



Cabinet Social Outcomes Committee

Summary

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Review of the Waitangi Tribunal Legislation

Portfolio	Māori Development
Purpose	This paper seeks agreement to the scope and approach of the review of Waitangi Tribunal legislation (the Review).
Previous Decisions	In March 2025, SOU noted that the Minister for Māori Development intends to submit a paper regarding the review of Waitangi Tribunal legislation later in the month [SOU-25-MIN-0020].
Proposal	<p>The Waitangi Tribunal (the Tribunal) was established by the Treaty of Waitangi Act 1975 (the Act) as a permanent commission of inquiry.</p> <p>The Review is proposed to be led by TPK, with a technical advisory panel providing technical advice and assurance, and a Ministerial Group (consisting of the Minister for Māori Development, Attorney General, Minister for Resources, and Associate Minister of Justice (Hon Seymour)) overseeing the work.</p> <p>The Secretary for Māori Development is proposed to appoint the Technical Advisory Panel based on feedback from the Minister for Māori Development and the Minister for Resources.</p> <p>The Review is proposed to focus on assessing whether key elements in the legislation are meeting objectives, particularly in relation to the clarity and prioritisation of claims, as well as the differentiation between historical and contemporary claims, and interaction with key legislation. The scope is proposed to cover tribal jurisdiction, types and categorisation of claims, and interaction with other legislation (detail is in paragraphs 20).</p> <p>Iwi, Māori, and other organisations and individuals may raise other issues relating to the form and function of the Waitangi Tribunal in the context of this Review, and those matters may be considered as part of wider policy work in 2026.</p>
Impact Analysis	Not applicable.
Financial Implications	The costs of the Review are expected to be met from within TPK baselines. The Technical Advisory Panel is estimated to cost \$100,000.

Legislative Implications	None from this paper. Legislation to amend the Act is expected to be introduced before the end of 2025.
Timing Matters	The Review is expected to begin in April 2025. The Minister intends to report back to SOU with proposals to address the recommendations in September 2025.
Communications	The Minister intends to issue a media release regarding the Review, which will be coordinated with the Minister of Justice's release on the Legal Aid Review.
Consultation	Paper prepared by TPK. Crown Law, PCO, the Treasury, MoJ, Te Arawhiti, PSC and were consulted. DPMC was informed. The Minister indicates that SOU and all Government Parties were consulted.

The Minister for Māori Development recommends that the Committee:

- 1 note that, with the expected conclusion of historical inquiries but an increasing workload, it is timely to review the Treaty of Waitangi Act 1975;
- 2 note that the National Party and New Zealand First Coalition Agreement includes a commitment to "amend the Waitangi Tribunal legislation to refocus the scope, purpose, and nature of its inquiries back to the original intent of that legislation.";
- 3 agree to the scope for the departmental policy review of the Waitangi Tribunal legislation (the Review) consisting of:
 - 3.1 Tribunal Jurisdiction;
 - 3.2 Types and Categorisation of Claims; and
 - 3.3 Interaction with Other Legislation;
- 4 note that Iwi, Māori, and other organisations and individuals may raise other issues relating to the form and function of the Waitangi Tribunal in the context of this Review, and those matters may be considered as part of wider policy work in 2026;
- 5 agree that the Review will be undertaken by Te Puni Kōkiri, supported by a Technical Advisory Group, which will report back to the Ministerial group (referred to in paragraph 7 below) with recommendations by September 2025;
- 6 note that the Secretary for Māori Development will appoint the Technical Advisory Panel based on feedback from the Minister for Māori Development and the Minister for Resources;
- 7 agree that the Ministerial group of Minister for Māori Development (Chair), Attorney General, Minister for Resources, and Associate Minister of Justice (Hon Seymour) oversee the review process;
- 8 note the range of work underway across the system in relation to Treaty of Waitangi/Te Tiriti o Waitangi matters;

- 9 invite the Minister for Māori Development to report back to the Cabinet Social Outcomes Committee following the conclusion of the Review, with proposals to address the recommendations by the end of September 2025;
- 10 note the intention to introduce legislation to amend the Treaty of Waitangi Act 1975 before the end of 2025.

Jenny Vickers
Committee Secretary

Hard-copy distribution:
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for Māori Development