

Review of the Waitangi Tribunal's strategic direction: report to the Chairperson

The Waitangi Tribunal Strategic Direction Review Group March 2025

Tēnā koe e te Kaiwhakawā Matua, tēnā koutou e te Taraipunara.

Tuatahi, kia tangihia ō tātau tini mate ka tika. Nā rātau tā tātau huarahi i para. Nā rātau anō hoki tātau i poipoi, kei roto i ngā kaupapa mo te Tiriti o Waitangi. Nā reira, haere atu ngā mate. Haere atu ki te tini me te mano ki te pō. Haere atu koutou ki te huinga o te Kahurangi, ki reira oti atu ai.

Tuarua, ka hoki mai ki a tātau te hunga ora. Tēnā tātau i ngā kaupapa o te ao hurihuri nei me ngā tūmanako e tūmanakotia e rātau i te wā o Te Tiriti, arā, te nohonga tahitanga o tātau kei roto i te pai me te rangimarie. Tēnā rawa atu tātau katoa.

Following is the report of the Waitangi Tribunal Strategic Direction Review Group. This report has been prepared following targeted consultations with claimants and stakeholders and after careful consideration of the Tribunal's past and future work streams and available resourcing.

We have presented the report in three main sections:

- First, we review the Tribunal's performance against the objectives set out in its strategic direction 2014-2025, taking into account the mid-term adjustments made in 2020.
- We then take stock of the Tribunal's inquiry work programme as it stands today and look ahead to the shape of the inquiry programme over the period 2025-2035. We discuss strategic considerations and options, and make some suggestions on objectives for inclusion in the Tribunal's revised and updated strategic direction. We consider what practical, procedural and legislative changes might assist the Tribunal to make more efficient, effective and responsive use of its financial resources and its presiding officers and members towards achieving its strategic goals.
- We close by commenting on the future role of the Tribunal once the historical claims and kaupapa inquiries have been completed.

Recommendations

Our recommendations set out the measures we believe the Tribunal will need to implement in developing its strategic direction. They are based on stakeholder feedback, our review of the Tribunal's past and future work programme, and an assessment of the Tribunal's performance against its previous strategic goals. The focus of the recommendations is on streamlining and procedural innovations to better expedite Tribunal processes.

In implementing these recommendations it will be important that the Tribunal maintain its commitment to tikanga, te reo and te Ao Māori. We also recognise the wide discretion of the Waitangi Tribunal to exercise its inquisitorial function and the flexibility this provides in the conduct of inquiry processes.

We consider that the recommendations can be given effect through:

- a full and prompt update to the Waitangi Tribunal’s *Guide to Practice and Procedure*;
- innovation from adversarial procedure to inquisitorial procedure;
- an appraisal and plan to address resource constraints; and
- the adoption of a strategic direction for the next 10 years.

Recommendation 1: Streamline urgent inquiry procedure

Improve the efficiency with which urgent hearings are conducted by introducing a new and standardised procedure for the management of urgencies and by appointing dedicated judges to conduct urgent inquiries. We recommend:

- a) that “Te Tukanga Taihoro” (an expedited urgent inquiry process) be developed, initially as a pilot scheme;¹ and
- b) that a dedicated group of 2-3 Māori Land Court judges and legally qualified members be delegated responsibility for assessing applications for urgent inquiry and presiding over the inquiries where these are granted (with this being a large part of their workload).

Recommendation 2: Standardisation and innovation across kaupapa inquiries

Kaupapa inquiries make up a significant portion of the Waitangi Tribunal’s work programme over the next 10 years. The Kaupapa inquiry programme would benefit from greater standardisation and innovation. We recommend:

- a) an appraisal of kaupapa inquiry processes to date; and
- b) the development of a streamlined approach to inquiry design, interlocutory processes, research, hearings and reporting.

Recommendation 3: Address resourcing issues

The Tribunal, as currently configured, with a fixed budget and a 20-member cap, experiences significant issues in resourcing its hearing programme. Given the volume and complexity of the Tribunal’s projected workload over the next decade, the matter of resourcing will need to be addressed (acknowledging that there are significant resource constraints across government at present). We recommend:

- a) seeking amendment to s 4(2)(b) Treaty of Waitangi Act 1975 to increase the cap on members from 20 to 25;
- b) seeking a review of Crown funding support for claimants’ involvement in inquiries;
- c) the use of jointly appointed researchers to ease the research constraints that are currently constraining progress in kaupapa inquiries; and
- d) seeking an increase in resourcing provided to the Waitangi Tribunal so as to better enable the Tribunal to complete its work expeditiously.

Additional recommendations:

In addition to the recommendations set out above we recommend:

- a) a coordinated sequencing of inquiry timelines and to this end the creation of an ‘all inquiries’ calendar documenting the hearing and filing commitments across all active Tribunal inquiries. This would help to ensure greater visibility across the Tribunal’s hearing programme and enable better management of workflows, recognising that

¹ See paras 83-85.

the 'Treaty Bar' is relatively small and lawyers are likely to be involved in multiple inquiries;

- b) that the Tribunal investigate two possible areas for technical improvement:
 - i. delivery of real-time remote simultaneous translation; and
 - ii. the capacity to service more than one event simultaneously, enabling more flexible scheduling.

Introduction: purpose and context

1. On 2 July 2014, Chief Judge Wilson Isaac, then Chairperson of the Waitangi Tribunal, launched the Tribunal's *Strategic Direction 2014-2025*. Now in its final year, in October 2024 the current Chairperson, Chief Judge Dr Caren Fox, appointed a 13-member panel of expert practitioners, Tribunal members and judges and other stakeholder representatives to undertake a review of the Tribunal's performance since 2014 and to advise on setting an updated strategic direction for the next 10 years, July 2025-June 2035. The Review Group's mandate, originally set for December 2024, was extended by agreement to March 2025. This is the Review Group's report.

Summary of key points

2. Amongst the key points that we would like to draw to your attention are the following:
 1. When it launched its strategic direction in 2014, the Tribunal envisaged a comprehensive programme that would complete its inquiry into most remaining registered claims by 2025, following which it would transition to hearing new claims as they arose.
 2. The Tribunal partially achieved these strategic goals, finishing three large district inquiries, commencing four programmed kaupapa inquiries and forming the standing panel for remaining historical claims.
 3. Three main factors prevented the Tribunal from fully realising its 2025 goals: unanticipated new district (2) and kaupapa (3) inquiries were added to the inquiry programme; progress in two large, complex district inquiries was slower than anticipated; and the workload in urgent inquiries, including remedies proceedings, was much heavier than expected. As a result, with priority given to the completion of district and urgent inquiries, kaupapa inquiries were not able to progress at the pace that was anticipated in 2014.
 4. As the 2014-2025 strategic direction nears the end of its final year, the Tribunal has initiated all of the planned district and kaupapa inquiries. An unprecedented 19 inquiries are underway, excluding those under urgency: these consist of five district and 13 kaupapa inquiries, alongside the standing panel to hear remaining historical claims.
 5. Given the priority it has assigned to historical claims, two of the five district inquiries should be able to complete their reports by 2030 and two their hearings. All the district inquiries and the standing panel for remaining historical claims are expected to release their final reports by 2035, with possible remedies proceedings continuing in Muriwhenua.
 6. The Tribunal will continue to hear claims requiring urgent inquiry as necessary. Urgent inquiries enable the Tribunal to inquire rapidly into contemporary Crown actions and policies where claimants demonstrate that there is a risk

of a Treaty breach leading to significant and irreversible prejudice to Māori. Some streamlining and standardisation of the urgent inquiry process may assist in ensuring that such inquiries run swiftly and provide timely recommendations to the Crown.

7. More resources will become available to the kaupapa programme as district inquiries finish their hearings. However, on their present trajectories only a subset of the kaupapa inquiries is likely to finish by 2035, with member workload, research funding and claimant readiness to proceed all key potential constraints. Faster progress could be achieved with additional resourcing (both human resource and funding), but a more rigorously streamlined approach to hearings, research and reporting and a coordinated sequencing of inquiry timelines would also be essential requirements for completing most kaupapa inquiries by 2035.

The Review Group's mandate and process

Membership

3. The Review Group's membership is as follows:
 1. Tā Taihakurei Eddie Durie, pou ārahi/patron
 2. Matanuku Mahuika and Dr Season-Mary Downs, co-chairs
 3. Lady Tureiti Moxon and Paul Morgan, claimant representatives
 4. Annette Sykes and Jamie Ferguson, claimant counsel representatives
 5. Andrew Irwin and Craig Linkhorn, barristers who act for the Crown²
 6. Judges Sarah Reeves and Miharo Armstrong, Waitangi Tribunal presiding officers
 7. Kim Ngarimu and Dr Paul Hamer, Waitangi Tribunal members

Terms of reference

4. The Review Group's terms of reference require it 'to evaluate whether the work plan outlined in the Strategic Direction (as amended in 2020) continues to be suitable for the Waitangi Tribunal's current and future needs'. It is 'to focus on the Tribunal's short- and long-term objectives, including its approach to completing the historical and kaupapa claims programmes and determining its future role'.
5. The review is to cover:
 1. the work completed by the Waitangi Tribunal to date;
 2. the Waitangi Tribunal's current workplan, including how it prioritises its inquiry programmes;
 3. current procedures, including the Tribunal's *Guide to Practice and Procedure*;
 4. Waitangi Tribunal panel membership and structure; and
 5. consider how the Waitangi Tribunal can best utilise the presiding officers and members to more effectively execute the strategic direction.

² Mr Irwin and Mr Linkhorn have not been instructed by the Crown for the purposes of the Review Group. Their views and this report do not set out any Crown position. Specific Crown views have been obtained through engagement with Crown Law.

6. The Group is to give particular attention to:
 1. identifying and recommending key Waitangi Tribunal stakeholders, including claimants, counsel and community groups;
 2. engaging with and consulting the stakeholders 'to identify whether any new procedures should be adopted or legislative reform recommended to facilitate completion of claims before the tribunal'.
7. The Group is to report to the Chairperson of the Waitangi Tribunal and the Director of the Waitangi Tribunal Unit, who will exercise oversight. The outputs of the review are to comprise:
 1. a detailed report summarising the Review Group's analysis, findings and recommendations;
 2. a revised draft of the Waitangi Tribunal's Strategic Direction for the next decade 2025-2035, reflecting the conclusions of the review.

Consulting stakeholders

8. Recognising the importance of feedback from users of the Tribunal's services, the Review Group developed a plan for stakeholder engagement. Although the discussions were to be open-ended, we framed five general questions to indicate our broad areas of interest (see Annex A). We held consultation hui mainly via Zoom and also invited written submissions. We were greatly assisted by contributions from a range of stakeholder groups, including:
 1. Te Hunga Rōia Māori
 2. New Zealand Law Society Te Kāhui Ture o Aotearoa
 3. Crown Law Office
 4. Crown Forestry Rental Trust
 5. Ministry of Justice
 6. Māori Land Court judges serving as presiding officers
 7. Tribunal members
9. The Review Group's membership is also representative of broad stakeholder interests. In effect, we have functioned as our own focus group. Our members have been able to draw on their networks in bringing their feedback to the forum.
10. We also requested data from the Waitangi Tribunal Unit, in particular on:
 1. the inquiry and settlement status of all registered claims; and
 2. Tribunal inquiry activity over the period of the first strategic direction (2014-2025), focusing on official events and member workload.

The strategic direction 2014-2025 in perspective

Strategic goals and priority settings

11. Launched in July 2014, the Waitangi Tribunal's *Strategic Direction 2014-2025* signalled a coming shift in its inquiry programme. Since the mid-1990s, the Tribunal had concentrated its effort on its district inquiry programme, focusing primarily on

historical, and regionally based, Treaty grievances.³ By 2014, it was progressing what it expected to be its final six district inquiries. The Tribunal had long recognised that the desire to bring closure to historical claims was a shared priority for both Māori and the Crown.

12. The Tribunal also acknowledged, however, that many registered claims awaiting hearing lay outside the scope of the district inquiries. They included:
 1. many claims, especially those raising historical issues, that had been submitted too late for inclusion in the relevant district inquiries or related to a district that had not seen a district inquiry;
 2. claims about kaupapa issues of national significance affecting Māori as a whole in similar ways; and
 3. more recent contemporary claims about specific and/or local issues.
13. The Tribunal adopted a comprehensive approach that provided a framework for all of these claims to be heard. The Tribunal's work programme was subsequently expanded from a focus on district inquiries to establish three new inquiry pathways:
 1. a kaupapa inquiry programme (2015), grouping together claims that raised nationally significant issues affecting Māori as a whole in similar ways, covering both historical and contemporary claims and prioritising the order in which they were to be heard;
 2. a standing panel for remaining historical claims (2018) which were filed after the relevant district inquiry or in districts where there had been no inquiry; and
 3. a pathway to hear the backlog of specific and local contemporary claims.
14. The Tribunal set five strategic goals:
 - SG1 Complete the final district inquiries and remaining historical claims by 2020.
 - SG2 Progress high-priority kaupapa claims by 2020, including those likely to be included in historical Treaty settlements.
 - SG3 Substantially advance or complete the remaining kaupapa claims by 2025.
 - SG4 Address remaining contemporary claims.
 - SG5 Address claims granted urgency, in particular those arising from the Treaty settlement process.
15. The Tribunal set a general framework of priority settings to guide its inquiry planning and to balance the allocation of resources. The framework ranked four levels of priority in descending order:
 1. claims granted urgency;
 2. claims with historical issues, including kaupapa claims;
 3. contemporary kaupapa claims; and
 4. other contemporary claims.

³ Defined as those having arisen before 21 September 1992 and 'contemporary' grievances as those arising on or after that date. Many claims have both.

The first phase, 2014/15 to 2019/20⁴

SG1: Complete the final district inquiries and remaining historical claims by 2020

16. At the outset, what were expected to be the Tribunal's final six district inquiries dominated its work programme. Two (*Te Urewera* and *Whanganui Land*) were completing their reports, two (*Te Rohe Pōtae* and *Te Paparahi o Te Raki*) were in hearing, and two (*Porirua ki Manawatū* and *Taihape: Rangitikei ki Rangipo*) were commencing or in preparation for hearing.
17. By December 2020:
 1. three of the district inquiries (*Te Urewera*, *Whanganui Land*, *Te Rohe Pōtae*) had released their reports;
 2. one (*Te Raki*) had released its stage 1 report and was writing its stage 2 report; and
 3. two (*Porirua ki Manawatū*, *Taihape*) were in hearing, with the former having completed the first of several hearing stages and issued two reports.
18. The Tribunal had thus gone a long way towards achieving SG1 as envisaged in 2014. Tribunal panels (*Te Urewera*, *Te Rohe Pōtae*, *Te Raki*, *Porirua ki Manawatū*) had also released their reports in tranches so as to assist claimants negotiating Treaty settlements with early access to their findings and recommendations on their 19th century grievances.
19. At the same time, five factors served to extend and expand the district inquiry agenda:
 1. the large effort required to prepare multi-volume reports on hundreds of claims being heard in single inquiries;
 2. responses to the Supreme Court's *Haronga* judgment in 2011 ([2011] NZSC 53), which was a factor in the *Te Rohe Pōtae* Tribunal's attempt to link all registered claims directly to its issue-based findings, adding around nine months to the reporting timeframe;
 3. the complexities of overlapping iwi histories, most prominently in *Porirua ki Manawatū*, which required a multi-stage iwi-focused process;
 4. the late start (2018) to the standing panel process for remaining historical claims, following several years of exploratory work in preparation; and especially
 5. the unanticipated start in 2019 of two new district inquiries (*NE Bay of Plenty*, *Renewed Muriwhenua Land*).

SG2: Progress high-priority kaupapa claims by 2020, including those likely to be included in historical Treaty settlements.

20. The next step in the Tribunal's inquiry programme was to group together claims awaiting hearing that dealt with national rather than district-based issues. Some of these claims had been awaiting hearing for many years. The Tribunal's view was that to best progress them to hearing, claims raising related issues should be grouped

⁴ Throughout this report, inquiry titles are abbreviated and italicised for ease of reference. A full list is attached as annex B).

together for inquiry and resourcing. Inquiries would commence with addressing high-priority issues.

21. The first kaupapa inquiry, *Military Veterans*, commenced in late 2014, ahead of the launch of the full kaupapa inquiry programme in April 2015. It conformed with SG2's two criteria, high priority (hearing elderly veterans) and historical claims (in the majority, with few new contemporary claims).
22. Between late 2016 and mid-2019 the Tribunal commenced three of the listed kaupapa inquiries: *Health Services and Outcomes*, *Housing Policy and Services*, and *Mana Wāhine*. Of these, *Housing* was severed from *Social Services and Social Development* and promoted up the order of inquiries to assist in coordinating expected overlaps with *Health*, while *Mana Wāhine* was next on the list following the deferral of *Constitution, Self-government and Electoral System* pending the reports of the *Te Raki* and *Te Rohe Pōtae* Tribunals. Priority had also been given in 2018 to an inquiry into claims concerning the *Marine and Coastal Area (Takutai Moana) Act*, severed from the later *Natural Resources and Environmental Management* inquiry.
23. By 2020, five kaupapa inquiries had started, of which two had been reconfigured and prioritised and three were high on the kaupapa inquiry list. The Tribunal thus achieved its objective of progressing high-priority kaupapa claims. Aside from *Military Veterans*, however, the focus was on contemporary issues rather than claims likely to be included in historical Treaty settlements. Given the pace of settlement negotiations through the 2010s, it was in practice inevitable that new kaupapa inquiries would not be able to report in time to assist the settlement of many of the historical claims involved.
24. One other feature of this period resulted in the unplanned expansion of the kaupapa programme. This was the continuation of two issue-focused urgent inquiries (*Freshwater and Geothermal Resources*, *Trans-Pacific Partnership Agreement*) beyond completion of their urgency mandate. In effect, they became kaupapa inquiries in all but name. While both inquiries undoubtedly had further claim issues to hear, their continuation beyond urgency on their own initiative exposed a gap in the Tribunal's priority settings for allocating resources.

SG5: Address claims granted urgency, in particular those arising from the Treaty settlement process

25. The high intensity and broad reach of Treaty settlement negotiations generated an avalanche of applications for urgency. Most were declined, but a number satisfied the Tribunal's high threshold for granting urgency, as did several challenging Crown policies and actions.
26. Although in 2014 the strategic direction had anticipated an increase, the volume of applications and inquiries was much higher than expected. Interlocutory proceedings to appraise the applications, whether declined or granted, absorbed substantial Tribunal resources. A total of 14 urgent inquiries were under action during this six-year period. Most satisfied the Tribunal's commitment to consider and hear urgent claims efficiently and expeditiously.
27. Also prominent in this period were applications for binding remedies granted urgency. Two resulted from the overturning of Tribunal remedies reports on judicial review in the courts. One led to the restarting of the *Muriwhenua* district inquiry under a new panel. The other (*Gisborne/Mangatū*) resumed its remedies proceedings. The

Wairarapa ki Tararua Tribunal also began considering remedies applications from several claimants.

The second phase, 2020/21 to 2024/25

28. In 2020, the Tribunal published a mid-term review of progress to date (*The strategic direction in 2020*). It updated the strategic goals for the period ahead as follows:
- SG1 Complete the final district inquiries by 2025;
 - SG2 Complete or advance at least half of the 13 major kaupapa inquiries by 2025;
 - SG3 Address remaining historical claims;
 - SG4 Plan for addressing remaining contemporary claims that fall outside the kaupapa inquiries; and
 - SG5 Address claims granted urgency, including urgent applications for remedies.
29. It also modified the priority settings, promoting kaupapa inquiries above remaining historical claims:
- 1. claims granted urgency, including applications for remedies granted urgency;
 - 2. claims participating in district inquiries;
 - 3. claims that relate to kaupapa issues;
 - 4. remaining historical claims not yet heard, settled or included in Treaty settlement negotiations; and
 - 5. remaining contemporary claims not yet heard or settled.
- SG1: Complete the final district inquiries by 2025*
30. The Tribunal's expectation that all the district inquiries, with one possible exception (*NE Bay of Plenty*) would finish by 2025 has again proven to be over-optimistic. To date, all five under action in 2020 have yet to finish:
- 1. *Te Raki* released the first part of its stage 2 report, covering 19th century claim issues, in December 2022, and is preparing the second and final part, on 20th century issues. This is the Tribunal's largest district inquiry, with more than 400 claims.
 - 2. *Taihape* finished its hearings in 2021, has produced a report on landlocked land and is writing its main report.
 - 3. *Porirua ki Manawatū* is completing its third phase of hearings, having held 30 sittings over the 10 years since 2014, and has its fourth and final phase of hearings ahead.
 - 4. *NE Bay of Plenty* has held 12 hearings since 2021 and is currently hearing claimant evidence.
 - 5. *Renewed Muriwhenua Land* is preparing for hearings, with commissioned research under way.
31. None of the five district inquiries will finish by mid-2025 and this strategic goal will not be met.

SG2 Complete or advance at least half of the 13 major kaupapa inquiries by 2025

32. In its mid-term review the Tribunal concluded that it was ‘already clear that most kaupapa inquiries are likely to be larger and longer than originally envisaged [and] take longer to complete’. Amended or new claims were being submitted in large numbers, many raising contemporary and current issues.
33. Accordingly, the Tribunal revisited its strategic goal for 2025. The ‘13 major kaupapa inquiries’ refers to the original list of 11 plus the two topics severed from it for early inquiry (*Housing, MACA*). The goal thus expected at least seven of the 13 to be completed or advanced by 2025, with five already under action.
34. Of the five, one (*MACA*) completed its stage 1 report in 2020 and its stage 2 (final) report in 2024. The other four (*Military Veterans, Health, Mana Wāhine, Housing*) are in varying phases of inquiry. To these should be added two new inquiries (*Te Rau o te Tika/Justice* and *Tomokia ngā tatau o Matangireia/Constitution*) started in 2021 and 2022 respectively. By mid-2025 we therefore expect that one kaupapa inquiry will have been completed and six will be under action, achieving the strategic goal.
35. We note that the Tribunal has recently initiated the remaining six listed inquiries, one in 2023 (*Education Services and Outcomes*), four in late 2024 (*Natural Resources and Environmental Management, Social Services and Social Development, Identity and Culture* and *Economic Development*) and one (*Citizenship Rights and Equality*) merged with an inquiry under way (*Constitution*).
36. Beyond the original listed inquiries, one of the two added ex-urgent inquiries (*TPPA*) finished in 2021 and the other (*National Freshwater*) is currently in its stage 3 hearing round. We note further that the ‘priority’ inquiry started in early 2024 (*Climate Change*) has all the features of a kaupapa inquiry and would strengthen the coherence of the kaupapa programme by being identified as such. Its first full hearing was held in late November 2024.
37. We therefore expect that by mid-2025 the Tribunal will have under way a total of 13 kaupapa inquiries, including an ex-urgent and a priority inquiry that both fit the kaupapa profile.

SG3: Address remaining historical claims;

38. Progress with the Standing Panel for remaining historical claims has been slow. Following its appointment in 2018, the Panel organised its work into regional clusters of inquiry districts and began preparing the first region. Over the decade since 2014, however, Treaty negotiations and settlements and new inquiries had substantially reduced the number of potentially eligible claims with remaining historical issues. Following the appointment of a new presiding officer, in early 2024 the panel began to reorganise its work into a single nationwide process.
39. Given that engagement with potentially eligible claimants will have only just commenced by mid-2025, we conclude that this strategic goal has not been achieved.

SG4: Plan for addressing remaining contemporary claims that fall outside the kaupapa inquiries

40. We are not aware that any planning to address remaining contemporary claims has been initiated and conclude that unless it does commence before mid-2025, this strategic goal will not have been achieved.

SG5: Address claims granted urgency, including urgent applications for remedies

41. Applications for urgency arising from the Treaty settlement process wound down sharply in the late 2010s and early 2020s as many settlements were completed and the number and pace of negotiations eased off. Between 2021 and 2024, just two urgent reports (*Motiti*, *Wairarapa Moana*) were released.
42. Four urgent inquiries were completed between 2021 and 2023, comprising two relating to Crown policy (*Oranga Tamariki* and *Haumarū: COVID-19 Response*) and two concerning Treaty settlement issues (*Motiti* and *Ngāti Kahungunu*).
43. The number of urgent inquiries escalated dramatically following the change of government in late 2023. With the rapid roll-out of Treaty-related legislation in 2024, some of the urgent issues arising had to be heard and reported on within a matter of weeks, even days. Although some regular inquiry proceedings were unavoidably disrupted, during 2024 the Tribunal proved its ability to sustain a determined, rapid and effective response under great pressure, conducting six urgent inquiries (*Oranga Tamariki (Section 7AA)*, *Māori Wards and Constituencies*, *Treaty Principles Bill* and *Treaty Clause Review Policies*, *Takutai Moana Act 2011*, *Te Reo in the Public Sector*, *Te Aka Whai Ora*) that have so far released seven reports, with more to follow.
44. Two remedies proceedings loomed large between 2018 and 2022. One (*Wairarapa ki Tararua*) was halted in late 2021 by the passage of settlement legislation. The other, a rehearing of the *Mangatū* case, resulted in a remedies report in 2021, itself again under review in the courts.
45. We conclude that notwithstanding the pressure and the dislocation of its regular programmes, the Tribunal continued to fulfil this strategic objective throughout the period under review.

The period as a whole

An expanded and diversified work programme

46. Since the launch of the strategic direction in July 2014, the shape and size of the Tribunal's inquiry work programme has undergone major change, both expanding and diversifying. One indicator of this change is the number of inquiries in action at the same time. In July 2014, eight inquiries were underway. Ten years later, July 2024, that number had more than doubled to 18. We expect 19 inquiries to be under way in mid-2025, excluding any additional inquiries granted urgency.
47. This implies a substantial rise in the Tribunal's workload, which is also visible in the count of official events. Over the first four years of the strategic direction, the Tribunal's work programme averaged 48 events over 103 event days per year. This was a little below the average for the early and middle years of the district inquiry programme, which with a cap of 16 warranted members was 54 events over 119 days during the 13 years from 1995/96 to 2007/08. In the final six years from 2018/19 to 2023/24, however, the average rose sharply to 80 events over 149 event days per year, a level that we anticipate will be matched by the end of the current 2024/25 year.
48. The change is also reflected in the diversification of the Tribunal's work. In the first four years, district inquiries generated 58% of Tribunal events and 68% of event days, compared with 17% and 15% respectively for kaupapa inquiries and 25% of events and 18% of event days for urgent inquiries. Over the final six years, district inquiries still generated 29% of events and 34% of event days, and urgent and remedies

proceedings together accounted for another 33% and 27% respectively, while kaupapa inquiries were limited to 37% and 39%.

49. The broad effect has been that the persistently high level of urgent and remedies inquiries has impacted on progress towards completion of the district inquiries and has severely squeezed the resources available to the kaupapa inquiry programme. Remaining historical claims outside the district inquiries have not progressed.

Member workload

50. The much higher workload that the Tribunal's membership and presiding officers have taken on clearly demonstrates that it is not for want of effort that the Tribunal has been unable to achieve all of its strategic goals.
51. Members' commitments across multiple inquiries have multiplied. For the 46 events in 2014/15, 9 of the 19 sitting members were involved in a single inquiry, 5 in two inquiries and 5 in three. By contrast, for the 70 events in 2023/24 only 2 of the 21 participating members were involved in a single inquiry, 7 in two inquiries, 4 in three, and as many as 6 in four and 2 in five. With more panels being appointed in recent months, for many members simultaneous participation in multiple inquiry panels has become the norm.
52. Members' event workload was also unevenly distributed during 2023/24, with 9 members attending fewer than 10 events, 9 attending 10-19 events and 3 attending 20 or more events. Member availability is often variable, with the majority holding other positions or in full- or part-time employment alongside their role on the Tribunal. The few members able to commit most or all of their time to Tribunal work are especially hard pressed. This points to the value of having at least some full-time members, an option to which we return below. As well, efficient coordination of members' commitments across multiple panels is now critical to inquiry progress.

Stakeholders' views

53. Feedback from stakeholders on the Tribunal's performance over the past 10 years was positive. Stakeholders acknowledged the importance of the Waitangi Tribunal in the reconciliation of issues between Māori and the Crown. They also acknowledged the role that it had played in deepening the public understanding of the history and modern-day application of the Treaty as our nation's founding constitutional document, and of breaches of the Treaty and the steps required to address them. In their view, the Tribunal had achieved much with the resources at its disposal. It had been responsive to the needs and priorities of claimants, and its ability to maintain tikanga and kawa had remained an important and unique facet of its proceedings.
54. Stakeholders commented that the Tribunal was good at melding legal process with tikanga and kawa, at synthesising issues and information, and at producing focused reports on urgent issues, and detailed, comprehensive reports on district inquiries. It had made effective and innovative use of new technology, especially to conduct proceedings remotely during and following the Covid-19 pandemic.
55. Stakeholders identified several areas for attention. At the strategic level, one was the tension between setting completion targets for the Tribunal's regular inquiry programmes and the impact of the many factors outside its control. These had loomed large over the past decade in the form of a high volume of urgent inquiries, two new district inquiries, and targeted kaupapa issues prioritised for early inquiry. Many unpredictable factors also influenced the evolution of each inquiry, often

affecting its timeline and resource use. The new calls on the Tribunal's fixed resources unavoidably delayed progress in programmed inquiries. This in turn put pressure on claimants' ability to sustain their participation over lengthy inquiry timespans, and to maintain momentum following the conclusion of inquiry hearings. It also made it difficult for the Tribunal to maintain momentum following the conclusion of inquiry hearings where diversion of Tribunal resources to urgent or prioritised inquiries delayed the completion of planned Tribunal reports.

56. Stakeholders commented on the importance of the kaupapa inquiry programme, which gave an opportunity for the nationally focused, issue-based claims, some of which had been waiting for decades to be heard to have a place in the Tribunal's inquiry programme. Some concerns were expressed about the way the kaupapa inquiry programme had evolved. Inquiries had tended to develop organically, with differing approaches and procedures being taken by each inquiry panel. Some stakeholders commented that the purpose of each differing approach was sometimes unclear, and parties could benefit from a more predictable and consistent structure to kaupapa inquiries, while still allowing for adaptability and flexibility to suit the circumstances of the parties to each inquiry.
57. It had also become apparent that thematic overlaps had emerged or were likely to do so between many of the kaupapa inquiries. Efforts to resolve these overlaps to date lacked a coordinated approach. Stakeholders suggested that this should be a focus for the Tribunal in setting the strategic direction for the coming decade. A significant issue raised by many stakeholders is that claimants in kaupapa inquiries lacked the resources for preparing and participating in Tribunal proceedings that had been available in district inquiries through the Crown Forestry Rental Trust. This was compounded by the length of proceedings and by participation in multiple inquiries running in parallel.
58. There was a concern that the large number of claims grouped together in district and kaupapa inquiries often defaulted to a lengthy and adversarial form of hearings. Some stakeholders suggested that the Tribunal look to take a more inquisitorial approach, using its powers as a commission of inquiry to define issues and seek information from the Crown and claimant parties before it in order to streamline inquiry proceedings.
59. Stakeholders highlighted urgent inquiries as an important aspect of the Tribunal's work over the past 10 years, enabling claimants to bring contemporary issues of alleged Treaty breach before the Tribunal for rapid inquiry and report. Some commented that practice and procedure in urgent proceedings was at times inconsistent and could benefit from standardisation in certain areas.
60. One example given was requirements for discovery, which without a clear framework could lead to heavy workloads for Crown agencies, which are required to undertake the majority of such discovery. Where the requirements for discovery are well-defined, the process will produce relevant and valuable material, but the absence of a clear process can lead to large volumes of potentially irrelevant documents being produced. This in turn slowed the pace of inquiries as parties reviewed and responded to these documents. Stakeholders did note with appreciation the fast, nimble and responsive process adopted by the Tribunal in many of the urgent inquiries.
61. Some commented that the time taken to prepare Tribunal reports could also limit the relevance of their findings and recommendations when addressing urgent situations,

preparing policy responses or assisting Crown and claimants in settlement negotiations. Stakeholders appreciated the rapid production of several urgent reports in 2024 and the precision of their findings and recommendations.

62. The heavy workloads that running multiple Tribunal inquiries simultaneously place on claimants, the Crown, Tribunal members and presiding officers was acknowledged by all stakeholders. Several practical steps that could assist in managing such workload issues were suggested. Some stakeholders noted the pressure that can be placed on presiding officers and members in conducting both long-term and urgent inquiries. They suggested that a dedicated group of 2-3 Māori Land Court judges and legally qualified members could be delegated responsibility for assessing applications for urgent inquiry and, when granted, presiding in the resulting inquiries (with this being a large part of their workload). This would free up other presiding officers to focus on their district and kaupapa inquiry commitments.
63. For claimants and the Crown, and their legal counsel, it was noted that the difficulty of acting across multiple inquiries meant that they were often dealing with competing or clashing hearing dates and filing deadlines. This is a challenge in particular for the Crown and Crown counsel, who are a party to all Tribunal inquiries. It was suggested that the creation of an 'all inquiries' calendar documenting the hearing and filing commitments across all active Tribunal inquiries could help ensure visibility of such events and deadlines, assisting presiding officers to avoid clashes when setting down new events and filing requirements wherever possible.

The road ahead: strategic priorities for the next 10 years

Resource priority settings

64. The Chairperson's memorandum of 24 July 2024 adjusted the Tribunal's priority settings 'until the new strategic direction has been confirmed'. It sets five categories in descending order:
 1. claims granted urgency, including applications for remedies granted urgency;
 2. claims participating in priority inquiries;
 3. claims participating in district inquiries and remaining historical claims not yet heard, settled, or included in Treaty settlement negotiations;
 4. claims that relate to kaupapa issues; and
 5. remaining contemporary claims not yet heard or settled.
65. We consider that these priority settings are in general appropriate to the size and profile of the Tribunal's inquiry work programme over the next 10 years. They give effect to the Tribunal's longstanding commitment to dealing first with claims that meet its high threshold for granting urgency, then with pressing kaupapa issues, then with historical claims, then with kaupapa claims and finally with remaining contemporary claims. They sustain the comprehensive approach adopted by the Tribunal to providing appropriate inquiry pathways for all existing and future claims that the claimants wish to be heard.
66. We think, however, that the criteria for granting priority to an inquiry remain vague and ill-defined. These inquiries will often concern targeted kaupapa issues and therefore provide a route to early hearing. We recommend that the threshold for granting priority

status be more precisely and fully stated so as to set clear guidelines for the Tribunal and potential applicants.

The inquiry programme in outline

67. At present (March 2025), the total number of active inquiries stands at 21, comprising:
1. five district inquiries, with no likelihood that any new inquiry will be added;
 2. 12 kaupapa inquiries, plus a priority inquiry that fits the kaupapa model;
 3. two urgent inquiries; and
 4. the standing panel for remaining historical claims.
68. The only planned inquiry yet to be initiated is the standing panel for remaining contemporary claims.
69. We think it likely that if all the initiated inquiries proceed in parallel, the baseline of regular inquiries will remain close to its current level of 19 for the next few years, falling slowly thereafter as first district and then kaupapa inquiries finish. New issue-focused kaupapa inquiries may be initiated, a recent example being *Climate Change*, but these are likely to be rare given the wide-ranging thematic coverage of the current inquiries.
70. This is approximately double the number of active inquiries typical of the last three decades. Urgent inquiries, including remedies, come on top and vary greatly from year to year. We discuss the strategic implications and options below.

District inquiries and remaining historical claims

71. Five district inquiries are under action:
1. *Te Raki* and *Taihape* are in report writing and are likely to release their reports by 2030.
 2. *Porirua ki Manawatū* is completing its last iwi stage and is expected to start its final round of hearings, on district-wide issues, in 2025. It is not clear how much hearing time will be required. The panel's practice so far has been to produce reports on each stage. It is uncertain whether it will complete its final report by 2030.
 3. *NE Bay of Plenty* has recently started its main evidential hearings and has some way to go. This is a relatively small district inquiry and is likely to finish its hearings by 2030. It is uncertain whether it will complete its final report by 2030.
 4. Five years after restarting as a second-stage district inquiry, *Renewed Muriwhenua Land* has its commissioned research projects nearing completion. There is as yet insufficient information to indicate whether hearings are likely to finish by 2030.
72. The *Standing Panel for remaining historical claims* is currently reconfiguring its approach and inquiry process, possibly on a single nationwide footing. Previously, there was a low rate of uptake in its former region 1, where a hearing was requested for only a handful of the approximately 70 eligible claims. Notwithstanding the many local contexts and complexities of a nationwide small-claim process, it is possible that hearings may be completed by 2030.

73. In summary, a target of 2030 appears to be achievable for completing two of the five district inquiries (*Te Raki* and *Taihape*) and for finishing hearings in the remaining three (*Porirua ki Manawatū*, *NE Bay of Plenty*, *Renewed Muriwhenua Land*) and, possibly, the *Standing Panel*; their final reports should be completed by 2035. If remedies proceedings follow in *Renewed Muriwhenua Land*, this inquiry may still be active in 2035. Achieving these targets would depend on the twin assumptions that urgent and priority inquiry activity remains at a moderate overall level and that the present priority setting for district inquiries and historical claims remains in place.

Urgent inquiries, including urgent remedies

74. The past year has seen an unprecedented sequence of fast-paced urgent inquiries following rapid policy and legislative changes affecting Māori implemented by the incoming coalition government. That tempo is now reducing, but we think that the experience of the past decade suggests that applications for urgency concerning matters of current policy and action are likely to continue at a fairly high rate. This is also the view of our stakeholders.
75. Conversely, applications concerning Treaty settlement negotiation processes and terms have fallen markedly since their mid-2010s peak as the scale and intensity of Treaty settlement activity has reduced. Only a small handful of applications have been granted since 2018 and none since 2022. The number of groups not yet settled, however, is still sizeable. Our view, shared by our stakeholders, is that some settlement-related applications for urgency are likely to be submitted over the next decade and beyond.
76. Applications for urgent remedies are difficult to predict or time. Most applications arise in the context of settlement negotiations and a stakeholder view is that new applications will continue to be submitted. That said, we anticipate that the volume of urgent remedies applications will be relatively low. Where granted, they are likely to make major calls on resources.
77. In sum, we consider that an unpredictably varying workload of urgent inquiries is a likely prospect over the next 10 years. This would pose a major risk to the Tribunal achieving strategic goals set for completion by 2035.

Kaupapa inquiries

78. With the inauguration of the remaining four kaupapa inquiries in late 2024, 12 kaupapa inquiries and one priority inquiry are now under action, of which six are in start-up. The overarching question is whether all of them can be completed by the stated target of 2035.
79. The track records of kaupapa inquiries to date make it difficult to predict their future timelines. The only inquiries to have finished since the programme was inaugurated 10 years ago comprise an issue severed for priority action (*MACA*) and the extension of an urgent inquiry to hear remaining non-urgent issues (*TPPA*). The new targeted kaupapa inquiry granted priority in 2024 (*Climate Change*) may finish by 2030. The six planned inquiries initiated between 2014 and 2022, together with another extended urgent inquiry (*National Freshwater*), are all in or preparing for hearing. On their present trajectories, four (*National Freshwater*, *Military Veterans*, *Housing*, *Mana Wāhine*) are likely to finish by 2035, while three (*Health*, *Justice*, *Constitution*) may overshoot.

80. These predictions are highly tentative. They would be vulnerable to a high urgent and remedies workload and to new priority kaupapa inquiries being initiated. They also do not take into account the resourcing needed by the five recently initiated kaupapa inquiries (*Education, Social Services, Natural Resources and Environmental Management, Identity and Culture, Economic Development*). If the resources available for the kaupapa programme, ranking next to lowest in the priority framework, were to be allocated even-handedly across all 12 kaupapa inquiries, it is doubtful whether any except *Freshwater* and *Military Veterans* could finish by 2035.
81. Our conclusion is that as currently configured and conducted and with a fixed Tribunal budget and a 20-member cap, it is highly unlikely that the kaupapa inquiry programme can be completed by 2035. This is also the consensus view of our stakeholders.

Operational and procedural improvements

82. Our discussions with stakeholders have generated a number of suggestions that may assist the Tribunal in achieving its strategic goals. The focus is on suggested refinements and some standardization and innovation to urgent and kaupapa inquiries. We are also grateful to our stakeholders for the many insights that they contributed during our consultations.

Urgent proceedings – Te Tukanga Taihoro

83. Both applications for urgency and, when granted, urgent inquiries often make onerous demands of parties and Tribunal presiding officers and members. In some urgent inquiries, as well as more widely, the process of discovery has loomed large. During the consultations with stakeholders there was general support for a more standardised urgency procedure, including the option of a rapid process along the following lines:
1. pre-determined procedure/timeline and guidelines, to be set out in an updated *Guide to Practice and Procedure*;
 2. a targeted and consistent discovery process (if required);
 3. page limits to be set for briefs of evidence and submissions;
 4. strict adherence to deadlines required;
 5. a presumption that all evidence would be taken as read, unless otherwise directed;
 6. if held, a hearing, whether in-person or online, would be constrained to a day for claimants and the Crown to speak to the critical issues and answer questions from the Tribunal, and for the Tribunal to put key questions to witnesses; and
 7. the Tribunal to produce a targeted report within a short timeframe setting out its findings, any recommendations and its key reasons for both.
84. The suggestion, which we endorse, is that a streamlined 'Te Tukanga Taihoro' process be developed initially as a pilot scheme to be offered to claimants and Crown. A similar process was adopted in the Māori Wards urgent inquiry in 2024 in order to meet a legislative deadline. A Tukanga Taihoro inquiry panel would be informed by the application process, in which a risk of current or imminent prejudice has to be demonstrated. If a Tukanga Taihoro process for urgent inquiries is taken into general

practice, it would have significant potential to expand the Tribunal's resources for its regular inquiry work programme. It should also mean the Tribunal is able to conduct more urgent inquiries over a given period.

85. The proposed Tūkanga Taihoro model will not fit the requirements of all urgent inquiries, such as those addressing large issues or involving many claimants. Feedback from stakeholders suggested that efficient conduct of urgent proceedings could be improved by clearer standardised procedural guidance and by dedicated judges taking a leading role, as discussed above.

Kaupapa inquiries

86. We share the concerns expressed by stakeholders about aspects of the kaupapa inquiry programme. Kaupapa Tribunals have taken a range of approaches to determining inquiry procedure, the prioritisation of issues, scope and interlocutory proceedings. As a result, inquiries have tended to take a long time to progress, with a lot of variation, and a lack of clarity in the design of the inquiry as a whole. Inquiries could benefit from innovation and some consistency and standardisation of approach.
87. In preparing their inquiries several Tribunal panels have developed procedural innovations, including tūāpapa hearings, wānanga, early evidential hearings while procedural and interlocutory matters are addressed, and an online guide to evidence presented. We recommend that the experience gained be appraised and standardised with a view to assisting other inquiry panels in preparing their inquiries.
88. Research necessary to inform an inquiry was also raised as an issue by stakeholders. While they noted that high quality research was invaluable for the inquiry process, some also commented that the time taken to commission and complete research was a factor which necessarily delayed the commencement of inquiry hearings, and that research timeframes should be minimised where possible. We note that with the cost of kaupapa inquiry research being borne mainly by the Tribunal, cost constraints may both slow research output in inquiries that need substantial research programmes and reduce the resources available across all kaupapa inquiries. We return to this issue below.
89. We consider and recommend that concerted action is needed to streamline commissioned research, interlocutory proceedings and hearings. This would include:
1. establishing at the outset and periodically updating the eligibility of all participating claims, with amended statements of claim as needed;
 2. determining at the outset, in consultation with the parties, a framework of main issues and key questions to be addressed in the inquiry as a whole and specifying any significant exclusions of issues and/or periods;
 3. coordinating any issue overlaps with other kaupapa inquiries and identifying probable cross-inquiry linkages between causes of action and prejudice arising;
 4. co-ordinating research across overlapping inquiries;
 5. facilitating claimants to cluster around shared issues, with coordinating or lead counsel appointed; and

6. after the main evidence is filed, refining issues to be heard through a statement of issues and response process to guide the use of hearing time for the inquiry or inquiry stage ahead.
90. We consider it important that in any streamlining and process innovations, the Tribunal's commitment to tikanga Māori and te kawa o te marae is sustained. In doing so, we would caution that pre-hearing inquiry design, consultation and interlocutory processes, whether conducted on a regional or national footing, need to be issue-focused, disciplined and directed towards getting claims into hearing as soon as practicable.
91. We endorse stakeholders' concern that thematic overlaps between kaupapa inquiries are quite widespread. We see merit in the Tribunal developing a general procedure for resolving thematic overlaps between kaupapa inquiries that will assist presiding officers to address them in their inquiries. This should include co-ordinating commissioned research across overlapping inquiry issues.
92. We note the Tribunal's general expectation that kaupapa inquiries will address nationally significant issues affecting Māori as a whole in similar ways. While particular case details will always vary, in our view it is critical that claimants with similar grievances be enabled to group around agreed big picture issues. This would help to reduce the amount of repetitive evidence and enable hearings to be efficiently and coherently focused on the key issues to be determined. Claimants would, however, need to be able to have access to resources sufficient enough to enable them to travel to where their issue of concern was being heard.
93. Stakeholders have observed that Tribunal processes have tended to default to an adversarial approach, with claimants and the Crown presenting and cross-examining contrasting evidence and cases. We suggest that appointing counsel to assist may help kaupapa Tribunals give greater direction to their inquiry processes, utilising them to adopt a more inquisitorial approach to hearings. One example suggested by stakeholders was that counsel assisting could work with parties to prepare an agreed statement of issues for inquiry, rather than it being produced by parties through a time-consuming back-and-forth submissions process. If resources permit, we recommend that this option be made available in all kaupapa inquiries.

Enabling claimant participation

94. One major challenge facing the efficient delivery of the kaupapa inquiry programme is the absence of an alternative to Crown Forestry Rental Trust (CFRT) funding for claimant research, preparation and participation, sometimes across multiple parallel inquiries in which they seek to participate. Many Tribunals have engaged with this issue while preparing their inquiries for hearing and several have referred to it in their reports, notably the Justice Tribunal in its 2023 'mini-report' on claimant funding for Tribunal inquiries. We consider this in itself to be a serious constraint on the Tribunal's ability to hear claimants wanting to participate and to expedite inquiry progress.
95. One result has been a much greater reliance on the Tribunal to fund needed research for kaupapa inquiries. Research into the contemporary issues that dominate many kaupapa inquiries must be able to access agency-held records. We suggest that alongside the established and cumbersome discovery and OIA processes, Tribunal and claimant researchers could be assisted to access directly the records they need.

An example of such an approach can be found in the *Mana Wāhine* kaupapa inquiry, where a memorandum of understanding was established with the Crown to ensure access to data held by the Ministry of Women's Affairs required for research purposes. Crown funding for jointly appointed researchers would also help to ease the research constraint on kaupapa inquiry progress.

96. Logistics are also problematic. With kaupapa inquiries' national geographic reach, their hearing and judicial conference venues will inevitably be distant for most participating claimants. An increasing number of kaupapa and most urgent hearings are being held centrally in Wellington. Remote audiovisual technology therefore has an important role and the Tribunal has made effective use of it through Zoom and livestreaming. We recommend that attention be given to two possible areas for improvement if technically feasible:
1. delivery of real-time remote simultaneous translation; and
 2. the capacity to service more than one event simultaneously, enabling more flexible scheduling.

Member capacity

97. Stakeholders have drawn attention to the strains placed upon both Tribunal members and presiding judges by a larger, more diverse inquiry work programme. Since 2008, the membership has been capped at 20 current warranted members, plus continuing members. Given the volume and complexity of the Tribunal's workload over the next decade, we recommend that the cap should be raised to 25 members by amendment of s 4(2)(b) Treaty of Waitangi Act 1975. When the Tribunal's workload reduces following completion of the kaupapa and district inquiries, it will be at the discretion of the Minister to appoint fewer members.
98. It is essential that the Tribunal membership has a mix of skills and experience appropriate to its inquiry work programme. As an example, there are only two professional historians amongst the 20 warranted members, resulting in those members each being appointed to multiple inquiries simultaneously. Members with kaumātua/kuia/matatau ki te reo me ngā tikanga expertise are also often over-extended.
99. Our discussions and stakeholder consultations came up with a number of suggestions for the efficient deployment of members and judges to inquiries, which we recommend be given consideration. They include:
1. a set of judges being assigned as 'lead' Tribunal presiding officers, with the majority of their workload being focused on Tribunal work, in particular dealing, on delegation by the Chairperson or Deputy Chairperson to a Tribunal panel, with applications for urgency and presiding in urgent inquiries;
 2. legally qualified members being appointed as presiding officers;
 3. agreements with individual members to commit at least half their time to Tribunal work; and
 4. where possible, not assigning urgent inquiries to kaupapa Tribunal panels so as not to delay progress in their inquiries except where a commonality of issue or policy or speed of response makes it sensible to do so.

Coordinated planning of the inquiry work programme

100. With so many inquiries simultaneously in action and most panel members involved in more than one inquiry, effective coordination of inquiry planning and member commitments across multiple inquiries will be essential. This affects not just Tribunal presiding officers and members but all participants in inquiry processes, especially judicial conferences and hearings. The late postponement of a hearing may not only result in a lengthy delay until new dates can be found on which all panel members are available but also disrupt commitments in other inquiries, especially for counsel. Stakeholders have pointed to the need for greater long-term certainty in inquiry event schedules.
101. We recommend:
1. that when planning their inquiry milestone and official events, panels take full account of their members' commitments in parallel inquiries;
 2. that a complete schedule of hearings in an inquiry or inquiry stage be agreed and set in advance with claimants and Crown, and changed only where unavoidable;
 3. that a schedule of Tribunal filing dates and other deadlines be maintained internally and be visible to all presiding officers, to avoid multiple filing deadlines being set for parties across multiple inquiries;
 4. that presiding officers and panels be supported with planning information sufficient to enable them to navigate their inquiry with a horizon of several years ahead; and
 5. that following budget confirmation the Tribunal publish online and send to stakeholder organisations an outline of its annual inquiry work programme and outyear milestones, and update it quarterly.

Guide to Practice and Procedure

102. If adopted in any form, a number of our recommendations are likely to result in revisions and additions to the Tribunal's *Guide to Practice and Procedure*. This invaluable document is an essential reference resource for all practitioners in the Tribunal jurisdiction. We recommend that it be promptly and fully updated to take in any of this report's recommendations that are adopted, and subsequently when any significant changes to Tribunal procedure are introduced.

Setting strategic goals

103. We outline below two possible scenarios for the setting of strategic goals to be achieved by 2030 and 2035. They are purposely configured at either end of the performance spectrum to illustrate the range within which targets can be set.
104. The following assumptions are shared by both scenarios:
1. The Tribunal's budget remains at its current baseline and therefore declines slowly in real terms;
 2. The membership cap remains at 20 and vacancies are filled by appointments or reappointments fairly promptly.
 3. Urgent inquiries will run at a moderate level.

Continuation of present practice – business as usual

105. The main operating assumptions are as follows:
1. All 19 initiated inquiries are resourced, to which should be added urgencies and any urgent remedies as they arise.
 2. The resource priority framework is partly applied, with urgencies and urgent remedies always prioritised and regular inquiries resourced even-handedly.
106. In the period to 2030, district and kaupapa inquiries and the standing panel are together expected to make large calls on hearing time. All will therefore progress more slowly:
1. It is possible that all five district inquiries will complete their hearings by 2030, but more likely that at least one, and the standing panel, will still be in hearing. Two (*Te Raki, Taihape*) will have completed their final reports.
 2. Two kaupapa inquiries (*National Freshwater, Climate Change*) will probably finish their hearings by 2030 and the rest be in or preparing for hearing.
 3. Resources for Tribunal-commissioned research will be stretched, slowing progress in kaupapa inquiries in preparation.
107. In the period from 2030 to 2035, the kaupapa inquiries will make large calls on hearing time and research resources. District and kaupapa inquiries will together require substantial report writing support:
1. The last district inquiry and the standing panel will finish their hearings and two district inquiries (*NE Bay of Plenty, Porirua ki Manawatū*) will release their final reports. *Renewed Muriwhenua Land* may complete its district report and commence remedies proceedings, while the standing panel will be well advanced in hearing and reporting on the historical claims before it.
 2. Some kaupapa inquiries will complete their hearings, others will move from research into hearing, and a minority will be in research or pre-hearing interlocutory preparation. It is possible that several will complete their final reports by 2035.
108. In both periods, urgent inquiries will require substantial resources. In addition to Ngāti Kahu in Muriwhenua, urgent remedies proceedings are likely to be infrequent, but will require substantial resources when they arise.

'Best case' scenario

109. The main operating assumptions are as follows:
1. The five district inquiries, standing panel, and one priority and seven regular kaupapa inquiries under way are resourced, in all a total of 14, plus urgencies and any urgent remedies. The five recently started kaupapa inquiries are limited to inquiry preparation and research at least until after 2030.
 2. The resource priority framework is fully applied, with urgencies and urgent remedies always resourced, then in descending order priority kaupapa inquiries, district inquiries and the standing panel, active kaupapa inquiries, the start-up kaupapa inquiries, and finally remaining contemporary claims.
 3. Most of the operational and procedural improvements recommended in this report are implemented.

110. In the period to 2030, district and kaupapa inquiries and the standing panel are together expected to make large calls on hearing time. All will therefore progress more slowly:
1. All the district inquiries will complete their hearings by 2030, while the standing panel will be in hearing. Two (*Te Raki, Taihape*) will have completed their final reports.
 2. Two kaupapa inquiries (*National Freshwater, Climate Change*) will finish their hearings by 2030, as will probably another two (*Mana Wāhine, Housing*). Two (*Military Veterans, Health*) will be in late-stage hearing and two (*Justice, Constitution*) will have completed their research and interlocutory preparations and commenced their hearings.
 3. Resources for Tribunal-commissioned research will be directed mainly to the active kaupapa inquiries and the standing panel, with any spare capacity going to the new kaupapa inquiries in preparation.
111. In the period from 2030 to 2035, the kaupapa inquiries will make large calls on hearing time and research resources. District and kaupapa inquiries will together require substantial report writing support:
1. The standing panel will finish its hearings and its final report, as will the remaining three district inquiries. *Renewed Muriwhenua Land* may commence remedies proceedings.
 2. Six kaupapa inquiries will complete their final reports, and possibly also a further two (*Justice, Constitution*).
 3. The five new kaupapa inquiries will complete their research and inquiry preparation and commence their hearings. It is possible that one or more will complete their final reports by 2035.
 4. A standing panel for remaining contemporary claims will start its processing of claims that the claimants want to be heard.
112. In both periods, urgent inquiries will require moderate resources if the fast-track model is adopted for some inquiries. In addition to Ngāti Kahu in Muriwhenua, urgent remedies proceedings are likely to be infrequent, but will require substantial resources when they arise.

Completing the transition to the Waitangi Tribunal's future state

113. Throughout its 50 years of operation, the Waitangi Tribunal has been required by its statute to hear, with few exceptions, all valid claims submitted to it. Since its jurisdiction was extended back to 1840 in 1985, the number of claims has far outstripped its capacity to hear each claim individually. Since the mid-1990s, the Tribunal has therefore grouped related claims for joint inquiry, first in district inquiries into mainly historical claims, and more recently in thematic kaupapa inquiries into mainly contemporary issues.
114. These two long-term inquiry programmes are the central focus of the Tribunal's strategic direction. Within the term of its planned 2025-2035 strategic direction, the Tribunal aims to complete its inquiry into historical claims and most contemporary claims.

115. Doing so would bring it close to fulfilling the purpose expressed by the Hon. Matiu Rata when introducing the third reading of the Treaty of Waitangi Bill on 10 October 1975:

... the principal purpose of the Bill is to give statutory acknowledgement to the principles of the treaty as set out in the schedule to the Bill in both English and Maori, and to establish a tribunal to examine any Act, regulation, Order in Council, policy, or practice adopted by the Crown that is claimed to be inconsistent with the principles of the treaty.

116. In its 2014-2025 strategic direction, the Tribunal stated:

During the term of this strategy or soon after, it is expected that the Waitangi Tribunal will transition to a body that hears contemporary claims as they are filed, including claims prioritised as urgent or claims for kaupapa inquiries on issues of national significance.

117. The 2020 update reaffirmed this endpoint objective but acknowledged that it would take longer:

Given the many external factors that influence the demand for a Tribunal inquiry and the pace at which inquiries can be progressed, it would be unrealistic to set a fixed target date for the completion of the strategic direction's transitional programme'.

118. That remains the position today, but with the transition closer to completion if the Tribunal sets 'best case' strategic goals for advancing the kaupapa inquiry programme and, in parallel, remaining contemporary claims. Under that scenario, from 2035 onwards the Tribunal would complete its transition:

1. the final five kaupapa inquiries would finish their hearings and write their reports; and
2. the standing panel for remaining contemporary claims would complete the hearing of outstanding claims that the claimants want to be heard.

119. At the same time, the Tribunal would move progressively to its future state by:

1. hearing new contemporary claims as they are filed;
2. initiating kaupapa inquiries where claims raise nationally significant issues not previously addressed; and
3. granting urgency to claims that meet the requirements for immediate hearing.

Annex A. General questions to assist the stakeholder consultations

1. How satisfied are you with how the Tribunal has been operating?
2. What is the Tribunal currently doing that it should continue to do or cease doing?
3. What do you think the workload of the Tribunal will be over the next 10 years? Will it increase or decrease?
4. What do you consider to be the future role of the Tribunal over the next 10 years?
5. Are there any areas where the Tribunal should improve?

and for senior officials:

6. How has the Tribunal's approach to organising its work and reporting impacted on subsequent decision-making in your fields of work?

Annex B. The Tribunal inquiry programme: status 2014-2035

Inquiry *	Type	Multi-staged	Year #	Status in:		Expected 'best case' status in:		
				Jul 2014	Dec 2020	Jun 2025	Jun 2030	Jun 2035
Te Urewera	District	No	2001	Report writing	Completed	-	-	-
Whanganui Land	District	No	2006	Report writing	Completed	-	-	-
Te Rohe Pōtae	District	No	2009	In hearing	Completed	-	-	-
Te Paparahi o Te Raki	District	Yes	2009	In hearing	Report writing	Report writing	Completed	-
Porirua ki Manawatū	District	Yes	2011	In hearing	In hearing	In hearing	Report writing	Completed
Taihape: Rangitikei ki Rangipo	District	No	2012	Pre-hearing	In hearing	Report writing	Completed	-
NE Bay of Plenty	District	No	2019	-	Pre-hearing	In hearing	Report writing	Completed
Renewed Muriwhenua Land	District	No	2019	-	Pre-hearing	Pre-hearing	Report writing	Remedies
Gisborne/Mangatū	District	Yes	2011	Remedies	Remedies	Completed	-	-
Wairarapa ki Tararua	District	No	2018	-	Remedies	Ceased	-	-
Remaining historical claims	Standing Panel	No	2018	-	Pre-hearing	Pre-hearing	In hearing/ report writing	Completed
National Freshwater & Geothermal Resources †	Kaupapa	Yes	2012	Pre-hearing	Pre-hearing	In hearing	Report writing	Completed
Military Veterans	Kaupapa	Yes	2014	-	Pre-hearing	In hearing	In hearing	Completed
Health Services & Outcomes	Kaupapa	Yes	2017	-	Pre-hearing/ report writing	Pre-hearing/ report writing	In hearing	Completed
Housing Policy & Services	Kaupapa	Yes	2019	-	Pre-hearing	Pre-hearing	Report writing	Completed
Mana Wāhine	Kaupapa	No	2019	-	Pre-hearing	Pre-hearing/ In hearing	Report writing	Completed

Inquiry *	Type	Multi-staged	Year #	Status in:		Expected 'best case' status in:		
				Jul 2014	Dec 2020	Jun 2025	Jun 2030	Jun 2035
MACA (Takutai Moana) Act ‡	Kaupapa	Yes	2018	-	In hearing	Completed	-	-
Trans-Pacific Partnership Agreement †	Kaupapa	Yes	2016	-	Completed	-	-	-
Te Rau o te Tika/Justice	Kaupapa	Yes	2022	-	-	Pre-hearing/in hearing	In hearing	Completed
Tomokia ngā tatau o Matangireia/Constitution	Kaupapa		2022	-	-	Pre-hearing	In hearing	Completed
Climate Change ‡	Kaupapa	No	2023	-	-	In hearing	Completed	-
Education Services & Outcomes	Kaupapa		2023	-	-	Pre-hearing	Pre-hearing	In hearing
Natural Resources & Environment Management	Kaupapa		2024	-	-	Pre-hearing	Pre-hearing	In hearing
Social Services & Social Development	Kaupapa		2024	-	-	Pre-hearing	Pre-hearing	In hearing
Identity & Culture	Kaupapa		2024	-	-	Pre-hearing	Pre-hearing	In hearing
Economic Development	Kaupapa		2024	-	-	Pre-hearing	Pre-hearing	In hearing
Remaining contemporary claims	Standing Panel		[2031]	-	-	-	-	In hearing/ report writing

* Includes district, kaupapa and standing panel inquiries and remedies proceedings; excludes urgent inquiries.

† Continuation of an urgent inquiry to hear non-urgent matters.

‡ Kaupapa inquiry granted priority.

Year in which a quorate panel was appointed.