

Waitangi Tribunal Legislation Review

Independent Technical Advisory Group

Briefing: Project Plan

Date: 10 June 2025

To: Minister for Māori Development

From: Bruce Grey KC, Chair, Independent Technical Advisor Group

Phone: [REDACTED] Withheld under OIA
S9(2)(a)

Purpose

1. To provide you with an update on the Waitangi Tribunal Legislation Review (the **Review**), including a project plan that sets out phases and deliverables, engagement, risks, mitigations and talking points.

Up-date on establishment of the ITAG and Secretariat

2. As Minister for Māori Development, you play a central role in leading this Review, ensuring it progresses in line with Government priorities while managing significant public and Māori interest. As Chair of the Ministerial Advisory Group (**MAG**) you are responsible for ensuring the direction of and setting oversight for the Review.
3. The ITAG will report its findings and recommendations to the Ministerial Advisory Group (MAG) comprising the Minister for Māori Development (Chair), the Attorney-General, the Minister of Justice, the Minister for Resources and the Associate Minister of Justice by the end of August 2025.
4. The Independent Technical Advisory Group (**ITAG**) is meeting regularly to progress their work, plan for and undertake engagement hui. It is supported by a Secretariat that is hosted by, but is independent from, Te Puni Kōkiri to ensure the integrity of the Review.
5. MAG will receive structured monthly updates from ITAG on 30 June, 31 July and 29 August 2025 to inform its decision making in September 2025. The intention of this timeframe is to enable introduction a Bill before the end of 2025 to amend the Treaty of Waitangi Act 1975.

6. The attached Project Plan sets out phasing, deliverables, risks, engagement, and updated talking points for the Review.

7. The project plan includes four key phases:

Phase 1	May 2025	Establishment
Phase 2	June 2025	Engagement
Phase 3	July 2025	Consideration of Review inputs
Phase 4	August 2025	Developing recommendations

Project Plan

Background

The Ministerial Advisory Group (**MAG**) has appointed an Independent Technical Advisory Group (**ITAG**), to undertake a review of the Treaty of Waitangi Act 1975 (**the Review**). The intention is to introduce legislative amendments to the House before the end of 2025.

The scope for the review includes:

- the Tribunal's jurisdiction;
- types and categorisation of claims;
- interaction with other legislation; and
- other matters as identified by ITAG to improve the functionality of the legislation.

Iwi, Māori, and other organisations and individuals may raise other issues outside the scope of this Review. Those matters will be noted and may be considered as part of wider policy work in 2026.

Purpose

This Project Plan sets out the following:

- phases and deliverables for the review of Waitangi Tribunal legislation;
- an engagement plan;
- an assessment of risks and mitigations; and
- talking points.

Phases and deliverables for the Review

Phase	Objective	Approach	Date	Status
ONE	Secretariat and ITAG establishment	ITAG induction hui	17 May 2025	Completed
		ITAG hui	Weekly	Ongoing
	Research commences	Commissioned research and reports provided to ITAG	Ongoing	Underway
TWO	Engagement with Iwi, Hapū, claimants and other stakeholders (see engagement section)	Meeting with key stakeholders	26 May to 4 July 2025	Underway
		Regional wānanga	30 June – 4 July 2025	
		Written submissions	9 June to 2 July 2025 (3 weeks and 2 days)	
THREE	ITAG consideration of inputs to the Review	ITAG hui	Key focus from 7 July to 31 July 2025	Underway
FOUR	Finalising recommendations for MAG	ITAG prepare final report for MAG	By 29 August 2025	Yet to commence

Engagement plan – targeted consultation

ITAG intends on engaging with iwi, hāpu and claimants with lived experience of accessing the Waitangi Tribunal. Understanding those insights is a primary objective of this engagement approach.

ITAG will also be undertaking targeted engagement with stakeholder groups and individuals within the Review timeframe to understand the different perspectives of the various parties with an interest in the Waitangi Tribunal and the application of the Treaty of Waitangi Act 1975.

In accordance with the Terms of Reference for the Review, ITAG will consider the perspectives of representatives of Parliament, the Executive, the Judiciary, the Waitangi Tribunal, claimants, and legal practitioners, and has designed and will implement an approach to Iwi and Hapū engagement.

ITAG intends to hold as many meetings as practicable to inform recommendations to Ministers. However, given the time constraints of the Review, ITAG may not be able to meet with all interested parties, therefore it will adopt different engagement approaches to facilitate gathering a range of perspectives.

ITAG is employing the following three engagement methods to gather insights and input to the Review:

1. Targeted meetings

Targeted meetings are planned to understand insights from Hapū, Iwi, and Māori with lived experience with access to justice through Tribunal processes, and as claimants.

Meetings are also underway with representatives of Parliament, the Executive, the Judiciary, the Waitangi Tribunal, and legal practitioners with experience of the legislation.

ITAG has extended invitations for hui to:

National Māori organisations

- ITAG has requested meetings with peak national Māori organisations including the Māori Council.
- ITAG is working with the hosts of the next National Iwi Chairs Forum hui to confirm an opportunity to meet with Iwi Chairs.
- ITAG has written to Te Arikinui Kūini Ngā wai hono i te po to advise her that the Review is underway and to provide an open invitation should she wish to meet.

Representatives of Parliament:

- MAG Ministers – Hon Tama Potaka, Hon Judith Collins, Hon Paul Goldsmith, Hon Shane Jones, and Hon David Seymour.
- The Leader of New Zealand First, Rt Hon Winston Peters.
- Opposition leaders and MPs of the Labour and Green parties and Te Pati Māori.

The Executive:

- ITAG intends holding a public sector hui in Wellington in late June 2025 with representatives from 11 core Crown agencies and the Public Service Commissioner. The aim is to understand their views on the matters raised in the Terms of Reference, and particularly the role the Waitangi Tribunal has played in Māori-Crown relations and improving policy processes and outcomes for Iwi, Hapū, and Māori.
- ITAG has engaged Crown Law in the Review, including commissioning advice from them on matters covered by the Term of Reference for the Review.

The Judiciary:

- In May 2025, ITAG wrote to the Heads of Bench to engage with any members with experience working with the Waitangi Tribunal.

Waitangi Tribunal:

- A series of hui have begun with the Waitangi Tribunal to take account of the views of Tribunal members, presiding officers from the Māori Land Court, and staff.
- On 30 June 2025, ITAG has already met with Chief Judge Dr Caren Fox, Deputy Chair Judge Sarah Reeves, and senior Waitangi Tribunal management.
- ITAG intends on also meeting with the Waitangi Tribunal Strategic Direction Review Group.

Legal practitioners

- ITAG intends to hold a face-to-face and online hui with legal professionals with experience working with the Waitangi Tribunal, on 4 July 2025.
- ITAG also intends to meet separately with the Māori Law Society.

Academics and historians

- ITAG will hold two hui, one with identified academics from universities and wānanga across the motu, and one with historians with experience working with the Waitangi Tribunal.

Other interested parties

- To ensure ITAG receives the balance of views needed to make its recommendations to Ministers, an invitation to meet is being extended to Hobson's Pledge, the New Zealand Initiative, and Toitū Te Tiriti.

2. Written submissions

All parties identified for input to the Review will be invited to provide a written templated submission on the matters covered by the Terms of Reference between Monday 9 June 2025 and 5.00pm, Wednesday 2 July 2025.

Written submissions provide an alternative connect and are considered a mitigation for those parties that ITAG is unable to meet with but want to provide input to the Review. The submissions process also enables technical content, data and evidence to be shared with ITAG.

3. Regional wānanga

ITAG will hold three regional wānanga between Monday 30 June 2025 and Friday 4 July 2025 to enable people and organisations with a preference to meet kano ki te kano to share their views on the Terms of Reference for the Review.

ITAG is seeking support with facilitation from local leaders to ensure relevant input is heard by ITAG at these wānanga. ITAG is in the planning stage for these wānanga with the facilitators. ITAG is also considering holding two additional online hui, following the same format as the kano ki te kano wānanga sessions.

The proposed dates and locations:

Date	Monday 30 June 2025	Tuesday 1 July 2025	Wednesday 2 July 2025	Thursday 3 July 2025	Friday 4 July
Wānanga / hui	Wānanga 10.00am to 2.00pm	Wānanga 10.00am to 2.00pm	Wānanga 10.00am to 2.00pm	Hui with NICE (TBC) Wānanga pm	Hui with academics
Location	Waitangi, Te Tai Tokerau	Hamilton, Waikato	Tairāwhiti, Gisborne	Tairāwhiti, Gisborne Wellington	Wellington

Engagement with Iwi, Hapū and claimants

ITAG has prioritised the following to engage Iwi and Hapū in the Review:

1. A letter inviting **written templated submissions** will be sent to two targeted lists actively managed by Te Puni Kōkiri:
 - Post-settlement governance entities (80 entities)
 - Iwi and Hapū representative organisations (178 organisations).
2. **Regional wānanga** will be held in four locations, across four days, to gather and share information and prioritise input from Iwi, Hapū, Māori, and claimants. This approach will provide for kano ki te kano engagement which will be an important way to build trust and credibility for the Review process.

Pre-prepared focus questions (based on the scope of the review) will be disseminated to invited participants prior to the wānanga with sufficient time for people to formulate their responses. Advice will be sought from local facilitators about support required to ensure successful engagements. ITAG will also be supported by Te Puni Kōkiri to uphold appropriate tikanga for each wānanga.

3. **Two online hui** may also be made available for those unable to attend the regional wānanga in person. These online sessions are designed to broaden accessibility and

reach and will be an important way to engage those who live in rural or isolated parts of the country.

4. ITAG also intends to seek input from claimants that legal representatives and the Waitangi Tribunal recommend to it.

Proactive communications

ITAG is committed to a transparent Review process. While invitations for input to the Review will be direct and targeted to the groups identified in the Terms of Reference, ITAG proposes publishing information on the Review approach and engagement methods on the Te Puni Kōkiri website.

This is intended to build credibility and confidence in ITAG's approach to the Review and will assist in managing public enquiries about the focus and direction of the Review. It will also complement the proactive release of information on the Review that was published on the Te Puni Kōkiri website on 29 May 2025.

Risks and mitigations

This Review carries inherent public, political and operational risk. Initial analysis of risks discussed below:

Risk category	Risk description	Impact	Risk level	Mitigation strategy
Legitimacy and perception risks	<p>The Review's findings are seen as pre-determined politically driven or an attempt to weaken the Waitangi Tribunal.</p> <p>The limited timeframes may heighten scepticism and a loss of trust from Iwi, Hapū, and Māori organisations.</p>	<p>Damage to the Crown-Māori relationship.</p> <p>Loss of trust from Māori, including Iwi, Hapū and other Māori organisations.</p> <p>Resistance to implementation of outcomes.</p> <p>Reduced standing and credibility of the Waitangi Tribunal and Crown agencies.</p>	High	<p>Early media communications emphasising the purpose, scope and independent nature of the Review to provide reassurance that the Review's findings will be objective and evidence based.</p> <p>Transparent engagement processes demonstrating there are not predetermined decisions and that the ITAG will be engaging to listen to Māori and others' views in the first instance.</p> <p>Providing transparency through proactive release of documents on the Te Puni Kōkiri website.</p> <p>Invitations for feedback on the elements of the legislation that are in scope for the Review.</p> <p>Frame messaging in a Treaty-honouring and values-based way.</p>
Legal challenge	<p>Review process could be subject to legal challenge, in either the Waitangi Tribunal or the Courts, on the basis that decisions regarding the Terms of Reference and/or</p>	<p>Litigation costs to the Crown.</p> <p>Damage to the credibility and perceived neutrality of the Review.</p>	Low to Medium	<p>Document and make available the rationale for the development of the Terms of Reference and appointments.</p>

Risk category	Risk description	Impact	Risk level	Mitigation strategy
	appointment of ITAG members was made without consultation with Iwi, Hapū and Māori.			
Māori relationship and engagement risks	Perceptions that Māori engagement has not been meaningful with insufficient consultation time and scope leading to exclusion of Māori perspective	Tight deadlines compromise the depth of consultation with Māori, potentially overlooking critical perspectives and undermining the Review's legitimacy. Resistance to the review, strained Crown-Māori relations, reduced legitimacy.	High	Prioritise early, focused engagement sessions with high-impact Māori leaders, experts and organisations (kanohi ki te kanohi and digital platforms). Early media and communications for public release to introduce the review, ITAG, the scope and approach to the review Be clear on the mandate of those engaged and representing others. Regularly monitor engagement outcomes and adjust consultation methods as needed. Ensure consultation content is concise and focused on the scope of the Review.
Ministerial and Cross-Agency Risks	Lack of alignment between TPK, Ministry of Justice and other agencies	Conflicting policy positions, fragmented decision making, reduce efficiency	Medium	Regular communication with Ministry of Justice, Crown Law
Misrepresentation or polarisation in the media.	Misrepresentation about the nature of the Review.	This could lead to heightened tensions and create division in the communities. Some may use the opportunity to focus	Medium	Proactive media strategy and communications plan. A structured submission template with prompts to support relevance.

Risk category	Risk description	Impact	Risk level	Mitigation strategy
		on the performance of the Tribunal and/or the quality of their work. And they may publish their submissions which could create further misrepresent the nature of the review.		
Scope and mandate clarity	Unclear or contested scope (e.g. on post-settlement issues or future inquiries) may lead to confusion among stakeholders, duplication of effort, or misaligned expectations.	Stakeholder disengagement or critique. Difficulty delivering coherent recommendations.	High	Clearly communicate the Terms of Reference and what is in/out of scope. Regularly revisit and confirm scope boundaries with governance and stakeholders. Document and transparently explain any scope changes. A structured submission template with prompts to support relevance.
Misuse of recommendations	Review findings may be selectively quoted or misunderstood.	Undermines the integrity of the review. Political backlash. Recommendations lose impact or influence.	Medium	Frame recommendations clearly and carefully to prevent misinterpretation. Include caveats, principles, and Treaty context in all outputs. Prepare proactive comms and briefings for Ministers and stakeholders.
Relationship with the Waitangi Tribunal	The Waitangi Tribunal may feel sidelined or misrepresented if	Institutional tension. Public statements that discredit the review.	Low	Initiate early engagement with the Tribunal Chairperson to discuss how they would like to be involved to ensure the Review is conducted in a manner that upholds their mana.

Risk category	Risk description	Impact	Risk level	Mitigation strategy
	not meaningfully involved or acknowledged, particularly in relation to its own future role.			Maintain respectful engagement with Tribunal leadership. Seek feedback on relevant matters where appropriate.
Protests at wānanga	Public could gain access into, or protest outside of wānanga that could be facilitated through social media and online platforms		High	Situational Awareness: Monitor potential protest activities through local news, social media, and government advisories. Stakeholder Engagement: Maintain open communication with relevant authorities, including law enforcement and city officials, to anticipate disruptions. Public Messaging: Ensure clear and transparent communication to address concerns and avoid escalating tensions. Security Assessment: Conduct regular security reviews to assess vulnerabilities in impacted locations. Crowd Management Plans: Develop protocols for handling large gatherings to ensure safety.
Being open and transparent with the public, opening up to duplicated written submissions	The Review may receive a high volume of written submissions, placing significant pressure on ITAGs ability to	Delays to analysis and drafting. Risk of overlooking substantive or minority perspectives.	Medium	Strong strategy for collating all the written submissions and categorising information quickly and accurately. Provide clear submission guidance encouraging original, focused contributions.

Risk category	Risk description	Impact	Risk level	Mitigation strategy
	<p>process and analyse them in tight timeframes.</p> <p>There is a risk many submissions may be duplicated.</p>	<p>Credibility concerns if submissions are perceived as not meaningfully engaged with.</p>		<p>Develop a structured submission template with prompts to support relevance.</p> <p>Monitor for patterns of duplication or AI generation and be transparent about how these are treated in analysis.</p> <p>Prioritise engagement with high-quality representatives, or original submissions.</p> <p>Use tech-assisted analysis tools where appropriate.</p>

Updated talking points

The following talking points are provided to assist ITAG members, MAG Ministers, and the Secretariat to communicate about the Review.

Introduction

- Ministerial Advisory Group (**MAG**) appointed an Independent Technical Advisory Group (**ITAG**), to undertake a review of the Treaty of Waitangi Act 1975 (**the review**).
- The intention is to introduce legislative amendments to the House before the end of the year.

Scope of the review

- The scope of the review includes the Tribunal's jurisdiction; types and categorisation of claims; interaction with other legislation; and other matters as identified by ITAG to improve the functionality of the legislation.
- The review does not include any concerns that may be raised outside the scope of this Review.
- Those matters will be noted and may be considered as part of wider policy work in 2026.

Project plan

- The project plan includes four key phases, with recommendations due by September 2025:
 - May 2025 – Establishment
 - June 2025 – Engagement (in person and written submissions)
 - July 2025 – Consideration of Review inputs
 - August 2025 – Developing recommendations.

Engagement

- ITAG intends engaging as widely as possible within the review timeframe.
- It is important to ITAG to understand different perspectives of the various parties with an interest in the Waitangi Tribunal and outcomes of the Treaty of Waitangi Act 1975. This includes insights from iwi, hāpu and claimants with lived experience of accessing the Waitangi Tribunal.
- In line with the Terms of Reference, ITAG will consider the views of representatives of all branches Government, the Waitangi Tribunal, claimants, and legal professionals.

- ITAG has designed and is implementing engagement with Iwi and Hapū as a priority.
- ITAG intends to hold as many wānanga as practical to inform its recommendations to Ministers.
- However, given the time constraints of the Review, ITAG will not be able to meet with all interested parties.
- Instead, ITAG will adopt different engagement approaches to meet the needs of different parties.

Engagement methods

- ITAG is organising targeted meetings; written submissions; and regional wānanga to gather insights for the Review.

Targeted engagement – Cabinet paper

The Cabinet paper notes the below on targeted engagement:

- “Genuine engagement with Iwi and Māori will be fundamental to the successful outcome of the review and potential legislative changes.”
- “Engagement will be undertaken with peak Māori entities like the National Iwi Chairs Forum, the Māori Council, and Te Hunga Rōia Māori o Aotearoa (Māori lawyers’ association) and targeted engagement with Iwi and key Māori organisations that have expertise in Treaty law and legal matters.”
- “My expectation is that officials will engage with Iwi and Māori in a deliberate matter at the outset and throughout the Review.”
- “The engagement will be framed as iterative and targeted, with built-in feedback loops throughout. This engagement is necessary to enable decision-making to effectively consider Iwi and Māori perspectives, particularly as participants in the Tribunal”.

Please note that the Cabinet paper does not include the commentary on engagement as a recommendation. That is why it is not minuted.