

Immediate Release
29 September 2026

Battle over Waitangi Tribunal puts Crown accountability and Kāwanatanga in focus

Lady Tureiti Moxon says proposals by ACT and New Zealand First to abolish or significantly restrict the jurisdiction of the Waitangi Tribunal raise an important question about Kāwanatanga and how Crown decisions affecting Māori will be independently examined.

ACT has proposed ending the Tribunal's jurisdiction over contemporary Crown policy and conduct, limiting it to historical claims lodged by 1 September 2008, before ultimately winding it up.

New Zealand First has announced that it would introduce legislation within the first 100 days of the next Government to abolish the Waitangi Tribunal and establish a Treaty of Waitangi Completion Commission focused on completing claims lodged before 2008.

Moxon says the Waitangi Tribunal's latest report, [Te Aka Whai Ora \(Māori Health Authority\) Priority Report Part 2](#), on the disestablishment of Te Aka Whai Ora clearly demonstrates the importance of the Waitangi Tribunal in holding the Crown accountable for its continuous breaches of Te Tiriti o Waitangi.

She believes the two minor parties' proposals are another example of Te Tiriti being used as a political football in the lead-up to the election.

"*Hautupua Part 2* shows exactly why contemporary jurisdiction matters. The Crown continues to make unilateral decisions about Māori health, without Māori and they don't like it when those decisions are challenged before the Waitangi Tribunal and have found to be inconsistent with Te Tiriti," Lady Tureiti said.

The findings follow similar breaches and recommendations from three earlier reports: [Hauora \(Primary Health\) 2019](#), [Haumarū \(Covid\) 2021](#), and [Hautupua Part 1 \(Te Aka Whai Ora Disestablishment\) 2024](#).

According to Moxon, the Waitangi Tribunal in [Te Tinihanga o ngā Mātāpono The Urgent Report on the Treaty Principles Reform](#) has stated that "kāwanatanga must be exercised in accordance with good government and in a way that actively protects, rather than diminishes, rangatiratanga."

"What opponents are saying is that the Waitangi Tribunal is no longer fit for purpose. Well, the reason there are so many contemporary claims and a plethora of Tribunal reports is simply because the Crown continues to ignore and dishonour Te Tiriti o Waitangi."

"There would be no need for the Waitangi Tribunal if the Crown consistently honoured its obligations under Te Tiriti. Instead, the Crown knowingly continues to make decisions that are in breach the Te Tiriti and of the rights of mana whenua here in Aotearoa. That is precisely why a contemporary jurisdiction remains imperatively necessary."

The Crown itself has stated that it is the Waitangi Tribunal who are the authority on Te Tiriti o Waitangi and, yet it refuses to acknowledge the purpose of the Waitangi Tribunal as a permanent commission of inquiry that investigates claims by Māori that Crown legislation, policies, actions or omissions have breached the principles of Te Tiriti o Waitangi.

“The Tribunal does not make the laws. Parliament does that. The Tribunal provides an independent forum where Māori can bring claims, have the evidence examined and seek findings and recommendations about Crown conduct,” she said.

“If the contemporary jurisdiction is removed, what independent mechanism will examine whether current Crown decisions are consistent with the Crown’s obligations under Te Tiriti?”

Moxon says the issue goes directly to the meaning of Kāwanatanga and good government.

“Kāwanatanga is not simply the right of the government to make decisions for everyone. It carries obligations. Crown decision-making must take into account the rights and interests guaranteed to Māori under Te Tiriti.”

“Removing the ability to independently examine contemporary Crown decisions does not resolve breaches. It removes a mechanism for accountability.”

Moxon says replacing the Tribunal’s contemporary jurisdiction with a mechanism focused only on historical claims would not address the underlying issue.

“A new ‘Completion Commission’ will not resolve the ongoing problem of the Crown continuing to make decisions that breach Te Tiriti,” she said.

“History has demonstrated that repeatedly. Until the Crown treats Te Tiriti as a document of substance and adheres to its obligations as part of good government, breaches will continue.”

Lady Tureiti on behalf of Te Kōhāo Health, alongside Te Puna Ora, Papakura Marae and Ngāti Hine Health Trust, are also awaiting the High Court’s decision on the disestablishment of Te Aka Whai Ora being a breach the Treaty of Waitangi and the New Zealand Bill of Rights Act.

The case was heard in August 2025 and seeks a declaration of inconsistency under Te Tiriti. Senior courts have previously been able to make declarations of inconsistency under the Bill of Rights Act, but no equivalent declaration has previously been made in relation to Te Tiriti.

Such a declaration would establish a legal precedent.

ENDS

Media liaison: Sarah Sparks 021318813 Sarah.sparks@sparksconsulting.co.nz