

Waitangi Tribunal Legislation Review

Independent Technical Advisory Group

Briefing: Update to the Ministerial Advisory Group

Date: 23 June 2025

To: Hon Tama Potaka – Minister for Māori Development (Chair), Hon Paul Goldsmith – Minister of Justice, Hon Judith Collins – Attorney-General, Hon David Seymour – Associate Minister of Justice, Hon Shane Jones – Minister for Resources

From: Bruce Gray KC, Chair, Independent Technical Advisory Group

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Purpose

1. This paper provides the Ministerial Advisory Group (**MAG**) with an initial progress update from the Independent Technical Advisory Group (**ITAG**) appointed to conduct the Waitangi Tribunal Legislation Review (the **Review**), with the scope of the Review provided in the Independent Technical Advisory Group – Terms of Reference¹.

Background

2. Following the announcement on 9 May 2025, ITAG held its first in-person planning hui on 17 May 2025, setting the phases of the Review and establishing working arrangements with its Secretariat, which is being hosted by Te Puni Kōkiri.
3. ITAG and its Secretariat have established operational arrangements that support management of the work programme and its deliverables, commissioning of research and papers, delivery of a targeted engagement plan, and reporting to Ministers.
4. ITAG reports on its progress via fortnightly updates to the Chair of MAG, Hon Tama Potaka, and monthly updates (of which this is one) to MAG.
5. Arrangements are in place for the Secretariat to maintain its independence from Te Puni Kōkiri and to ensure the integrity of ITAG's independent review findings and recommendations.

Progress update

6. ITAG currently meets weekly as a group and with the secretariat.
7. The Review is in its second phase, with ITAG's focus primarily on engagement and the progression of research. A high-level overview of the Review phases, objectives, key deliverables and their status, is set out in **Table 1** below.

¹ [Independent Technical Advisory Group - Terms of Reference \(May 2025\)](#)

8. ITAG is currently on track to deliver final recommendations to MAG by the end of August 2025, to enable introduction of legislative amendments to the House before the end of 2025.

Table 1 – High-level Review work programme

Phase	Objective	Approach	Key deliverables	Date	Status
ONE	Establish ITAG and Secretariat and plan work programme	ITAG induction hui	Induction pack	17 May 2025	Completed
		ITAG hui	Supporting papers	Weekly	Ongoing
	Commence research	ITAG commission Secretariat to undertake research	Research papers commissioned and approved by ITAG	End of June 2025	Underway
		ITAG instruct Crown Law	Legal advice commissioned from Crown Law	26 June 2025	Underway
TWO	Implement targeted engagement plan	Meetings with key stakeholders	Stakeholder database Letters and participant communications Participant insights and meeting notes	26 May to 4 July 2025	Underway
		Four regional wānanga with iwi and hapū and their representatives	Event management Regional facilitators Participant insights and meeting notes	30 June to 3 July 2025	
		Written submissions	Submissions template distributed to iwi, hapū, post-settlement governance entities and	12 June to 3 July 2025 (three weeks)	

Phase	Objective	Approach	Key deliverables	Date	Status
			targeted stakeholders		
THREE	ITAG consider inputs to the Review	ITAG hui	Analysis, synthesis and drafting of recommendations	Key focus from 7 July to 31 July 2025	Underway
FOUR	Finalise report for MAG	ITAG prepare report for MAG	Draft report and recommendations Final report and recommendations	By 29 August 2025 September 2025	Yet to commence

Targeted engagement plan

9. ITAG has prioritised engagement as an early input to the Review, to understand different perspectives on the matters raised in the Terms of Reference.
10. ITAG is engaging as widely as possible to learn from iwi, hapū and claimants, peak Māori organisations, and stakeholders and interested parties (from Government, the public sector, the judiciary, legal and academic sectors).
11. ITAG is employing different engagement approaches to take in views:
 - a. ITAG is currently holding targeted meetings with a range of people, organisations and interest groups – these meetings are progressing well with a high-level of interest in the Review. The meetings will largely be concluded by the first week of July 2025.
 - b. ITAG is seeking written submissions on specific questions, via a templated form, to support more technical responses and responses from those ITAG is unable to meet with including iwi, hapū and claimants. Written submissions are due by 5.00pm, Thursday 3 July 2025
 - c. ITAG is currently organising four regional wānanga (in Northland – Te Tai Tokerau, the Waikato, Gisborne – Tairāwhiti, and Wellington between 30 June 2025 and 3 July 2025), to provide an opportunity for iwi, hapū and claimants to talk directly with ITAG. ITAG has employed the support of local facilitators to ensure the proceedings are delivered with appropriate tikanga, and relevant views are heard.
12. ITAG moved quickly to establish relationships with the Waitangi Tribunal and Crown Law to enable the commissioning of relevant research and reports, and to take account of the views of members and staff. Both organisations have been supportive and are providing timely inputs to the Review.

13. ITAG has met with Ministers Potaka, Jones, Goldsmith, and Seymour. These meetings have been useful to gather the perspectives of MAG members.
14. ITAG has met with the Green Party and will meet with the Labour Māori Caucus and Te Pati Māori Co-Leaders.
15. ITAG has also met with the Law Commission and with Matanuku Mahuika and Season-Mary Downs, Co-Chairs of the Waitangi Tribunal Strategic Direction Review Group, and is finalising arrangements to meet with legal practitioners, Judge Sir Eddie Durie, Don Brash, Andrew Little, Nanaia Mahuta, Te Ururoa Flavell, and Justice Palmer and Justice Williams this week.
16. A meeting with academics is also planned for next week.
17. ITAG will hold a hui with senior leadership from across the public sector on 11 July 2025. This will be an opportunity to facilitate a whole-of-government dialogue on shared or cross-cutting issues that are raised by the Terms of Reference.

Research and analysis

18. To support fact-based deliberation, ITAG has commissioned relevant research, case law and historical documentation, along with technical and legal fact checking where needed.
19. Analysis of all engagement feedback and submissions will be transparent, consistent, and mapped to the Terms of Reference for the Review.

Risks and mitigations

20. The Review carries inherent public, political and operational risk. ITAG and the Secretariat have undertaken risk analysis and consider that current mitigations are effectively minimising and/or addressing risk appropriately. Risk analysis was included in the project plan provided to Minister Potaka on 10 June 2025.
21. Risks and mitigations are actively monitored, reviewed and updated regularly as needed.

Next steps

22. ITAG welcomes any insights from your 24 June 2025 meeting that you may wish to share with us.
23. ITAG will attend the next MAG meeting in late July 2025, at which stage MAG will be provided an update progress, engagement insights, and general direction.
24. ITAG will be providing you with review recommendations by the end of August 2025.