

## Hon Tama Potaka

### Te Minita Whanaketanga Māori

Advice relating to the appointment of members to the Waitangi Tribunal  
26 Huitanguru 2025

These documents have been proactively released.

Document	Date	Document Title	Decision
1.	4 Paengawhāwhā 2024	Hei Whakataua: Waitangi Tribunal Appointments	Some information withheld under section 9(2)(a) and section 9(2)(ba)(i), and to align with Cabinet Office circular CO (23) 04
2.	10 Haratua 2024	Hei Whakataua: Waitangi Tribunal appointments	Some information withheld under section 9(2)(a) and section 9(2)(ba)(i)
3.	19 Hereturikōkā 2024	Hei Whakataua: Waitangi Tribunal Appointments	Some information withheld under section 9(2)(a) and section 9(2)(ba)(i), and to align with Cabinet Office circular CO (23) 04
4.	6 Mahuru 2024	Hei Whakataua: Waitangi Tribunal Appointments	Some information withheld under section 9(2)(a) and section 9(2)(ba)(i), and to align with Cabinet Office circular CO (23) 04
5.	24 Oketopa 2024	Hei Whakataua: Waitangi Tribunal Appointments	Some information withheld under section 9(2)(a)
6.	7 Whiringa-ārangi 2024	Hei Whakataua: Waitangi Tribunal Appointments – up to 13 members in Hakihea 2024	Some information withheld under section 9(2)(a) and section 9(2)(ba)(i)
7.	22 Whiringa-ārangi 2024	Hei Whakataua: Waitangi Tribunal appointments – confirmation of preferred candidates and draft APH Cabinet paper	Some information withheld under section 9(2)(a) and section 9(2)(ba)(i), and to align with Cabinet Office circular CO (23) 04
8.	6 Hakihea 2024	Hei Whakataua: Waitangi Tribunal appointments 2024: Final decisions	Some information withheld under section 9(2)(a) and section 9(2)(ba)(i), and to align with Cabinet Office circular CO (23) 04

Some parts of this information release would not be appropriate to release and, if requested, would be withheld under the Official Information Act 1982 (the Act). Where this is the case, the relevant section of the Act that would apply has been identified.

Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it.

**Key to Redaction Codes:**

section 9(2)(a) – to protect the privacy of individuals; and

section 9(2)(ba)(i) – to protect information which is subject to an obligation of confidence, where the making available of the information would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied.

CO (23) 04 – Cabinet Office circular titled “*Proactive Release of Cabinet Material: Updated Requirements*” governing the proactive release of Cabinet Material.

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# HEI WHAKATAU | BRIEFING

## Waitangi Tribunal Appointments

<b>Date:</b>	4 Paengawhāwhā 2024	<b>Priority</b>	Medium
<b>Classification</b>	In Confidence	<b>Tracking Number</b>	48410

Action sought	Date action required by
<p>It is recommended that you:</p> <ol style="list-style-type: none"> <li><b>note</b> four members' warrants of the Waitangi Tribunal are expiring on 24 Haratua 2024 and all are available for reappointment</li> <li><b>agree</b> to reappoint Dr Grant Phillipson, Dr Hana O'Regan, Kevin Prime and Derek Fox to the Waitangi Tribunal for a further three-year term</li> <li><b>agree</b> to undertake required consultation with Ministerial colleagues to appoint members to the Waitangi Tribunal.</li> </ol>	12 Paengawhāwhā 2024

Contact for telephone discussion (if required)				
Name	Position	Telephone	Mobile	1 <sup>st</sup> contact
Terina Cowan	Deputy Secretary, Strategy, Finance and Performance		s9(2)(a)	
Harata Simpson	Manager, Statutory Entities		s9(2)(a)	√

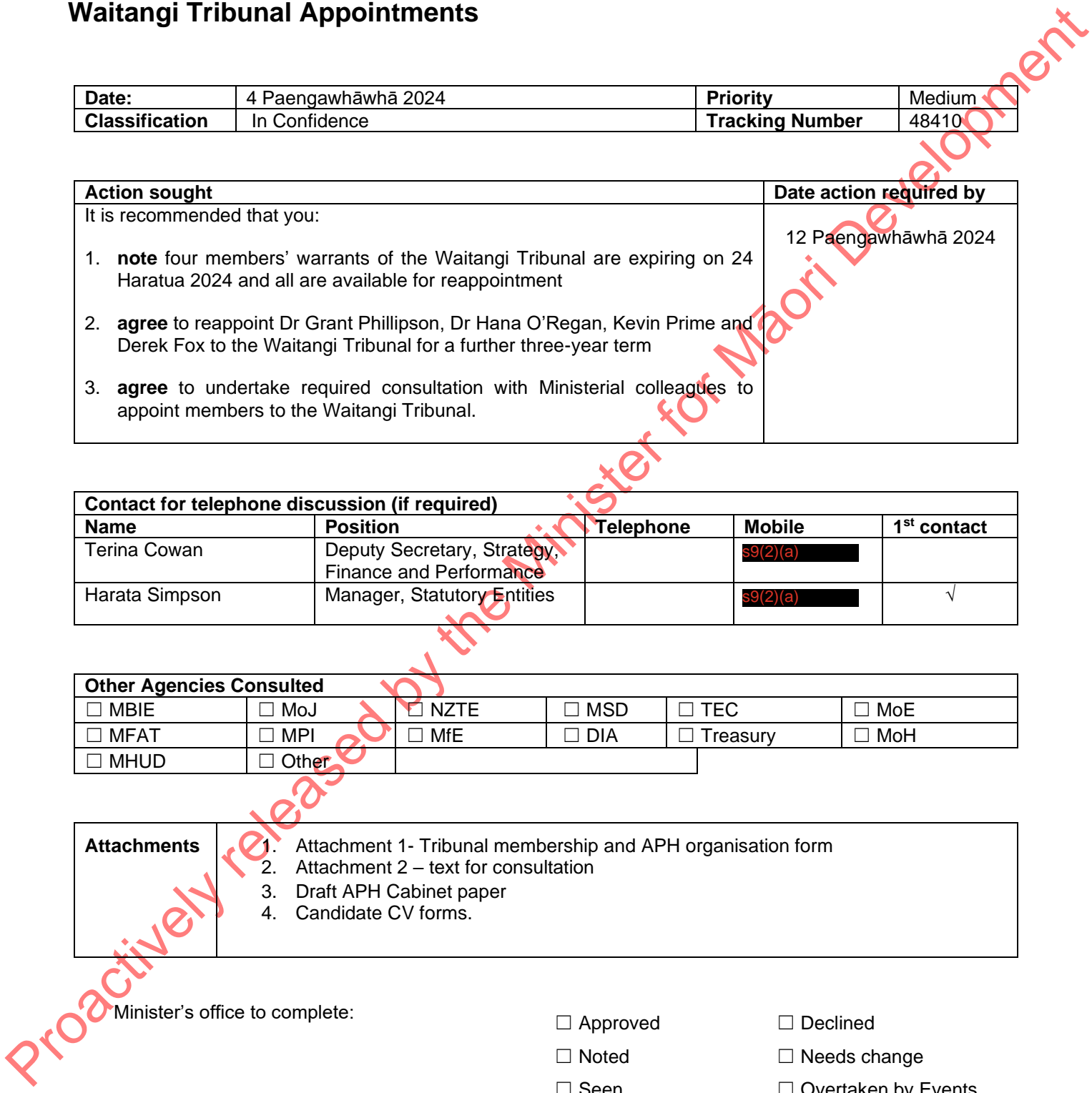
Other Agencies Consulted					
<input type="checkbox"/> MBIE	<input type="checkbox"/> MoJ	<input type="checkbox"/> NZTE	<input type="checkbox"/> MSD	<input type="checkbox"/> TEC	<input type="checkbox"/> MoE
<input type="checkbox"/> MFAT	<input type="checkbox"/> MPI	<input type="checkbox"/> MfE	<input type="checkbox"/> DIA	<input type="checkbox"/> Treasury	<input type="checkbox"/> MoH
<input type="checkbox"/> MHUD	<input type="checkbox"/> Other				

Attachments
<ol style="list-style-type: none"> <li>Attachment 1- Tribunal membership and APH organisation form</li> <li>Attachment 2 – text for consultation</li> <li>Draft APH Cabinet paper</li> <li>Candidate CV forms.</li> </ol>

Minister's office to complete:

- |   |  |
|---|--|
| <input type="checkbox"/> Approved             | <input type="checkbox"/> Declined            |
| <input type="checkbox"/> Noted                | <input type="checkbox"/> Needs change        |
| <input type="checkbox"/> Seen                 | <input type="checkbox"/> Overtaken by Events |
| <input type="checkbox"/> See Minister's Notes | <input type="checkbox"/> Withdrawn           |

Comments:





4 Paengawhāwhā 2024

Te Minita Whanaketanga Māori

## **Waitangi Tribunal Appointments**

### **Purpose**

1. This paper seeks your agreement to progress the reappointment of four Waitangi Tribunal members whose warrants will expire in Haratua 2024.

### **Background**

2. The Waitangi Tribunal (the Tribunal) is a permanent commission of inquiry. The Tribunal was established under section 4 of the Treaty of Waitangi Act 1975 (the Act) to inquire into, and make recommendations on, acts and omissions of the Crown which were, or are, inconsistent with the principles of the Treaty of Waitangi.
3. Section 4 of the Act states that the Governor-General appoints members to the Waitangi Tribunal on the recommendation of the Minister of Māori Development after consultation with the Minister of Justice. Members may be appointed for a term specified by the Governor-General not exceeding three years.
4. The Tribunal comprises up to 20 members and the Chief Judge of the Māori Land Court is the Chairperson. The terms for four members on the Waitangi Tribunal are expiring in Haratua 2024 and a further 12 expiring in Hakihea 2024.

*A full list of Tribunal members is attached as Appendix 1*

5. The Act allows for members whose terms have expired to continue in office for the purpose of completing any proceedings heard by the Tribunal before the expiry of the member's term of office or the member's resignation.
6. Your role is to approve the appointments and progress to the Cabinet Appointments and Honours Committee (APH) then to Cabinet for approval. Following Cabinet approval, you will recommend the appointments to the Governor-General who appoints members and signs member warrants.

### **Comment**

#### *Upcoming appointments*

7. In 2021, Dr Grant Phillipson, Dr Hana O'Regan, Kevin Prime and Derek Fox were appointed for three-year terms and their warrants expire on 24 Haratua 2024.
8. On 16 Huitanguru 2024, the Chairperson of the Waitangi Tribunal, Chief Judge Caren-Fox wrote to you on advising that all four members are available for reappointment.
9. Under Section 4 of the Act, where Tribunal members' warrants are due to expire, the Minister of Māori Development has the option of recommending that the Governor-General either reappoint members for another term or appoint new members.

10. The appointment process includes considering the suitability of persons for appointment to the Tribunal, Section 4(2A) requires you to have regard to the relationship between the two parties to the Treaty of Waitangi and to a candidate's person attributes and relevant knowledge and experience in matters likely to come before the Tribunal.
11. Tribunal members will come from all walks of life and are appointed for their expertise in the matters that are likely to come before them. The current Tribunal membership, including the four candidates, reflects both partners in the Treaty; the Crown and Māori. 13 of 20 Members identify as Māori and 12 of 20 identify as male.

*We recommend the reappointment of members*

12. All four members have indicated they are available for reappointment. A candidate information form for each member is attached.

#### *Short Biographies*

- a. **Dr Grant Phillipson's** professional involvement with the Tribunal began in 1993 as a commissioned researcher. In 1995, he was appointed research manager and, two years later, chief historian. He held that role until his appointment to the Tribunal in 2011. Dr Phillipson has written numerous research and historical reports commissioned by the Tribunal, the New Zealand Māori Congress – Crown Joint Working Party, and the Crown Forestry Rental Trust. As chief historian, Dr Phillipson was responsible for supervising the Tribunal's commissioned research programme and providing research and report writing advice to numerous Tribunal panels.

Dr Phillipson has published academic papers on questions relating to the church in nineteenth century New Zealand, Treaty history, the Tribunal, and Māori land. During his time on the Tribunal, he has sat on various claims including the New Zealand Māori Wardens claim, Ahuriri Mandate, the Whakatōhea Settlement Processes and Te Ture Whenua Māori claim.

- b. **Dr Hana O'Regan (Ngāi Tahu)** hold a Doctor in Philosophy from Auckland University of Technology awarded in 2017. She is a published author and composer and is recognised internationally for her work in indigenous language acquisition and revitalisation. A graduate of Panekiretanga o Te Reo Māori, Dr O'Regan is widely respected for her Māori language contribution, skills, and advocacy.

In 2016, Dr O'Regan was appointed General Manager, for Te Rūnanga o Ngāi Tahu. Prior to that she held two director positions at ARA Institute of Canterbury as the Kaiārahi – Director Māori and Pasifika, and the Director for the Student Services Division.

Dr O'Regan has also held positions on national boards, review panels and committees across the areas of education, Māori development, Treaty rights and policies, and health. She also serves as a member on Ngā Kaitūhono - the Māori Advisory Group to the NZQA Board and advisory member on Tōpuni Mātauranga - Mātauranga Iwi Leaders Group on the National Iwi Chairs Forum.

- c. **Mr Kevin Prime (Ngāti Hine, Ngāti Whātua, Tainui and Welsh descent)** was a commissioner with the Environment Court from 20023 to 2023, as well as being a beef farmer, forester, beekeeper, and conservationist. Mr Prime has worked with a variety of organisations in the profit and non-profit sectors in the areas of philanthropy, health, conservation, justice, Māori development, education, environment, forestry, farming, and sport.

In 2016, Mr Prime was recognised in the Queen's Birthday Honours list receiving an Officer of the New Zealand Order of Merit for his services to conservation and Māori. In 2023, he was made a Companion of the New Zealand Order of Merit for more than half a century of service to Māori, the environment and health. Amongst the many roles, honours and awards Mr Prime has received, he is one of the founding members of Ngā Whenua Rāhui, established in 1990 to protect Māori land using conservation covenants. He is also a past chairperson and current kaumātua of Foundation North.

- d. **Mr Derek Fox (Ngāti Kahungunu and Ngāti Porou descent)** has had a diverse career spanning journalism, broadcasting, local & national politics, and publishing. Mr Fox is a director and half owner in WOVEN Pacific Communications, a communications consultancy working in New Zealand and across the Pacific. Born and raised in Wairoa he became the Mayor of Wairoa from 1995 to 2001.

Mr Fox has been at the forefront of Māori broadcasting and media for more than 40 years having had a hand in most of the major Māori broadcasting initiatives – including the battle for and the development of Māori Television – serving as Chair for the first Māori Television Service board. He established the Wairoa Economic Development Taskforce which led to the Economic Tairāwhiti Development Taskforce.

13. We recommend you reappoint all four members. This will provide the Tribunal membership with consistency and will allow the members to continue their work already underway. These members have the necessary background and experience needed for the Tribunal and their reappointments are supported by the Chairperson of the Tribunal.

## Risks

14. There is some risk in not reappointing the current members. They have the existing knowledge of hearings and are familiar with the work of the Tribunal. If they are not reappointed, they will only be able to continue the hearings or work they have underway. For any new work or hearings, the Tribunal Chairperson will need to reassign existing members with availability, if any, until new members are appointed.
15. Members whose terms are expired but not reappointed and remain working on existing hearings do not count towards the 20-person limit of the Tribunal.
16. By reappointing the four there is some risk that this does not introduce new members into the Tribunal. However, there are 12 more member terms expiring in Hakihea 2024 and is an opportunity to consider the overall composition of the Tribunal.

## Consultation

17. You are required to consult with the Minister for Justice. We also recommend you consult with the Attorney General, Minister for Courts and the Minister for Māori Crown-Relations: Te Arawhiti. You may wish to consult with your coalition partners in accordance with the current requirements of the APH committee.

## Next Steps

18. If you agree to reappoint the four members, you must undertake consultation with your Ministerial colleagues and coalition partners as required. A draft Cabinet paper reflecting the reappointments has been provided for consultation.

19. You are required to consult with the Minister of Justice Hon. Paul Goldsmith. We also recommend you consult with Minister for Courts Hon Nicole McKee and Attorney-General Hon Judith Collins. Letters to facilitate this consultation is provided as Appendix 2.
20. If you do not agree to reappoint these members, officials will consult with the Chairperson of the Tribunal and provide alternative names for consideration.

**Recommended Action**

21. It is recommended that you:

- |    |  |                 |
|----|--|-----------------|
| 1. | <b>Note</b> four members warrants of the Waitangi Tribunal are expiring on 24 Haratua 2024 and all are available for reappointment | <b>Yes / No</b> |
| 2. | <b>Agree</b> to reappoint to the Waitangi tribunal for a further three-year term:  | <b>Yes / No</b> |
|    | • Dr Grant Phillipson  | <b>Yes / No</b> |
|    | • Dr Hana O'Regan  | <b>Yes / No</b> |
|    | • Mr Kevin Prime   | <b>Yes / No</b> |
|    | • Mr Derek Fox   | <b>Yes / No</b> |
| 3. | <b>Agree</b> to undertake consultation with Ministerial colleagues to appoint new members to the Waitangi Tribunal                 | <b>Yes / No</b> |



Terina Cowan  
 Hautū, Te Puni Whakahaere Tikanga | Deputy Secretary, Strategy, Finance and Performance

Hon Tama Potaka Te Minita Whanaketanga Māori
Date: ____ / ____ / 2024

This is a Cabinet Appointment and Honours committee document - not released to be consistent with Cabinet Office circular CO (23) 04 - for reasons related to privacy (ref section 9(2)(a) and section 9(2)(ba)(i))



This is a Cabinet Appointment and Honours committee document - not released to be consistent with Cabinet Office circular CO (23) 04 - for reasons related to privacy (ref section 9(2)(a) and section 9(2)(ba)(i))

## Appendix 2 – Text for consultation

Tēnā Koe XXX

I write to advise of my intention to recommend to the Governor General the reappointment of four members of the Waitangi Tribunal.

The Waitangi Tribunal (the Tribunal) is a permanent commission of inquiry, established under section 4 of the Treaty of Waitangi Act 1975 (the Act) to inquire into, and make recommendations on, acts and omissions of the Crown which were, or are, inconsistent with the principles of the Treaty of Waitangi.

The Tribunal comprises up to 20 members and the Chief Judge of the Māori Land Court is the Chairperson.

It is my intention to recommend the reappointment of Dr Grant Phillipson, Dr Hana O'Regan, Mr Kevin Prime and Mr Derek Fox to the Waitangi Tribunal for further term of three years from the date of appointment.

These four members were last appointed in 2021 and their reappointment has been supported by Chairperson of the Waitangi Tribunal, Chief Judge Caren Fox.

I consider all four members have the expertise and experience necessary to continue the valuable work of the Tribunal.

Candidate forms and a draft cabinet paper are attached for your consideration.

If you have any feedback or questions, please respond by XXXX. I intend to lodge these appointments for the APH committee on May 2<sup>nd</sup>.

Nāku noa

Hon Tama Potaka

Proactively released by the Minister for Māori Development

This is a Cabinet Appointment and Honours committee document - not released to be consistent with Cabinet Office circular CO (23) 04 - for reasons related to privacy (ref section 9(2)(a) and section 9(2)(ba)(i))

This is a Cabinet Appointment and Honours committee document - not released to be consistent with Cabinet Office circular CO (23) 04 - for reasons related to privacy (ref section 9(2)(a) and section 9(2)(ba)(i))

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# HEI WHAKATAU | BRIEFING

## Waitangi Tribunal appointments

<b>Date:</b>	10 May 2024	<b>Priority</b>	High
<b>Classification</b>	In Confidence	<b>Tracking Number</b>	48622

Action sought	Date action required by
<p>It is recommended that you:</p> <ol style="list-style-type: none"> <li><b>Agree</b> to send letters of consultation to Ministerial colleagues seeking further names for consideration to the Waitangi Tribunal</li> <li><b>Agree</b> to send your response letter to the Chair of the Waitangi Tribunal, Chief Judge Fox</li> <li><b>Agree</b> to advise the Chair of your appointment intentions before 30 May 2024.</li> </ol>	16 May 2024

Contact for telephone discussion (if required)				
Name	Position	Telephone	Mobile	1 <sup>st</sup> contact
Terina Cowan	Deputy Secretary, Strategy, Finance and Performance		s9(2)(a)	✓
Harata Simpson	Manager, Statutory Entities		s9(2)(a)	

Other Agencies Consulted					
<input type="checkbox"/> MBIE	<input type="checkbox"/> MoJ	<input type="checkbox"/> NZTE	<input type="checkbox"/> MSD	<input type="checkbox"/> TEC	<input type="checkbox"/> MoE
<input type="checkbox"/> MFAT	<input type="checkbox"/> MPI	<input type="checkbox"/> MfE	<input type="checkbox"/> DIA	<input type="checkbox"/> Treasury	<input type="checkbox"/> MoH
<input type="checkbox"/> MHUD	<input type="checkbox"/> Other				

Attachments
<ol style="list-style-type: none"> <li>Letter from the Chair of the Waitangi Tribunal, Chief Judge Fox</li> <li>Letter to colleagues seeking nominations</li> <li>Response letter to the Chair of the Waitangi Tribunal, Chief Judge Fox</li> </ol>

Minister's office to complete:

- |   |  |
|---|--|
| <input type="checkbox"/> Approved             | <input type="checkbox"/> Declined            |
| <input type="checkbox"/> Noted                | <input type="checkbox"/> Needs change        |
| <input type="checkbox"/> Seen                 | <input type="checkbox"/> Overtaken by Events |
| <input type="checkbox"/> See Minister's Notes | <input type="checkbox"/> Withdrawn           |

Comments:

10 May 2024

Te Minita Whanaketanga Māori

## Waitangi Tribunal appointments

### Purpose

1. This briefing provides advice on the appointments of members to the Waitangi Tribunal (the Tribunal).
2. It also provides letters to colleagues seeking nominations for additional members for the Tribunal and a letter of response to the Chair of the Waitangi Tribunal (the Chair), Chief Judge Fox.

### Executive Summary

3. In accordance with the Treaty of Waitangi Act 1975 (the Act) the Minister for Māori Development recommends the appointment of Waitangi Tribunal members to the Governor-General.
4. The Waitangi Tribunal has a total of 20 members, of which sixteen members terms will expire either at the end of May 2024 or end of December 2024.
5. There is an obligation under the Act that you must consult with your Ministerial colleagues on the appointment and membership of the Tribunal.

### Background

6. On 9 April 2024, we sought your agreement to reappoint the four members whose warrants will expire on 30 May 2024 (Refer: BP 48410). Following discussions with officials on 29 April 2024, you requested further nominations for consideration and advice on the process for appointments.
7. There are four members whose terms will expire in May 2024 and twelve whose terms will expire in December 2024. All four members expiring in May are available for reappointment and nine of the twelve expiring in December are available for reappointment. The other three members will retire once their term ends.
8. On 2 May 2024, the Chair of the Tribunal, Chief Judge Fox wrote to you confirming members available for appointment in December, suggesting new names for consideration and advising of those who will be retiring. She also asked for a response to her request to be part of the development of the Strategic Direction of the Tribunal (provided as Attachment One).
9. Chief Judge Fox confirmed her support for the reappointments of available members.

### Appointments to the Waitangi Tribunal

*The Minister for Māori Development seeks nominations*

10. The Circular dated 25 March 2024 [CO (24) 2] provides guidance for Ministers and agencies on the consultation arrangements on government appointments.



11. It outlines that at an early stage in the process, Ministers should seek nominations from other parties for government appointments, directly with their own party and through other parties' respective Chiefs of Staff. A letter to seek nominations from your colleagues is provided as Attachment Two.
12. In line with this guidance, we advise that you seek nominations from coalition partners. CO (24) 2 advises that timely consultation generally means five working days.
13. We recommend you advise the Chair, Chief Judge Fox on your intentions to seek further names though consultation with your Ministerial colleagues. We recommend you wait until this consultation is completed before advising of your appointment intentions. The draft letter to the Chair of the Tribunal is provided as Attachment Three.

#### *Consider appropriate appointees*

14. In accordance with the Act, when considering suitable candidates to the Tribunal, you:
  - a. should consider the partnership between the two parties to the Treaty; and
  - b. shall have regard not only to a person's personal attributes but also to a person's knowledge of and experience in the different aspects of matters likely to come before the Tribunal.
15. Paragraph 13 means that members of the Tribunal should be balanced in terms of Māori and non-Māori.
16. The Chair provided names you may wish to consider towards maintaining this balance including s9(2)(a) s9(2)(ba)(i) These nominations will be included for your consideration.

#### *Consultation with your colleagues*

17. Once you have received nominations, you must consult with your colleagues on appointments. Given the focus of the government on the Treaty of Waitangi, it is important to work with your Ministerial colleagues when progressing these appointments. This consultation may provide you with more options. We also advise that you should consult with the Chair.
18. As noted in paragraph 12, consultation should be five working days.
19. We will prepare a letter of consultation for Ministerial colleagues and a draft APH paper.

#### *December appointments*

20. The process outlined above remains the same for the December appointments. However, this round may provide you an opportunity to identify potential nominations to appoint in December.

### **Risks and Issues**

#### *Reputational risk*

21. Given recent media attention on the Tribunal, there is risk that any change to the Tribunal composition and any decision not to reappoint members, may be viewed negatively by the public and other key stakeholders.
22. The mitigation is that seeking nominations from your coalition partners provides you with a wider network and more robust candidates for consideration.

Relationship risk

s9(2)(g)(i)

Operational risk

24. Not appointing members by 30 May 2024 might impact the Tribunal's ability to take on new inquiries. To mitigate this risk, we recommend that the appointments are finalised before 30 May 2024 when the current members terms' end.

**Next Steps**

- 25. We recommend you send the letters to colleagues seeking further nominations for consideration. (Attachment Two) and send the letter of response to the Chair, Chief Judge Fox (Attachment Three),
- 26. We recommend you engage with the Chair on any new members you may wish to appoint and advise of your intentions regarding reappointment before 30 May 2024.
- 27. Following ministerial consultation, we will provide advice on candidates for appointment and the necessary APH documentation.

**Recommended Action**

It is recommended that you:

- 1. **Agree** to send letters of consultation to Ministerial colleagues seeking further names for consideration to the Waitangi Tribunal. **Yes / No**
- 2. **Agree** to send your response letter to the Chair of the Waitangi Tribunal, Chief Judge Fox **Yes / No**
- 3. **Agree** to advise the Chair of your appointment intentions before 30 May 2024. **Yes / No**



Terina Cowan  
Hautū, Te Puni Whakahaere Tikanga | Deputy Secretary, Strategy, Finance and Performance

Hon Tama Potaka  
Te Minita Whanaketanga Māori

Date: \_\_\_\_ / \_\_\_\_ / 2024

Out of scope

Out of scope

## Attachment 2 – Letter for Ministerial Consultation Updated

Tēnā Koe XXX

As the Minister responsible for the Treaty of Waitangi Act 1975 (the Act) my role includes recommending to the Governor General the appointment of members to the Waitangi Tribunal (the Tribunal).

Currently there are four Tribunal members whose terms expire on 30 May 2024, that are available for reappointment. This letter is seeking further names you may wish for me to consider for upcoming and future appointments to the Tribunal.

### ***Waitangi Tribunal role***

The Tribunal is a standing commission of inquiry, established to inquire into, and make recommendations on, acts and omissions of the Crown which were, or are, inconsistent with the principles of the Treaty of Waitangi.

The role of the Tribunal is set out in section 5 of the Act and includes:

- inquiring into and making recommendations on well-founded claims
- examining and reporting on proposed legislation, if it is referred to the Tribunal by the House of Representatives or a Minister of the Crown
- making recommendations or determinations about certain Crown forest land, railways land, state-owned enterprise land, and land transferred to educational institutions.
- In fulfilling this role, the Waitangi Tribunal has exclusive authority to determine the meaning and effect of the Treaty. It can decide on issues raised by the differences between the Māori and English texts of the Treaty.

### ***Membership for the Waitangi Tribunal***

The Tribunal is a specialist body that comprises up to 20 members, with the Chief Judge of the Māori Land Court as the Chairperson. Members are appointed for up to three years and may be reappointed.

Members of the Waitangi Tribunal come from all walks of life. When considering the composition of the Tribunal, I must have regard to the partnership between the two parties to the Treaty, a person's personal attributes, and also to a person's knowledge of and experience in the different aspects of matters likely to come before the Tribunal.

Tribunal members must evaluate large amounts of historical, traditional and legal evidence in the course of their work.

If you would like to recommend individuals for consideration as members of the Waitangi Tribunal, please provide contact details and candidate information to [XXX@XXX.XX.XX](mailto:XXX@XXX.XX.XX). When nominating individuals, please ensure they are aware of your recommendation and confirm their availability for the role.

Mauriora

Hon Tama Potaka  
Te Minita Whanaketanga Māori

Chief Judge's Chambers  
PO Box 5131  
DX SX 10153  
Wellington 6145  
New Zealand

Tēnā koe e te Māreikura

Thank you for your letter dated 2<sup>nd</sup> Paengawhāwhā 2024.

I have received advice from Te Puni Kōkiri officials regarding the pending term expiry of four Waitangi Tribunal members, all of whom have indicated their availability for reappointment.

As the responsible Minister I have considered this advice and, in accordance with my responsibilities to Cabinet and colleagues, I must undertake consultation on all Waitangi Tribunal appointments.

I intend to consult with my Ministerial colleagues and seek additional names for consideration. Once completed I will formally advise you of my decisions and the timing for the process to appoint. I will also seek your feedback on any proposed new members.

This now means that the terms of those members available for reappointment will expire before the consultation is complete and I advise you must make the necessary arrangements during this period.

In accordance with Schedule 2 (1) of the Treaty of Waitangi Act 1975, these members can continue in office for the purpose of completing any proceedings heard by the Tribunal before the expiry of the member's term of office.

I acknowledge the pending retirement in December of Mr Ron Crosby, Dr Robyn Anderson and Mr Herewini Te Koha and their service and contribution to the Tribunal. In particular, I would like to acknowledge the contribution of Dr Anderson and Mr Crosby who have been Tribunal members since 2004 and 2011 respectively.

Thank you for your invitation to attend the members meeting in July. My office will confirm my availability once formal invitation is received.

The composition of the Tribunal and the representation of both parties to the Treaty is an important consideration and I thank you for your recommendations of potential replacements.

I regret to advise that I am unable to participate in the review of the Tribunal's Strategic Direction. While I understand your request, the strategic direction review is an operational matter for the Tribunal, and it is not appropriate for a Minister to participate.

Mauriora

Hon Tama Potaka  
Te Minita Whanaketanga Māori

Proactively released by the Minister for Māori Development



## HEI WHAKATAU | BRIEFING

### Waitangi Tribunal Appointments

<b>Date:</b>	19 Hereturikōkā 2024	<b>Priority</b>	Medium
<b>Classification</b>	In Confidence	<b>Tracking Number</b>	49006

Action sought	Date action required by
<p>It is recommended that you:</p> <ol style="list-style-type: none"> <li><b>Note</b> the terms of office of four members of the Waitangi Tribunal expired on 24 Haratua 2024.</li> <li><b>Confirm</b> your intention to recommend to the Governor-General the appointment of up to four individuals to the Waitangi Tribunal.</li> <li><b>Note</b> that following your decisions Te Puni Kōkiri will prepare material to support your required consultation and your subsequent submission to the Governor-General.</li> <li><b>Advise</b> the names of those individuals (from the attached list or otherwise) whom you wish to see appointed as members of the Waitangi Tribunal for three-year terms.</li> <li><b>Confirm</b> your intention to undertake another appointments round at the end of the year.</li> </ol>	23 Hereturikōkā 2024

Contact for telephone discussion (if required)				
Name	Position	Telephone	Mobile	1 <sup>st</sup> contact
Hugh McAslan	Deputy Secretary, Governance		s9(2)(a)	
Harata Simpson	Manager, Statutory Entities			√

Other Agencies Consulted					
<input type="checkbox"/> MBIE	<input type="checkbox"/> MoJ	<input type="checkbox"/> NZTE	<input type="checkbox"/> MSD	<input type="checkbox"/> TEC	<input type="checkbox"/> MoE
<input type="checkbox"/> MFAT	<input type="checkbox"/> MPI	<input type="checkbox"/> MfE	<input type="checkbox"/> DIA	<input type="checkbox"/> Treasury	<input type="checkbox"/> MoH
<input type="checkbox"/> MHUD	<input type="checkbox"/> Other				
<b>Attachments</b>	<ol style="list-style-type: none"> <li>Organisation Form for Tribunal</li> <li>Candidate profiles</li> </ol>				

Minister's office to complete:

- |   |  |
|---|--|
| <input type="checkbox"/> Approved             | <input type="checkbox"/> Declined            |
| <input type="checkbox"/> Noted                | <input type="checkbox"/> Needs change        |
| <input type="checkbox"/> Seen                 | <input type="checkbox"/> Overtaken by Events |
| <input type="checkbox"/> See Minister's Notes | <input type="checkbox"/> Withdrawn           |

Comments:





19 Hereturikōkā 2024

Te Minita Whanaketanga Māori

## Waitangi Tribunal Appointments

### Purpose

1. This paper outlines your options with respect to the appointment of up to four individuals to the Waitangi Tribunal (the Tribunal), following the expiry of the terms of four members in Haratua 2024. It seeks confirmation from you of the names of those individuals whose appointments you intend to progress, so that we can prepare supporting papers.

### Background

2. The Waitangi Tribunal is a permanent Commission of Inquiry. The Tribunal was established under Section 4 of the Treaty of Waitangi Act 1975 (the Act) to inquire into, and make recommendations on, acts and omissions of the Crown which were, or are, inconsistent with the principles of the Treaty of Waitangi.
3. Section 4 of the Act states that the Governor-General appoints members to the Tribunal on your recommendation, following your consultation with the Minister of Justice. Members may be appointed for a term specified by the Governor-General and not exceeding three years.
4. The Tribunal comprises up to 21 members, including the Chief Judge of the Māori Land Court, who is the Chairperson. A full list of current Tribunal members is provided as Attachment 1.
5. The Act allows for members whose terms have expired to continue in office for the purpose of completing any proceedings heard by the Tribunal before the expiry of the member's term of office, or the member's resignation.
6. The terms of the members of the Tribunal listed below expired in Haratua 2024, though all are continuing in office for the time being, under the provision outlined in paragraph 5 above.
  - a. Dr Grant Phillipson
  - b. Dr Hana O'Regan
  - c. Kevin Prime
  - d. Derek Fox.
7. On 31 Haratua you wrote to colleagues seeking nominations for appointments to the Tribunal and to Tribunal Chair advising of your intention to seek further names for consideration. You advised Chief Judge Fox that members with expired terms will be able remain on current work, in accordance with the Act.

## Comment

8. As the Minister who recommends appointments to the Governor-General, you must ensure that the Tribunal has available within its membership the judgement, expertise and knowledge it needs to give effect to its role. Section 4(2A) of the Act requires you to have regard to 'the partnership between the two parties to the Treaty of Waitangi' and to a candidate's 'personal attributes and knowledge of and experience in the different aspects of matters likely to come before the Tribunal'.
9. It has been general practice for the maximum number of appointments allowable under the Act to be made. The Tribunal has therefore tended to operate with 21 members including the Chair, plus any members continuing in office under the provisions outlined in paragraph 5 above. Under the statute, however the minimum number of appointed members additional to the Chair is only two.
10. This means that you do have the option of *not* recommending new appointments at this time, although your discretion is limited by your need to be satisfied that the Tribunal has the membership necessary to undertake its functions. Note that although there is no statutory requirement that the membership is evenly split between Māori and non-Māori, general practice has been an approximate 50/50 split, reflecting the parties to the Treaty. Any sitting of the Tribunal does require the presence of at least one Māori member. 10 of the current 16 members are Māori. This does not include the four members whose terms expired in Haratua 2024.
11. It has also been practice, across government, to seek gender balance in appointments to statutory bodies. 9 of the current 16 members identify as male.
12. You will likely want to keep these considerations in mind as you make decisions now about the possible new appointees to the Tribunal, to a maximum of four. Note that your next opportunity to consider the composition of the Tribunal is imminent, as the terms of 12 members expire in Hakihea this year.
13. With respect to the current round, Te Puni Kōkiri has as requested established the availability of those individuals who have been nominated by your colleagues. Chief Judge Caren Fox has also advised that the four members whose terms recently expired are all available for reappointment.
14. Candidates who are not selected for these four more recent vacancies will be considered and presented as options in the next appointments in Hakihea.

### **Letter from Tribunal Chair received**

15. On 14 Hereturikōkā Chief Judge Fox wrote to you requiring an update on your decisions and advised her intention to assign new work to members with pending terms.
16. There are 12 members with pending terms with nine available for reappointment. As with these appointments you may wish to seek further names for consideration, alongside those member with expiring terms.
17. Once you have made decisions regarding the current four vacancies we will provide a letter of response to Chief Judge, including your intentions for the December appointments.

**Short Biographies** of available candidates (More detail attached as Appendix 2)

- a) **Philip Crump** spent much of his professional career as a commercial lawyer, mostly based in the United Kingdom. Since returning to New Zealand, he has become the founding editor of ZB Plus. He has significant experience as a political commentator and journalist. Earlier, he studied at the University of Auckland where he achieved an LLB and BA in English Literature and Māori Studies. During his time at university, he was an editor-in-chief at the Auckland University Law Review in 1996.

s9(2)(a) s9(2)(ba)(i)

- c) **Derek Fox** (Ngāti Kahungunu and Ngāti Porou descent) has had a diverse career spanning journalism, broadcasting, local & national politics, and publishing. Mr Fox is a director and half owner in WOVEN Pacific Communications, a communications consultancy working in New Zealand and across the Pacific. Born and raised in Wairoa, he was the Mayor of Wairoa from 1995 to 2001. Member of Tribunal until May 2024.

s9(2)(a) s9(2)(ba)(i)

- g) **Dr Hana O'Regan** (Ngāi Tahu) holds a Doctor of Philosophy from Auckland University of Technology awarded in 2017 and Master of Arts with Distinctions in Māori Studies from University of Otago. A published author and composer she is recognised internationally

for her work in indigenous language acquisition and revitalisation. A graduate of Panekiretanga o Te Reo Māori, Dr O'Regan is widely respected for her Māori language contribution, skills, and advocacy. Member of Tribunal until May 2024.

- h) **Dr Grant Phillipson's** professional involvement with the Tribunal began in 1993 as a commissioned researcher. In 1995, he was appointed research manager and, two years later, chief historian. He held that role until his appointment to the Tribunal in 2011. Dr Phillipson has authored numerous research and historical reports commissioned by the Tribunal, the New Zealand Māori Congress – Crown Joint Working Party, and the Crown Forestry Rental Trust. Member of Tribunal until May 2024.
- i) **Richard Prebble CBE** is a former member of the New Zealand Parliament and Minister of the Crown. Once a member of the Labour Party, he then joined the newly formed ACT party, and was party leader from 1996 to 2004. He graduated from the University of Auckland with a law and arts degree, majoring in history. He has practised as a lawyer in both New Zealand and Fiji. He is experienced in negotiating Treaty issues, and since leaving parliament has advised various Māori trusts, hapū and iwi on a variety of issues.
- j) **Kevin Prime** (Ngāti Hine, Ngāti Whātua, Tainui and Welsh descent) was a commissioner with the Environment Court from 2003 to 2023, as well as being a beef farmer, forester, beekeeper, and conservationist. Mr Prime has held governance roles within a variety of organisations in the profit and non-profit sectors in the areas of philanthropy, health, conservation, justice, Māori development, education, environment, forestry, farming, and

s9(2)(a) s9(2)(ba)(i)

- l) **Ken Williamson KStJ QSM CFInstD JP** built Law Mooney Williamson Insurance Brokers alongside his partners into one of New Zealand's largest commercial insurance brokerages. Mr Williamson is a Fellow of the Insurance Brokers Association of NZ. He has given much of his life to St John's and other community service organisations. Mr Williamson continues to serve as a governor on a diverse range of not-for-profit boards including tertiary and secondary education, health, philanthropy, special needs, broadcasting, women's refuge, science, and local body sectors. He was awarded the QSM for services to the community and is a Distinguished Fellow of the Institute of Directors.

### Risks

- 18. The key risks to all outlined appointments are delays in process including consultation requirements. Chief Judge Fox is aware of the potential delays and has been kept up to date with the appointment progress.
- 19. Changes to Waitangi Tribunal membership will need to be announced and will attract interest from public and media. Officials will work with your office on timing and content of announcements.

**Next Steps**

- 20. Following your decisions, a draft Cabinet paper will be provided to begin consultation with colleagues before APH committee.
- 21. You are required by legislation to consult with the Minister of Justice, Hon. Paul Goldsmith. We also recommend you consult with Chief Judge Fox, as Chair of the Tribunal.
- 22. You will need to consult with your coalition partners in accordance with the current requirements of the APH committee

Ministerial appointments timeline – Action	Completion Date
Confirm decision to appoint four members to the Waitangi Tribunal - Begin consultation minimum 5 days	23 Hereturikōkā 2024
Paper considered at APH Committee	10 Mahuru 2024
Cabinet notes recommendation to Governor-General for appointment	16 Mahuru 2024
Officials confirm candidate availability to be appointed	16 Mahuru 2024
Appointment instruments will be sent to Governor General for approval	17 Mahuru 2024

**Recommended Action**

23. It is recommended that you:

- 1. **Note** the terms of office of four members of the Waitangi Tribunal expired on 24 Haratua 2024.
- 2. **Confirm** your intention to recommend to the Governor-General the appointment of up to four individuals to the Waitangi Tribunal.
- 3. **Note** that following your decisions Te Puni Kōkiri will prepare material to support your required consultation and your subsequent submission to the Governor-General.
- 4. **Advise** which, if any, of the following individuals you wish to appoint up to four members to the Waitangi Tribunal for three-year term from the following nominees:

Phillip Crump

Yes / No

s9(2)(a) s9(2)(ba)(i)

Yes / No

Derek Fox

Yes / No

s9(2)(a) s9(2)(ba)(i)

Yes / No

Yes / No

Yes / No

Dr Hana O'Regan

Yes / No

Dr Grant Phillipson

Yes / No

Richard Prebble

Yes / No

Kevin Prime

Yes / No

s9(2)(a) s9(2)(ba)(i)

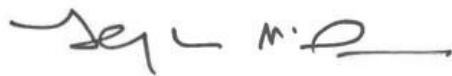
Yes / No

Ken Williamson

Yes / No

5. **Confirm** your intention to undertake another appointments round at the end of the year.

Yes / No



Hugh McAslan  
Hautū, Te Puni Tapatahi | Deputy Secretary, Governance

Hon Tama Potaka  
Te Minita Whanaketanga Māori

Date: \_\_\_\_ / \_\_\_\_ / 2024

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## Appendix 2

### Short candidate profiles (In alphabetical order)



**Phillip Crump** spent much of his professional career as a commercial lawyer, mostly based in the United Kingdom. Since returning to New Zealand, he has become the founding editor of ZB Plus. He has extensive experience as a political commentator and journalist. He studied at the University of Auckland where he achieved an LLB and BA in English Literature and Māori Studies. During his time at university, he was an editor-in-chief at the Auckland University Law Review in 1996.

s9(2)(a) s9(2)(ba)(i)



**Mr Derek Fox** (Ngāti Kahungunu and Ngāti Porou descent) has had a diverse career spanning journalism, broadcasting, local and national politics, and publishing. Mr Fox is a director and half owner of WOVEN Pacific Communications, a communications consultancy working in New Zealand and across the Pacific. Born and raised in Wairoa later became the Mayor of Wairoa from 1995 to 2001. Mr Fox has been at the forefront of Māori broadcasting and media for more than 40 years, having had a hand in most of the major Māori broadcasting initiatives – including the establishment and development of Māori Television – and serving as Chair of the first Māori Television Service board. Mr Fox was a member of the Tribunal until May 2024.

s9(2)(a) s9(2)(ba)(i)

# s9(2)(a) s9(2)(ba)(i)

**Dr Hana O'Regan** (Ngāi Tahu) holds a Doctor of Philosophy from Auckland University of



Technology (awarded in 2017) and a Master of Arts with Distinction in Māori Studies from University of Otago. Dr O'Regan is a published author and composer; she is recognised internationally for her work in indigenous language acquisition and revitalisation. A graduate of Panekiretanga o Te Reo Māori, Dr O'Regan is widely respected for her Māori language contribution, skills, and advocacy. In 2016, Dr O'Regan was appointed General Manager for Te Rūnanga o Ngāi Tahu. Dr O'Regan has also held positions on national boards, review panels and committees across the areas of education, Māori development, Treaty rights and policies, and health. She also serves as a member on Ngā Kaitūhono - the Māori Advisory Group to the

NZQA Board and advisory member on Tōpuni Mātauranga - Mātauranga Iwi Leaders Group on the National Iwi Chairs Forum. Dr O' Regan was a member of the Tribunal until May 2024.



**Dr Grant Phillipson's** professional involvement with the Tribunal began in 1993 as a commissioned researcher. In 1995, he was appointed research manager and, two years later, chief historian. He held that role until his appointment to the Tribunal in 2011. Dr Phillipson has authored numerous research and historical reports commissioned by the Tribunal, the New Zealand Māori Congress – Crown Joint Working Party, and the Crown Forestry Rental Trust. As chief historian, Dr Phillipson was responsible for supervising the Tribunal's commissioned research programme and providing research and report writing advice to numerous Tribunal panels. Dr

Phillipson has published academic papers on questions relating to the church in nineteenth century New Zealand, Treaty history, the Tribunal, and Māori land. During his time on the Tribunal, he has sat on various claims including the New Zealand Māori Wardens claim, Ahuriri Mandate, the Whakatōhea Settlement Processes and Te Ture Whenua Māori claim. Dr Phillipson was a member of the Tribunal until May 2024



**Richard Prebble CBE** Once a lawyer, Member of Parliament, cabinet minister and leader of the ACT Party, Mr Prebble is now a director, author, and columnist. Living in Lake Rotoma. Richard graduated from the University of Auckland with a law and arts degree, majoring in history. He has practised as a lawyer in both New Zealand and Fiji, served as a government minister during the Lange Labour government, negotiating Treaty issues on behalf of the Crown. Since leaving parliament he has advised various Māori trusts, hapū and iwi on a variety of issues.



**Kevin Prime** (Ngāti Hine, Ngāti Whātua, Tainui and Welsh descent) was a commissioner with the Environment Court from 2003 to 2023, as well as being a beef farmer, forester, beekeeper, and conservationist. Mr Prime has held governance roles within a variety of organisations in the profit and non-profit sectors in the areas of philanthropy, health, conservation, justice, Māori development, education, environment, forestry, farming, and sport. In 2016, Mr Prime was recognised as an Officer of the New Zealand Order of Merit for his services to conservation and Māori. In 2023, he was made a Companion of the New Zealand Order of Merit for more than half a century of service to Māori, the environment and health. He is one of the founding members of Ngā Whenua Rāhui, established in 1990 to protect Māori land using conservation covenants. He is also a past chairperson and current kaumātua of Foundation North. Mr Prime was a member of the Tribunal until May 2024.

s9(2)(a) s9(2)(ba)(i)



**Ken Williamson KStJ QSM CInstD JP** Among his many governance leadership roles, Mr Williamson is Member of the Priory Chapter Board of the Order of St John, after a lengthy service as a governor of their Priory Board; a trustee of Waikato Diocesan and Southwell Schools; and a governor of the Kudos Science Trust; McKenzie Centre Trust; the Founding Chair of the Momentum Waikato Foundation; and founding trustee of the Waikato Regional Property Trust (tasked with building & governing the new Regional Theatre). As well he has had governance roles with a number of Waikato businesses and charities. Mr Williamson has contributed to a wide variety of community and not-for-profit organisations and is often asked to be involved in governance appointment and review panels.

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s9(2)(a) s9(2)(ba)(i)



**Vanessa Eparaima** is a business consultant, company director and Trustee who sits on a range of commercial, investment and not-for-profit boards. She is chair of the tertiary education institution, Te Wānanga o Aotearoa, the co-chair of the forestry land management company - CNI Iwi Land Management Ltd, tasked with managing the land under the Kaingaroa Forest Estate on behalf of eight iwi owners and a Trustee on the Tūaropaki Trust and Chair of the Tūaropaki Power Company. Ms Eparaima was the inaugural Chair of Raukawa Iwi Development, a high performing iwi commercial company and remains a director. She was the former executive chair and Treaty of Waitangi negotiator on behalf of the iwi of Raukawa and for the Raukawa Settlement Trust. Ms Eparaima is a passionate advocate for Māori, the community and for environmental issues. She has a strong history of working with the wider community, kaumātua, iwi chairs, Ministers, Members of Parliament, and numerous stakeholders to achieve positive outcomes for those she serves.



**Mr Derek Fox** (Ngāti Kahungunu and Ngāti Porou descent) has had a diverse career spanning journalism, broadcasting, local & national politics, and publishing. Mr Fox is a director and half owner in WOVEN Pacific Communications, a communications consultancy working in New Zealand and across the Pacific. Born and raised in Wairoa later became the Mayor of Wairoa from 1995 to 2001. Mr Fox has been at the forefront of Māori broadcasting and media for more than 40 years having had a hand in most of the major Māori broadcasting initiatives – including the establishment and development of Māori Television – serving as Chair for the first Māori Television Service board. Mr Fox was a member of the Tribunal until May 2024.

s9(2)(a) s9(2)(ba)(i)

# s9(2)(a) s9(2)(ba)(i)

**Dr Hana O'Regan** (Ngāi Tahu) holds a Doctor of Philosophy from Auckland University of Technology awarded in 2017 and Master of Arts with Distinctions in Maori Studies from University of Otago. Dr O'Regan is a published author and composer she is recognised internationally for her work in indigenous language acquisition and revitalisation. A graduate of Panekiretanga o Te Reo Māori, Dr O'Regan is widely respected for her Māori language contribution, skills, and advocacy. In 2016, Dr O'Regan was appointed General Manager for Te Rūnanga o Ngāi Tahu. Dr O'Regan has also held positions on national boards, review panels and committees across the areas of education, Māori development, Treaty rights and policies, and health. She also serves as a member on Ngā Kaitūhono - the Māori Advisory Group to the NZQA Board and advisory member on Tōpuni Mātauranga - Mātauranga Iwi Leaders Group on the National Iwi Chairs Forum. Dr O' Regan term on the Tribunal expired in May 2024.



**Dr Grant Phillipson** his professional involvement with the Tribunal began in 1993 as a commissioned researcher. In 1995, he was appointed research manager and, two years later, chief historian. He held that role until his appointment to the Tribunal in 2011. Dr Phillipson has authored numerous research and historical reports commissioned by the Tribunal, the New Zealand Māori Congress – Crown Joint Working Party, and the Crown Forestry Rental Trust. As chief historian, Dr Phillipson was responsible for supervising the Tribunal's commissioned research programme and providing research and report writing advice to numerous Tribunal panels. Dr Phillipson has published academic papers on questions relating to

the church in nineteenth century New Zealand, Treaty history, the Tribunal, and Māori land. During his time on the Tribunal, he has sat on various claims including the New Zealand Māori Wardens claim, Ahuriri Mandate, the Whakatōhea Settlement Processes and Te Ture Whenua Māori claim. Dr Phillipson's term on the Tribunal expired in May 2024



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**Kevin Prime** (Ngāti Hine, Ngāti Whātua, Tainui and Welsh descent) was a commissioner with the Environment Court from 2003 to 2023, as well as being a beef farmer, forester, beekeeper, and conservationist. Mr Prime has held governance roles within a variety of organisations in the profit and non-profit sectors in the areas of philanthropy, health, conservation, justice, Māori development, education, environment, forestry, farming, and sport. In 2016, Mr Prime was recognised as an Officer of the New Zealand Order of Merit for his services to conservation and Māori. In 2023, he was made a Companion of the New Zealand Order of Merit for more than half a century of service to Māori, the environment and health. Amongst the many roles, honours and awards Mr Prime has received, he is one of the founding members of Ngā Whenua Rāhui, established in 1990 to protect Māori land using conservation covenants. He is also a past chairperson and current kaumātua of Foundation North.

s9(2)(a) s9(2)(ba)(i)



XX Mahuru 2024

Chief Judge Caren Fox  
Chairperson  
Waitangi Tribunal

Tēnā koe

I write to advise you of my intention to recommend to the Governor General the appointment of four members to the Waitangi Tribunal.

The Waitangi Tribunal (the Tribunal) is a permanent commission of inquiry, established under section 4 of the Treaty of Waitangi Act 1975 (the Act) to inquire into, and make recommendations on, acts and omissions of the Crown which were, or are, inconsistent with the principles of the Treaty of Waitangi.

The Tribunal comprises up to 20 members and the Chief Judge of the Māori Land Court is the Chairperson.

It is my intention to recommend the appointment of Richard Prebble, Vanessa Eparaima, Ken Williamson to the Waitangi Tribunal for a term of three years from the date of appointment. Kevin Prime is a reappointment, and I am seeking to extend his term for a further three years.

I consider all four candidates to have the expertise and experience necessary to contribute to the valuable work of the Tribunal.

Candidate forms and a draft Cabinet paper are attached for your consideration.

If you have any feedback or questions, please respond by XXXX. I intend to lodge these appointments for the consideration of the Appointments and Honours Cabinet committee on XXXX.

Naku noa, nā

Hon Tama Potaka  
Te Minita Whanaketanga Māori

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XX Mahuru 2024

Hon Paul Goldsmith  
Minister of Justice  
Parliament Buildings  
Wellington

Tēnā koe Paul

I write to advise you of my intention to recommend to the Governor General the appointment of four members to the Waitangi Tribunal.

The Waitangi Tribunal (the Tribunal) is a permanent commission of inquiry, established under section 4 of the Treaty of Waitangi Act 1975 (the Act) to inquire into, and make recommendations on, acts and omissions of the Crown which were, or are, inconsistent with the principles of the Treaty of Waitangi.

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Mauriora

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Te Minita Whanaketanga Māori



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## HEI WHAKATAU | BRIEFING

### Waitangi Tribunal Appointments

<b>Date:</b>	6 Mahuru 2024	<b>Priority</b>	Medium
<b>Classification</b>	In Confidence	<b>Tracking Number</b>	49554

Action sought	Date action required by
<p>It is recommended that you:</p> <ol style="list-style-type: none"> <li><b>Note</b> the terms of office of four members of the Waitangi Tribunal expired on 24 Haratua 2024.</li> <li><b>Confirm</b> your intention to recommend to the Governor-General the appointment of up to four individuals to the Waitangi Tribunal.</li> <li><b>Note</b> that following your decisions the Ministry will prepare material to support your required consultation and your subsequent submission to the Governor-General.</li> <li><b>Advise</b> up to four names of those individuals from the list provided whom you wish to recommend for appointment as members of the Waitangi Tribunal for a three-year term, or provide alternative nominees.</li> <li><b>Confirm</b> your intention to undertake another appointments round at the end of the year.</li> </ol>	20 Mahuru 2024

Contact for telephone discussion (if required)				
Name	Position	Telephone	Mobile	1 <sup>st</sup> contact
Hugh McAslan	Deputy Secretary, Governance		s9(2)(a)	
Harata Simpson	Manager, Statutory Entities			√

Other Agencies Consulted					
<input type="checkbox"/> MBIE	<input checked="" type="checkbox"/> MoJ	<input type="checkbox"/> NZTE	<input type="checkbox"/> MSD	<input type="checkbox"/> TEC	<input type="checkbox"/> MoE
<input type="checkbox"/> MFAT	<input type="checkbox"/> MPI	<input type="checkbox"/> MfE	<input type="checkbox"/> DIA	<input type="checkbox"/> Treasury	<input type="checkbox"/> MoH
<input type="checkbox"/> MHUD	<input type="checkbox"/> Other				
<b>Attachments</b>	<ol style="list-style-type: none"> <li>Organisation Form for Tribunal</li> <li>Candidate profiles</li> <li>Letter of response to Tribunal Chair</li> </ol>				

Minister's office to complete:

- |   |  |
|---|--|
| <input type="checkbox"/> Noted                | <input type="checkbox"/> Needs change        |
| <input type="checkbox"/> Seen                 | <input type="checkbox"/> Overtaken by Events |
| <input type="checkbox"/> See Minister's Notes | <input type="checkbox"/> Withdrawn           |



6 Mahuru 2024

Te Minita Whanaketanga Māori

## **Waitangi Tribunal Appointments**

### **Purpose**

1. This paper outlines your options with respect to the appointment of up to four individuals to the Waitangi Tribunal (the Tribunal), following the expiry of the terms of four members in Haratua 2024. It seeks confirmation from you of the names of those individuals whose appointments you intend to progress, so that we can prepare supporting papers.

### **Background**

2. The Waitangi Tribunal is a permanent Commission of Inquiry. The Tribunal was established under Section 4 of the Treaty of Waitangi Act 1975 (the Act) to inquire into, and make recommendations on, acts and omissions of the Crown which were, or are, inconsistent with the principles of the Treaty of Waitangi.
3. Section 4 of the Act states that the Governor-General appoints members to the Tribunal on your recommendation, following your consultation with the Minister of Justice. Members may be appointed for a term specified by the Governor-General and not exceeding three years.
4. The Tribunal comprises up to 21 members, including the Chief Judge of the Māori Land Court, who is the Chairperson. (A full list of current Tribunal members is provided as Attachment 1.)
5. The Act allows for members whose terms have expired to continue in office for the purpose of completing any proceedings heard by the Tribunal before the expiry of the member's term of office, or the member's resignation.
6. The terms of the members of the Tribunal listed below expired in Haratua 2024, though all are continuing in office for the time being, under the provision outlined in paragraph 5 above.
  - a. Dr Grant Phillipson
  - b. Dr Hana O'Regan
  - c. Kevin Prime
  - d. Derek Fox.
7. On 31 Haratua you wrote to your ministerial colleagues seeking nominations for appointments to the Tribunal. You also wrote to the Tribunal Chair advising of your intention to seek further names for consideration. You advised Chief Judge Fox that members with expired terms will be able remain on current work, in accordance with the Act.

## Comment

8. As the Minister who recommends appointments to the Governor-General, you must ensure that the Tribunal has available within its membership the expertise and knowledge it needs to give effect to its role. Section 4(2A) of the Act requires you to have regard to 'the partnership between the two parties to the Treaty of Waitangi' and to a candidate's 'personal attributes and knowledge of and experience in the different aspects of matters likely to come before the Tribunal'.
9. It has been general practice for the maximum number of appointments allowable under the Act to be made. The Tribunal has therefore tended to operate with 21 members including the Chair, plus any members continuing in office under the provisions outlined in paragraph 5 above. Under the statute, however the minimum number of appointed members additional to the Chair is only two.
10. This means that you do have the option of not recommending new appointments at this time, although your discretion is limited by your need to be satisfied that the Tribunal has the membership necessary to undertake its functions. Note that although there is no statutory requirement that the membership be evenly split between Māori and non-Māori, general practice has been an approximate 50/50 split, reflecting the parties to the Treaty. Any sitting of the Tribunal does require the presence of at least one Māori member. 10 of the current 16 members are Māori. This does not include the four members whose terms expired in Haratua 2024.
11. It has also been practice, across government, to seek gender balance in appointments to statutory bodies. 9 of the current 16 members identify as male.
12. You will want to keep these considerations in mind as you make decisions now about the possible new appointees to the Tribunal, to a maximum of four. Note that your next opportunity to consider the composition of the Tribunal is imminent, as the terms of 12 members expire in Hakihea this year.
13. With respect to the current round, Te Puni Kōkiri has requested confirmation of the availability of those individuals who have been nominated by your colleagues. Chief Judge Caren Fox has also advised that the four members whose terms recently expired are all available for reappointment.
14. Candidates who are not selected for these four more recent vacancies will be considered and presented as options in the next round of appointments in Hakihea 2024.

### ***Letter from Tribunal Chair received***

15. On 14 Hereturikōkā Chief Judge Fox wrote to you requiring an update on your decisions and advised her intention to assign new work to members with pending terms.
16. There are 12 members with pending terms with nine available for reappointment. As with these appointments you may wish to seek further names for consideration, alongside those members with expiring terms.
17. Once you have made decisions regarding the current four vacancies we will provide a letter of response to Chief Judge, including your intentions for the December appointments.

18. **Short Biographies** of available candidates (More detail attached as Appendix 2)

- a. **Philip Crump** spent much of his professional career as a commercial lawyer, mostly based in the United Kingdom. Since returning to New Zealand, he has become the founding editor of ZB Plus. He has extensive experience as a political commentator and journalist. Earlier, he studied at the University of Auckland where he achieved an LLB and BA in English Literature and Māori Studies. During his time at university, he was an editor-

s9(2)(a) s9(2)(ba)(i)

- c. **Vanessa Eparaima** is a business consultant, company director and Trustee who sits on a range of commercial, investment and not-for-profit boards. She is chair of the tertiary education institution, Te Wānanga o Aotearoa, the co-chair of the forestry land management company - CNI Iwi Land Management Ltd, tasked with managing the land under the Kaingaroa Forest Estate on behalf of eight iwi owners and a Trustee on the Tūaropaki Trust and Chair of the Tūaropaki Power Company. Ms Eparaima was the inaugural Chair of Raukawa Iwi Development, a high performing iwi commercial company and remains a director. She was the former executive chair and Treaty of Waitangi negotiator on behalf of the iwi of Raukawa and for the Raukawa Settlement Trust. Ms Eparaima is a passionate advocate for Māori, the community and for environmental issues. She has a strong history of working with the wider community, kaumātua, iwi chairs, Ministers, Members of Parliament, and numerous stakeholders to achieve positive outcomes for those she serves.
- d. **Derek Fox** (Ngāti Kahungunu, Ngāti Porou) has had a diverse career spanning journalism, broadcasting, local and national politics, and publishing. Mr Fox is a director and half owner in WOVEN Pacific Communications, a communications consultancy working in New Zealand and across the Pacific. Born and raised in Wairoa, he was the Mayor of Wairoa from 1995 to 2001. He is a Member of Tribunal until May 2024.

s9(2)(a) s9(2)(ba)(i)

s9(2)(a) s9(2)(ba)(i)

- g. **Dr Hana O'Regan** (Ngāi Tahu) holds a Doctor of Philosophy from Auckland University of Technology awarded in 2017 and Master of Arts with Distinctions in Māori Studies from University of Otago. A published author and composer she is recognised internationally for her work in indigenous language acquisition and revitalisation. A graduate of Panekiretanga o Te Reo Māori, Dr O'Regan is widely respected for her Māori language contribution, skills, and advocacy. She is a Member of Tribunal until May 2024.
- h. **Dr Grant Phillipson** his professional involvement with the Tribunal began in 1993 as a commissioned researcher. In 1995, he was appointed research manager and, two years later, chief historian. He held that role until his appointment to the Tribunal in 2011. Dr Phillipson has authored numerous research and historical reports commissioned by the Tribunal, the New Zealand Māori Congress – Crown Joint Working Party, and the Crown Forestry Rental Trust. He is a Member of Tribunal until May 2024.
- i. **Richard Prebble CBE** is a former member of the New Zealand Parliament and Minister of the Crown. Once a member of the Labour Party, he then joined the newly formed ACT party and was party leader from 1996 to 2004. Mr Prebble graduated from the University of Auckland with a law and arts degree, majoring in history. He has practised as a lawyer in both New Zealand and Fiji. Mr Prebble is experienced in negotiating Treaty issues, and since leaving parliament has advised various Māori trusts, hapū and iwi on a variety of issues
- j. **Kevin Prime** (Ngāti Hine, Ngāti Whātua, Tainui and Welsh descent) was a commissioner with the Environment Court from 2003 to 2023, as well as being a beef farmer, forester, beekeeper, and conservationist. Mr Prime has held governance roles within a variety of organisations in the profit and non-profit sectors in the areas of philanthropy, health, conservation, justice, Māori development, education, environment, forestry, farming, and

s9(2)(a) s9(2)(ba)(i)

- i. **Ken Williamson KStJ QSM CFInstD JP** built Law Mooney Williamson Insurance Brokers alongside his partners into one of New Zealand's largest commercial insurance brokerages. Mr Williamson is a Fellow of the Insurance Brokers Association of NZ. He has given much of his life to St John's and other community service organisations. Mr Williamson continues to serve as a governor on a diverse range of not-for-profit boards including tertiary and secondary education, health, philanthropy, special needs, broadcasting, women's refuge, science, and local body sectors. He was awarded the QSM for services to the community and is a Distinguished Fellow of the Institute of Directors.

## Risks

19. The key risks to all outlined appointments are delays in process including consultation requirements. Chief Judge Fox is aware of the potential delays and has been kept up to date with the appointment progress.
20. Changes to Waitangi Tribunal membership will need to be announced and will attract interest from public and media. Officials will work with your office on timing and content of announcements.

## Next Steps

21. Following your decisions, a draft Cabinet paper will be provided to begin consultation with your colleagues before presenting the paper at Cabinet Appointments and Honours Committee (APH).
22. You are required by legislation to consult with the Minister of Justice, Hon. Paul Goldsmith. We also recommend you consult with Chief Judge Fox, as Chair of the Tribunal.
23. You will need to consult with your coalition partners in accordance with the current requirements of the APH committee

## Recommended Action

24. It is recommended that you:

1. **Note** the terms of office of four members of the Waitangi Tribunal expired on 24 Haratua 2024.
2. **Confirm** your intention to recommend to the Governor-General the appointment of up to four individuals to the Waitangi Tribunal.
3. **Note** that following your decisions Te Puni Kōkiri officials will prepare material to support your required consultation and your subsequent submission to the Governor-General.
4. **Advise** up to four names of those individuals from the following list whom you wish to recommend for appointment as members of the Waitangi Tribunal for a three-year term, or provide alternative nominees:

Yes / No

Philip Crump	Yes / No
s9(2)(a) s9(2)(ba)(i)	Yes / No
Vanessa Eparaima	Yes / No
Derek Fox	Yes / No
s9(2)(a) s9(2)(ba)(i)	Yes / No
	Yes / No
Dr Hana O'Regan	Yes / No

Dr Grant Phillipson	Yes / No
Kevin Prime	Yes / No
Richard Prebble CBE	Yes / No
s9(2)(a) s9(2)(ba)(i)	Yes / No
Ken Williamson KStJ QSM CFInstD JP	Yes / No

5. **Confirm** your intention to undertake another appointments round at the end of the year. **Yes / No**



Hugh McAslan  
Hautū, Te Puni Tapatahi | Deputy Secretary, Governance

Hon Tama Potaka Te Minita Whanaketanga Māori
Date: ____ / ____ / 2024

Proactively released by the Minister for Māori Development

## Appendix 2

### Short candidate profiles (In alphabetical order)



**Phillip Crump** spent much of his professional career as a commercial lawyer, mostly based in the United Kingdom. Since returning to New Zealand, he is now the founding editor of ZB Plus. He has extensive experience as a political commentator and journalist. He studied at the University of Auckland where he achieved an LLB and BA in English Literature and Māori Studies. During his time at university, he was an editor-in-chief at the Auckland University Law Review in 1996.

s9(2)(a) s9(2)(ba)(i)



**Vanessa Eparaima** is a business consultant, company director and Trustee who sits on a range of commercial, investment and not-for-profit boards. She is chair of the tertiary education institution, Te Wānanga o Aotearoa, the co-chair of the forestry land management company - CNI Iwi Land Management Ltd, tasked with managing the land under the Kaingaroa Forest Estate on behalf of eight iwi owners and a Trustee on the Tūaropaki Trust and Chair of the Tūaropaki Power Company. Ms Eparaima was the inaugural Chair of Raukawa Iwi Development, a high performing iwi commercial company and remains a director. She was the former executive chair and Treaty of Waitangi negotiator on behalf of the iwi of Raukawa and for the Raukawa Settlement Trust. Ms Eparaima is a passionate advocate for Māori, the community and for environmental issues. She has a strong history of working with the wider community, kaumātua, iwi chairs, Ministers, Members of Parliament, and numerous stakeholders to achieve positive outcomes for those she serves.



**Mr Derek Fox** (Ngāti Kahungunu and Ngāti Porou descent) has had a diverse career spanning journalism, broadcasting, local & national politics, and publishing. Mr Fox is a director and half owner in WOVEN Pacific Communications, a communications consultancy working in New Zealand and across the Pacific. Born and raised in Wairoa later became the Mayor of Wairoa from 1995 to 2001. Mr Fox has been at the forefront of Māori broadcasting and media for more than 40 years having had a hand in most of the major Māori broadcasting initiatives – including the establishment and development of Māori Television – serving as Chair for the first Māori Television Service board. Mr Fox was a member of the Tribunal until May 2024.

**Professor Mark Hickford** was the Pro Vice-Chancellor of Government, Law and Business at Victoria University of Wellington until 4 July 2023, having assumed that role from 26 October 2021. Prior to that he was the Pro Vice-Chancellor and Dean of Law from 11 May 2015. In his role as Pro Vice-Chancellor of Government, Law and Business he was responsible for the



# s9(2)(a) s9(2)(ba)(i)

**Dr Hana O'Regan** (Ngāi Tahu) holds a Doctor of Philosophy from Auckland University of Technology awarded in 2017 and Master of Arts with Distinctions in Maori Studies from University of Otago. Dr O'Regan is a published author and composer she is recognised internationally for her work in indigenous language acquisition and revitalisation. A graduate of Panekiretanga o Te Reo Māori, Dr O'Regan is widely respected for her Māori language contribution, skills, and advocacy. In 2016, Dr O'Regan was appointed General Manager for Te Rūnanga o Ngāi Tahu. Dr O'Regan has also held positions on national boards, review panels and committees across the areas of education, Māori development, Treaty rights and policies, and health. She also serves as a member on Ngā Kaitūhono - the Māori Advisory Group to the NZQA Board and advisory member on Tōpuni Mātauranga - Mātauranga Iwi Leaders Group on the National Iwi Chairs Forum. Dr O' Regan term on the Tribunal expired in May 2024.



**Dr Grant Phillipson** his professional involvement with the Tribunal began in 1993 as a commissioned researcher. In 1995, he was appointed research manager and, two years later, chief historian. He held that role until his appointment to the Tribunal in 2011. Dr Phillipson has authored numerous research and historical reports commissioned by the Tribunal, the New Zealand Māori Congress – Crown Joint Working Party, and the Crown Forestry Rental Trust. As chief historian, Dr Phillipson was responsible for supervising the Tribunal's commissioned research programme and providing research and report writing advice to numerous Tribunal panels. Dr Phillipson has published academic papers on questions relating to

the church in nineteenth century New Zealand, Treaty history, the Tribunal, and Māori land. During his time on the Tribunal, he has sat on various claims including the New Zealand Māori Wardens claim, Ahuriri Mandate, the Whakatōhea Settlement Processes and Te Ture Whenua Māori claim. Dr Phillipson's term on the Tribunal expired in May 2024



variety of issues.

**Richard Prebble CBE** once a lawyer, member of parliament, cabinet minister and leader of the ACT Party, Richard is now a director, author, and columnist. Living in Lake Rotoma. Richard graduated from the University of Auckland with a law and arts degree, majoring in history. He has practised as a lawyer in both New Zealand and Fiji, and during his time as a former MP, he served as a government minister during the Lange Labour government who negotiated treaty issues on behalf of the Crown. Since leaving parliament he has advised various Māori trusts, hapū and iwi on a



**Kevin Prime** (Ngāti Hine, Ngāti Whātua, Tainui and Welsh descent) was a commissioner with the Environment Court from 2003 to 2023, as well as being a beef farmer, forester, beekeeper, and conservationist. Mr Prime has held governance roles within a variety of organisations in the profit and non-profit sectors in the areas of philanthropy, health, conservation, justice, Māori development, education, environment, forestry, farming, and sport. In 2016, Mr Prime was recognised as an Officer of the New Zealand Order of Merit for his services to conservation and Māori. In 2023, he was made a Companion of the New Zealand Order of Merit for more than half a century of service to Māori, the environment and health. Amongst the many roles, honours and awards Mr Prime has received, he is one of the founding members of Ngā Whenua Rāhui, established in 1990 to protect Māori land using conservation covenants. He is also a past chairperson and current kaumātua of Foundation North.

s9(2)(a) s9(2)(ba)(i)

Pr



**Ken Williamson KStJ QSM CFInstD JP** among his many governance leadership roles, he is Member of the Priory Chapter Board of the Order of St John, after a lengthy service as a governor of their Priory Board; a trustee of Waikato Diocesan and Southwell Schools; and a governor of the Kudos Science Trust; McKenzie Centre Trust; the Founding Chair of the Momentum Waikato Foundation; founding trustee of the Waikato Regional Property Trust (tasked with building & governing the new Regional Theatre); Sky City Trust Hamilton; and as well he has governance roles with a number of successful Waikato businesses. Former governance leadership roles include Hamilton Girls High School; Waikato/Bay of Plenty 'Magic' Netball franchise (2003 – 2012); University of Waikato Foundation; Sunningdale RSA Veterans Retirement Home Trust; Founding trustee of Multiple Sclerosis Waikato Trust; Te Whakaruruhau Māori Women's Refuge; Chair of the Central Region of the Order of St John; Chair of Scottwood Charitable Trust, and then as a governor of both the Perry and Lion Foundations following their merger with Scottwood. In addition, Ken has contributed to a wide variety of other community and not-for-profit organisations and is often asked to be involved in governance appointment and review panels.

Proactively released by the Minister for Māori Development

This is a Cabinet Appointment and Honours committee document - not released to be consistent with Cabinet Office circular CO (23) 04 - for reasons related to privacy (ref section 9(2)(a) and section 9(2)(ba)(i))

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# HEI WHAKATAU | BRIEFING

## Waitangi Tribunal Appointments

<b>Date:</b>	24 Oketopa 2024	<b>Priority</b>	High
<b>Classification</b>	In Confidence	<b>Tracking Number</b>	71454

Action sought	Date action required by
<p>It is recommended that you:</p> <ol style="list-style-type: none"> <li><b>note</b> that you have the opportunity to make up to 13 appointments (or reappointments) to the Waitangi Tribunal:           <ol style="list-style-type: none"> <li>there is one unfilled position currently on the Waitangi Tribunal, and</li> <li>the warrants of 12 members of the Waitangi Tribunal are expiring on 14 Tihema 2024;</li> </ol> </li> <li><b>note</b> that nine of the 12 Tribunal members with expiring warrants are available for reappointment;</li> <li><b>note</b> that when the warrant of a Tribunal member expires, the Tribunal member can continue to work on existing inquiries but not be assigned to new inquiries;</li> <li><b>agree</b> your preferred option for the upcoming appointment (or reappointment) of up to 13 members to the Waitangi Tribunal;</li> </ol>	4 Noema 2024
<p>6. <b>agree</b>, subject to your approval of option 2 or 3, to recommend the reappointment of up to nine Tribunal members, and</p> <p>7. <b>note</b> officials are available to discuss the options outlined in this paper, or any combination of these options, for Waitangi Tribunal appointments.</p>	

s9(2)(g)(i)

Contact for telephone discussion (if required)				
Name	Position	Telephone	Mobile	1 <sup>st</sup> contact
Steven Sutton	Deputy Secretary, Governance		s9(2)(a)	
Jaclyn Williams	Manager, Statutory Entities and Appointments		s9(2)(a)	√

Other Agencies Consulted					
<input type="checkbox"/> MBIE	<input type="checkbox"/> MoJ	<input type="checkbox"/> NZTE	<input type="checkbox"/> MSD	<input type="checkbox"/> TEC	<input type="checkbox"/> MoE
<input type="checkbox"/> MFAT	<input type="checkbox"/> MPI	<input type="checkbox"/> MfE	<input type="checkbox"/> DIA	<input type="checkbox"/> Treasury	<input type="checkbox"/> MoH
<input type="checkbox"/> MHUD	<input type="checkbox"/> Other				

Attachments
<ol style="list-style-type: none"> <li>Appendix 1: Current Waitangi Tribunal membership</li> <li>Appendix 2: Biography of Tribunal members available for reappointment</li> </ol>

Minister's office to complete:

Comments:

Approved                       Declined  
 Noted                               Needs change  
 Seen                                   Overtaken by Events  
 See Minister's Notes       Withdrawn

24 Oketopa 2024

Te Minita Whanaketanga Māori

## Waitangi Tribunal Appointments

### Purpose

1. This paper:
  - a. outlines your role and responsibilities with regards to appointment to the Waitangi Tribunal under the Treaty of Waitangi Act 1975;
  - b. seeks your preferred approach for the upcoming appointment (or reappointment) of up to 13 members to the Waitangi Tribunal;
  - c. subject to your approval of option 2 or 3, seeks your agreement to recommend the reappointment of up to nine Tribunal members; and
  - d. notes that officials are available to discuss with you these options, or any combination of these options, for Waitangi Tribunal appointments.

### Background

*Your role and responsibilities under the Treaty of Waitangi Act 1975*

2. The Waitangi Tribunal (**the Tribunal**) is a permanent commission of inquiry. The Treaty of Waitangi Act 1975 (**the Act**) established the Tribunal to inquire into, and make recommendations on, acts and omissions of the Crown which were, or are, inconsistent with the principles of the Treaty of Waitangi.
3. Under the Act:
  - a. the Governor-General appoints Tribunal members on the recommendation of the Minister for Māori Development after consultation with the Minister of Justice (section 4(2)(b));
  - b. every Tribunal member holds office for a term specified by the Governor-General, that does not exceed three years and, upon expiration of their term, members can be reappointed in accordance with sections 4(2)(b) (nothing in the Act prevents terms from being shorter);
  - c. the Minister for Māori Development shall have regard to the relationship between the two parties to the Treaty of Waitangi and to a candidate's personal attributes and relevant knowledge and experience in matters likely to come before the Tribunal (section 4(2A)); and
  - d. in addition to the Chairperson (the current chairperson is also the Chief Judge of the Māori Land Court), the Tribunal shall consist "*of not less than 2 other members and not more than 20 other members*" (section 4(2)(b)).

*Current membership of the Tribunal*

4. A list of current members is attached as **Appendix 1**. The warrant of four Tribunal members expired in Hune 2024 and we are in the final stages of making two appointments and one reappointment for these vacancies. As a result, there is room currently to appoint one Tribunal member.
5. Meanwhile, the terms of 12 Tribunal members will expire on 14 Tihema 2024. On 16 Pēpuere 2024, the Chairperson of the Tribunal, Chief Judge Caren Fox, wrote to you advising that nine

of the 12 members with terms expiring in Tihema 2024 are available for reappointment. The biography of these nine members is provided as **Appendix 2**.

6. The Act allows for members (continuing members) whose terms have expired to continue in office for the purpose of completing any proceedings heard by the Tribunal before the expiry of the member's term of office, or the member's resignation. The Chairperson of the Tribunal, however, cannot assign continuing members to a new inquiry.
7. Including most recent appointments, the term of seven members will continue beyond Tihema 2024. If you choose to make appointments to replace those members with terms expiring in Tihema 2024 and not available to be reappointed, there will be 11 members, with current terms available to be assigned to new inquiries. Continuing members with expired terms will be able to continue on existing work.
8. Continuing members do not count towards the 20-person limit on the Tribunal. This explains why the Tribunal currently has more than 20 members and continuing members combined.

s9(2)(g)(i)

Out of scope

## Appointment process

### *Best practice for appointment process*

11. The Act does not include specific requirement, other than section 4(2A), on the suitability of persons for appointment to the Tribunal. Te Kawa Mataaho guidance for appointments to Crown entity and Government boards is not applicable to a commission of inquiry like the Tribunal, however, it provides best practice advice for a robust and transparent appointment process. Key elements that are applicable to a Tribunal appointment process include:

a. confirm the roles and responsibilities of the Tribunal, especially in light of the reviews currently under way;

s9(2)(g)(i)

- c. develop a long list of candidates;
- d. initiate engagement with Cabinet Ministers and coalition partners;
- e. assess potential candidates against the competency framework;
- f. test the availability of potential candidates;
- g. go through the Cabinet Appointments and Honours Committee (APH) process.



# s9(2)(g)(i)

## 13. Out of scope

elements of the skills matrix might be applicable to other appointment process including the Tribunal.

14. Your role in the appointment process is to consider and make decisions in relation to:

- a. the approach to address the unfilled position and the 12 members with expiring warrants (covered in the paper);
- b. the resulting long-list and a proposed short-list of potential appointees; and
- c. progressing your decisions through the Appointments and Honours Committee (APH), and to forward APH's recommendations to Cabinet for approval.

15. After Cabinet approves the appointments, Te Puni Kōkiri will provide you with the necessary appointment instruments for you to make appointment recommendations to the Governor-General.

## Proposed approach for upcoming appointments

### *Appointment process options*

16. Given the work currently underway relating to the Tribunal and the need to fill a relatively large number of vacancies in a timely manner to enable the Tribunal to conduct its current functions, this paper outlines three different approaches for your consideration. All three options provide for developing a competency-based framework for Tribunal appointments that may be informed by the reviews currently underway.

# s9(2)(g)(i)

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s9(2)(g)(i)

### Te Tautuhi ō Rongo analysis

24. This paper focusses on the appointment or reappointment of Tribunal members, which is an internal Crown process led by Ministers of the Crown and the Governor-General, in consultation with the Chairperson of the Tribunal. The appointment process is not undertaken in partnership with tangata whenua or iwi.
25. Section 4(2A) of the Act, does require the Minister for Māori Development to have regard to the relationship between the two parties to the Treaty of Waitangi and to a candidate's personal attributes and relevant knowledge and experience in matters likely to come before the Tribunal. This section of the Act will be central when developing a competency-based framework.

### Next Steps

s9(2)(g)(i)

27. s9(2)(g)(i) [redacted] We will provide you with a follow-up paper outlining timeframes and detailing the process in full. We will also provide you with a draft Cabinet paper and supporting documents to consult with your Ministerial colleagues and coalition partners, with a view to seeking APH approval no later than 4 TThema 2024.
28. Officials are also available to discuss these options, or any combination of these options for Waitangi Tribunal appointments.

### Recommended Action

29. It is recommended that you:

1. **Note** that you have the opportunity to make 13 appointments (or reappointments) to the Waitangi Tribunal:
  - a. there is one unfilled position currently on the Waitangi Tribunal, and
  - b. the warrants of 12 members of the Waitangi Tribunal are expiring on 14 TThema 2024;
2. **note** that nine of the 12 members are available for reappointment;
3. **note** that when the warrant of a Tribunal member expires, they can continue to work on existing inquiries but not be assigned to new ones;

# s9(2)(g)(i)

6. **agree s9(2)(g)(i)** [redacted] to recommend the reappointment to the Waitangi Tribunal of:

- |   |          |
|---|----------|
| 6.1 Prof Rawinia Higgins;                   | Yes / No |
| 6.2 Prof Tom Roa;                           | Yes / No |
| 6.3 Prof Linda Smith;                       | Yes / No |
| 6.4 Tania Simpson;                          | Yes / No |
| 6.5 Dr Monty Soutar;                        | Yes / No |
| 6.6 Prof Sir William Rangiuia (Pou) Temara; | Yes / No |
| 6.7 Dr Ruakere Hond;                        | Yes / No |
| 6.8 Kim Ngarimu;                            | Yes / No |
| 6.9 Prue Kapua;                             | Yes / No |

7. **note** officials are available to discuss the options outlines in this paper or any combination of these options for Waitangi Tribunal appointments.



Steven Sutton  
Hautū, Te Puni Tapatahi | Deputy Secretary, Governance

Hon Tama Potaka  
Te Minita Whanaketanga Māori

Date: \_\_\_\_ / \_\_\_\_ / 2024

Proactively reviewed by the Minister for Māori Development

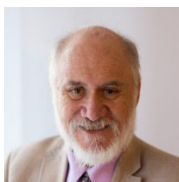
## Appendix 1: Current Waitangi Tribunal membership (as at 24 October 2024)

Waitangi Tribunal				
Appointee	Original Appt	Expiry date	Term	Seeks re-appt
Chairperson				
Chief Judge Caren Fox	2023	22/08/2028	1 <sup>st</sup>	N/A
Members with terms expiring December 2024				
1. Prof. Rawinia Higgins	2013	14/12/2024	4 <sup>th</sup>	YES
2. Prof. Tom Roa	2016	14/12/2024	3 <sup>rd</sup>	YES
3. Prof. Linda Smith	2016	14/12/2024	3 <sup>rd</sup>	YES
4. Tania Simpson	2008	14/12/2024	5 <sup>th</sup>	YES
5. Dr Monty Soutar	2002	14/12/2024	7 <sup>th</sup>	YES
6. Professor Sir William Rangiuā (Pou) Temara	2008	14/12/2024	5 <sup>th</sup>	YES
7. Dr Ruakere Hond	2018	14/12/2024	2 <sup>nd</sup>	YES
8. Kim Ngarimu	2018	14/12/2024	2 <sup>nd</sup>	YES
9. Prue Kapua	2018	14/12/2024	2 <sup>nd</sup>	YES
10. Dr Robyn Anderson	2004	14/12/2024	7 <sup>th</sup>	NO
11. Ron Crosby	2011	14/12/2024	4 <sup>th</sup>	NO
12. Herewini Te Koha	2021	14/12/2024	1 <sup>st</sup>	NO
Members with current terms				
13. Prof David Williams	2023	13/03/2026	1 <sup>st</sup>	N/A
14. Prof Suzy Frankel	2020	13/07/2026	2 <sup>nd</sup>	N/A
15. Dr Paul Hamer	2020	13/07/2026	2 <sup>nd</sup>	N/A
16. Basil Morrison	2008	13/07/2026	5 <sup>th</sup>	N/A
Members not yet announced				
17. Hon Richard Prebble	Details to be confirmed once acceptance by appointees completed. NB Kevin Prime is a current member.			
18. Kevin Prime				
19. Ken Williamson				
20. Unfilled position				
Previous members who are continuing existing inquiries after the expiry of their terms				
Dr Grant Phillipson	2011	23/05/2024	5 <sup>th</sup>	N/A
Dr Ann Parsonson	2001	29/07/2021	7 <sup>th</sup>	N/A
Dr Hana O'Regan	2021	23/05/2024	1 <sup>st</sup>	N/A
Derek Fox	2021	23/05/2024	1 <sup>st</sup>	N/A

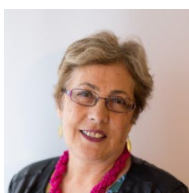
## Appendix 2: Biography of Tribunal members available for reappointment



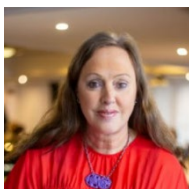
Professor Rawinia Higgins (*Ngai Tūhoe*) is the Deputy Vice-Chancellor Māori at Te Herenga Waka - Victoria University of Wellington. Professor Higgins is a Board member of the Reserve Bank of New Zealand, and the current Chair and Commissioner of Te Taura Whiri i te Reo Māori - the Māori Language Commission. Professor Higgins is the first woman to be appointed to this position. She was elected as a Pacific Region representative on the Global Taskforce for the UNESCO International Decade of Indigenous Languages. Professor Higgins has been appointed to a number of governance and advisory board roles for government, Māori, and iwi. Her research expertise is Māori language revitalisation and, more specifically, language planning and policy and she was instrumental in shaping the current Māori language legislation and policy framework.



Tom Roa (*Ngāti Maniapoto, Waikato Tainui*) is a Professor in the Faculty of Māori and Indigenous Studies at the University of Waikato. He is an expert in translation between te reo Māori and English and the oral and written history of Waikato-Tainui, Ngāti Maniapoto, and the Kīngitanga. He has researched and contributed to a wide range of publications on the Māori classificatory regime for flora and fauna and traditional ecological knowledge, the theory and practice of translating from and into te reo Māori, Māori men's health, and Māori military history. Professor Roa has served for many years in Te Kauhanganui, the Waikato-Tainui parliament, including as its chairperson. He has also been a member and chairperson of Te Arataura, the Waikato-Tainui executive board, and is a Justice of the Peace. He was appointed to the Tribunal in 2016.



Dr Linda Tuhiwai Smith CNZM (*Ngāti Awa, Ngāti Porou*) is a Distinguished Professor at Te Whare Wānanga o Awanuiārangī. She is from Ngāti Awa, Ngāti Porou, and Tūhourangi. Distinguished Professor Smith is known internationally for her work on decolonising research methodologies, Indigenous education, and kaupapa Māori. She was the founding Co-Director of Ngā Pae o Te Māramatanga - the Māori Centre of Research Excellence and has held several senior academic roles at the University of Auckland and Waikato University. She has served on the Health Research Council, the Marsden Fund Council, the Royal Society of New Zealand Council, and is currently Deputy Chair of Council of Te Whare Wānanga o Awanuiārangī. .



Tania Simpson (*Tainui, Ngāpuhi, Ngāi Tahu*) is a director of Auckland International Airport, Meridian Energy, and Tainui Group Holdings. She is Chair of the Sustainable Seas National Science Challenge, Deputy Chair of Waitangi National Trust, and a member of the governance group for the Deep South National Science Challenge. She holds a Master of Mātauranga Māori from Te Wānanga o Raukawa, is an Accredited Fellow with the Institute of Directors, and was awarded the rank of Commander in the Order of the Taniwha by King Tūheitia and rank of Dame Commander in the Order of St Lazarus. She has had a career in public policy and governance.



Dr Monty Soutar (*Ngāti Porou, Ngāti Awa, Ngāi Tai, Ngāti Kahungunu*) is a professional historian, currently working on a historical novel series called Kawai. He has worked widely with iwi and Māori communities, in particular while writing Ngā Tama Toa (David Bateman, 2008), which told the story of C Company of 28 (Māori) Battalion in the Second World War and Whitiki! (David Bateman, 2019), which focused on Māori participation in the First World War. He has been a teacher, soldier, university lecturer, iwi rūnanga chief executive and senior historian with the Ministry for Culture and Heritage. He and has held a number of appointments on national advisory boards, including the Archives NZ Council, the

Guardians of the Alexander Turnbull Library and the First World War Centenary Panel. Dr Soutar was appointed to the Tribunal in 2002.



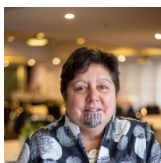
Professor Sir Pou Temara (*Ngāi Tūhoe*) is a professor of Māori Philosophy at Te Whare Wānanga o Awanuiārangi. He is a recognised authority on Māori customary practice and whaikōrero, having taught at Waikato University as a Professor of Reo and Tikanga and Victoria University as a senior lecturer and later as Tohunga. He was a director of Te Panekiretanga o Te Reo, the Institute of Excellence in the Māori Language, where he taught and researched whaikōrero, karanga, and tikanga. As a member of the Tūhoe Waikaremoana Māori Trust Board, Professor Temara made several submissions during the Tribunal's Te Urewera hearings. He has experience in dispute resolution, mediating between the iwi of Taranaki during their claims to the Tribunal. He is widely credited with playing a crucial role to the survival of Te Reo Māori, and is regarded as a leader, mentor, and inspiration to people across Aotearoa.



Dr Ruakere Hond (*Taranaki, Te Āti Awa*) is a longstanding advocate of te reo Māori revitalisation and a key supporter of the Parihaka community. He was instrumental in working to achieve reconciliation between that community and the Crown, and he has held several leadership roles in Māori language organisations, including Te Reo o Taranaki, Te Whare Wānanga o Awanuiārangi, and Te Ātaarangi. He has served two terms as a member of Te Taura Whiri i te Reo Māori and is a past board member of Te Mātāwai. In 2013, Dr Hond completed a doctorate in public health, with a focus on Māori language revitalisation, community development approaches, and intergenerationally sustainable health outcomes. He is currently helping lead an Ātaarangi approach within the Ministry of Education initiative Te Ahu o Te Reo Māori in Taranaki, Whanganui, and Manawatū, which supports teachers to use reo Māori with students in their education setting. Dr Ruakere Hond was appointed to the Tribunal in 2018.



Kim Ngarimu (*Ngāti Porou*) has an extensive public service career dating back to the early 1990s. After leaving Te Puni Kōkiri in 1999, she worked in the office of the Auditor-General as a sector manager and co-directed her management and public policy consulting company, serving in 2004 as acting director of the Waitangi Tribunal. Between 2007 and 2013, she held the position of deputy secretary policy at Te Puni Kōkiri, and in 2012 she served as acting chief executive of the Ministry of Women. She is currently self-employed as a consultant and a professional governor, serving on a number of boards, including the Medical Council of New Zealand, Evolution Healthcare, and Te Pūkenga. Ms Ngarimu was appointed to the Tribunal in 2018.



Ms Prue Kapua is the principal of Tamatekapua Law and has an extensive background in resource management and the Treaty sector. She has supported whānau, hapū, and iwi claimants in several Waitangi Tribunal inquiries. She was a member of the Refugee Status Appeals Authority, Deputy Chair of the Medical Practitioners Disciplinary Tribunal, and a director of First Health NZ Ltd (a Southern Cross NZ Ltd subsidiary). In 2000, the Minister of Health appointed Ms Kapua to represent the interests of Māori women in the Gisborne Cervical Cancer Inquiry. She also advised the Ministry of Health on its Treaty policy in respect of a national screening programme. She has been a member of the Ministry of Health's National Kaitiaki Group and an external specialist adviser on legal aid funding for Waitangi Tribunal claims. She is currently the co-Chair of Oranga Tamariki Māori Design Group and Chair of the Interim Te Rōpū on Family Violence, Sexual Violence, and Violence within Whanau. She is the current president of the Māori Women's Welfare League and a trustee of Māori Women's Development Inc. Ms Kapua was appointed to the Tribunal in 2018.



# HEI WHAKATAU | BRIEFING

## Waitangi Tribunal appointments – up to 13 members in Hakihea 2024

<b>Date:</b>	7 Whiringa-ā-rangi 2024	<b>Priority</b>	High
<b>Classification</b>	In Confidence	<b>Tracking Number</b>	71566

Action sought	Date action required by
<p>It is recommended that you:</p> <ol style="list-style-type: none"> <li><b>note</b> that you have the opportunity to make up to 13 appointments to the Waitangi Tribunal because:           <ol style="list-style-type: none"> <li>there is one unfilled position currently on the Waitangi Tribunal; and</li> <li>the warrants of 12 members of the Waitangi Tribunal are expiring on 14 Hakihea 2024;</li> </ol> </li> <li><b>note</b> Te Puni Kōkiri has provided you a long list of candidates to consider recommending for appointment following feedback from you on 4 Whiringa-ā-rangi 2024;</li> <li><b>note</b> that following feedback from you we understand that your preference is to recommend 13 candidates for appointment to three-year terms;</li> <li><b>agree</b> to indicate your preferred candidates for appointment at <b>Table 1</b>;</li> <li><b>agree</b> to notify the Chairperson of the Waitangi Tribunal that the appointment process will not be completed until early 2025 – if yes Te Puni Kōkiri will supply a letter for you to send;</li> <li><b>request</b> Te Puni Kōkiri provide further names for consideration.</li> </ol>	12 Whiringa-ā-rangi 2024

Contact for telephone discussion (if required)				
Name	Position	Telephone	Mobile	1 <sup>st</sup> contact
Steven Sutton	Deputy Secretary, Governance		s9(2)(a)	
Jaclyn Williams	Manager, Statutory Entities and Appointments		s9(2)(a)	

Other Agencies Consulted					
<input type="checkbox"/> MBIE	<input type="checkbox"/> MoJ	<input type="checkbox"/> NZTE	<input type="checkbox"/> MSD	<input type="checkbox"/> TEC	<input type="checkbox"/> MoE
<input type="checkbox"/> MFAT	<input type="checkbox"/> MPI	<input type="checkbox"/> MfE	<input type="checkbox"/> DIA	<input type="checkbox"/> Treasury	<input type="checkbox"/> MoH
<input type="checkbox"/> MHUD	<input type="checkbox"/> Other				

Attachments
Appendix 1 - Current list of Waitangi Tribunal members Appendix 2 - Appointment Process map Appendix 3 - Candidate biographies

Minister's office to complete:

- Approved                       Declined  
 Noted                                 Needs change  
 Seen                                     Overtaken by Events  
 See Minister's Notes     Withdrawn

Comments:

7 Whiringa-ā-rangi 2024

Te Minita Whanaketanga Māori

## Waitangi Tribunal appointments – up to 13 members in Hakihea 2024

### Purpose

1. This briefing provides a long list of candidates for up to 13 unfilled positions on the Waitangi Tribunal for appointment for a term of three years. This briefing follows earlier advice Te Puni Kōkiri provided you on your preferred approach to upcoming appointments (or reappointments) to the Waitangi Tribunal (TPK 71454 refers), and feedback from you on 4 Whiringa-ā-rangi 2024.

### Background

2. The terms of twelve member of the Waitangi Tribunal (**the Tribunal**) will expire on 14 Hakihea 2024. Further, one position on the Tribunal is currently vacant. That means you can recommend to the Governor-General up to 13 candidates for appointment to the Tribunal. We understand your preference is to recommend 13 candidates for appointment to three-year terms.
3. The **Table** overpage provides a list of all available candidates and their fields of expertise relevant to the role of Tribunal member. Te Puni Kōkiri recommends you indicate your appointing decisions in the table.

Proactively released by the Minister for Māori Development

No.	Candidates	Terms served	Māori/Non Māori	Gender	Skills and attributes	Available	Agree to recommend to appoint
1	Philip Crump	N/A	Non Māori	M	<ul style="list-style-type: none"> <li>State sector practise</li> <li>Corporate leadership</li> <li>Constitution and Law</li> </ul>	Yes	Yes / No

s9(2)(a) s9(2)(ba)(i)

3	Vanessa Eparaima		Māori		State Sector Practise <ul style="list-style-type: none"> <li>History Mid-20<sup>th</sup> century to present</li> <li>Corporate leadership</li> <li>Community leadership</li> </ul>	Yes	Yes / No
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s9(2)(a) s9(2)(ba)(i)

Proactively

7	Derek Fox	1st	Māori	M	<ul style="list-style-type: none"> <li>• State sector practise</li> <li>• Kaumatua</li> <li>• Mātauranga Māori</li> <li>• Mid-20<sup>th</sup> century to present</li> <li>• Corporate leadership</li> <li>• Community leadership</li> </ul>	Yes	Yes / No
8	Dr Hana O'Regan	1st	Māori	F	<ul style="list-style-type: none"> <li>• Public policy</li> <li>• State sector practise</li> <li>• Mātauranga Māori</li> <li>• History Mid-20<sup>th</sup> century to present</li> <li>• Corporate leadership</li> </ul>	Yes	Yes / No

s9(2)(a) s9(2)(ba)(i)

10	Prue Kapua	2nd	Māori	F	<ul style="list-style-type: none"> <li>• Mātauranga Māori</li> <li>• History Mid-20<sup>th</sup> century to present</li> <li>• Corporate leadership</li> <li>• Community leadership</li> </ul>	Yes	Yes / No
11	Kim Ngarimu	2nd	Māori	F	<ul style="list-style-type: none"> <li>• Public policy,</li> <li>• State sector practise</li> <li>• History Mid-20<sup>th</sup> century to present</li> <li>• Corporate leadership</li> <li>• Community leadership</li> </ul>	Yes	Yes / No
12	Prof Tom Roa	3rd	Māori	M	<ul style="list-style-type: none"> <li>• Kaumatua</li> <li>• Mātauranga Māori</li> <li>• History Mid-20<sup>th</sup> century to present</li> <li>• Community leadership</li> </ul>	Yes	Yes / No
13	Prof Linda Smith CNZM	3rd	Māori	F	<ul style="list-style-type: none"> <li>• Public policy</li> <li>• State sector practise</li> </ul>	Yes	Yes / No

					<ul style="list-style-type: none"> <li>• Mātauranga Māori</li> <li>• History 19<sup>th</sup> to mid- 20<sup>th</sup> century</li> <li>• Mid-20<sup>th</sup> century to present</li> <li>• Community leadership</li> </ul>		
14	Dr Rawinia Higgins	4th	Māori	F	<ul style="list-style-type: none"> <li>• Public Policy</li> <li>• State Sector</li> <li>• Mātauranga Māori</li> <li>• History 19<sup>th</sup> to mid- 20<sup>th</sup> century</li> <li>• History Mid-20<sup>th</sup> century to present</li> <li>• Corporate leadership</li> <li>• Community leadership</li> </ul>	Yes	Yes / No
15	Tania Simpson	5th	Māori	F	<ul style="list-style-type: none"> <li>• Public policy</li> <li>• State sector practise</li> <li>• Mātauranga Māori</li> <li>• Resource management</li> <li>• Corporate leadership</li> <li>• Community leadership</li> </ul>	Yes	Yes / No
16	Prof Sir William Rangiuā (Pou) Temara KNZM	5th	Māori	M	<ul style="list-style-type: none"> <li>• State sector practise</li> <li>• Kaumatua</li> <li>• Mātauranga Māori</li> <li>• History 19<sup>th</sup> to mid- 20<sup>th</sup> century</li> <li>• History Mid-20<sup>th</sup> century to present</li> <li>• Community Leadership</li> </ul>	Yes	Yes / No
17	Dr Monty Soutar ONZM	7th	Māori	M	<ul style="list-style-type: none"> <li>• Kaumatua</li> <li>• Mātauranga Māori</li> <li>• History 19<sup>th</sup> to mid- 20<sup>th</sup> century</li> <li>• History Mid-20<sup>th</sup> century to present</li> <li>• Community leadership</li> </ul>	Yes	Yes / No

Proactively released by the Minister for Māori Development

*Your role and responsibilities under the Treaty of Waitangi Act 1975*

4. The Waitangi Tribunal (**the Tribunal**) is a permanent commission of inquiry. The Treaty of Waitangi Act 1975 (**the Act**) established the Tribunal to inquire into, and make recommendations on, acts and omissions of the Crown which were, or are, inconsistent with the principles of the Treaty of Waitangi.
5. Under the Act:
  - a. the Governor-General appoints Tribunal members on the recommendation of the Minister for Māori Development after consultation with the Minister of Justice (section 4(2)(b));
  - b. every Tribunal member holds office for a term specified by the Governor-General, that does not exceed three years and, upon expiration of their term, members can be reappointed in accordance with sections 4(2)(b);
  - c. the Minister for Māori Development shall have regard to the relationship between the two parties to the Treaty of Waitangi and to a candidate's personal attributes and relevant knowledge and experience in matters likely to come before the Tribunal (section 4(2A)); and
  - d. in addition to the Chairperson (the current chairperson is also the Chief Judge of the Māori Land Court), the Tribunal shall consist "of not less than 2 other members and not more than 20 other members" (section 4(2)(b)).

***Current membership of the Tribunal***

6. **Appendix 1** lists current members of the Tribunal.

***Tribunal composition after 14 Hakihea 2024***

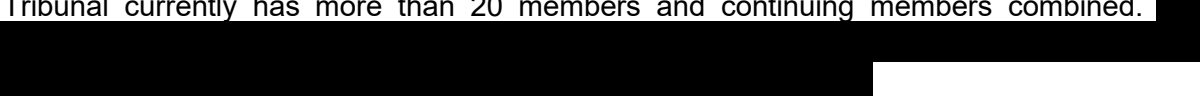
7. On 14 Hakihea 2024 the terms of 12 Tribunal members will expire. By letter dated 15 Huitanguru 2024 the Chairperson of the Tribunal, Chief Judge Caren Fox, wrote to you advising that nine of the current members were available for reappointment, and three were retiring.
8. Following the expiry of terms on 14 Hakihea 2024, the Waitangi Tribunal will comprise seven members with current terms and up to 13 positions available for appointment. The 12 members with expired terms could of course continue work on existing inquiries as continuing members. The Chairperson of the Tribunal could not, however, assign continuing members to a new inquiry.
9. Of the seven members of the Tribunal following the expiration of terms on 14 Hakihea 2024, one member (excluding the Chairperson) identifies as Māori, and one member identifies as female.
10. Continuing members do not count towards the 20-person limit on the Tribunal. Hence the Tribunal currently has more than 20 members and continuing members combined.  

11. The following table outlines those members with current terms post 14 Hakihea 2024 and those who, without appointment will work on inquiries as continuing members of the Tribunal:

Table 2 Waitangi Tribunal Membership

<b>Waitangi Tribunal – Members with current terms post 14 Hakihea 2024</b>				
<b>Appointee</b>	<b>Original Appt</b>	<b>Expiry date</b>	<b>Term</b>	<b>Seeks re-appt</b>
<b>Chairperson</b>				
Chief Judge Caren Fox	2023	22/08/2028	1 <sup>st</sup>	N/A
<b>Members</b>				
1. Prof David Williams	2023	13/03/2026	1 <sup>st</sup>	N/A
2. Prof Suzy Frankel	2020	13/07/2026	2 <sup>nd</sup>	N/A
3. Dr Paul Hamer	2020	13/07/2026	2 <sup>nd</sup>	N/A
4. Basil Morrison	2008	13/07/2026	5 <sup>th</sup>	N/A
5. Hon Richard Prebble	2024	10/10/2027	1 <sup>st</sup>	N/A
6. Kevin Prime	2024	10/10/2027	3 <sup>rd</sup>	N/A
7. Ken Williamson	2024	10/10/2027	1 <sup>st</sup>	N/A
Additional 13 Member vacancies				
Previous members continuing existing inquiries after the expiry of terms- Cannot be assigned to new inquiries				
1. Dr Ann Parsonson	2001	29/07/2021	7 <sup>th</sup>	N/A
2. Dr Grant Phillipson	2011	23/05/2024	5 <sup>th</sup>	N/A
3. Dr Hana O'Regan	2021	23/05/2024	1 <sup>st</sup>	<b>YES</b>
4. Derek Fox	2021	23/05/2024	1 <sup>st</sup>	<b>YES</b>
5. Prof Rawinia Higgins	2013	14/12/2024	4 <sup>th</sup>	<b>YES</b>
6. Prof Tom Roa	2016	14/12/2024	3 <sup>rd</sup>	<b>YES</b>
7. Prof Linda Smith	2016	14/12/2024	3 <sup>rd</sup>	<b>YES</b>
8. Tania Simpson	2008	14/12/2024	5 <sup>th</sup>	<b>YES</b>
9. Dr Monty Soutar	2002	14/12/2024	7 <sup>th</sup>	<b>YES</b>
10. Prof Sir William Rangiuā (Pou) Temara	2008	14/12/2024	5 <sup>th</sup>	<b>YES</b>
11. Dr Ruakere Hono	2018	14/12/2024	2 <sup>nd</sup>	<b>YES</b>
12. Kim Ngarimu	2018	14/12/2024	2 <sup>nd</sup>	<b>YES</b>
13. Prue Kapua	2018	14/12/2024	2 <sup>nd</sup>	<b>YES</b>

12. We note that although there is no express statutory requirement that the membership be evenly split between Māori and non-Māori, general practice has been an approximate 50/50 split, reflecting the parties to the Treaty. Any sitting of the Tribunal does require the presence of at least one Māori member (Schedule 2, Clause 5(6)(c)). 11 of the current 19 members identify as Māori.

13. Te Puni Kōkiri also would emphasise considering the gender balance in appointments to the Tribunal. Currently 12 of the current 19 members identify as male.

### Appointment Process

14. The Act requires that in considering the suitability of persons for appointment to the Tribunal you shall have regard to (see section 4(2A)):

- a. the partnership between the two parties to the Treaty; and
  - b. the personal attributes of the person, and the person's knowledge of and experience in the different aspects of matters likely to come before the Tribunal.
15. A generalised overview of the Waitangi Tribunal appointments process is attached at **Appendix 2**.
16. Key elements that are applicable to a Tribunal appointment process include:
- a. engage early with the Chairperson of the Tribunal to identify the profiles, skills and experience required collectively for Tribunal members;
  - b. develop a long list of candidates;
  - c. initiate engagement with Cabinet Ministers and coalition partners;
  - d. test the availability of potential candidates; and
  - e. go through the Cabinet Appointments and Honours Committee (**APH**) process.

### Skills to consider for candidates for appointment

17. In addition to the statutory criteria to which you must have regard when recommending candidates for appointment to the Tribunal (in section 4(2A) of the Act), we also provide below a set of skills and attributes that Tribunal members could bring. We understand that a similar set of skills and attributes has assisted with previous appointments to the Tribunal. We have categorised the candidates for your consideration in this briefing according to the skills and attributes below.

*Table 3: Waitangi Tribunal Members Skills and Attributes*

Expertise	Sub- Field	Attributes
<b>Crown and public policy, and state sector</b>	<ul style="list-style-type: none"> <li>• Public policy</li> <li>• State sector practise</li> </ul>	<ul style="list-style-type: none"> <li>• Crown Policy institutions and systems</li> <li>• Actions and omissions, governance</li> </ul>
<b>Mātauranga</b>	<ul style="list-style-type: none"> <li>• Kaumatua</li> <li>• Mātauranga Māori:</li> </ul>	<ul style="list-style-type: none"> <li>• Tikanga kawa, relationship management</li> <li>• Traditional and customary mātauranga Māori, Tikanga, Te Reo</li> </ul>
<b>History</b>	<ul style="list-style-type: none"> <li>• 19<sup>th</sup> to mid- 20<sup>th</sup> century</li> <li>• Mid-20<sup>th</sup> century to present</li> </ul>	<ul style="list-style-type: none"> <li>• Broadly from Pre-Treaty to WW2</li> <li>• Broadly post 1945 to present</li> </ul>
<b>Law</b>	<ul style="list-style-type: none"> <li>• Legal practice</li> <li>• Constitution and law</li> </ul>	<ul style="list-style-type: none"> <li>• Legally qualified to preside (has and has held practising certificate for 7 years)</li> <li>• Legal scholarship and history, contemporary law, constitutional affairs</li> </ul>
<b>General</b>	<ul style="list-style-type: none"> <li>• Resource management</li> <li>• Corporate leadership</li> <li>• Community Leadership</li> </ul>	<ul style="list-style-type: none"> <li>• Planning and environmental impact</li> <li>• In business and/or SOE sector</li> <li>• NGO/union/iwi/hapu/community leadership and service</li> </ul>



## Candidates for appointment

18. We have provided a long list of candidates for your consideration at **Table 1**. There are 17 candidates for consideration. Te Puni Kōkiri has contacted the candidates listed and confirmed their availability to be considered for appointment.
19. You also seek suggested candidates from your Ministerial colleagues. If any additional candidates come from Ministerial colleagues Te Puni Kōkiri will contact the candidates and confirm their availability to be considered for appointment. After that we can update this briefing with any additional candidates' names.
20. A full list of candidate biographies is attached as **Appendix 3**.

## Timing of appointments

21. Recommendations for appointments to the Tribunal are considered at APH following ministerial consultation and confirmed at Cabinet. You must then recommend the appointments to the Governor-General.
22. Consultation for all APH cabinet papers is a minimum of five days. The Act also requires that you specifically consult with the Minister of Justice (section 4(2)(b)). Te Puni Kōkiri recommends you consult with the Chairperson of the Tribunal, Chief Judge Fox, and follow any APH and coalition agreements consultation requirements.
23. If the Governor-General approves to your recommended appointments, she will sign the required appointing instruments or warrants. This stage of the process can take up to two weeks. Acceptance from appointees is required before the appointment process is complete and announcements can be made.
24. We would recommend you take your Waitangi Tribunal Appointments Cabinet paper to the APH committee meeting scheduled for either 10 Hakihea 2024 or 17 Hakihea 2024. The House is scheduled to rise for the year on 19 Hakihea 2024 and there are no Cabinet or Committee meetings after this date. Therefore, the appointment process will not be completed until early 2025.
25. The 2025 Sitting Calendar has not been confirmed so APH dates beyond 17 Hakihea 2024 are unknown. It is likely the first APH committee will be held in early Huitanguru 2025 when regular Cabinet schedules (and House sittings) resume.

Action	If for 11 Hakihea 2024 APH hui	If for 18 Hakihea 2024 APH hui
Finalise decisions on nominees	By 20/11/2024	By 27/11/2024
Approve Cabinet paper	22/11/2024	29/11/2024
Ministerial consultation starts	25/11/2024	02/12/2024
Ministerial consultation ends	29/11/2024	06/12/2024
Lodge paper for APH	05/12/2024	12/12/2024
Consider at APH	10/12/2024	17/12/2024
Cabinet confirmation	16/12/2024	tbc
Recommend to Governor-General	18/12/2024	
Issue appointment letters	Late 01/2025	
Receive acceptance and announce	02/2025	

## Next Steps

34. Once you have agreed on up to 13 candidates you wish to recommend as members of the Tribunal, Te Puni Kōkiri will provide the relevant candidate information required for APH. Your office, on your behalf, can then begin consultation with the Chairperson of the Waitangi Tribunal and your Ministerial colleagues ahead of APH committee meeting.
35. To meet the proposed timeframes in this briefing, Te Puni Kōkiri would need the names of any additional candidates you wish to consider by 20 Whiringa-ā-rangi 2024 to finalise your draft Cabinet paper for Ministerial consultation to meet the suggested timeframes.
36. In the interim we recommend you advise the Chairperson of the Tribunal, Chief Judge Fox, of the anticipated appointment timeline (which could mean that the appointment process is not completed before 12 Tribunal members' terms expire on 14 Hakihea 2024). We will provide you with a draft letter. Te Puni Kōkiri can also liaise with Chief Judge Fox on your behalf as required.

## Te Tautuhi ō Rongo analysis

37. This paper focusses on the appointment or reappointment of Tribunal members, which is an internal Crown process led by Ministers of the Crown and the Governor-General, in consultation with the Chairperson of the Tribunal. The appointment process is not undertaken in partnership with tangata whenua or iwi.
38. Section 4(2A) of the Act requires the Minister for Māori Development to have regard to the relationship between the two parties to the Treaty of Waitangi and to a candidate's personal attributes and relevant knowledge and experience in matters likely to come before the Tribunal.

## Recommended Action

39. It is recommended that you:

1. **note** that you have the opportunity to make up to 13 appointments to the Waitangi Tribunal because:
  - a. there is one unfilled position currently on the Waitangi Tribunal; and
  - b. the warrants of 12 members of the Waitangi Tribunal are expiring on 14 Hakihea 2024.
2. **note** Te Puni Kōkiri has provided you with a long list of candidates to consider for recommending for appointment following feedback from you on 4 Whiringa-ā-rangi 2024;
3. **note** that following feedback from you we understand that your preference is to recommend 13 candidates for appointment to three-year terms;

4. **agree** to indicate your preferred candidates for appointment at **Table 1** **Yes / No**
5. **agree** to notify the Chairperson of the Waitangi Tribunal that the appointment process will not be completed until early 2025 – if yes Te Puni Kōkiri will supply a letter for you to send; **Yes / No**
6. **request** te Puni Kōkiri provide further names for consideration. **Yes / No**



Steven Sutton  
Hautū, Te Puni Tapatahi | Deputy Secretary, Governance

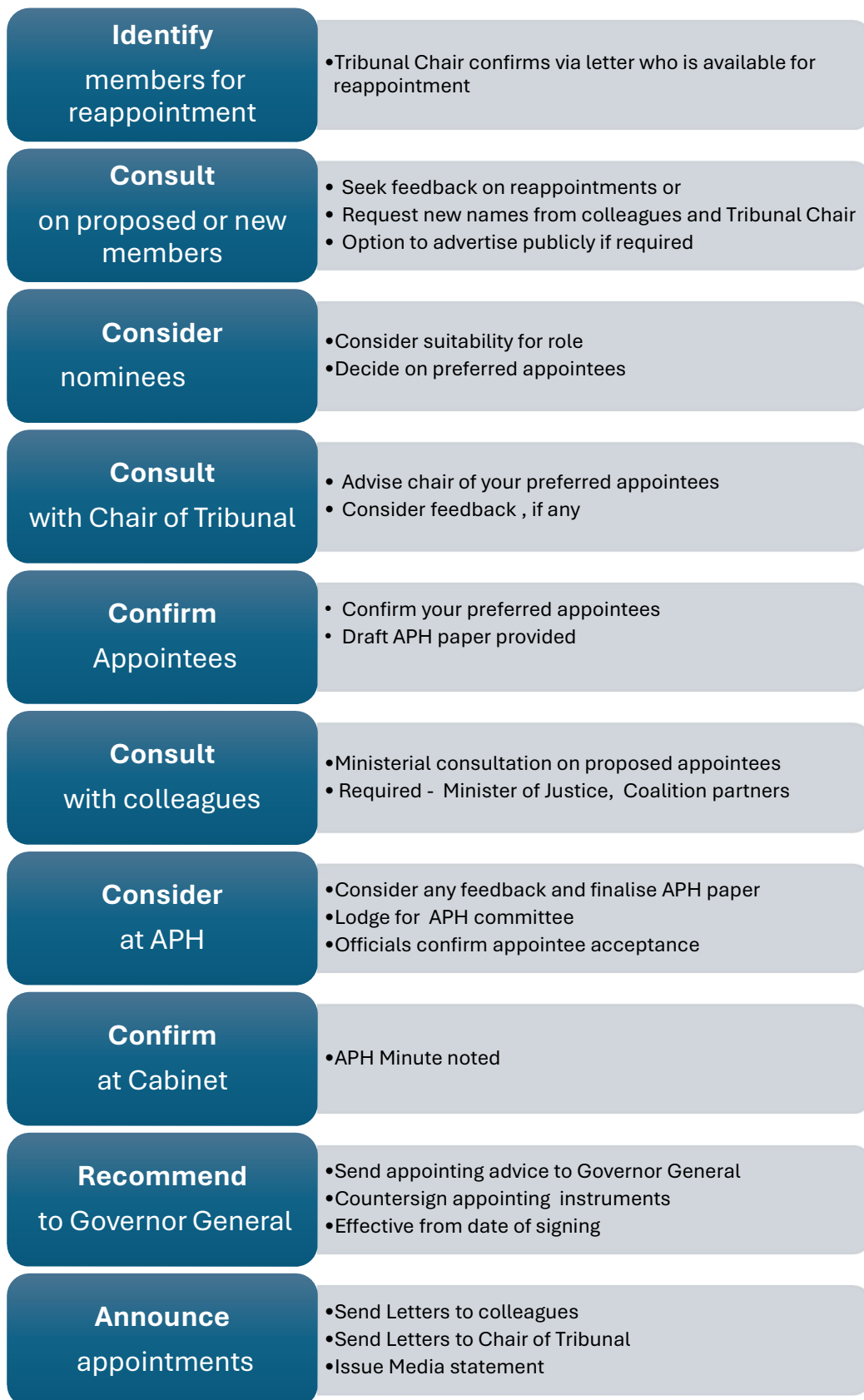
Hon Tama Potaka  
Te Minita Whanaketanga Māori

Date: \_\_\_\_ / \_\_\_\_ / 2024

Proactively released by the Minister for Māori Development

## Appendix 1 Waitangi Tribunal Membership

<i>Current Membership of the Tribunal as at 7 Noema 2024</i>				
<b>Appointee</b>	<b>Original Appt</b>	<b>Expiry date</b>	<b>Term</b>	<b>Seeks re-appt</b>
<b>Chairperson</b>				
Chief Judge Caren Fox	2023	22/08/2028	1 <sup>st</sup>	N/A
<b>Members with terms expiring December 2024</b>				
1. Prof. Rawinia Higgins	2013	14/12/2024	4 <sup>th</sup>	<b>YES</b>
2. Prof. Tom Roa	2016	14/12/2024	3 <sup>rd</sup>	<b>YES</b>
3. Prof. Linda Smith	2016	14/12/2024	3 <sup>rd</sup>	<b>YES</b>
4. Tania Simpson	2008	14/12/2024	5 <sup>th</sup>	<b>YES</b>
5. Dr Monty Soutar	2002	14/12/2024	7 <sup>th</sup>	<b>YES</b>
6. Professor Sir William Rangiuā (Pou) Temara	2008	14/12/2024	5 <sup>th</sup>	<b>YES</b>
7. Dr Ruakere Hond	2018	14/12/2024	2 <sup>nd</sup>	<b>YES</b>
8. Kim Ngarimu	2018	14/12/2024	2 <sup>nd</sup>	<b>YES</b>
9. Prue Kapua	2018	14/12/2024	2 <sup>nd</sup>	<b>YES</b>
10. Dr Robyn Anderson	2004	14/12/2024	7 <sup>th</sup>	<b>NO</b>
11. Ron Crosby	2011	14/12/2024	4 <sup>th</sup>	<b>NO</b>
12. Herewini Te Koha	2021	14/12/2024	1 <sup>st</sup>	<b>NO</b>
<b>Members with terms not expiring December 2024</b>				
13. Prof David Williams	2023	13/03/2026	1 <sup>st</sup>	N/A
14. Prof Suzy Frankel	2020	13/07/2026	2 <sup>nd</sup>	N/A
15. Dr Paul Hamer	2020	13/07/2026	2 <sup>nd</sup>	N/A
16. Basil Morrison	2008	13/07/2026	5 <sup>th</sup>	N/A
17. Hon Richard Prebble	2024	10/10/ 2027	1 <sup>st</sup>	N/A
18. Kevin Prime	2018	10/10/2027	3 <sup>rd</sup>	N/A
19. Ken Williamson	2024	10/10/2027	1 <sup>st</sup>	N/A
20. Unfilled position				
<b>Previous members who are continuing existing inquiries after the expiry of their terms</b>				
Dr Grant Phillipson	2011	23/05/2024	5 <sup>th</sup>	N/A
Dr Ann Parsonson	2001	29/07/2021	7 <sup>th</sup>	N/A
Dr Hana O'Regan	2021	23/05/2024	1 <sup>st</sup>	N/A
Derek Fox	2021	23/05/2024	1 <sup>st</sup>	N/A
<b>Waitangi Tribunal –Members with current terms post 14 Tihema 2024</b>				
<b>Appointee</b>	<b>Original Appt</b>	<b>Expiry date</b>	<b>Term</b>	<b>Seeks re-appt</b>
<b>Chairperson</b>				
Chief Judge Caren Fox	2023	22/08/2028	1 <sup>st</sup>	N/A
<b>Members with current terms</b>				
1. Prof David Williams	2023	13/03/2026	1 <sup>st</sup>	N/A
2. Prof Suzy Frankel	2020	13/07/2026	2 <sup>nd</sup>	N/A
3. Dr Paul Hamer	2020	13/07/2026	2 <sup>nd</sup>	N/A
4. Basil Morrison	2008	13/07/2026	5 <sup>th</sup>	N/A
5. Hon Richard Prebble	2024	10/10/2027	1 <sup>st</sup>	N/A
6. Kevin Prime	2024	10/10/2027	3 <sup>rd</sup>	N/A
7. Ken Williamson	2024	10/10/2027	1 <sup>st</sup>	N/A



ment

Prof

## Appendix 3 Candidate Biographies



### Mr Phillip Crump

Philip Crump spent much of his professional career as a commercial lawyer, mostly based in the United Kingdom. Since returning to New Zealand and was founding editor of Newstalk ZB Plus. He was recently appointed as a member of NZonAir board.

He studied at the University of Auckland where he achieved an LLB and BA in English Literature and Māori Studies. During his time at university, he was an editor-in-chief at the Auckland University Law Review in 1996. He has significant experience as a political commentator and journalist

s9(2)(a) s9(2)(ba)(i)



### Vanessa Eparaima (Raukawa, Tūwharetoa, Te Arawa and Waikato-Tainui)

Vanessa Eparaima is a business consultant, company director and Trustee with experience that spans the private and public sectors, and Iwi.

She is the current chair of Te Wananga o Aotearoa Council and sits on a range of commercial, investment and not-for-profit boards, including the Tūaropaki Trust, and is co-chair of forestry land management company CNI Iwi Land Management Ltd.

She has a strong history of working with the wider community, kaumātua, Iwi chairs, Ministers, Members of Parliament, and stakeholders to achieve positive outcomes for those she serves.

Ms Eparaima is a former Executive Chairperson of the Raukawa Settlement Trust, a role she held for over 10 years. Ms Eparaima is an independent director of Raukawa Iwi Development Ltd.

s9(2)(a) s9(2)(ba)(i)





**Derek Fox (Ngāti Kahungunu and Ngāti Porou descent)**

First appointed 2021 – 1<sup>st</sup> term expired May 2024  
(*Mātauranga Māori, Media*)

Derek Fox has had a diverse career spanning journalism, broadcasting, local and national politics, and publishing. Mr Fox is a director and half owner of WOVEN Pacific Communications, a communications consultancy working in New Zealand and across the Pacific. Born and raised in Wairoa later became the Mayor of Wairoa from 1995 to 2001.

Mr Fox has been at the forefront of Māori broadcasting and media for more than 40 years, having had a hand in most of the major Māori broadcasting initiatives – including the establishment and development of Māori Television – and serving as Chair of the first Māori Television Service board.

Mr Fox was a member of the Tribunal until May 2024.

Panel member for:

- Tomokia ngā tatau o Matangireia: Constitutional



**Dr Hana O'Regan (Ngāi Tahu)**

First appointed 2021 – 1<sup>st</sup> term expired May 2024  
(*Education and Te Reo Māori*)

Hana O'Regan holds a Doctor of Philosophy from Auckland University of Technology (awarded in 2017) and a Master of Arts with Distinction in Māori Studies from University of Otago.

Dr O'Regan is a published author and composer; she is recognised internationally for her work in indigenous language acquisition and revitalisation. A graduate of Panekiretanga o Te Reo Māori, Dr O'Regan is widely respected for her Māori language contribution, skills, and advocacy.

In 2016, Dr O'Regan was appointed General Manager for Te Rūnanga o Ngāi Tahu. Dr O'Regan has also held positions on national boards, review panels and committees across the areas of education, Māori development, Treaty rights and policies, and health.

She also serves as a member on Ngā Kaitūhono - the Māori Advisory Group to the NZQA Board and advisory member on Tōpuni Mātauranga - Mātauranga Iwi Leaders Group on the National Iwi Chairs Forum.

Panel Member for

- Military Veterans Inquiry
- Te Rau o te Tika: the Justice System Inquiry





**Dr Peter Berge Ruakere Hond (Taranaki, Te Ātiawa)**

First Appointed 2018 – Currently 2<sup>nd</sup> term  
(*Historian, Tikanga & Mātauranga*)

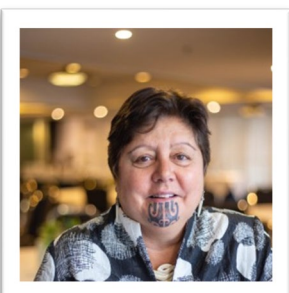
Dr Hond is a longstanding Māori language advocate and a stalwart of Parihaka community. He has held several leadership roles in Māori Language organisations including Te Reo o Taranaki, Te Whare Wānanga o Awanuiārangi and Te Ataarangi.

Dr Hond was a Treaty settlement negotiator for his Iwi of Taranaki and was instrumental in work to achieve reconciliation between the Crown and the Parihaka community.

Panel member for:

- Renewed Muriwhenua Land Inquiry
- Te Reo i te kāwanatanga - Te Reo in the Public Sector Urgent Inquiry
- Mana Wāhine Kaupapa Inquiry

Te Rau o te Tika: the Justice System Inquiry



**Prudence Jane Tamatekapua (Te Arawa)**

First appointed 2018 – Currently 2<sup>nd</sup> term  
(*Law*)

Ms Tamatekapua is a lawyer with an extensive background in the Treaty sector. She has supported whānau, hapū and Iwi claimants in several Waitangi Tribunal inquiries.

Ms Tamatekapua was a member of the Refugee Status Appeals Authority, Deputy Chair of the Medical Practitioners Disciplinary Tribunal and a director of First Health NZ Ltd (a Southern Cross NZ Ltd subsidiary). She was also the former president of the Māori Women's Welfare League.

Panel member for:

- North-Eastern Bay of Plenty
- Housing Policy and Services
- Tomokia ngā tatau o Matangireia: Constitutional
- Climate Change Priority
- Natural Resources and Environmental Management
- Economic Development



**Ms Mereana Kim Ngarimu (Ngāti Porou, Te Aitanga ā Mate)**

First appointed 2018 – Currently 2<sup>nd</sup> term  
(*Crown Policy and Practice*)

Ms Ngarimu has an extensive public service career dating back to the early 1990's. She has held senior positions at Te Puni Kōkiri (Deputy Secretary), Ministry of Women (Acting Chief Executive) and the Ministry of Justice Waitangi Tribunal (Acting Director).

She is currently self-employed as a consultant and a professional governor, serving on a number of boards, including the Medical Council of New Zealand, Evolution Healthcare, and Te Pūkenga. Ms Ngarimu brings a deep understanding of the machinery of government and executive level experience within the public sector

Panel member for:

- Mana Wāhine Kaupapa Inquiry
- Housing Policy and Services
- Social Services and Social Development
- Identity and Culture



**Professor Tom Roa (Ngāti Maniapoto, Waikato)**

First appointed 2016 – Currently 3<sup>rd</sup> term  
(*Academic, Kaumatua*)

Professor Roa) is a senior lecturer at Waikato University. He is the principal investigator on the project exploring Māori classificatory system of flora and fauna within Tainui waka. His research interests are translation and interpretation of Māori-English, Kingitanga, Waikato-Maniapoto oral and written history and traditions.

He was inaugurated as the first kaumatua to be appointed on Te Pūnaha Matatini in 2019. Professor Roa is also the former Chairman of Te Kauhanganui and served in that role from 2006 to 2010. He is also a Justice of the Peace.

Panel member for:

- North-Eastern Bay of Plenty
- Health Services and Outcomes
- Social Services and Social Development



**Professor Linda Tuhiwai Smith CNZM (Ngāti Awa, Ngāti Porou)**

First appointed 2016 – Currently 3<sup>rd</sup> term  
(*General, Tikanga & Mātauranga*)

Professor Linda Smith has worked in the field of Māori and indigenous education for more than three decades and is a well-known advocate for Māori language education having had a key role in establishing Kura Kaupapa Māori and Whare Wānanga Māori tribal universities.

She was the founding Co-Director of Ngā Pae o Te Māramatanga - the Māori Centre of Research Excellence and has held several senior academic roles at the University of Auckland and Waikato University. She has served on the Health Research Council, the Marsden Fund Council, the Royal Society of New Zealand Council, and is currently Deputy Chair of Council of Te Whare Wānanga o Awanuiāraangi. Made Companion of the New Zealand Order of Merit for her services to Māori and to education in 2013.

Panel member for

- Health Services and Outcomes inquiry
- Mana Wāhine Kaupapa inquiry



**Professor Rawinia Higgins (Tuhoē)**

First appointed 2013 – Currently 4<sup>th</sup> term  
(*Historian*)

Professor Higgins's role as an historian member to the Tribunal is strengthened by her commitment to the regeneration of Māori Language and her fluency of te reo Māori.

Highly regarded and well respected academic and researcher with a strong background working in the Māori language tertiary education sector and research areas of te reo and tikanga Māori, tā moko, Māori language literature, and Māori language planning and policy.

Professor Higgins has extensive governance experience and is currently the Board Chair of Te Taura Whiri i te reo Māori and Deputy Vice-Chancellor Māori at Victoria University, Wellington.

Panel member for:

- Kura Kaupapa Māori Urgent Inquiry
- Marine and Coastal Act Coalition Changes Urgent Inquiry



**Tania Simpson (Ngāpuhi, Ngai Tahu)**

First appointed 2008 – Currently 5<sup>th</sup> term  
(*Crown Public Policy, General member*)

Tania Simpson is a director of Auckland International Airport, Meridian Energy, and Tainui Group Holdings. She is Chair of the Sustainable Seas National Science Challenge, Deputy Chair of Waitangi National Trust, and a member of the governance group for the Deep South National Science Challenge.

She holds a Master of Mātauranga Māori from Te Wānanga o Raukawa, is an Accredited Fellow with the Institute of Directors, and was awarded the rank of Commander in the Order of the Taniwha by King Tūheitia and rank of Dame Commander in the Order of St Lazarus. She has had a career in public policy and governance.

Ms Simpson has been a member on a number of inquiries and is highly regarded for her extensive and strong governance background across a range of sectors with an excellent understanding of the Māori economy. She is the founding director of Kowhai Consulting and has previously held management positions in Housing New Zealand, Ministry of Māori Development and the Office of Treaty Settlements. She has excellent governance and management skills to contribute further to the work of the Tribunal.

Panel member for:

- Renewed Muriwhenua Land Inquiry
- Health Services and Outcomes
- Porirua ki Manawatu



**Dr Monty Soutar ONZM (Ngāti Porou, Ngāti Awa, Ngāi Tai, Ngāti Kahungunu)**

First appointed 2002 – Currently 7<sup>th</sup> term  
(*Historian, General*)

Dr Monty Soutar role as historian member to the Tribunal is enhanced by having already completed more than 15 years on the Tribunal. He is a well-respected historian and academic and is a highly regarded expert in the area of Māori in war.

Dr Soutar's many leadership roles include Chief Executive of Te Rūnanga o Ngāti Porou, Project Coordinator for the 28th Māori Battalion website, guardian of the Alexander Turnbull Library, senior historian for Culture and Heritage, historian in residence for the Auckland War Memorial Museum World War One, member of the National Archives Council, Māori council for Historic Places Trust and Māori Advisory Board for the Dictionary of New Zealand Biography and a panel member of the First World War Centenary Panel.

He has a wealth of skills and experience which continues to be valuable to the work of the Tribunal.

Panel member for:

- Military Veterans
- Taihape: Rangitikei ki Rangipō
- Porirua ki Manawatū
- Standing Panel (Remaining Historical Claims)
- Tomokia ngā tatau o Matangireia: Constitutional
- Education Services and Outcomes



**Professor Sir William Rangiua (Pou) Temara KNZM (Ngāi Tūhoe)**

First appointed 2008 – Currently 5<sup>th</sup> term  
(*Tikanga & Mātauranga, Kaumātua*)

Professor Sir Pou Temara is a professor of Māori Philosophy at Te Whare Wānanga o Awanuiārangi. He is a recognised authority on Māori customary practice and whaikōrero, having taught at Waikato University as a Professor of Reo and Tikanga and Victoria University as a senior lecturer and later as Tohunga. He was a director of Te Panekiretanga o Te Reo, the Institute of

Excellence in the Māori Language, where he taught and researched whaikōrero, karanga, and tikanga.

He has experience in dispute resolutions, mediating between Iwi of Taranaki during their claims to the Tribunal and has written widely on issues currently affecting Māori.

Panel member for:

- National Freshwater and Geothermal Resources
- Military Veterans
- Te Reo i te kāwanatanga - Te Reo in the Public Sector Urgent Inquiry
- Taihape: Rangitikei ki Rangipō
- Marine and Coastal Act Coalition Changes Urgent Inquiry
- Natural Resources and Environmental Management
- Identity and Culture

## HEI WHAKATAU | BRIEFING

### Waitangi Tribunal appointments – confirmation of preferred candidates and draft APH Cabinet paper

<b>Date:</b>	22 Whiringa-ā-rangi 2024	<b>Priority</b>	High
<b>Classification</b>	In Confidence	<b>Tracking Number</b>	71607

Action sought	Date action required by
<p>It is recommended that you:</p> <ol style="list-style-type: none"> <li><b>note</b> that you have the opportunity to make up to 13 appointments to the Waitangi Tribunal because:           <ol style="list-style-type: none"> <li>there is one unfilled position currently on the Waitangi Tribunal; and</li> <li>the warrants of 12 members of the Waitangi Tribunal will expire on 14 Hakihea 2024;</li> </ol> </li> <li><b>note</b> we have received feedback from you on 13 and 18 Whiringa-ā-rangi 2024 indicating candidates to progress through to the next stage of the appointment process;</li> <li><b>note</b> we have provided you with a revised list of preferred candidates for your confirmation before progressing to the Cabinet Appointments and Honours committee stage of the appointments process;</li> <li><b>confirm</b> your preferred candidates for appointment at <b>Table 1</b>;</li> <li><b>approve</b> the draft Cabinet paper <i>Waitangi Tribunal Appointments: December 2024</i> for ministerial consultation, and</li> <li><b>sign the letter</b> to Chairperson for the Waitangi Tribunal notifying list of preferred candidates for appointment in Hakihea 2024.</li> </ol>	27 Whiringa-ā-rangi 2024

Contact for telephone discussion (if required)				
Name	Position	Telephone	Mobile	1 <sup>st</sup> contact
Steven Sutton	Deputy Secretary, Governance		s9(2)(a)	
Jaclyn Williams	Manager, Statutory Entities and Appointments		s9(2)(a)	<input type="checkbox"/>

Other Agencies Consulted					
<input type="checkbox"/> MBE	<input type="checkbox"/> MoJ	<input type="checkbox"/> NZTE	<input type="checkbox"/> MSD	<input type="checkbox"/> TEC	<input type="checkbox"/> MoE
<input type="checkbox"/> MFAT	<input type="checkbox"/> MPI	<input type="checkbox"/> MfE	<input type="checkbox"/> DIA	<input type="checkbox"/> Treasury	<input type="checkbox"/> MoH
<input checked="" type="checkbox"/> MHUD	<input type="checkbox"/> Other				

<b>Attachments</b>	Attachment 1 - Minister's roles and responsibilities, appointment process and skills to consider for appointing candidates Attachment 2 - Candidate biographies Attachment 3 - Waitangi Tribunal Membership Attachment 4 - Draft Cabinet paper <i>Waitangi Tribunal: Appointments December 2024</i> Attachment 5 - Draft Letter to Chairperson of the Waitangi Tribunal
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Minister's office to complete:

- Approved
- Declined
- Noted
- Needs change
- Seen
- Overtaken by Events
- See Minister's Notes
- Withdrawn

Comments:

Proactively released by the Minister for Māori Development

22 Whiringa-ā-rangi 2024

Te Minita Whanaketanga Māori

## Waitangi Tribunal appointments – confirmation of preferred candidates and draft APH Cabinet paper

### Purpose

1. This briefing provides you with a revised list of preferred candidates for your confirmation before progressing to the Cabinet Appointments and Honours Committee (APH) stage of the appointments process. It also seeks your approval to the draft Cabinet paper *Waitangi Tribunal Appointments: December 2024* for ministerial consultation.

### Candidates for appointment

2. This briefing follows earlier advice Te Puni Kōkiri provided you on your preferred approach to upcoming appointments (or reappointments) to the Waitangi Tribunal (TPK 71454 and TPK 71566 refers).
3. On 13 Whiringa-ā-rangi 2024 your office provided Te Puni Kōkiri with a list of candidates you wish to progress to the next stage of the appointment process. This list included nominations from your ministerial colleagues. Subsequently we discussed nominations with you on 18 Whiringa-ā-rangi 2024 and your office supplied further candidate names to Te Puni Kōkiri. Te Puni Kōkiri has contacted candidates and confirmed their availability to be considered for appointment.
4. Of the candidates proposed all have confirmed their availability to be considered for appointment except s9(2)(a) s9(2)(ba)(i)  
[REDACTED]
5. This briefing paper features:
  - a. **Table 1** overpage provides a list of all suggested candidates and their fields of expertise relevant to the role of Waitangi Tribunal member. You should confirm your recommended appointments in the table before progressing to the Ministerial consultation stage of the appointments process;
  - b. **Appendix 1** addresses your role and responsibilities under the Treaty of Waitangi Act 1975 (**Act**) in relation to appointments to the Waitangi Tribunal, the appointment process, and skills to consider when appointing candidates;
  - c. **Appendix 2** provides a full list of candidate biographies;
  - d. **Appendix 3** provides the Waitangi Tribunal membership;
  - e. **Appendix 4** provides the draft Cabinet paper *Waitangi Tribunal: Appointments December 2024*; and
  - f. **Appendix 5** provides the draft letter to the Chairperson of the Waitangi Tribunal.

No.	Candidates	Terms served	Māori / Non-Māori	Gender	Skills and attributes	Confirmed available	Agree to recommend to appoint
<b>Priority options for appointment</b>							
1	<b>Dr Hana O'Regan ONZM</b>	1	Māori	F	<ul style="list-style-type: none"> <li>• Public policy</li> <li>• State sector practise</li> <li>• Mātauranga Māori</li> <li>• History Mid-20<sup>th</sup> century to present</li> <li>• Corporate leadership</li> <li>• Community/Iwi leadership</li> </ul>	Yes	<b>Yes / No</b>
2	<b>Derek Fox</b>	1	Māori	M	<ul style="list-style-type: none"> <li>• State sector practise</li> <li>• Kaumatua</li> <li>• Mātauranga Māori</li> <li>• Mid-20<sup>th</sup> century to present</li> <li>• Corporate leadership</li> <li>• Community leadership</li> </ul>	Yes	<b>Yes / No</b>
3	<b>Prue Kapua</b>	2	Māori	F	<ul style="list-style-type: none"> <li>• Legal practise</li> <li>• Mātauranga Māori</li> <li>• History Mid-20<sup>th</sup> century to present</li> <li>• Corporate leadership</li> <li>• Community leadership</li> </ul>	Yes	<b>Yes / No</b>
4	<b>Kim Ngarimu</b>	2	Māori	F	<ul style="list-style-type: none"> <li>• Public policy,</li> <li>• State sector practise</li> <li>• History Mid-20<sup>th</sup> century to present</li> <li>• Corporate leadership</li> <li>• Community leadership</li> </ul>	Yes	<b>Yes / No</b>

Proactively released by the Māori Development Commission



No.	Candidates	Terms served	Māori / Non-Māori	Gender	Skills and attributes	Confirmed available	Agree to recommend to appoint
5	Dr Ruakere Hond	2	Māori	M	<ul style="list-style-type: none"> <li>Public policy</li> <li>State sector practise</li> <li>Kaumatua</li> <li>Mātauranga Māori</li> <li>History 19<sup>th</sup> to mid- 20<sup>th</sup> century</li> <li>History Mid-20<sup>th</sup> century to present</li> <li>Community leadership</li> </ul>	Yes	Yes / No
6	Tipene Chrisp	N/A	Non-Māori	M	<ul style="list-style-type: none"> <li>Public Policy</li> <li>Mātauranga Māori</li> </ul>	Yes	Yes / No
7	Philip Crump	N/A	Non-Māori	M	<ul style="list-style-type: none"> <li>State sector practise</li> <li>Corporate leadership</li> <li>Constitution and Law</li> </ul>	Yes	Yes / No
8	Vanessa Eparaima	N/A	Māori	F	<ul style="list-style-type: none"> <li>State Sector Practise</li> <li>History Mid-20<sup>th</sup> century to present</li> <li>Corporate leadership</li> <li>Community leadership</li> <li>Mātauranga Māori</li> </ul>	Yes	Yes / No
9	Rex Hale	N/A	Māori	M	<ul style="list-style-type: none"> <li>History</li> <li>Community leadership</li> </ul>	Yes	Yes / No
10	Kingi Kiriona	N/A	Māori	M	<ul style="list-style-type: none"> <li>Community leadership</li> <li>Mātauranga Māori</li> </ul>	Yes	Yes / No

No.	Candidates	Terms served	Māori / Non-Māori	Gender	Skills and attributes	Confirmed available	Agree to recommend to appoint
11	Tafaomalalo Leilani Tuala-Warren	N/A	Non-Māori	F	<ul style="list-style-type: none"><li>• Corporate leadership</li><li>• Constitution and Law</li></ul>	Yes	Yes / No

s9(2)(a) s9(2)(ba)(i)

Proactive

s9(2)(a) s9(2)(ba)(i)

Proactively released by the Minister for

## Draft Cabinet paper for APH

6. We are seeking your approval to the draft Cabinet paper *Waitangi Tribunal Appointments December 2024* (see **Appendix 4**) for ministerial consultation. This version of the draft Cabinet paper includes all candidates, however, only 13 of those candidates will need to feature in the final version.
7. Once you have approved the Cabinet paper, your office, on your behalf, can then begin consultation with your Ministerial colleagues ahead of APH committee meeting. You may also choose to consult the Chairperson of the Waitangi Tribunal on your proposed appointments. We have attached a draft letter if you agree to send a letter to Chief Judge Fox (**Attachment 5**).

## Tribunal composition after 14 Hakihea 2024

8. The terms of twelve members of the Waitangi Tribunal will expire on 14 Hakihea 2024. Further, one position on the Tribunal is currently vacant. That means you can recommend to the Governor-General up to 13 candidates for appointment to the Tribunal. We understand your preference is to recommend 13 candidates for appointment to three-year terms.
9. Following the expiry of terms on 14 Hakihea 2024, and without any further appointments, the Waitangi Tribunal will comprise seven members with current terms. Of those seven members of the Tribunal one member (excluding the Chairperson) identifies as Māori, and one member identifies as female.
10. Continuing members do not count towards the 20-person limit on the Tribunal. Hence the Tribunal currently has more than 20 members and continuing members combined. s9(2)(g)(i)
11. **Appendix 3** outlines those members with current terms post Hakihea 14 2024 and those who, without appointment will work on inquiries as continuing members of the Tribunal.
12. We note that although there is no express statutory requirement that the membership be evenly split between Māori and non-Māori, general practice has emerged been an approximate 50/50 split, reflecting the parties to the Treaty. Any sitting of the Tribunal does require the presence of at least one Māori member (Schedule 2, Clause 5(6)(c) of the Act). Eleven of the current 19 members identify as Māori.
13. Te Puni Kōkiri also would emphasise considering the gender balance in appointments to the Tribunal. Currently 8 of the current 19 members identify as male.

## Timing of appointments

14. Recommendations for appointments to the Tribunal are considered at APH following ministerial consultation and confirmed at Cabinet. You then recommend the appointments to the Governor-General.
15. Consultation for all APH cabinet papers requires a minimum of five days. The Act also requires that you specifically consult with the Minister of Justice (section 4(2)(b)). Te Puni Kōkiri recommends you consult with the Chairperson of the Waitangi Tribunal, Chief Judge Fox, and follow any APH and coalition agreements consultation requirements.

16. If the Governor-General approves your recommended appointments, she will sign the required appointing instruments or warrants. This stage of the process can take up two weeks. Acceptance from appointees is required before the appointment process is complete and announcements can be made.
17. We would recommend you take your Waitangi Tribunal Appointments Cabinet paper to the APH meeting scheduled for either 10 Hakihea 2024 or 17 Hakihea 2024. The House is scheduled to rise for the year on 19 Hakihea 2024 and there are no Cabinet or Committee meetings after this date. Therefore, while most stages of the appointment process could be completed in 2024, final appointments will not take effect until early 2025.
18. The 2025 Sitting Calendar has not been confirmed so APH dates beyond 17 Hakihea 2024 are unknown. It is likely the first APH committee will be held in early Huitanguru 2025 when regular Cabinet schedules (and House sittings) resume.

Action	If for 11 Hakihea 2024 APH hui	If for 18 Hakihea 2024 APH hui
Finalise decisions on nominees	By 20/11/2024	By 27/11/2024
Approve Cabinet paper	22/11/2024	29/11/2024
Ministerial consultation starts	25/11/2024	02/12/2024
Ministerial consultation ends	29/11/2024	06/12/2024
Lodge paper for APH	05/12/2024	12/12/2024
Consider at APH	10/12/2024	17/12/2024
Cabinet confirmation	16/12/2024	TBC
Recommend to Governor-General	17/12/2024	
Issue appointment letters	Late 01/2025	
Receive acceptance and announce	02/2025	

### Next Steps

19. Once you have confirmed your 13 preferred candidates and approved the attached draft Cabinet paper you can begin consultation with your ministerial colleagues and the Chairperson of the Waitangi Tribunal.

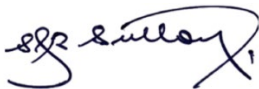
### Te Tautuhi ō Rongo analysis

20. This paper focusses on the appointment or reappointment of Waitangi Tribunal members, which is an internal Crown process led by Ministers of the Crown and the Governor-General, in consultation with the Chairperson of the Tribunal. The appointment process is not undertaken in partnership with tangata whenua or iwi.
21. Section 4(2A) of the Act requires the Minister for Māori Development to have regard to the relationship between the two parties to the Treaty of Waitangi and to a candidate's personal attributes and relevant knowledge and experience in matters likely to come before the Tribunal.

## Recommended Action

22. It is recommended that you:

1. **note** that you have the opportunity to make up to 13 appointments to the Waitangi Tribunal because:
  - c) there is one unfilled position currently on the Waitangi Tribunal; and
  - d) the warrants of 12 members of the Waitangi Tribunal will expire on 14 Hakihea 2024;
2. **note** we have received feedback from you on 13 and 18 Whiringa-ā-rangi 2024 indicating candidates to progress through to the next stage of the appointment process;
3. **note** we have provided you with a revised list of preferred candidates for your confirmation before progressing to the Cabinet Appointments and Honours committee stage of the appointments process;
4. **confirm** your preferred candidates for appointment at **Table 1**; Yes / No
5. **approve** the draft Cabinet paper *Waitangi Tribunal Appointments: December 2024* for ministerial consultation; and Yes / No
6. **sign the letter** to Chairperson for the Waitangi Tribunal notifying list of preferred candidates for appointment in Hakihea 2024. Yes / No



Steven Sutton  
Hautū, Te Puni Tapatahi | Deputy Secretary, Governance

Hon Tama Potaka  
Te Minita Whanaketanga Māori

Date: \_\_\_\_ / \_\_\_\_ / 2024

## Attachment 1

### *Your role and responsibilities under the Treaty of Waitangi Act 1975*

1. The Waitangi Tribunal (**the Tribunal**) is a permanent commission of inquiry. The Treaty of Waitangi Act 1975 (**the Act**) established the Tribunal to inquire into, and make recommendations on, acts and omissions of the Crown which were, or are, inconsistent with the principles of the Treaty of Waitangi.
2. Under the Act:
  - a. the Governor-General appoints Tribunal members on the recommendation of the Minister for Māori Development after consultation with the Minister of Justice (section 4(2)(b));
  - b. every Tribunal member holds office for a term specified by the Governor-General, that does not exceed three years and, upon expiration of their term, members can be reappointed in accordance with sections 4(2)(b);
  - c. You, the Minister for Māori Development shall have regard to the relationship between the two parties to the Treaty of Waitangi and to a candidate's personal attributes, relevant knowledge and experience in matters likely to come before the Tribunal (section 4(2A)); and
  - d. in addition to the Chairperson (the current chairperson is also the Chief Judge of the Māori Land Court), the Tribunal shall consist "of not less than 2 other members and not more than 20 other members" (section 4(2)(b)).

### **Appointment Process**

3. The Act requires that in considering the suitability of persons for appointment to the Tribunal you shall have regard to (see section 4(2A)):
  - a. the partnership between the two parties to the Treaty; and
  - b. the personal attributes of the person, and the person's knowledge of and experience in the different aspects of matters likely to come before the Tribunal.
4. Key elements that are applicable to a Tribunal appointment process include:
  - a. engage early with the Chairperson of the Tribunal to identify the profiles, skills and experience required collectively for Tribunal members;
  - b. develop a long list of candidates;
  - c. initiate engagement with Cabinet Ministers and coalition partners;
  - d. test the availability of potential candidates; and
  - e. go through the Cabinet Appointments and Honours Committee (**APH**) process.

## Skills to consider for appointing candidates

5. In addition to the statutory criteria to which you must have regard when recommending candidates for appointment to the Tribunal (in section 4(2A) of the Act), we also provide below a set of skills and attributes that Tribunal members could bring. We understand that a similar set of skills and attributes has assisted with previous appointments to the Tribunal. We have categorised the candidates for your consideration in this briefing according to the skills and attributes below.

*Table 1: Waitangi Tribunal Members Skills and Attributes*

Expertise	Sub- Field	Attributes
<b>Crown and public policy, and state sector</b>	<ul style="list-style-type: none"> <li>Public policy</li> <li>State sector practise</li> </ul>	<ul style="list-style-type: none"> <li>Crown Policy institutions and systems</li> <li>Actions and omissions, governance</li> </ul>
<b>Mātauranga</b>	<ul style="list-style-type: none"> <li>Kaumatua</li> <li>Mātauranga Māori:</li> </ul>	<ul style="list-style-type: none"> <li>Tikanga kawa, relationship management</li> <li>Traditional and customary mātauranga Māori, Tikanga, Te Reo</li> </ul>
<b>History</b>	<ul style="list-style-type: none"> <li>19<sup>th</sup> to mid- 20<sup>th</sup> century</li> <li>Mid-20<sup>th</sup> century to present</li> </ul>	<ul style="list-style-type: none"> <li>Broadly from Pre-Treaty to WW2</li> <li>Broadly post 1945 to present</li> </ul>
<b>Law</b>	<ul style="list-style-type: none"> <li>Legal practice</li> <li>Constitution and law</li> </ul>	<ul style="list-style-type: none"> <li>Legally qualified to preside (has and has held practising certificate for 7 years)</li> <li>Legal scholarship and history, contemporary law, constitutional affairs</li> </ul>
<b>General</b>	<ul style="list-style-type: none"> <li>Resource management</li> <li>Corporate leadership</li> <li>Community Leadership</li> </ul>	<ul style="list-style-type: none"> <li>Planning and environmental impact</li> <li>In business and/or SOE sector</li> <li>NGO/ union/ iwi/hapu / community leadership and service</li> </ul>

Proactively released by the Minister for Māori Development





**Dr Hana O'Regan**, has worked in the areas of language revitalisation, identity and cultural development, te reo Māori, and education for over 25 years. She is a published author and composer and is recognised internationally for her work in indigenous language acquisition and revitalisation.



**Derek Fox**, for more than 40 years, Derek Fox has been at the forefront of Māori broadcasting. He has a diverse career spanning journalism, communications, broadcasting, local and national politics, and publishing.



**Prue Kapua** is the principal of Tamatekapua Law and has an extensive background in resource management and the Treaty sector. She has supported whānau, hapū, and iwi claimants in several Waitangi Tribunal inquiries. She was a member of the Refugee Status Appeals Authority, Deputy Chair of the Medical Practitioners Disciplinary Tribunal, and a director of First Health NZ Ltd (a Southern Cross NZ Ltd subsidiary).



**Kim Ngarimu** has an extensive public service career dating back to the early 1990s. After leaving Te Puni Kōkiri in 1999, she worked in the office of the Auditor-General as a sector manager and co-directed her management and public policy consulting company, serving in 2004 as acting director of the Waitangi Tribunal. Between 2007 and 2013, she held the position of deputy secretary policy at Te Puni Kōkiri, and in 2012 she served as acting chief executive of the Ministry of Women.



**Dr Ruakere Hond**, is a longstanding advocate of te reo Māori revitalisation and a key supporter of the Parihaka community. He was instrumental in working to achieve reconciliation between that community and the Crown, and he has held several leadership roles in Māori language organisations, including Te Reo o Taranaki, Te Whare Wānanga o Awanuiārangi, and Te Ataarangi. He has served two terms as a member of Te Taura Whiri i te Reo Māori and is a past board member of Te Mātāwai, which leads the implementation of the Maihi Māori language strategy.



**Tipene Chrisp** is currently the chair Rangitane o Wairarapa. He has extensive knowledge of the Waitangi Tribunal hearings and has completed a secondment as Acting Director. Tipene has also held senior roles in the Public Service, and is currently the Chief Policy Advisor for the Rangitane Tu Mai Rā Trust  
tipene@tumaira.nz



**Philip Crump**, recently appointed onto NZ on Air Board October 2024. Practiced as a lawyer for 20+ years in New Zealand at Russell McVeagh (1997-2000) and in the UK (Partner at Kirkland & Ellis, Gibson Dunn and DLA Piper)



**Vanessa Eparaima** Proven experience in negotiating successful outcomes, between iwi/Māori entities and between iwi/Māori entities and the Crown.

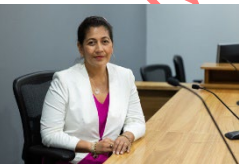
Experienced governor across a range of not for profit through to commercial boards and sectors including: Tertiary Education, Health, Economic and Iwi/Māori development, Environment, Management of significant land holdings, Geothermal Power Generation, and Tourism. Former Treaty of Waitangi Settlement negotiator for Raukawa



**Rex Edward Hale**, (Ngati Porou, Ngā Puhī) is a member of the New Zealand Society of authors, having published two books and is completing a third. He provided research on Foreshore & Seabed, providing historical resources to support claimant's cases. Rex worked for Statistics and is experience data analytics and data collection.



**Kingi Kiriona, Ngati Ruanui, Ngati Kahungunu, Ngati Apa**, is an orator, kapa haka exponent, composer, educator and broadcaster. In 2023, Kingi was appointed Deputy Chief Executive Mātauranga Māori at Te Aka Whai Ora, the Māori Health Authority. Kingi is a Director on the Te Matawai board was appointed in April 2018. Kingi is the founder and managing director of Tupu Ora Education and Development Ltd, which focuses on building Māori capability for iwi and public sector agencies. He has also been a Māori language consultant and presenter for TVNZ, Te Aho Productions, Kia Mau TV and Kia Ora FM radio.



**Tafaioimalo Tologata Leilani Tuala-Warren** Dean of Te Piringa Faculty of Law, making her Aotearoa's first Pacific Dean of Law. Professor Tuala-Warren has held many senior roles over her 26-year career, including becoming the second ever woman to be a Supreme Court Justice of Samoa. With two matai titles - Tafaioimalo from Satalo, and Tologata from Pata - Professor Tuala-Warren's Samoan background is an important component of her career path. It also informed her master's thesis, for which she looked at ifoga, a Samoan form of dispute resolution used to offer remorse and seek forgiveness.

s9(2)(a) s9(2)(ba)(i)

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Proactively released by the Minister

<b>Waitangi Tribunal – Members with current terms post 14 Hakihea 2024</b>						
<b>Appointee</b>	<b>Original Appt</b>	<b>Expiry date</b>	<b>Term</b>	<b>Seeks re-appt</b>	<b>Gender</b>	<b>Nationality</b>
<b>Chairperson</b>						
Chief Judge Caren Fox	2023	22/08/2028	1 <sup>st</sup>	N/A	F	Maori
<b>Members</b>						
1. Prof David Williams	2023	13/03/2026	1 <sup>st</sup>	N/A	M	Non-Maori
2. Prof Suzy Frankel	2020	13/07/2026	2 <sup>nd</sup>	N/A	F	Non-Maori
3. Dr Paul Hamer	2020	13/07/2026	2 <sup>nd</sup>	N/A	M	Māori
4. Basil Morrison	2008	13/07/2026	5 <sup>th</sup>	N/A	M	Non-Maori
5. Hon Richard Prebble	2024	10/10/2027	1 <sup>st</sup>	N/A	M	Non-Māori
6. Kevin Prime	2024	10/10/2027	3 <sup>rd</sup>	N/A	M	Māori
7. Ken Williamson	2024	10/10/2027	1 <sup>st</sup>	N/A	M	Non-Maori
*Additional 13 Member vacancies						
Previous members continuing existing inquiries after the expiry of terms- Cannot be assigned to new inquiries						
1. Dr Ann Parsonson	2001	29/07/2021	7 <sup>th</sup>	N/A	F	Non-Maori
2. Dr Grant Phillipson	2011	23/05/2024	5 <sup>th</sup>	N/A	M	Non-Māori
3. Dr Hana O'Regan	2021	23/05/2024	1 <sup>st</sup>	<b>YES</b>	<b>F</b>	<b>Māori</b>
4. Derek Fox	2021	23/05/2024	1 <sup>st</sup>	<b>YES</b>	<b>M</b>	<b>Māori</b>
5. Prof Rawinia Higgins	2013	14/12/2024	4 <sup>th</sup>	<b>YES</b>	<b>F</b>	<b>Māori</b>
6. Prof Tom Roa	2016	14/12/2024	3 <sup>rd</sup>	<b>YES</b>	<b>M</b>	<b>Māori</b>
7. Prof Linda Smith	2016	14/12/2024	3 <sup>rd</sup>	<b>YES</b>	<b>F</b>	<b>Māori</b>
8. Tania Simpson	2008	14/12/2024	5 <sup>th</sup>	<b>YES</b>	<b>F</b>	<b>Māori</b>
9. Dr Monty Soutar	2002	14/12/2024	7 <sup>th</sup>	<b>YES</b>	<b>M</b>	<b>Māori</b>
10. Prof Sir William Rangiuia (Pou) Temara	2008	14/12/2024	5 <sup>th</sup>	<b>YES</b>	<b>M</b>	<b>Māori</b>
11. Dr Ruakere Hond	2018	14/12/2024	2 <sup>nd</sup>	<b>YES</b>	<b>M</b>	<b>Māori</b>
12. Kim Ngarimu	2018	14/12/2024	2 <sup>nd</sup>	<b>YES</b>	<b>F</b>	<b>Maori</b>
13. Prue Kapua	2018	14/12/2024	2 <sup>nd</sup>	<b>YES</b>	<b>M</b>	<b>Māori</b>

This is a Cabinet Appointment and Honours committee document - not released to be consistent with Cabinet Office circular CO (23) 04 - for reasons related to privacy (ref section 9(2)(a) and section 9(2)(ba)(i))

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Chief Judge Caren Fox  
Chairperson of the Waitangi Tribunal  
Chief Judge's Chambers  
WELLINGTON

Tēnā koe Chief Judge

### Waitangi Tribunal Appointments

I am pleased to advise you of my intention to recommend the following persons for reappoint and new appoint to the Waitangi Tribunal, pursuant to section 4 of the Treaty of Waitangi Act 1975:

- a. reappointments of Dr Hana O'Regan, Derek Fox, Prue Kapua, Kim Ngarimu and Dr Ruakere Hond to the Waitangi Tribunal for a term of three years commencing the date of appointment; and
- b. appointments of Tipene Chrisp, Philip Crump, Vanessa Eparaima, Rex Hale, Kingi Kiriona, Tafaomalo Leilani Tuala-Warren, s9(2)(a) s9(2)(ba)(i) to the Waitangi Tribunal for a three-year term commencing on the date of appointment.

In considering the suitability of a person for appointment to the Waitangi Tribunal, I am required under section 4(2A) of the Treaty of Waitangi Act 1975 to have regard to the partnership between the two parties to the Treaty and have done so in this appointment process.

I have also considered candidates' personal attributes, and their knowledge of and experience in the different aspects of matters likely to come before the Waitangi Tribunal during the next three years. I am satisfied that these appointments meet the above requirements.

I intend to progress these appointments and reappointments through to the Cabinet Appointment and Honours Committee in December 2024 and make recommendations to the Governor-General before the end of the year.

Appreciate your ongoing discretion as the appointment process proceeds.

Mauriora

Hon Tama Potaka  
Te Minita Whanaketanga Māori



# HEI WHAKATAU | BRIEFING

## Waitangi Tribunal appointments 2024: Final decisions

<b>Date:</b>	06 Hakihea 2024	<b>Priority</b>	High
<b>Classification</b>	In Confidence	<b>Tracking Number</b>	71681

Action sought	Date action required by
<p>It is recommended that you:</p> <ol style="list-style-type: none"> <li><b>note</b> you confirmed your 13 preferred candidates for appointment to the Waitangi Tribunal in TPK 71607 before beginning ministerial consultation on 27 Whiringa-ā-rangi 2024;</li> </ol>	<p>As soon as possible in order to lodge the final Cabinet paper for consideration at <b>10 Hakihea 2024 APH</b> meeting</p>
<div style="background-color: black; color: red; font-size: 48px; text-align: center; padding: 10px;">s9(2)(g)(i)</div> <ol style="list-style-type: none"> <li><b>confirm</b> up to three further candidates for recommendation for appointment to the Waitangi Tribunal at <b>Table One</b>;</li> <li><b>note</b> the appointments are subject to candidate background checks and we recommend you report any issues that may arise to the APH committee in due course;</li> <li><b>approve</b> the final Cabinet paper <i>Waitangi Tribunal Appointments: December 2024</i> for lodgement.</li> </ol>	

Contact for telephone discussion (if required)				
Name	Position	Telephone	Mobile	1 <sup>st</sup> contact
Steven Sutton	Deputy Secretary, Governance		s9(2)(a)	✓
Jaclyn Williams	Manager, Statutory Entities and Appointments		s9(2)(a)	

Other Agencies Consulted					
<input type="checkbox"/> MBIE	<input type="checkbox"/> MoJ	<input type="checkbox"/> NZTE	<input type="checkbox"/> MSD	<input type="checkbox"/> TEC	<input type="checkbox"/> MoE
<input type="checkbox"/> MFAT	<input type="checkbox"/> MPI	<input type="checkbox"/> MfE	<input type="checkbox"/> DIA	<input type="checkbox"/> Treasury	<input type="checkbox"/> MoH
<input type="checkbox"/> MHUD	<input type="checkbox"/> Other				

<b>Attachment</b>	Appendix Final Cabinet Paper <i>Waitangi Tribunal Appointments: December 2024</i>
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Minister's office to complete:

- |   |  |
|---|--|
| <input type="checkbox"/> Approved             | <input type="checkbox"/> Declined            |
| <input type="checkbox"/> Noted                | <input type="checkbox"/> Needs change        |
| <input type="checkbox"/> Seen                 | <input type="checkbox"/> Overtaken by Events |
| <input type="checkbox"/> See Minister's Notes | <input type="checkbox"/> Withdrawn           |



06 Hakihea 2024

Te Minita Whanaketanga

## Waitangi Tribunal Appointments: Final decisions

### Purpose

1. This briefing seeks your approval of the final list of candidates for appointment to the Waitangi Tribunal (**Tribunal**) following ministerial consultation and to the final Cabinet paper *Waitangi Tribunal Appointments: December 2024*.

### Candidates for appointment

2. This briefing follows earlier advice from Te Puni Kōkiri on your preferred approach to upcoming appointments (or reappointments) to the Tribunal [TPK 71454 and TPK 71566 refer].
3. You confirmed your 13 preferred candidates for appointment to the Waitangi Tribunal in TPK 71607. You have since completed ministerial consultation on those candidates and your office has confirmed you have also consulted with the Chairperson of the Tribunal, Chief Judge Caren Fox.

s9(2)(g)(i)

5. **Table One** below seeks confirmation of the final candidates. It is recommended you confirm up to three further candidates for appointment to have a full complement of 13 preferred candidates.
6. The Table also sets out the 10 remaining preferred candidates.

**Table One: Final Waitangi Tribunal Candidate Selection**

No.	Candidate	Terms served	Māori / Non-Māori	Gender	Skills and attributes	Confirmed available	Agree to recommend to appoint
<b>Names provided during ministerial consultation and previous names provided</b>							
1	Grant Hadfield	N/A	Non-Māori	M	<ul style="list-style-type: none"> <li>Public policy</li> <li>State sector practise</li> <li>Community Leadership</li> </ul>	Yes	Yes / No
2	Hon Ron Mark	N/A	Māori	M	<ul style="list-style-type: none"> <li>Public policy</li> <li>State Sector practise</li> <li>History Mid-20<sup>th</sup> century to present</li> <li>Community leadership</li> </ul>	Yes	Yes / No
3	Prof Sir Pou William Rangiuā (Pou)Temara	5	Māori	M	<ul style="list-style-type: none"> <li>Kaumatua</li> <li>Mātauranga Māori</li> <li>History 19<sup>th</sup> to mid- 20<sup>th</sup> century</li> <li>Community leadership</li> </ul>	Yes	Yes / No

s9(2)(a) s9(2)(ba)(i)

No.	Candidates	Terms served	Māori / Non-Māori	Gender	Skills and attributes
<b>Confirmed Preferred Candidates (as per TPK 71607) following ministerial consultation</b>					
1	<b>Dr Hana O'Regan ONZM</b>	1	Māori	F	<ul style="list-style-type: none"> <li>• Public policy</li> <li>• State sector practise</li> <li>• Mātauranga Māori</li> <li>• History Mid-20<sup>th</sup> century to present</li> <li>• Corporate leadership</li> <li>• Community/Iwi leadership</li> </ul>
2	<b>Derek Fox</b>	1	Māori	M	<ul style="list-style-type: none"> <li>• State sector practise</li> <li>• Kaumatua</li> <li>• Mātauranga Māori</li> <li>• Mid-20<sup>th</sup> century to present</li> <li>• Corporate leadership</li> <li>• Community leadership</li> </ul>
3	<b>Kim Ngarimu</b>	2	Māori	F	<ul style="list-style-type: none"> <li>• Public policy,</li> <li>• State sector practise</li> <li>• History Mid-20<sup>th</sup> century to present</li> <li>• Corporate leadership</li> <li>• Community leadership</li> </ul>
4	<b>Dr Ruakere Hond</b>	2	Māori	M	<ul style="list-style-type: none"> <li>• Public policy</li> <li>• State sector practise</li> <li>• Kaumatua</li> <li>• Mātauranga Māori</li> <li>• History 19<sup>th</sup> to mid- 20<sup>th</sup> century</li> <li>• History Mid-20<sup>th</sup> century to present</li> <li>• Community leadership</li> </ul>
5	<b>Tipene Chrisp</b>	N/A	Non-Māori	M	<ul style="list-style-type: none"> <li>• Public Policy</li> <li>• Mātauranga Māori</li> </ul>
6	<b>Philip Crump</b>	N/A	Non-Māori	M	<ul style="list-style-type: none"> <li>• State sector practise</li> <li>• Corporate leadership</li> <li>• Constitution and Law</li> </ul>

7	<b>Vanessa Eparaima</b>	N/A	Māori	F	<ul style="list-style-type: none"> <li>• State Sector Practise</li> <li>• History Mid-20<sup>th</sup> century to present</li> <li>• Corporate leadership</li> <li>• Community leadership</li> <li>• Mātauranga Māori</li> </ul>
8	<b>Kingi Kiriona</b>	N/A	Māori	M	<ul style="list-style-type: none"> <li>• Community leadership</li> <li>• Mātauranga Māori</li> </ul>
9	<b>Tafaoimalo Leilani Tuala-Warren</b>	N/A	Non-Māori	F	<ul style="list-style-type: none"> <li>• Corporate leadership</li> <li>• Constitution and Law</li> </ul>

s9(2)(a) s9(2)(ba)(i)

## Final Cabinet paper for approval

7. The Cabinet Paper: *Waitangi Tribunal: Appointments: December 2024* is attached (**Appendix**) for approval.

s9(2)(g)(i)

9. The paper recommends the Cabinet Appointments and Honours Committee (**APH**) note that the proposed appointments are subject to the satisfactory completion of background checks, and that you will report to the APH should any issues arise.
10. Due to the number of appointments being recommended, the candidates for appointment are attached to the Cabinet paper as the Appendix and will be informed by your decisions at Table One.

### Te Tautuhi ō Rongo analysis

11. This paper focusses on the appointment or reappointment of Tribunal members, which is an internal Crown process led by Ministers of the Crown and the Governor-General, in consultation with the Chairperson of the Tribunal. The appointment process is not undertaken in partnership with tangata whenua or iwi.
12. Section 4(2A) of the Act requires the Minister for Māori Development to have regard to the relationship between the two parties to the Treaty of Waitangi and to a candidate's personal attributes and relevant knowledge and experience in matters likely to come before the Tribunal.

### Next Steps

13. Following decisions sought in this paper your office will lodge the attached Cabinet paper for consideration at the APH meeting scheduled for 10 Hakihea 2024. **Table Two** below outlines the next steps for these appointments.
14. Te Puni Kōkiri will also undertake the remaining background checks and if any conflicts of interest arise you will be advised.

*Table Two: Next steps for Waitangi Tribunal appointments*

Action	10 Hakihea 2024 APH hui
Lodge paper for APH	06/12/2024
Consider at APH	10/12/2024
Cabinet confirmation	16/12/2024
Recommend to Governor-General	17/12/2024
Issue appointment letters	Late 01/2025
Receive acceptance and announce	02/2025


## Recommended Action

15. It is recommended that

1. **note** you confirmed your 13 preferred candidates for appointment to the Waitangi Tribunal in TPK 71607 before beginning ministerial consultation on 27 Whiringa-ā-rangi 2024;

s9(2)(g)(i)

5. **confirm** up to three further candidates for recommendation for appointment to the Waitangi Tribunal at **Table One**; **Yes/No**
6. **note** the appointments are subject to candidate background checks and we recommend you report any issues that may arise to the APH committee in due course; and
7. **approve** the final Cabinet paper *Waitangi Tribunal Appointments: December 2024* for lodgement. **Yes / No**



Steven Sutton  
Hautū, Te Puni Tapatahi | Deputy Secretary, Governance

Hon Tama Potaka  
Te Minita Whanaketanga Māori

Date: \_\_\_\_ / \_\_\_\_ / 2024



**Table One – Waitangi Tribunal Candidates for reappointment or appointment**

<p><b>13 Appointments are recommended to replace the following members whose terms expire on 14 December 2024 and fill a vacancy</b></p>
<ul style="list-style-type: none"> <li>• Professor Rawinia Higgins</li> <li>• Dr Robyn Anderson</li> <li>• Associate Professor Tom Roa</li> <li>• Professor Linda Tuhiwai Smith</li> <li>• Ron Crosby</li> <li>• Tania Simpson</li> <li>• Dr Monty Soutar</li> <li>• Professor William Rangiuia (Pou) Temara</li> <li>• Herewini Te Koha</li> </ul>
<p style="text-align: center;"><b>Candidates for reappointment</b></p>
<p><b>Dr Hana O’Regan</b> (Ngāi Tahu) – <b>First appointed 2021, has served one term.</b>          Dr O’Regan has worked in the areas of language revitalisation, identity and cultural development, te reo Māori, and education for over 25 years. She is a published author and composer and is recognised internationally for her work in indigenous language acquisition and revitalisation. Hana holds a Doctor of Philosophy from Auckland University of Technology awarded in 2017 and Master of Arts with Distinctions in Māori Studies from University of Otago. A graduate of Panekiretanga o Te Reo Māori, Dr O’Regan is widely respected for her Māori language contribution, skills, and advocacy.</p>
<p><b>Derek Fox</b> (Ngāti Kahungunu, Ngāti Porou) – <b>First appointed 2021, has served one term.</b>          For more than 40 years, Derek Fox has been at the forefront of Māori broadcasting. He has a diverse career spanning journalism, communications, broadcasting, local and national politics, and publishing. Mr Fox is a director and half owner in WOVEN Pacific Communications, a communications consultancy working in New Zealand and across the Pacific. He was born and raised in Wairoa and later became the Mayor of Wairoa from 1995 to 2001. Derek was involved in the establishment and development of Māori Television – serving as Chair for the first Māori Television Service board.</p>
<p><b>Professor Sir Pou Temara</b> (Ngāi Tūhoe) – <b>First appointed 2008, has served five terms.</b>          is a professor of Māori Philosophy at Te Whare Wānanga o Awanuiārangi. He is a recognised authority on Māori customary practice and whaikōrero, having taught at Waikato University as a Professor of Reo and Tikanga and Victoria University as a senior lecturer and later as Tohunga. He was a director of Te Panekiretanga o Te Reo, the Institute of Excellence in the Māori Language, where he taught and researched whaikōrero, karanga, and tikanga. As a member of the Tūhoe Waikaremoana Māori Trust Board, Professor Temara made several submissions during the Tribunal’s Te Urewera hearings. He has experience in dispute resolution, mediating between Taranaki iwi with their claims to the Tribunal.</p>
<p><b>Kim Ngarimu</b> (Ngāti Porou) – <b>First appointed 2018, has served two terms.</b>          Has an extensive public service career dating back to the early 1990s. Her experience includes a role in the office of the Auditor-General as a sector manager Currently Director of her management and public policy consulting company, Taua Ltd. Ms Ngarimu has considerable governance experience</p>

within the public sector. She has served as a Panel Member on the Whānau Ora Review, a Board member of Te Māngai Pāho and Board member of Heritage New Zealand.

**Dr Ruakere Hond** (Taranaki, Te Āti Awa) – **First appointed 2018, has served two terms.**

Is a longstanding advocate of te reo Māori revitalisation and a key supporter of the Parihaka community. He was instrumental in working to achieve reconciliation between that community and the Crown, and he has held several leadership roles in Māori language organisations, including Te Reo o Taranaki, Te Whare Wānanga o Awanuiārangi, and Te Ataarangi. He has served two terms as a member of Te Taura Whiri i te Reo Māori and is a Pae motuhake representative on Te Mātāwai.

### Candidates for appointment

**Tipene Chrisp** (Pākehā, Whāngai to Rangitāne)

Is currently the General Manager of Rangitāne Tū Mai rā PSGE. He has extensive knowledge of the Waitangi Tribunal hearings and negotiation experience. Tipene has also held senior roles in the Public Service including at Te Puni Kōkiri where he was Policy Director, as well as Lead Negotiations Manager at the Office of Treaty Settlements, Chief Policy Advisor at the Ministry of Business, Innovation and Employment and Senior Policy Manager of Māori Education at the Ministry of Education. He is currently General Manager at Rangitāne Tū Mai Rā Trust.

**Philip Crump** (Pākehā)

He practised as a lawyer for 20+ years in New Zealand at Russell McVeagh (1997-2000) and in the UK where he was Partner at Kirkland & Ellis, Gibson Dunn and DLA Piper. Philip has significant experience of statutory and contractual interpretation, negotiation and dispute resolution procedures. He was an editor and commentator at NZME. He was also appointed onto the NZ on Air Board in October 2024.

**Vanessa Eparaima** (Raukawa, Ngāti Tūwharetoa)

Has experience in negotiations between iwi/Māori entities and between iwi/Māori entities and the Crown. An experienced governor across a range of not for profits through to commercial boards and sectors including Tertiary Education, Health, Economic and Iwi/Māori development, Environment, Management of significant land holdings, Geothermal Power Generation, and Tourism. Former Treaty of Waitangi Settlement negotiator for Raukawa.

s9(2)(a) s9(2)(ba)(i)

**Grant Hadfield** (Pākehā)

is currently a District Councillor on the Manawatu District Council and serves as Chair of the Chief Executive's Employment Committee. From 2017 to 2022 he was a Wellbeing and Training Consultant at Rural Safety and worked as a Rural Training and Safety Consultant at Waiariki BOP Polytechnic

from twelve months in 2016 to 2017. In 1995, he was CEO and Executive Secretary at Manawatu Agricultural and Pastoral Association. He became Chief Executive of Farmsafe Consortium which was established in 2002 with a Consortium of Education providers who alongside ACC and Federated Farmers, were looking for an intervention programme to address rural fatalities and accidents, serving in this role until 2015.

**Kingi Kiriona** (Ngāti Ruanui, Ngāti Kahungunu, Ngāti Apa)

Is an orator, kapa haka exponent, composer, educator and broadcaster. In 2023, Kingi was appointed Deputy Chief Executive Mātauranga Māori at Te Aka Whai Ora, the Māori Health Authority. Kingi is a Director on the Te Matawai board was appointed in April 2018. Kingi is the founder and managing director of Tupu Ora Education and Development Ltd, which focuses on building Māori capability for iwi and public sector agencies. He has also been a Māori language consultant and presenter for TVNZ, Te Aho Productions, Kia Mau TV and Kia Ora FM radio.

**Hon Ron Mark** (Rongowhitiāo Maaka)

Ron Mark served in the New Zealand Army, where he served from 1971 to 1990, including a notable tour with the Multinational Force and Observers in the Sinai. He has extensive governance experience, serving as Mayor of Carterton from 2010 to 2014 and again from 2022, with a focus on local governance and community engagement. A former Minister of Parliament, he was known for his strong stance on defense and veterans' affairs, serving as Minister of Defence and Veterans from 2017 to 2020. His leadership and dedication to the public service have left a lasting impact on New Zealand's political landscape, and he continues to serve his community as Mayor of Carterton.

**Tafaomalo Tologata Leilani Tuala-Warren** (Samoan)

Is the Dean of Te Piringa Faculty of Law at the University of Waikato, making her Aotearoa's first Pacific Dean of Law. Professor Tuala-Warren has held many senior roles over her 26-year career, including becoming the second ever woman to be a Supreme Court Justice of Samoa. With two matai titles - Tafaomalo from Satalo, and Tologata from Pata - Professor Tuala-Warren's Samoan background is an important component of her career path. It also informed her master's thesis, for which she looked at ifoga, a Samoan form of dispute resolution used to offer remorse and seek forgiveness. In 2022, she was recognised as a Distinguished Alumni of the University of Waikato.

Proactively released by the Minister for Māori Development

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