WAITANGI TRIBUNAL

Wai 3417

CONCERNING the Treaty of Waitangi Act 1975

AND a claim by Phillip Harris on behalf of himself

MEMORANDUM-DIRECTIONS OF THE DEPUTY CHAIRPERSON

The Registrar will please enter this matter on the register of claims and give it the next available Wai number. The register should note that the claim was received on 14 June 2024.

The claimant should please take note of the 'Wai' number reference at the top of the page. Please use this claim number in any communication with the Tribunal.

This claim is lodged by Phillip Harris on behalf of himself, and concerns sovereignty. The claimant alleges that the Crown has breached the principles of the Treaty of Waitangi by refusing to recognise the claimant's sovereignty as tangata whenua.

The claimant does not seek any specific relief at this stage.

The claimant may amend this claim at a later stage. In any case the Tribunal may require the claimant to prepare a fully particularised statement of claim before the claim can be heard.

In April 2015, the Chairperson issued a memorandum outlining a kaupapa inquiry programme. A second memorandum updating and refining the kaupapa inquiry process was issued in March 2019. A number of kaupapa inquiries are now under way.

The Tribunal's Strategic Direction 2014-2025, launched by the Chairperson in July 2014, outlines two other new programmes for claims that have fallen outside the scope of the district and kaupapa inquiries, one for remaining historical claims and the other for contemporary claims. Historical claims are those that raise grievances which arose before 21 September 1992. Contemporary claims have grievances that arose on or after that date. Some claims have both historical and contemporary grievances.

The allegations made in this claim are contemporary in nature. They pertain to constitutional issues and as such may be best suited for consideration in Wai 3300, Tomokia ngā tatau o Matangireia – the Constitutional Kaupapa Inquiry.

When the time comes for the claim to be prepared for hearing, the Tribunal will decide whether there are any matters in the present claim that the Tribunal may not inquire into. The claimant needs to be aware that there are some matters that the Tribunal is not allowed to inquire into, such as any Bill that has been introduced into Parliament (unless the Bill has been referred to the Tribunal under section 8 of the Treaty of Waitangi Act 1975). Also, when historical claims are settled, the settlement legislation usually forbids the Tribunal from inquiring further into the matters that have been settled.

The claimant also needs to be aware that the Tribunal does not make settlements. After the Tribunal has completed an inquiry into claims, it writes a report making recommendations to the Crown. It cannot tell the Crown what to do; it may only recommend that the Crown acts to address the negative consequences of its breaches of the principles of the Treaty.

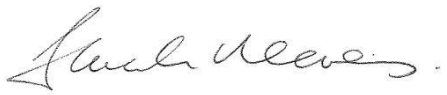
Legal Aid Services provides help for Waitangi Tribunal claimants. For advice on getting a lawyer or receiving funding, please contact Legal Aid Services at their Wellington central office or one of the local offices; the claimant should check their telephone directory for contact details.

Any questions about the contents of this document should be directed to The Registrar, Waitangi Tribunal, DX SX 11237, Wellington; phone (04) 914 3000, fax (04) 914 3001; email wt.registrar@justice.govt.nz.

The Registrar is to send a copy of this direction to the claimant and to:

- Crown Law Office;
- Te Kahui Whakatau (Treaty Settlements), Office for Māori Crown Relations – Te Arawhiti;
- Crown Forestry Rental Trust;
- Legal Aid Services;
- Te Puni Kōkiri; and
- All those on the notification list for Wai 3300, Tomokia ngā tatau o Matangireia – The Constitutional Kaupapa Inquiry.

DATED at Wellington this 30th day of September 2024



Judge Sarah Reeves
Deputy Chairperson
WAITANGI TRIBUNAL