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)

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

5 October 2026

RECEIVED
Waitangi Tribunal
6 Oct 26
Ministry of Justice
WELLINGTON

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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)

MAY IT PLEASE THE TRIBUNAL

1. This synopsis of closing submissions are filed on behalf of Jennifer Takuta-Moses (the Claimant) and the Wairoa Māori Committee. The claimant endorses and adopts the closing submissions for the other claims under the umbrella of the New Zealand Māori Council, including the *Generic Closing Submissions on Mitigation Policies.*

2. These submissions materially cover the claimant's evidence recording her experience witnessing the effects of climate change in her rohe.[1]

3. They cover the issues relating to climate change impacts on her rohe, and the events of Cyclone Gabrielle and Wairoa Flooding in 2024.

4. The submissions traverse the Crown's own evidence acknowledging Māori are particularly vulnerable to the impacts of climate change, especially rural and remote communities[2] and the findings from the Inquiry into the North Island Severe Weather Events (NISWE).

5. 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.

6. Specific submissions are made with respect to:

7. Emergency Management Reforms;

8. Wider issues relating to adaptation and emergency management;

9. Community resilience being more than infrastructure resilience;

[1] Wai 3325, #A6, *Brief of Evidence of Jennifer Takuta-Moses,* dated 23 October 2024.
[2] 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].

10. Submissions on the inherent contradictory nature of the Crown's response in relation to the above issues.

CLAIMANT EVIDENCE – [11]-[15].

11. 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.[3]

12. The Claimant observes:[4]

> 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.* it is helpful at the outset of this kōrero to establish this foundation:[5]

> 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.

Emergency Management Reforms

14. The Claimant submits that iwi and Māori communities played a significant role in supporting those affected by the North Island Severe Weather Events (NISWE), particularly marae which served as centres for

[3] At [15] – [16].
[4] At [21].
[5] At [10], see also [136].

assistance despite having no formalised role in emergency management.[6]

15. Despite this the emergency management framework does not formally recognise Māori leadership in responding to emergencies. The Claimant supports the submission that:[7]

> 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.

16. 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.[8] 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.[9]

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

Wider issues relating to adaptation and emergency management [41]-[48]

18. there are now several versions of the National Climate Change Risk Assessment, both from 2020 and more recently 2026, which includes a stand-alone Māori risk assessment framework developed by Shaun Awatere and others through Manaaki Whenua Landcare Research. It emphasises that Māori:

[6] ([68] Rawiri);
[7] Wai 3325, #3.3.37, at [18].
[8] Section 10 and 18 of the Māori Community Development Act 1962.
[9] Wai 3325, #A84, at [156].

18.1. face significant climate risks;

18.2. are disproportionately likely to be impacted by climate change;

18.3. make up significant rural and coastal communities who again are disproportionately vulnerable to severe climate induced weather events; and

18.4. place different importance on specific risks including risks to mental health and wellbeing.

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

Inherent contradictions [49]-[62]

20. 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.

21. 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.

22. 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.

23. The Claimant 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.

Community resilience is more than infrastructure resilience [63]-[91]

24. The Claimant submits on the Government's narrow focus on funding community resilience with regards to Climate Change. Community resilience funds for Māori communities are administered through Te Puni Kokiri with an overwhelming focus on infrastructure resilience rather than broader community resilience building which recognises the importance of wellbeing, in particular mental health. This is a crucial issue in the aftermath of disasters due to trauma.

25. The Crown 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.[10] 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 tino rangatiratanga and collective identity play in buffering against psychological harm, particularly during emergencies. narrow criteria for funding, create barriers for investment into mental health initiatives.

26. The Crown would have been aware of the findings from the 2018 *He Ara Oranga: Report of the Government Inquiry into Mental Health and*

[10] 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;

Addiction that identified Māori and rural communities among the most vulnerable groups experiencing adverse mental health. [11] 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.

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

Specific Findings and Recommendations Sought [92]-[93].

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

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

    28.2. 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;

    28.3. 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;

[11] *He Ara Oranga* Report of the Government Inquiry into Mental Health and Addiction (2019) at 70-72.

28.4. 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;

28.5. 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

28.6. 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.

29. The Claimant respectfully seeks recommendations that the Crown:

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

29.2. 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;

29.3. 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.

30. Further, the Claimant presented at the Wai 3300, Constitutional Inquiry Wānanga in Gisborne in April 2025, presenting the position that climate change requires constitutional change. 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.

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

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

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