IN THE WAITANGI TRIBUNAL	**WAI 3325**
CONCERNING	the Treaty of Waitangi Act 1975
AND	
IN THE MATTER OF	The Climate Change Priority Inquiry (Wai 3325)

GENERIC CLOSING SUBMISSIONS RELATING TO MĀORI ENGAGEMENT

Dated this 6th day of October 2026

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MAY IT PLEASE THE TRIBUNAL

Introduction

1. These generic claimant submissions address the issue for determination: "How has the Crown engaged with Māori on climate change policies, in light of its Tiriti/Treaty obligations?"[1]

2. We submit that the Crown has and continues to fail to fulfil its Treaty/Tiriti obligations to consult with Māori over climate change issues. In doing so, the Crown has also failed to fulfil its obligations under s 3A of the Climate Change Response Act 2002 ("the CCRA").

3. In summary, our submissions are that:

   (a) Past consultation has tended be a 'tick box' exercise of going through consultation procedure without properly taking into account the views of Māori.

   (b) Aotearoa New Zealand's First Emissions Reduction Plan and Climate Change Adaption Plan stated intention to create a platform for Māori climate action and for independent Māori representation on climate change issues. This led to the development of an independent Māori entity as *Māori Climate Platform* by 2023. However, the current National-led Government discontinued this and used the allocated funding for Government-controlled spending on Māori-related climate change projects which will not continue past 2027.

   (c) To date, Government consultation with Māori has largely been restricted to providing information and seeking feedback from the National Iwi Chairs Forum ("the NICF"). This approach fails to consult with Māori not associated with the NICF.

Te Tiriti Obligations to Consult with Māori

[1] Wai 3325, #1.4.3 at [3.5].

4. Other claimant counsel have filed separate generic claimant submissions on the Crown's te Tiriti obligations towards Māori in relation to climate change issues. We support those submissions.

5. Further, the Crown has the below obligations under te Tiriti to consult and otherwise engage with Māori regarding climate change issues, in accordance with the jurisprudence of past Tribunals.

6. Māori engagement at "an early stage of policy development is a crucial element" of partnership and good faith under the Treaty/te Tiriti.[2] The Crown's active protection of Māori interests under the Treaty/te Tiriti requires proactive and full consultation with Māori, and, where appropriate, decision-making by Māori.[3]

7. Previous Tribunals have found that "Where there is an overlap or intrusion into the rangatiratanga sphere contemplated by Crown action or policies, open dialogue and engagement with Māori is required. This constitutional positioning of the Treaty/te Tiriti Māori–Crown relationship means that the Crown is required to engage with Māori on such important policies and to recognise and give effect to the guarantee of tino rangatiratanga in statute law." [4] The interface of the tino rangatiratanga and kāwanatanga spheres of authority "is 'governed by the Treaty principles of partnership and reciprocity' and requires 'negotiation and compromise on both sides'. The Crown's kāwanatanga right to make laws does not supersede tino rangatiratanga – the two spheres of authority must exist in equilibrium."[5]

8. The Crown's "failure to engage meaningfully with Māori raises questions about [the] integrity" of the topic of engagement.[6]

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[2] Te Rōpū Whakamana i te Tiriti o Waitangi | Waitangi Tribunal *Te Tinihanga o ngā Mātāpono* (Wai 3565, 2026) at p 158.
[3] Te Rōpū Whakamana i te Tiriti o Waitangi | Waitangi Tribunal *Te Tinihanga o ngā Mātāpono* (Wai 3565, 2026) at p 23.
[4] Te Rōpū Whakamana i te Tiriti o Waitangi | Waitangi Tribunal *Ngā Mātāpono/The Principles: The Interim Report of the Tomokia Ngā Tatau o Matangireia – the Constitutional Kaupapa Inquiry Panel on the Crown's Treaty Principles Bill and Treaty Clause Review Policies* (Wai 3300, 2024) at p 71.
[5] Te Rōpū Whakamana i te Tiriti o Waitangi | Waitangi Tribunal *Te Tinihanga o ngā Mātāpono* (Wai 3565, 2026) at p 168.
[6] Te Rōpū Whakamana i te Tiriti o Waitangi | Waitangi Tribunal *Hūtia te Rito o te Harakeke, kei Hea te Kōmako e Kō?* (Wai 3553, 2026) at p 165.

9. In its *Hūtia te Rito* report, the Tribunal found that meaningful Crown engagement with Māori requires sufficient time and pace to ensure the policy "is fit for purpose" and enables Māori groups to understand and meaningfully respond to the Crown's proposals."[7] The Crown must consult on matters which substantively impact Māori to fully understand the impacts of policy change on Māori.[8]

10. Previous collaboration or co-design with Māori, even where substantial, does not omit the need for later genuine and meaningful input from Māori for later policy development.[9]

11. The extent of consultation necessary depends on the nature of the Crown's proposed policy decisions. On some occasions, "the Māori Treaty interest is so central and compelling that engagement should go beyond consultation to negotiation aimed at achieving consensus, acquiescence or consent".[10]

12. The Crown should adjust its method of consultation where it is found unacceptable to Māori.[11]

13. The Tribunal in its *Te Tinihanga o ngā Mātāpono* report found that meaningful and respectful consultation involves actively reaching out to a range of Māori groups and providing multiple forums for feedback.[12]

14. Further in its *Te Tinihanga o ngā Mātāpono* report, the Tribunal found that the duty to consult required Ministers to genuinely engage with advice provided by officials.[13]

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[7] Te Rōpū Whakamana i te Tiriti o Waitangi | Waitangi Tribunal *Hūtia te Rito o te Harakeke, kei Hea te Kōmako e Kō?* (Wai 3553, 2026) at pp 61, 149 and 150.
[8] Te Rōpū Whakamana i te Tiriti o Waitangi | Waitangi Tribunal *Te Tinihanga o ngā Mātāpono* (Wai 3565, 2026) at p 29.
[9] Te Rōpū Whakamana i te Tiriti o Waitangi | Waitangi Tribunal *Hūtia te Rito o te Harakeke, kei Hea te Kōmako e Kō?* (Wai 3553, 2026) at pp 147, 149 and 165.
[10] Te Rōpū Whakamana i te Tiriti o Waitangi | Waitangi Tribunal *Ko Aotearoa Tēnei: A Report into Claims concerning New Zealand Law and Policy Affecting Māori Culture and Identity, Taumata Tuatahi* (Wai 262, 2011) at p 237.
[11] Te Rōpū Whakamana i te Tiriti o Waitangi | Waitangi Tribunal *Te Tinihanga o ngā Mātāpono* (Wai 3565, 2026) at p 22.
[12] Te Rōpū Whakamana i te Tiriti o Waitangi | Waitangi Tribunal *Te Tinihanga o ngā Mātāpono* (Wai 3565, 2026) at p 29.
[13] Te Rōpū Whakamana i te Tiriti o Waitangi | Waitangi Tribunal *Te Tinihanga o ngā Mātāpono* (Wai 3565, 2026) at p 27.

15. In its *Hūtia te Rito* report, the Tribunal positively referred to how the Crown had previously conducted sector-wide engagement and expertise from across Aotearoa of both Māori and tāngata Tiriti, including the mobilisation of peak bodies.[14]

16. The Crown's engagement with a ministerial advisory group is not a substitute for broader engagement with Māori professionals, hapū or iwi.[15]

17. Further, the Crown's exclusion of prominent subject-matter experts, including Māori, in policy development can jeopardise the Crown's Treaty/Tiriti obligations.[16]

18. The Tribunal in its *Hūtia te Rito* report was concerned that the disestablishment of contributing groups removed an opportunity for the Crown to listen to Māori concerns from the education sector.[17]

19. Further, the *Hūtia te Rito* report found that meaningful Crown engagement with Māori means the Crown should produce evidence regarding how Māori advice and mātauranga Māori had informed the relevant policy decision.[18]

20. Previous Tribunals have found that reliance on the select committee stage as the sole means of consultation is not "sufficient to discharge the Crown's obligations to meaningfully consult Māori" and "dishonour[s] the very basis of the [Treaty/Tiriti] agreement itself."[19]

21. The Tribunal in its *Te Tinihanga o ngā Mātāpono* report found that the dependence of select committees on political will of dominant Government members means it could "understand why claimants and

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[14] Te Rōpū Whakamana i te Tiriti o Waitangi | Waitangi Tribunal *Hūtia te Rito o te Harakeke, kei Hea te Kōmako e Kō?* (Wai 3553, 2026) at p 150.
[15] Te Rōpū Whakamana i te Tiriti o Waitangi | Waitangi Tribunal *Hūtia te Rito o te Harakeke, kei Hea te Kōmako e Kō?* (Wai 3553, 2026) at p 162.
[16] Te Rōpū Whakamana i te Tiriti o Waitangi | Waitangi Tribunal *Hūtia te Rito o te Harakeke, kei Hea te Kōmako e Kō?* (Wai 3553, 2026) at p 159.
[17] Te Rōpū Whakamana i te Tiriti o Waitangi | Waitangi Tribunal *Hūtia te Rito o te Harakeke, kei Hea te Kōmako e Kō?* (Wai 3553, 2026) at p 161.
[18] Te Rōpū Whakamana i te Tiriti o Waitangi | Waitangi Tribunal *Hūtia te Rito o te Harakeke, kei Hea te Kōmako e Kō?* (Wai 3553, 2026) at p 162.
[19] Te Rōpū Whakamana i te Tiriti o Waitangi | Waitangi Tribunal *Te Tinihanga o ngā Mātāpono* (Wai 3565, 2026) at pp 29 and 164.

interested parties in the present inquiry do not believe a select committee process would protect Māori rights and interests".[20] This is because, as the Tribunal found in the Marine and Coastal Area (Takutai Moana) Act 2011 Inquiry Stage 2 Report, the Crown must reconcile its consultation obligations with everyday political challenges, as "Party politics must bow to the principles of the Treaty, not the other way around."[21]

22. The responsibility to consult is elevated and must be targeted when the Crown does not know the specific impacts a legislative change may have on Māori.[22]

23. Crown consultation with Māori must be transparent to uphold the Crown's duty of good government. Transparency involves full communication of policies to Māori and keeping "Māori apprised of developments in this process as they occurred."[23]

24. In its *Te Tinihanga o ngā Mātāpono* report, the Tribunal did not share the Minister's confidence that targeted engagement with the NICF prior to the introduction of legislation, even when combined with select committee processes, constituted meaningful consideration of Māori views.[24]

25. The Tribunal further found that "even if the Crown had engaged earlier with the National Iwi Chairs Forum, that approach would not have constituted Treaty/Tiriti-compliant consultation with Māori. As the NICF Statement of Engagement itself acknowledges, consultation between the Crown and NICF 'does not replace or usurp the Crown's responsibilities to individual iwi and hapū'."[25]

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[20] Te Rōpū Whakamana i te Tiriti o Waitangi | Waitangi Tribunal *Te Tinihanga o ngā Mātāpono* (Wai 3565, 2026) at p 163.
[21] Te Rōpū Whakamana i te Tiriti o Waitangi | Waitangi Tribunal *The Marine and Coastal Area (Takutai Moana) Act 2011 Inquiry Stage 2 Report* (Wai 2660, 2024) at p 61.
[22] Te Rōpū Whakamana i te Tiriti o Waitangi | Waitangi Tribunal *Te Tinihanga o ngā Mātāpono* (Wai 3565, 2026) at p 30.
[23] Te Rōpū Whakamana i te Tiriti o Waitangi | Waitangi Tribunal *Te Tinihanga o ngā Mātāpono* (Wai 3565, 2026) at p 160.
[24] Te Rōpū Whakamana i te Tiriti o Waitangi | Waitangi Tribunal *Te Tinihanga o ngā Mātāpono* (Wai 3565, 2026) at p 161.
[25] Te Rōpū Whakamana i te Tiriti o Waitangi | Waitangi Tribunal *Te Tinihanga o ngā Mātāpono* (Wai 3565, 2026) at pp 162 and 167.

Engagement Provisions in the Climate Change Response Act 2002

26. Section 3A of the CCRA refers to several provisions in the Act intended to "recognise and respect the Crown's responsibility to give effect to the principles of the Treaty of Waitangi". These include the following provisions relating to consultation with Māori:

(ad) with respect to sections 5ZG and 5ZI (which require the Minister to prepare and publish an emissions reduction plan), the Minister must include in a emissions reduction plan a strategy to recognise and mitigate *the impacts on iwi and Māori of reducing emissions and must ensure that iwi and Māori have been adequately consulted on the plan.*

(b) with respect to the following provisions (which relate to powers to make secondary legislation), before recommending the making of secondary legislation, under those provisions, the Minister must consult, or be satisfied that the chief executive has consulted, representatives of iwi and Māori that appear to the Minister or chief executive likely to have an interest in the secondary legislation:

(i) [Repealed]
(ii) section 30G(1)(b)(i), (c), (j), or (k) (dealings with units under Part 2):
(iii) section 30GA (auctions to sell New Zealand units):
(iv) section 30GB (limits and price controls for units):
(v) section 30GD (auction monitor):
(vi) section 30M (infringement offences):
(via) section 30W(1)(a) (price of carbon):
(vii) section 60 (exemptions in respect of activities listed in Schedule 3):
(viii) section 60A (exemptions for participants in standard forestry or permanent forestry):
(ix) section 84A or 84B (phase-out rates for eligible industrial activities):
(x) section 161D(1)(a) (notice specifying description of activity in relation to industrial allocations), unless the only purpose of the notice is to require persons to provide electricity-related contracts or any information related to those contracts:
(xa) section 161FA(6) (assumptions for the model used to determine the electricity allocation factor):

(xi) [Repealed]

(xii) section 162 (adding further activity to Part 2 of Schedule 4):

(xiii) section 163 (methodologies and verifiers):

(xiv) section 164 (unique emissions factors):

(xv) section 168(1)(nb) (New Zealand's best practice forest management):

(xva) section 180G (exemptions for deforestation of land with tree weeds):

(xvi) section 181W (P90 offsetting):

(xvia) section 190F (pecuniary penalty for clear-felling):

(xviab) section 190KZE (regulations for changing annual hectare limit):

(xvib) section 191I (averaging):

(xvic) section 192U (P89 offsetting):

(xvid) section 193R (temporary adverse event suspensions):

(xvii) section 194B (input returns):

(xviii) section 196F (forestry classifications):

(xix) section 244 (exemptions from payment of synthetic greenhouse gas levy):

(xx) section 246(1)(a) to (e) (synthetic greenhouse gas levy):

(xxi) section 258 (verifiers):

27. We support the submission in the Generic Submissions on te Tiriti obligations that s 3A of the CCRA is not definitive of the Crown's te Tiriti obligations concerning climate change.

Required Standard of Engagement with Māori

28. **Anthony Cole**, the founding director of Te Toi Ōhanga: the New Zealand Institute of Māori Economic Development and Innovation, gave evidence that Crown engagement with Māori about climate change policy and planning required not mere consultation, but "co-design"[26] that "would have provided the Māori Treaty/Te Tiriti partner an

[26] Brief of Evidence of Dr Anthony Owen Cole me onā Tīpuna (Wai 3325, #A84) at [90].

opportunity to *be part of the **design,** focus, and priorities of* a climate change response."[27]

29. He stated that such co-design with Māori should have begun at an "early stage in a climate change response",[28] and would have involved the following:[29]

> *(i) the equal Treaty/Te Tiriti partnership status of Māori had been acknowledged, (ii) Māori had been viewed as 'essential' to the success of addressing this problem, (iii) there had been recognition of the importance of free, prior and informed– 'early' engagement and co-created process, (iv) the Crown had worked in a way that expressed trust and confidence (i.e., good faith) in the risk perceptions of the Māori Treaty/Te Tiriti partner, (v) the Crown had remembered the importance of 'not letting a good crisis go to waste' and had recognised that climate change presented an opportunity for mutually beneficial value creation and finally, (vi) the Crown had been mindful of our national 'origin narrative' and the just grounds that existed for extra care, additional diligence, deeper inquiry into the causes of our past failures and determined effort to right past wrongs.*

30. **Anthony Cole** contrasted this co-design approach which would have been compliant with the Treaty/te Tiriti with the reality of the Crown's climate response, being "a carbon-offset assisted, business-as-usual, low risk, economically efficient response, aimed at avoiding climate change risk for New Zealand's largest export earner" that did not afford "the Māori Treaty/Te Tiriti partner … the attention they deserve and need."[30]

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[27] Brief of Evidence of Dr Anthony Owen Cole me onā Tīpuna (Wai 3325, #A84) at [92], emphasis in original.
[28] Brief of Evidence of Dr Anthony Owen Cole me onā Tīpuna (Wai 3325, #A84) at [95].
[29] Brief of Evidence of Dr Anthony Owen Cole me onā Tīpuna (Wai 3325, #A84) at [93].
[30] Brief of Evidence of Dr Anthony Owen Cole me onā Tīpuna (Wai 3325, #A84) at [100].

31. In light of the evidence of **Anthony Cole** and the Crown's duty of consultation under te Tiriti as established in the Tribunal's jurisprudence, we submit that the Crown was obligated to proactively and fully consult with Māori at an early stage of climate policy development.

32. While the Crown may not have always been obligated to do so at the level of co-design, its engagement with Māori regarding climate policy should still have extended to decision-making by Māori in certain climate areas, including the management of taonga species.

33. Consultation should have included enough information, transparency and time to enable Māori to meaningfully engage. This consultation would have covered a range of Crown climate policy and action, across the prioritising, design and implementation phases.

34. The Crown should have adjusted its consultation modalities where Māori had raised concerns about them, for example by broadening consultation beyond the NICF, including with Māori subject matter experts and professionals.

35. Additionally, following consultation and building its understanding of official and Māori views, the Crown should have genuinely engaged with those views and advice and proactively shared how the relevant policy decisions were altered accordingly.

Māori Climate Platform

36. Aotearoa New Zealand's First Emissions Reduction Plan included a commitment to establish a Māori Climate Platform, and specifically:[31]

> *To build Te Tiriti partnership and greater recognition of Māori rights and interests, including Treaty settlement commitments, into the climate response, the Government will:*
>
> *establish an interim ministerial advisory committee to:*

[31] Ministry for the Environment *Aotearoa New Zealand's First Emissions Reductions Plan* (2022) at p 52.

support immediate strategic advice and expertise across climate response policy and work programmes that impact Māori

advise on a more enduring representative platform to help advance an equitable transition for Māori.

transition the platform to a more enduring form, developed with Māori, to provide a governance presence and strategic advice in emissions reduction plans and the national adaptation plan over the longer term.

37. **James Shaw** gave evidence of his role as Climate Change Minister from 2017 to 2023 in establishing the **Māori Climate Platform**. He gave evidence that:

    (a) "In March 2022, as one of a series of decisions leading to the publication of the Emissions Reduction Plan, the Cabinet Māori Crown Relations: Te Arawhiti Committee agreed to establish a Māori climate platform to activate kaupapa Māori and tangata Māori solutions to the climate crisis."[32]

    (b) He "was conscious that a Māori-led and Tiriti consistent approach meant that the Crown should not take the lead on the design of the Platform. … The Government therefore had the responsibility to initiate the Platform without dictating its design, naming or membership. To this end, the *Cabinet Māori Crown Relations: Te Arawhiti Committee* adopted a phased approach to the design and development of the Platform. Phase one was to establish an Interim Ministerial Advisory Committee, Māori Climate Platform (the Committee) to provide [him] with recommendations for a more enduring governance mechanism prior to seeking Cabinet agreement."[33]

[32] Brief of Evidence of Hon. James Peter Edward Shaw Dated 26 June 2025 (Wai 3325, #A115) at [8].
[33] Brief of Evidence of Hon. James Peter Edward Shaw Dated 26 June 2025 (Wai 3325, #A115) at [9]-[10].

(c) In November 2022 Cabinet appointed members to the Interim Committee, which was charged with designing the Platform.[34] Their terms of reference included that they were to:[35]

a. recommend a framework and mechanisms to embed Te Tiriti in the climate policy response and support the allocation of funding at-place, that helps communities plan and respond to climate change,

b. include appropriate structure, governance, and representation recommendations to support allocation and administration of $18M, as well as possible future funding to enable Māori climate action.

(d) "The Committee's recommendations were to be supported with evidence that they reflect feedback from Māori, and a plan for their implementation."[36]

(e) In August 2023, the Interim Committee presented their recommendations. The Interim Committee had established Oho Mauri Trust, which they recommended govern both the establishment and continuing operation of a Māori climate action platform.[37]

(f) On 2 October 2023, Cabinet agreed to the Oho Mauri Trust operating "as a mechanism for Māori representation and partnership in the climate response, and funder of Māori climate action over the longer-term."[38] "It was intended that the Trust would be independent, and the Crown's relationship and obligations under Te Triti [sic] remain with iwi, hapu [sic], and Māori landowners. The platform was also intended to be part of a multi-pronged approach to support Māori climate action and a Te

[34] Brief of Evidence of Hon. James Peter Edward Shaw Dated 26 June 2025 (Wai 3325, #A115) at [11]-[12].
[35] Brief of Evidence of Hon. James Peter Edward Shaw Dated 26 June 2025 (Wai 3325, #A115) at [12].
[36] Brief of Evidence of Hon. James Peter Edward Shaw Dated 26 June 2025 (Wai 3325, #A115) at [13].
[37] Brief of Evidence of Hon. James Peter Edward Shaw Dated 26 June 2025 (Wai 3325, #A115) at [14]-[15].
[38] Brief of Evidence of Hon. James Peter Edward Shaw Dated 26 June 2025 (Wai 3325, #A115) at [17].

Tiriti-led approach to an equitable transition for Māori through Aotearoa New Zealand's climate response."[39] Cabinet agreed to a budget of "$18m over the 23/24, 24/25 and 25/26 years and a further $10m for 26/27 and further 'outyears'."[40]

(g) "The Trust was to have a primary function to build the capacity of local Māori groups around the country to respond to climate change. A secondary function was to inform the Government's climate change policy based on this practical experience of working on the ground with Māori groups around the country. However, before this work could start, there was a change of Government".[41]

38. **Anne Haira and Gina Rangi**, employees of the Ministry of the Environment ("MfE"), gave the Crown evidence on the establishment of and later changes to the Māori Climate Platform by the subsequent National-led Government. Their evidence was that:

(a) MfE and the Oho Mauri Trust entered two Deeds of Contribution in December 2023. The first was for up to $2 million as operational funding to establish and operationalise the platform for financial years 23/24 and 24/25. The second was for up to $9 million for the Māori Climate Platform to pilot Māori climate initiatives, develop an enduring funding allocation framework for Māori climate initiatives, and to distribute funds for Māori climate initiatives in accordance with that framework.[42]

(b) By 28 February 2024, the Government considered that the Oho Mauri Trust was in breach of the milestones under Deed One. Milestone 1 was not met since while bank account details and a signed deed of trust were provided, the submitted operational budget and conflict of interest register were not to the MfE's satisfaction. Milestone 2 was not met as details of the employment

[39] Brief of Evidence of Hon. James Peter Edward Shaw Dated 26 June 2025 (Wai 3325, #A115) at [18].
[40] Brief of Evidence of Hon. James Peter Edward Shaw Dated 26 June 2025 (Wai 3325, #A115) at [20].
[41] Brief of Evidence of Hon. James Peter Edward Shaw Dated 26 June 2025 (Wai 3325, #A115) at [22].
[42] Brief of Evidence of Anne Haira and Gina Rangi (Wai 3325, #A118) at [151].

of a secretariat and staff were not provided. Milestone 3 was not met as the strategic plan was not to MfE's satisfaction.[43]

(c) On 14 March 2024, the Minister wrote to the Oho Mauri Trust outlining his concerns about progress and putting further work on hold. On 10 April 2024, the Minister met with Mike Smith, a co-chair of the trust. The Minister explained his intention to work on climate matters with Pou Take Āhuarangi (the climate change forum of the NICF) rather than the Oho Mauri Trust. Mike Smith maintained that the milestone had been met, and on 22 April 2024, the Oho Mauri Trust chairs wrote to the Minister warning of the reputational, funding and legal risks of making the changes advised by the Minister. The Minister then in May 2026 negotiated a work program with Pou Take Āhuarangi and on 31 July 2024, announced that the agreements with Oho Mauri Trust were to be terminated and the MfE was to carry out delivery of the Māori Climate Platform.[44]

(d) Under Stage 1 of the reset Māori Climate Platform program, Pou Take Āhuarangi recommended 5 climate-related pilot projects which MfE funded through the program's existing funding.[45]

(e) Under Stage 2, a funding application and criteria model was approved by the Minister in July 2025 with applications to be assessed by MfE and 'moderated' by a panel including Pou Take Āhuarangi, four government departments and an independent. Applications were invited from Post-Settlement Governance Entities and closed on 31 August 2025.[46]

(f) Under the Joint Work Program with Pou Take Āhuarangi, they are contracted over 3 years to provide climate change risk assessments, identify pilot projects and advise on the Emissions Reduction Plan and adaptation program.

[43] Brief of Evidence of Anne Haira and Gina Rangi (Wai 3325, #A118) at [154]-[162].
[44] Brief of Evidence of Anne Haira and Gina Rangi (Wai 3325, #A118) at [163]-[170].
[45] Brief of Evidence of Anne Haira and Gina Rangi (Wai 3325, #A118) at [176]-[187].
[46] Brief of Evidence of Anne Haira and Gina Rangi (Wai 3325, #A118) at [188]-[191].

39. The current government has made several cuts to the initial funding allocation of funding for the Māori Climate Platform and has not allowed for funding beyond 2026/27. Specifically:

(a) In the 2024 Budget, the $10 million funding for 'outyears' was removed as part of its baseline savings exercise.[47]

(b) In the 2025 Budget, $5 million was taken back from remaining funding.[48]

(c) The work program with Pou Take Āhuarangi is being funded from the budget.[49]

(d) **James Shaw** noted in his answers to questions in writing that in Budget 2026, the Government had allocated the remainder of the funding for the Māori Climate Platform to be spent during the 2027 year and announced that no decision had been made on funding beyond this.[50]

(e) On 28 July 2026, the Government announced that $1.36 million will be spent as a third stage of the Māori Climate Platform, presumed to be the remainder of the existing funding to be spent over 2027.[51] Details of the programme announced at the same time specifically state it has the support of Pou Take Āhuarangi.[52]

40. Evidence given in this inquiry has criticised Government policy regarding the Māori Climate Platform:

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[47] Letter from Ministry for the Environment to Tania Te Whenua (13 August 2025) (obtained under Official Information Act 1982 request to Ministry for the Environment).
[48] Letter from Ministry for the Environment to Tania Te Whenua (13 August 2025) (obtained under Official Information Act 1982 request to Ministry for the Environment).
[49] Letter from Ministry for the Environment to Tania Te Whenua (13 August 2025) (obtained under Official Information Act 1982 request to Ministry for the Environment).
[50] Responses to Questions in Writing from the Hon. James Peter Edward Shaw Dated 22nd June 2026 (Wai 3325, #A115(a)) at p 3; Te Ao Māori News *Māori Climate Platform funding axed in Budget* (3 June 2026).
[51] Ministry for Cities, Environment, Regions & Transport *Third stage of Māori Climate Platform funding confirmed* (28 July 2026).
[52] Ministry for Cities, Environment, Regions & Transport *Māori-led climate resilience* (20 August 2026).

(a) **James Shaw** in his evidence refers to the current government terminating the agreement with the Oho Trust to establish the Māori Climate Platform and the subsequent policy of using the funds budgeted to the platform for climate change related projects for Māori as approved by the Government. His view is that this is inconsistent with the approach agreed by the Government in the Emissions Reduction Plan, which was for a Māori-led response to climate change. He further noted that the change in approach had not been reflected in the second Emissions Reduction Plan.[53]

(b) **Anne Haira and Gina Rangi** in their evidence initially maintained that the Labour Government had not intended to establish a standalone Māori entity to lead Māori climate change initiatives and as such the reset of the Māori Climate Platform was in line with original intentions. However, they later conceded that a standalone independent entity as intended in the First Emissions Reduction Plan has yet to be established.[54]

(c) **James Shaw** in his answers to questions in writing stated that the current Government reducing the previously allocated funding for Māori Climate Platform and not continued funding beyond Budget 26.[55]

(d) **Dayle Takitimu** gave evidence that the Māori Climate Platform was effectively a unilateral creation of the Crown made to "run over" the rights of iwi and hapū,[56] and that the Crown's preferred structure of the Platform as a trust created constitutional issues for the Māori membership having "genuine accountability to iwi and Māori".[57]

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[53] Brief of Evidence of Hon. James Peter Edward Shaw Dated 26 June 2025 (Wai 3325, #A115) at [23].
[54] Transcript of Hearing Week 6 of Wai 3325 – Climate Change Priority Inquiry (Wai 3325, #4.1.10) at pp 249–250.
[55] Responses to Questions in Writing from the Hon. James Peter Edward Shaw Dated 22nd June 2026 (Wai 3325, #A115(a)) at p 3.
[56] Brief of Evidence of Dayle Takitimu in Support of Statement of Claim (Wai 3325, #A101) at [91]-[104].
[57] Brief of Evidence of Dayle Takitimu in Support of Statement of Claim (Wai 3325, #A101) at [115].

Undue Focus on Consultation with the National Iwi Chairs Forum

41. There has been a tendency for the Government to focus engagement with Māori concerning climate change issues upon the NICF and its climate change forum Pou Take Āhuarangi.

42. The NICF is made up of chairs of around 70 iwi groups many of whom have entered into treaty settlements with the Crown.

43. Evidence has been heard in this inquiry about Crown consultation and other engagement with the NICF over the period of New Zealand's Climate Change policy efforts:

    (a) **Chris Karemea Insley** provided evidence that he was the lead advisor on the Climate Change Iwi Leaders Group. He provided evidence that over the preceding decade the consultation with the Crown over climate change issue had been inadequate. He particularly referred to the Government not acting on issues raised by the ILG about floods of international credits crashing the price of domestic carbon units.[58]

    (b) In a further affidavit dated 29 March 2023, Mr Insley stated that the quality of Government consultation had not changed and continued to amount to 'tick boxing'. He specifically raised issues about the Government not listening to Māori over concerns about the proposal to end the permanent forestry category under the ETS.[59]

    (c) **Dayle Takitimu** in her brief of evidence dated 12 May 2025 and at hearing week three of this inquiry on Thursday 29 May 2025 provided evidence of her involvement with NCIF engagement with the Crown during 2020 to 2024.[60] Ms Takitumu's evidence was

[58] Affidavit of Chris Karamea Insley Dated 29th August 2017 (Wai 2607, #A5).
[59] Affidavit of Chris Karamea Insley in Support of Application for Priority Hearing dated 29th March 2023 (Wai 2607, #A11).
[60] Brief of Evidence of Dayle Takitimu in Support of Statement of Claim (Wai 3325, #A101) at [18] to [175].

that ‘very little traction’ was made.[61] In particular, she gave evidence of how the Labour led Government appointed her and others associated with the NICF and Pou Take Āhuarangi were appointed by the Labour led government in 2022 to form the Interim Committee to advice on the formation of the Māori Climate Platform and in 2023 as part of the Oho Mauri Trust to form the platform. Ms Takitumu also provided evidence how the incoming National-led government in 2024 dismantled the Māori Climate Change Platform that was being developed.

(d) **Anne Haira and Gina Rangi**, employees of the MfE, provided evidence that after the National-led Government in 2024 discontinued arrangements with Oho Mauri Trust, it entered into a working agreement with Pou Take Āhuarangi to advise on allocating the Māori Climate Change Platform funding.[62]

44. However, unlike the earlier periods of Government engagement with the NICF when those involved were able to provide critical analysis of the quality of the engagement, the inquiry has not heard evidence of the quality of engagement with the NICF since the Climate Change Platform was restructured in 2024.

45. Coordinating Counsel have filed memoranda setting out how they had approached members of the NICF and Pou Take Āhuarangi about providing evidence to the Tribunal setting out the nature of their recent engagement with the Crown, but this invitation was not taken up.[63]

46. It is not clear why evidence was not provided. However, evidence has been heard from **Anthony Cole** that recently in his role as being a New Zealand Māori Council representative on a climate change consultation group they were required by the Government to sign confidentiality and nondisclosure agreements.[64] **India Logan Reilly** also gave evidence

[61] Brief of Evidence of Dayle Takitimu in Support of Statement of Claim (Wai 3325, #A101) at [175].
[62] Brief of Evidence of Anne Haira and Gina Rangi (Wai 3325, #A118) at [163]-[170].
[63] Memorandum of Claimant Coordinating Counsel Seeking Summons of Pou Take Āhuarangi Witnesses dated 13 May 2026 (Wai 3325 #3.2.335).
[64] Hearing Week 8 Speaking Notes by Dr Anthony Owen Cole me onā Tīpuna with Oral Elaboration in Italics (Wai 3325, #A84(g)) at p 11.

that in her involvement with the NICF and international conferences she was required to sign "gag orders".[65]

47. It is notable that amongst all the Māori groups represented before the inquiry, little evidence was able to be provided about the nature and quality of current engagement with the Crown.

48. *Te Tinihanga o ngā Mātāpono* sets out that:[66]

> The National Iwi Chairs Forum has, since December 2023, had a partnership agreement with the Crown which reflects the intentions of both parties to 'partner with each other to improve the lives of tāngata whenua and all New Zealanders'. [67] In it, the Crown commits to working 'constructively together' with the National Iwi Chairs Forum 'particularly on national level policy issues'.[68] They further agree that this engagement will occur 'broadly and inclusively with iwi, hapū, whānau and representative Māori organisations' in order to 'improve policy, processes and outcomes for tāngata whenua'.[69] Both parties agreed that any engagement will occur at a 'Rangatira to Rangatira level' meaning people will engage with those of similar status (the Iwi Chairs to Ministers for example).[70]
>
> Importantly, the engagement agreement also specifies that such engagement 'does not replace or usurp the Crown's responsibilities to individual iwi and hapū'.[71] Although the National Iwi Chairs Forum represents 85 bodies (including hapū, iwi, and post-settlement governance entities), it does

[65] Transcript of Hearing Week 5 of Wai 3325 – the Climate Change Priority Inquiry (Wai 3325, #4.1.9), pp 421–422.
[66] Transcript of Hearing Week 5 of Wai 3325 – the Climate Change Priority Inquiry (Wai 3325, #4.1.9), p 129.
[67] Wai 3565, #A31(b)(i), p [1].
[68] Wai 3565, #A31(b)(i), p [1].
[69] Wai 3565, #A31(b)(i), p [1].
[70] Wai 3565, #A31(b)(i), p [1].
[71] Wai 3565, #A31(b)(i), p [1].

> not have the authority to decide how those bodies respond to issues of importance to them.[72]
>
> Further…the National Iwi Chairs Forum itself, stated that while the National Iwi Chairs Forum serves an important function, it does not hold the mandate for all iwi and hapū across Aotearoa and that consultation confined to the National Iwi Chairs Forum cannot be considered to be Treaty / Tiriti-compliant.[73]

49. In that inquiry the Tribunal found that the Crown cannot discharge a duty to consult with its Tiriti partner by substituting meaningful, representative and timely engagement with consultation with the NICF noting that this finding was supported by NICF:[74]

> Even if the Crown had engaged earlier with the National Iwi Chairs Forum, that approach would not have constituted Treaty/Tiriti-compliant consultation with Māori. As the Statement of Engagement itself acknowledges, consultation between the Crown and National Iwi Chairs Forum 'does not replace or usurp the Crown's responsibilities to individual iwi and hapū'.

50. We support this finding and invite the Tribunal to adopt it within this inquiry, particularly given the broad sweeping, serious and prevalent nature of the impacts of climate change on all Māori.

Conclusion

51. The Crown has failed to discharge its obligations under the Treaty/te Tiriti to engage with Māori concerning its climate responses and policy development.

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[72] Wai 3565 Transcript 4.1.1, pp 151–152.
[73] Wai 3565 Transcript 4.1.1, p 149.
[74] Wai 3565 Transcript 4.1.1, p 162 citing Wai 3565, #A31(b)(i), p [1].

52. This approach of the Crown is shown to be inconsistent with the Treaty/te Tiriti when measured against the standard established by the Tribunal's jurisprudence.

53. The Crown while initially establishing the Maori Climate Platform as an independent Maori entity through which consultation with the Crown would take place then proceeded to disestablish the platform.

54. The Crown's failure to meaningfully consult with Māori beyond the NICF has also placed the Crown in breach of its obligations.

55. Overall, the Crown has failed under te Tiriti to actively protect Māori interests, to work in partnership with Māori, and has jeopardised the honour of the Crown in the context of the Treaty/Tiriti principle of good government.

56. Accordingly, we invite the Tribunal to find that the Crown's approach to climate-change engagement has been inconsistent with its obligations under te Tiriti/the Treaty. In particular, the Crown failed to engage with Māori sufficiently early, broadly, transparently and meaningfully; failed to provide an adequate opportunity for Māori to influence the design and implementation of climate policy; and relied too heavily on engagement with the NICF as a substitute for engagement with the wider range of iwi, hapū, whānau, Māori organisations, professionals and subject-matter experts affected by its climate response.

57. We further invite the Tribunal to find that the Crown's treatment of the Māori Climate Platform, including the discontinuation of the independent Oho Mauri Trust model and the subsequent reallocation and reduction of funding, was inconsistent with the Crown's stated commitment to a Māori-led and Te Tiriti-consistent climate response, and materially constrained opportunities for Māori to exercise rangatiratanga in developing and implementing responses to climate change.

58. We accordingly invite the Tribunal, in making such findings and recommendations as it considers appropriate, to emphasise the need for future climate policy to provide for early and meaningful Māori participation; engagement with Māori beyond the NICF; sufficient time, information and transparency for Māori to influence decisions;

demonstrable consideration of Māori advice and mātauranga Māori; and durable mechanisms and resources through which Māori can exercise rangatiratanga in responding to climate change.

DATED this 6th day of October 2026

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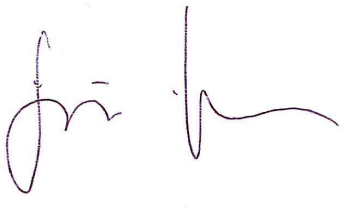
Michael Sharp
Claimant Counsel



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