BEFORE THE WAITANGI TRIBUNAL **WAI TBC**

IN THE MATTER OF	the Treaty of Waitangi Act 1975
AND	
IN THE MATTER OF	a claim brought by John Ruddock on behalf of his whānau, and Māori who do not qualify for citizenship by descent generally
AND	
IN THE MATTER OF	the Citizenship Act 1977

APPLICATION FOR URGENT HEARING

24 July 2025

RECEIVED
Waitangi Tribunal
24 Jul 25
Ministry of Justice
WELLINGTON

Manaia Legal
A MCCARTHY / W MCCARTHY
406 MASSEY STREET, HASTINGS
EMAIL ALICE@MANAIALEGAL.COM / WINSTON@MANAIALEGAL.COM
PHONE 027 365 3966 / 027 371 5076

MAY IT PLEASE THE TRIBUNAL:

Introduction

1. This statement of claim is filed on behalf of John Ruddock on behalf of his whānau and Māori who do not qualify for citizenship by descent generally (**the claimant**).

2. The application relies on the accompanying Statement of Claim dated 25 July 2025 (**the SOC**) and affidavit of John Ruddock (**the affidavit**).

3. This claim concerns the prejudicial effects of the Citizenship Act 1977 (**the Act**).

4. The claimant alleges that the Act is inconsistent with the principles of te Tiriti o Waitangi / the Treaty of Waitangi (**the Treaty**) in that it fails to actively protect Māori citizenship rights.

Criteria for an urgent hearing

5. The claimant submits this claim meets the criteria for an urgent hearing set out in the Waitangi Tribunal's practice note *Guide to the Practice and Procedure of the Waitangi Tribunal,* namely:[1]

    a. the claimant can demonstrate significant and irreversible prejudice as a result of the Act;

    b. there is no alternative remedy that, in the circumstances, it would be reasonable for the claimant to exercise; and

[1] *Waitangi Tribunal Practice Note: Guide to the Practice and Procedure of the Waitangi Tribunal* (2012, Waitangi Tribunal) at p 5.

c. the claimant is ready to proceed urgently to a hearing.

Significant and irreversible prejudice

6. The claimant will demonstrate significant and irreversible prejudice as a result of the Act, namely:

    a. most pressingly, the claimant's tamariki do not have the ability to enrol in school;

    b. the claimant's tamariki are unlawfully in New Zealand and have a legal obligation to leave the country despite being tangata whenua;

    c. the claimant whānau are required to go through an immigration process when they are tangata whenua;

    d. overall the mana of the claimant whānau is being diminished through this process; and

    e. generally, while second generation Australian-born Māori would usually be granted a residency visa without issue (if they meet good character requirements), second generation Māori born in other countries do not. Increasing numbers of Māorii will not be entitled to citizenship automatically due to New Zealand's antiquated citizenship laws.

7. The claimant submits this prejudice is particularly egregious in light of the findings of the Waitangi Tribunal in Stage 1 of Wai 1040, Te

Paparahi o Te Raki Inquiry that Māori did not cede sovereignty via the treaty. The Wai 1040 Tribunal found that:[2]

> Our essential conclusion, therefore, is that **the rangatira did not cede their sovereignty in February 1840; that is, they did not cede their authority to make and enforce law over their people and within their territories**. rather, they agreed to share power and authority with the Governor. They and Hobson were to be equal, although of course they had different roles and different spheres of influence. The detail of how this relationship would work in practice, especially where the Māori and European populations intermingled, remained to be negotiated over time on a case-by-case basis. **But the rangatira did not surrender to the British the sole right to make and enforce law over Māori** [emphasis added].

8. The claimant submits that the true intent of the Treaty was for Māori to determine their own political structures and laws. Thus, not only have Māori suffered via the Crown imposing an illegitimate form of government in Aotearoa New Zealand, but Māori are now being made to apply for immigration visas and supplicate to Crown ministers to remain in their turangawaewae.

9. Counsel acknowledges that the Act is not new, but submits that the prejudice arising from the Act is new and significant. While the claimant whānau legal status is able to be mitigated if they were granted citizenship or the relevant visas, the harm arising to the claimant whanau will be permanent. Ultimately they have been subjected to an immigration process on their own whenua, and more Māori will be subjected to the same process if the legislative scheme is not reformed.

---

[2] Waitangi Tribunal, *He Whakaputanga me te Tiriti The Declaration and the Treaty, The Report on Stage 1 of Te Paparahi o Te Raki Inquiry* (2014, Lower Hutt, Legislation Direct) at p 526 - 527.

10. As such, it is submitted that the prejudice arising is significant and irreversible.

No alternative remedy

11. There is no reasonable alternative remedy available to the claimant. While the claimant whānau is attempting to pull on various immigration levers and has also applied to the relevant minister to grant citizenship in this special circumstance, the process is lengthy and expensive.

12. More importantly as noted above the claimant considers the fact that he is required to do this in Aotearoa, unreasonable, demeaning and its own type of prejudice.

13. The claimant acknowledges that this particular case scenario is unique to his whānau as his children were born in the USA and the Tribunal may reach the view that the specific treaty breach facing the whānau could be better addressed in the High Court given the Tribunal's limited resources.

14. Counsel came to the Tribunal first because of its expertise in te Tiriti and Counsels' desire not to usurp the Tribunal's statutory role. It is important to note that the Act does not have a treaty clause, so a claim in the High Court seeking a declaration of rights or of treaty inconsistency would be venturing into largely untested waters.

Readiness to proceed to hearing

15. The claimant will be ready to proceed to an urgent hearing with reasonable notice.

Interaction with kaupapa inquiry programme

16. Counsel understands that this claim would most naturally fit in the citizenship rights and equality inquiry, which, to Counsels' knowledge, has yet to commence.

17. If the Chairperson considers that the claim more naturally fits within one of the already commenced kaupapa inquiries and does not warrant urgency, Counsel seeks that the claim should be granted prioritisation as:

    a) The alleged breach and prejudice is very serious;
    b) The take is very important to the claimant for the reasons noted in their affidavit;
    c) The take is very important to Māori generally given the number of Māori living overseas; and
    d) The take is important to the nation generally as it fundamentally impacts who can and should have a right to citizenship in New Zealand.

Conclusion and next steps

18. Counsel respectfully requests the Tribunal convenes an urgent hearing to inquire into this claim. In the alternative Counsel respectfully requests that the claim be accorded priority within the relevant kaupapa inquiry.

Dated 24 July 2025

Alice McCarthy / Winston McCarthy
Counsel for the claimant