

**BEFORE THE WAITANGI TRIBUNAL**

**WAI 3513**

**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

---

**REPLY SUBMISSIONS**

19 August 2025

---

**RECEIVED**

Waitangi Tribunal

**19 Aug 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:**

1. These submissions are filed on behalf of John Ruddock (**the claimant**) in accordance with the directions of the Deputy Chairperson requiring claimant counsel to file reply submissions by 22 August 2025.
  
2. The Crown filed its response to the claimant's application for urgency on 8 August 2025. The claimant's application for urgency is opposed on the basis that:
  - a. there is a reasonable remedy available to the claimant in these circumstances;
  
  - b. the prejudice alleged is neither significant nor irreversible; and
  
  - c. citizenship issues, including those issues encompassed by this claim can be inquired into during the Tribunal's kaupapa hearing programme.
  
3. Counsel addresses each point in turn below.

**There is a reasonable remedy available to the claimant in these circumstances**

4. The Crown submits that there are reasonable alternative remedies available to the claimant through immigration processes.
  
5. Counsel addressed why the claimant does not consider these processes to be reasonable in the claimant's original application

and will not trouble the Tribunal with rehearsing that submission here.

6. However, the Crown does refer to an offer that has been made. For completeness, Counsel have attached the letter where the Crown offered assistance (**Appendix A**). While the proactive response was appreciated by the claimant, the letter does not:
  - a. indicate any outcome of the claimant's applications;
  - b. indicate that the decision-maker will have regard to Te Tiriti o Waitangi when making their decision;
  - c. outline a timeframe in which a decision may be made;
  - d. confirm that the applicant will be afforded priority; and
  - e. confirm any specific assistance that will be available.
7. More importantly, the offer does not address the issue underlying the claim. The claimant filed his claim as he believes that the current policy and legislative settings regarding citizenship breach the principles of the Treaty of Waitangi. The prejudice arising to his whānau from the current settings is significant, but he considers that this issue is broader than just his family. It is for this reason that he has sought the general relief outlined in his statement of claim and not redress specific to his whānau. The Crown will be aware that the claimant's whānau is not the first Māori whanau to be caught by these policy settings.

**The prejudice alleged is neither significant nor irreversible**

8. The Crown does not contest that the immigration process the claimant whānau is being subjected to is difficult, but submits that the prejudice does not meet the threshold usually required for urgency.
  
9. Counsel submits in reply that claims focussed on rights or constitutional matters are the types of claims that the Tribunal can and usually does grant urgency to. Previous urgent or priority inquiries have focussed, on Māori rights to the takutai moana<sup>1</sup>, Māori prisoner voting rights<sup>2</sup>, Māori rights to local representation<sup>3</sup> and Māori rights to the allocation of radio frequencies<sup>4</sup>. This claim is more fundamental. It concerns the Māori “right to have rights<sup>5</sup>” in Aotearoa.

### **Citizenship issues can be heard during the Tribunal’s kaupapa inquiry programme**

10. The Tribunal is in the best position to judge if the claim can be given priority in an existing kaupapa inquiry, although Counsel notes that Crown Counsel has not referred to a specific inquiry in its response. If the claim issues falls within the ambit of the Citizenship Inquiry, Counsel submits that an urgent inquiry would be a more timely way to hear the claim, as that inquiry has not yet commenced.

### **Conclusion**

---

<sup>1</sup> Wai 1071; Wai 3400.

<sup>2</sup> Wai 2870.

<sup>3</sup> Wai 3365.

<sup>4</sup> Wai 150; Wai 26.

<sup>5</sup> As citizenship was conceived by Chief Justice Earl Warren in *Perez v Brownell* [1958], 356 US 44.

11. The claimant maintains that grounds warranting urgency have been made out and thanks the Tribunal for its consideration.

**Dated** 19 August 2025

A handwritten signature in blue ink, appearing to read 'W/McCarthy', is positioned above a horizontal line.

---

**Alice McCarthy / Winston McCarthy  
Counsel for the claimant**