response that set out the programme for such change, including that the system needs to support the capacity and capability of iwi and Māori across emergency management. This was not just through resourcing their response capacity; recognition of Mātauranga Māori and manaakitanga can strengthen the outcomes of reduction, readiness, and recovery activities.[45]

31. Jenna Rogers and Dwain Hindrickson's evidence discussed the NEMA-led Emergency Management System Improvement Programme and the then Emergency Management Bill that would replace the current 2002 Civil Defence Emergency Management Act (CDEM Act).

32. In particular, Rogers and Hindricksen highlighted that the then Bill would strengthen the role of Māori in emergency management in several ways, including:

    32.1. through appointing members to the Coordinating Executive Group, the regional planning group who has knowledge of the interests and values of local Māori communities;

[44] Wai 3325, #A131 at [192] to [193]; Wai 3325, #3.3.38, *Generic closing submissions on Adaptation*, dated 25 September 2026, at [206]; Wai 3325, #3.3.37, *Generic closing submissions on Emergency Management,* dated 25 September 2026, at [13]-[14].
[45] New Zealand Government "Government response to the Report of the Government Inquiry into the Response to the North Island Severe Weather Events" (October 2024) in Wai 3325, #A149, at [69].

32.2. Emergency Management Committees, the local CDEM groups, would be required to engage with and involve representatives of Māori when developing emergency management plans;

32.3. in developing the national emergency management plan the Director-General of Emergency Management would be required to engage and seek advice from representatives of Māori.[46]

33. However, there is no Treaty Clause in either the previous 2002 CDEM Act or its replacement Emergency Management Act 2026. The Claimant supports the Generic Submissions made on this point. [47]

34. In their evidence before the Tribunal, NEMA witnesses stated that CDEM groups, now called Emergency Management Committees, will be "required to engage with and involve representatives of Māori in the development of their CDEM Group Plan."[48]

35. The 2026 Act, however, has no requirement for Māori representation. Only the Coordinating Executive Group, which is at the regional planning level, has a requirement for a person who has understanding of:

35.1. local perspectives of Māori and Māori communities in the area (including iwi and hapū, but not necessarily representing a particular iwi or hapū); and

35.2. their interests and values, including mātauranga Māori (Māori traditional knowledge) and tikanga Māori (Māori protocol and culture).[49]

36. This is fundamentally different to Māori representation, participation and decision-making at the crucial levels. Māori are not represented in

[46] Wai 3325, #A131(b), *Speaking notes for Jenna Rogers and Dwain Hindriksen,* dated 21 April 2026, at [22].
[47] Wai 3325, #3.3.37, at [16]-[18].
[48] Wai 3325, #A131(b), at [22].
[49] Emergency Management Act 2026, s 42(2)(f)(i)-(ii).

Emergency Management Committees and those who are appointed to the Coordinating Executive Group need only to have knowledge of the interests and values of local Māori communities; there is no requirement that they be representative of the mana whenua of the area. This raises serious concerns about the cultural mandate of those appointed to these groups.[50]

37. The other issue is that there may be multiple hapū in local and regional areas, and representation must be proportionate.

38. It is further submitted that Māori Committees have a role to play in representing Māori interests. The New Zealand Māori Council has an existing statutory mandate for representation for Māori rights and interests including Māori Comittees.[51] If resourced appropriately, each Māori Committee and District Council could play a local role in climate change assessment, adaptation planning, implementation, monitoring and partnering with local government.[52]

39. In this instance, the Wairoa Māori Committee should be represented in the making of emergency management plans in relation to the Wairoa rohe.

40. The Claimant supports the submission that:[53]

> Māori have no assured place in emergency management decision-making…… nine years after the Crown was told what recognition of the role of Māori in emergency management would require, it has rewritten the governing statute and provided none.

[50] Wai 3325 #A84, *Brief of Evidence of Dr Anthony Owen Cole me Onā Tīpuna*, dated 6 May 2025, at [88]; [103].
[51] Section 10 and 18 of the Māori Community Development Act 1962.
[52] Wai 3325, #A84, at [156].
[53] Wai 3325, #3.3.37, at [18].

WIDER ISSUES RELATING TO ADAPTATION AND EMERGENCY MANAGEMENT

41. The evidence of Crown witness Katherine Wilson discusses the climate risks that disproportionately impact Māori, as set out in the 2020 National Climate Change Risk Assessment ("NCCRA").[54]

42. Dr Cole's evidence explains that the 2020 NCCRA risks identified "are absent of a Māori cultural perspective of risk, including cultural reference points such as mauri, the wairua domain, and from other dimensions of Māori knowing".[55] This perspective was echoed by other Māori participants in engagement prior to the development of the NCCRA: "the current NCCRA is not positioned within a Māori framework and therefore the relationship of mātauranga Māori to the domains and their risks is unclear."[56]

43. Dr Shaun Awatere, alongside the Manaaki Whenua Land Care Research produced the *He huringa āhuarangi, he huringa ao: a changing climate, a changing world* report to supplement the initial NCCRA framework with a te ao Māori lens, and the new 2026 NCCRA includes a stand-alone Māori risk assessment *Ngā mea hirahira o te ao Māori* also produced by Manaaki Whenua Landcare Research Group.[57]

44. Despite this contribution, which attempts to resolve the shortcomings of the previous NCCRA, it is difficult to see how these frameworks will be utilised in decision-making for emergencies and adaptation planning

[54] Wai 3325, #A141, *Brief of Evidence of Katherine Mary Wilson,* dated 3 October 2025, at [49].
[55] Wai 3325, #A84(e), *Brief of evidence of Dr Anthony Owen Cole in reply to Crown evidence,* dated 4 March 2026, at [126].
[56] Ministry for the Environment *National Climate Change Risk Assessment for New Zealand – Method Report* (2020) , at 41-42.
[57] Manaaki Whenua – Land Care Research, Awatere et al. *He huringa āhuarangi, he huringa ao: a changing climate, a changing world* (2021); He Pou a Rangi Climate Change Commission *2026 National Climate Change Risk Assessment for Aotearoa New Zealand* (April 2026)

when Māori are not represented in the groups charged with decision-making in these areas.

45. As stated above, the Emergency Management Act 2026 does not provide for representation of local Māori in Emergency Management Committees, nor at the advisory tier in the Coordinating Executive Group, except to the extent that persons appointed must have some knowledge of Māori perspectives.

46. Similarly, while the Climate Change Response Amendment Bill 2026 requires territorial authorities to prepare adaptation plans for priority locations, there is no provision for representation of mana whenua or for recognition of Mātauranga Māori.[58]

47. Paul Barker's evidence pointed to the National Adaptation Framework (NAF) and the NEMA-led Emergency Management System Improvement Programme as the vehicle for assisting communities in preparing for and recovering from events like floods.[59]

48. However, as noted in the *Generic Closing Submissions on Adaptation*, there is no mention of either te Tiriti or Māori in the NAF, again demonstrating the gaps in how local knowledge systems are being incorporated into adaptation planning.[60]

Inherent contradictions

49. The Claimant makes the following submissions with regards to the above issues.

[58] Climate Change Response Amendment Bill 2026, ss 5ZY to 5ZZI; Wai 3325, #3.3.36, *Generic closing submissions on Local Government,* dated 25 September 2026, at [37].
[59] Wai 3325, #A136, at [107.1].
[60] Wai 3325, #3.3.38, at [61] – [62].

50. The Claimant submits that the Crown's position is characterised by a persistent disconnect between what it knows, what it acknowledges and what its subsequent actions are.

51. In its evidence, the Crown accepts that Māori are disproportionately vulnerable to the effects of climate change; that Māori communities face distinct and disproportionate impacts of climate risks; and that iwi, hapū, marae, and Māori communities generally have demonstrated significant leadership during emergency events, often providing frontline support where formal emergency management systems fell short. This is particularly evident in relation to NISWE.

52. The Crown has also accepted the findings of successive reviews and inquiries, including the 2017 Ministerial Review of Civil Defence Emergency Management, the Inquiry into the North Island Severe Weather Events, and the Bush Review following the June 2024 Wairoa flooding.[61] Those reviews consistently identified shortcomings in emergency management systems, failures to adequately engage with affected communities, and a lack of recognition of iwi and Marae capability and leadership in emergency response.[62]

53. The Crown's evidence further demonstrates that where engagement with Māori has occurred, clear and consistent feedback has been provided. Māori have identified the lack of decision-making authority, the absence of meaningful representation, and the failure to adequately incorporate te ao Māori perspectives into risk assessment, adaptation planning, and emergency management.[63]

54. The Crown is not without guidance. Available to it are the kaupapa risk assessment frameworks, such as the work of Dr Awatere and others, which seek to articulate climate risk through a te ao Māori lens. Despite

[61] [61] Wai 3325, #3.3.37, at [8]; [14];
[62] See above [24];[30].
[63] See above [43].

this, at the crucial time when legislative reform is occurring and opportunities for strenghting te Tiriti compliance are being presented, the Crown instead continues to erect barriers for Māori representation, participation and place in decision-making structures.

55. The use of marae during emergency events clearly illustrates this issue of disconnect. The Crown acknowledges the critical role of marae during emergency events, which was clearly demonstrated during Cyclone Gabrielle and in other NISWE.[64] It both relies on marae to be de facto civil defence centres, while simultaneously not providing recognition in its legislative framework, "providing neither the standing nor the resourcing that dependence requires".[65]

56. In the Claimant's particular circumstances, the Crown's response to the Wairoa flooding events illustrates the same difficulty. The Crown's written questions focused on changes to the operational management of the Wairoa River Bar and associated flood mitigation measures. While those matters are important, they do not fully engage with the concerns raised by the Claimant: that the experience of Cyclone Gabrielle and the 2024 Severe Flooding event are part of a wider climate reality including observable changes to the maunga, waterways, ecosystems, and the migration patterns of taonga species such as tītī.

57. The physical devastation caused by those climate emergency events sits alongside the ongoing cultural, spiritual, and intergenerational consequences of environmental disruption. The climate grief experienced by Māori communities may become most visible during catastrophic weather events, but it is also experienced through the gradual erosion of relationships with whenua, wai, maunga, and taonga species.

[64] Wai 3325, #A131, at [178].
[65] At [209]-[210].

58. The *Closing Submissions on Climate Impacts on Māori* put it this way:

> "Environmental degradation impacts hauora/oranga by eroding health-giving relationships with whenua and taonga species".[66]

59. Further it was stated: "When tikanga-based relationships to place are disrupted by climate-related damage, the result may be systemic harm to whanaungatanga and kaitiakitanga.?[67]

60. There is a resounding lack of cohesiveness in the Crown's approach to climate risk and emergency managements that continue to ignore Māori concepts of wellbeing and the wider cultural, spiritual and relational dimensions that recognise for oranga tangata means wai-ora, that is interconnection of healthy people with health of te taiao.

61. We also re-iterate what was articulated in the *Closing Submissions on Biodiversity* regarding the whakatauki: he patunga taiao, he patunga tangata:[68]

> The depleted forests, the sediment-laden harbours, the rivers stripped of oxygen, the species pushed to extinction as traversed in this inquiry are not harms separate from the people who whakapapa to them; they are wounds inflicted upon those people directly.

62. The Claimant therefore submits that the Crown's acknowledged understanding of Māori vulnerability, Māori capability, and Māori perspectives has not been matched with a corresponding recognition of Māori decision-making authority.

[66] Wai 3325, #3.3.39, *Closing Submissions on Climate Impacts on Māori*,At 253
[67] At [174].
[68] Wai 3325, #3.3.33, *Generic closing submissions on Biodiversity,* at [136].

COMMUNITY RESILIENCE IS MORE THAN INFRASTRUCTURE RESILIENCE

63. Under the National Adaptation Plan, Te Puni Kokiri is responsible for Action 9.9 in NAP: to "expand funding for Māori to build community resilience".[69]

64. However, the Crown admits in Paula Rawiri's evidence that this action is currently not being progressed due to other priorities.[70] Instead, the funding was consolidated into the Māori Development Fund, which prioritises business and economic development funding for Māori.[71]

65. Under cross-examination, Ms Rawiri emphasised that although the Maori Development Fund under the *Going for Growth* action plan had a focus on improving the producitivty of iwi and Māori assets, that did not mean it was incompatible or inconsistent with the adaptation action under the NAP for building community resilience.[72] Her evidence drew on examples of funding for solar panels and infrastructure strengthening for marae as meeting goals for both climate change resilience building and increased economic productivity.[73]

66. The Claimant acknowledges these two priorities can work together, however submits that, in and of itself, the government priority on economic development has narrowed the criteria for those securing funds for the purposes of climate resilience.

67. The evidence of the Crown has listed a number of funds that were initiated in response to NISWE investing in infrastructure on whenua Māori.[74] However, infrastructure investment alone is not enough.

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[69] Wai 3325, #A149, at [38.2].
[70] Ibid.
[71] Wai 3325, #3.3.38, at [145].
[72] Wai 3325, #4.1.11, *Hearing Week Seven Transcript,* 28 April 2026 – 1 May 2026, at 219-220.
[73] Wai 3325, #A149, [94].
[74] Wai 3325, #A141, *Brief of evidence of Katherine Mary Wilson,* dated 3 October 2025, at [82] – [88].

68. The Claimant submits that what constitutes community resilience for Māori is more than simply investing in infrastructure, including marae preparedness. The Crown has myopically focused on "infrastructure" in relation to resilience building for Māori communities falling well short of addressing communities needs.

69. Infrastructure including in particular housing and lifelines, and marae is of course an essential component to wellbeing, but recovery from and resilience to future weather events necessarily requires wraparound investment into psychosocial wellbeing.

70. In this regard the *Generic Closing Submissions on Climate Impacts on Māori* noted:

> Research has highlighted repeated damage to marae and urupā, particularly during extreme weather events can reduce the ability of marae and wāhi tapu to fulfil their roles, undermining spiritual well-being and intergenerational knowledge transfer.[75]

71. The National Adaptation Plan Progress Assessment (NAPPA24) undertaken by the Climate Change Commission in 2024 included a case study of Wairoa.[76]

72. That report emphasised the impact on wellbeing on Wairoa community following Cyclone Gabrielle and the continuing frequency of severe weather events. It noted:[77]

> We specifically heard that wellbeing is receiving too little focus and that longer-term health and social support were often overlooked. From a physical resilience perspective, we also heard that

[75] Wai 3325, #3.3.39, At [245]
[76] Climate Change Commission, *National Adaptation Plan Progress Assessment* (August 2024) at 143.
[77] At 143.

> investments in housing, infrastructure, and the local economy are needed to support the community to thrive over the long term.
>
> ….. We also heard that Treaty partnership can be a source of strength and resilience in the district and should be more effectively leveraged to bring longterm solutions for Wairoa that are led by the community.

73. The government's response to the NAPPA24 did not address the concerns raised in the report from Wairoa residents.[78]

74. Te Puni Kokiri's own frameworks such as the Tautuhi o Rongo framework emphasises the importance of engaging with not just iwi, but hapū and whānau and local communities.[79] It does not appear to have done so with regards to those in Wairoa. If it has, its idea of community resilience has failed to incorporate important hinengaro (psychosocial, spiritual) impacts for Māori communities in Wairoa and ongoing trauma associated with the event.

75. It also has at its disposal the Rauora framework, *He huringa āhuarangi, he huringa ao: a changing climate, a changing world* and *Ngā mea hirahira o te ao Māori,* all of which emphasise the centrality of wellbeing in line with a te Ao Māori worldview.[80] For example, the 2026 NCCRA *Ngā mea hirahira o te ao Māori* identifies the risks to mental health arising from climate-related displacement, disruption to tikanga, and environmental trauma, with studies emphasising the role that exercising

[78] Ministry for Environment, *Government Response to the Climate Change Commission report Progress report: National Adaptation Plan 2024* (January 2025).
[79] Wai 3325, #A149, at [12.3]; Wai 3325, #4.1.11, *Hearing Week Seven Transcript,* at 216-217.
[80] Wai 3325, #A141(a) MFE.008.0303 "Rauora Framework" at 1204-1207, [11]-[14]; Manaaki Whenua – Land Care Research, Awatere et al. *He huringa āhuarangi, he huringa ao: a changing climate, a changing world* (2021), see for example section on Oranga Tangata;

tino rangatiratanga and collective identity play in buffering against psychological harm, particularly during emergencies.[81]

76. We note the *Generic Closing Submissions on Climate Impacts on Māori* have stated:[82]

    76.1. Climate-related displacement, disruption to tikanga, and environmental trauma pose serious risks to mental health.

    76.2. Emotional and mental well-being is degraded by climate-exacerbated economic vulnerability and exclusion from decision-making processes

    76.3. The effect is to amplify feelings of powerlessness and solastalgia (emotional distress from negatively perceived environmental change.)

    76.4. These protective mechanisms are further undermined when Māori governance is excluded from adaptation planning.

77. The Crown would have been aware of the findings from the 2018 *He Ara Oranga: Report of the Government Inquiry into Mental Health and Addiction* that identified Māori and rural communities among the most vulnerable groups experiencing adverse mental health. [83] It would be a reasonable expectation the Crown would understand these vulnerabilities would be exacerbated by climate related emergencies such as Cyclone Gabrielle and Wairoa Flooding.

78. It should therefore be obvious that infrastructure resilience is not a functional equivalent to community resilience.

[81] He Pou a Rangi Climate Change Commission
Shaun Awatere and others *Ngā mea hirahira o te ao Māori: Climate change risks to the Māori domain, National Climate Change Risk Assessment 2026* at 85.
[82]Wai 3325, #3.3.39, At [246]-[250].
[83]*He Ara Oranga* Report of the Government Inquiry into Mental Health and Addiction (2019) at 70-72.

79. Counsel for the Claimant asked Ms Rawiri whether the Māori Development Fund has an element that would be available to fund mental health support, including following natural hazard events.[84]

80. In her written answer, Ms Rawiri set out that:[85]

> the Community Resilience element of the Māori Development Fund seeks to:
>
> - support marae with governance and development plans that align with their aspirations;
> - assist marae to be self-sufficient in emergencies;
> - increase rangatahi in employment, education, and formal training pathways; and
> - support initiatives of national or regional significance that preserve, promote, and advance Te Ao Māori.

81. She further advised that the Te Puni Kōkiri investments team advised that community initiatives that would cover mental health support following natural hazard events could be considered where the initiative achieved one of the outcomes that the Māori Development Fund seeks to support.[86]

82. The Claimant submits that there are several issues with this.

83. The evidence of the Crown witness emphasised that the delivery approach of Te Puni Kokiri ('TPK") was to be whānau centred, locally-led and government-enabled:[87]

[84] Wai 3325, #4.1.11, *Hearing Week Seven Transcript,* at 221.
[85] Wai 3325, #A149(c), *Paula Rawiri's answers to questions in writing from hearing week seven,* dated 28 May 2026, at [23].
[86] At [24].
[87] Wai 3325, #A149, at [12.4].

> which recognises that whānau are best placed to determine their goals, aspirations, priorities; and needs and that solutions which work best for whānau often need to be driven from within their hapori and delivered by non-government groups with strong community links.

84. It is plain from the Climate Change Commission's assessment, which the government has access to, that there is a lack of focus on wellbeing in the aftermath of severe weather events, as was the case at Wairoa. Whether this should be addressed by another government agency other than Te Puni Kokiri is another matter, but rather than working with priorities articulated by the community, TPK has set a top-down approach where mental health support can only be provided where it meets the prescribed criteria described at [86] above.[88]

85. A barrier is immediately erected for the community who has articulated what their needs are; in order to access funds, they must jump through hoops. Given the nature of the problem (detrimental mental health), a community that is possibly operating in survival mode in the wake of recovering from such a disaster would lack capacity to pursue these avenues to access resources. The better approach would be that their local councils, Te Puni Kōkiri, and even the CDEM groups work with communities to provide the assistance of accessing funds and navigate the associated bureaucratic hurdles.

86. The *Generic Closing Submissions on Biodiversity* highlights that the Crown has a siloed perception and approach to Climate Change in the context of developing and implementing climate policy, biodiversity policy and Treaty policy.[89]

[88] Wai 3325, #A149(c), at [23].

[89] Wai 3.3.33, at [91]; [100]; [115]; and [128].

87. It is submitted the same applies in this context between Climate policy, health, in particular mental health, community well-being and climate change.

88. The Generic submissions on Adaptation have already established the issues with the Health National Adaptaion Plan (HNAP).[90] There is an intersection and overlap between what is required in health services and what is required by adaptation policies. The visibility of the issue should not be lost or deprioritised by government agencies simply because it is harder to address than rebuilding or strengthening infrastructure.

89. Rather than putting the onus back onto the communities affected, requiring them to seek funding for initiatives, targeted funding and programmes should be co-designed and implemented proactively to empower communities to lead and foster resilience and leadership themselves where vulnerable communities have already been identified.

90. The Claimant submits that given the strain on the health system, facilitation of programmes aimed at strengthening community resilience in wellbeing cannot be simply put into the Ministry of Health's ambit but should be inbuilt into Te Puni Kōkiri's functions in their responsibility under NAP for community resilience building and specifically focusing on Māori mental health and wellbeing services. This is already aligned with the whanau-centred approach posited in Rawiri's evidence.

91. There is an additional issue with the element of funding going towards assisting marae to be self-sufficient in emergencies. If funds are being prioritised over one another, then marae preparedness, where marae are relied on by emergency management and local authorities for de facto civil defence community hubs during times of emergencies, should not be tagged within a fund for community resilience for Māori communities. That is because the investment into marae to prepare for

[90] Wai 3325, #3.3.38, see [[179]-[184]

emergencies is not in itself for the benefit of Māori exclusively, and there is a risk that funds ringfenced for Māori communities will be conflated with preparedness for emergencies that the government is responsible for, for the benefit of all peoples in that area.

SPECIFIC FINDINGS AND RECOMMENDATIONS SOUGHT

92. The Claimant therefore respectfully seeks the following findings from the Tribunal:

92.1. the Crown has failed to adequately protect the Māori community in Wairoa from the foreseeable and escalating impacts of climate-related severe weather events;

92.2. the Crown failed to ensure that the Māori community in Wairoa, including the Wairoa Māori Committee, were meaningfully involved in decision-making concerning flood risk management, emergency preparedness, response, and recovery. This failure contributed to outcomes that were inconsistent with the principles of partnership, active protection, and tino rangatiratanga guaranteed under Te Tiriti o Waitangi;

92.3. the Crown has failed to translate their acknowledgements that Māori are disproportionately vulnerable to the impacts of climate change and that iwi, hapū, marae, and Māori communities play a critical role during emergency events into statutory recognition or shared decision-making authority;

92.4. the Emergency Management Act 2026 does not provide sufficient mechanisms to ensure Māori representation, participation, or decision-making authority within emergency management structures, which directly affects Māori communities such as Wairoa where decisions regarding flood risk management,

emergency preparedness, and recovery directly and significantly affect them;

92.5. the Crown's approach to climate adaptation and community resilience disproportionately focuses on physical infrastructure while failing to adequately recognise and address the cultural, spiritual, psychosocial, and intergenerational impacts experienced by Māori communities; and

92.6. despite the development of Māori-led frameworks and evidence identifying the importance of mātauranga Māori, tikanga Māori, and Māori concepts of wellbeing in understanding and responding to climate risks, the Crown has failed to meaningfully incorporate these into climate adaptation and emergency management decision-making. As a result, the concerns raised by the Claimant regarding observable changes to te taiao, including waterways, maunga, and taonga species within the Wairoa rohe, are not adequately reflected in the systems and frameworks intended to respond to climate change.

93. The Claimant respectfully seeks recommendations that the Crown:

93.1. amend emergency management legislation and policy to provide for meaningful Māori representation and participation in emergency management decision-making structures, including Emergency Management Committees;

93.2. formally recognise and resourced Māori Wardens within New Zealand's emergency management framework. The Claimant supports this recommendation as advanced in the Generic Emergency Management submissions;

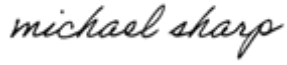
93.3. direct relevant agencies to develop targeted programmes for Māori mental health and wellbeing in communities that are

identified as particularly vulnerable to climate-related hazards, including communities such as Wairoa that have experienced repeated severe weather events and associated displacement and trauma.

93.4. Further, the Claimant presented on behalf of the New Zealand Māori Council, at the Wai 3300, Constitutional Inquiry Wānanga in Gisborne in April 2025, presenting the position that climate change requires constitutional change.[91] We need a constitution that acknowledges both that the future is one of climate change, and that to respond to that crisis, our constitution must embed a different relational understanding with te taiao, including embedding tikanga values into constitutional frameworks.

93.5. The Claimant also supports the recommendations put forward in the closing submissions for Wai 2607 and 3413, the New Zealand Māori Council.

Dated at **Wellington** this 5 October 2026.



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[91] Wai 3300, #B6(b).