TE RŌPŪ WHAKAMANA I TE TIRITI O WAITANGI

Wai 3513

E PĀ ANA KI te Treaty of Waitangi Act 1975
CONCERNING

Ā, te rono ruku tātari ohotata nā John Ruddock

AND an application for urgent inquiry by John Ruddock

HE PĀNUI WHAKAHAU NĀ KAIWHAKAWĀ ALANA THOMAS
MEMORANDUM-DIRECTIONS OF JUDGE ALANA THOMAS
27 Ākuhata 2025

Te Aronga

1. E hāngai ana tēnei manatu-whakahau ki tētahi tono kia taihorotia tētahi nohoanga nā John Ruddock (te kaitono) hei māngai mō tana whānau me te iwi Māori kua aukatihia ai te kiriraraunga mā te whakapapa (Wai 3513, #3.1.1).
2. I te 25 o Hūrae 2025, i whakahautia e te Hea Tuarua kia tukuna mai e te Karauna me ētahi hunga whai take ngā tāpaetanga e whakautu nei i te tono kia taihorotia, i mua i te 8 o Ākuhata 2025 me te kī atu ki te kaitono kia tukuna mai ā rātou tāpaetanga whakahoki i mua i te 22 o Ākuhata 2025 (Wai 3513, #2.5.1). I te 12 o Ākuhata 2025, i tukuna mai e te Hea tēnei tono kia noho ahau hei Mana Whakahaere, kia noho mai hoki a Emeritus Professor David Williams rātou ko Professor Leilani Tuala-Warren, ko Ken Williamson ki te whakatau i te tono (Wai 3513, #2.5.2).
3. I te 8 o Ākuhata 2025, i tuku mai te rōia mō te Karauna i tana whakautu e whakahē nei i te tono kia taihorotia tētahi nohoanga (Wai 3513, #3.1.2). I te 19 o Ākuhata 2025, i tuku mai a Alice McCarthy rāua ko Winston McCarthy, ngā rōia mō te kaitono, i ngā tāpaetanga whakahoki ki te Karauna (Wai 3513, #3.1.3).
4. Hei āwhina i tā te pānara whakatau i tēnei tono, e mea ana mātou me tuku mai e te kaitono me te Karauna ētahi anō taipitopito mō ngā take e rārangitia nei ki raro.

Ngā taipitopito anō

Te toronga o ngā ringa a te Karauna kia āwhinatia te kaitono

5. I tā rātou whakautu, i mea atu te rōia mō te Karauna kua kōrero rātou ki te rōia mō te kaitono me te tuku i te āwhina kia whakahaerehia, kia kōkirihia anō hoki ngā tono kiriraraunga a te kaikerēme i roto i te wā poto ake. I mea atu te Karauna, kei reira tonu taua whakaaro (Wai 3555, #3.5.2 at [14]).
6. I tā rātou whakautu, i mea atu te rōia mō te kaitono, ahakoa i mihia tērā whakaaro, kihai te Karauna i tuku i ētahi whakamōhiotanga mō tētahi angawā, mō te āheinga raini kia haere mātāmua ake te kaitono (Wai 3513, #3.1.3 at [6]).
7. E hiahia ana te pānara kia tukua mai e te Karauna ētahi anō taipitopito mō te whakaaro kia āwhinatia ngā tono, waihoki, mō te haere mātāmua ake o ngā tono kia oti ai. Ka mutu, kia pai ai tā te pānara whakatau i tēnei take, me tuku mai hoki tētahi angawā mō te kōkiritanga o ngā tono.

Ngā taipitopito anō nā te kaitono

8. E mārama ana te pānara i te kōrero nō roto i te tauākī whakatau take nā te kaitono e mea ana kāhore i a āna tamariki e toru te mōtika ā-ture kia noho mai ki Aotearoa, nā konā kāhore e āhei ana rātou te haere ki te kura, i te korenga hoki o tētahi mōtika ā-noho, tētahi kiriraraunga raini (Wai 3513, #1.1.1).
9. He mea hirahira te āheinga kia haere ngā tamariki a Mr Ruddock ki te kura. Hei āwhina i te pānara, he mea nui tā te rōia mō te kaitono tuku mai i ētahi anō taipitopito mō ngā tūranga ā-pane uruwhenua, mō te mōtika ā-ture raini o āna tamariki kia noho mai ki tēnei whenua. Nō reira, me tuku mai hoki e te rōia mō te kaitono ētahi anō taipitopito e hāngai ana ki ngā paearu kia kuhu atu ai ngā tamariki ki ngā kura, ko ēnei taipitopito tae atu ki te mōtika ā-noho, ki te kiriraraunga, ki ngā paearu pane uruwhenua raini.

Kupu Whakahau

10. Me tuku mai ngā hunga i ngā taipitopito kua kōrerohia ki runga rā i mua i te **5pm, Taite, 28 o Akuhata 2025.**

Purpose

11. This memorandum-directions concerns an application for urgent hearing by John Ruddock (the applicant) on behalf of his whānau and Māori who do not qualify for citizenship by descent (Wai 3513, #3.1.1).
12. On 25 July 2025, the Deputy Chairperson directed the Crown and any interested parties to make submissions in response to the application for urgency by 8 August 2025 and directed the applicant to file submissions in reply by 22 August 2025 (Wai 3513, #2.5.1). On 12 August 2025, the Chairperson referred this application to me as Presiding Officer and Emeritus Professor David Williams, Professor Leilani Tuala-Warren and Ken Williamson for determination (Wai 3513, #2.5.2).
13. On 8 August 2025, counsel for the Crown filed its response opposing the application for an urgent hearing (Wai 3513, #3.1.2). On 19 August 2025, Alice McCarthy and Winston McCarthy, counsel for the applicant, filed submissions in reply to the Crown (Wai 3513, #3.1.3).
14. To assist the panel in deciding this application, more information is required from both the applicant and the Crown on matters outlined below.

Further information

Offer from the Crown to assist the applicant

15. In its response, counsel for the Crown indicated that they had been in touch with counsel for the applicant and offered assistance in managing and progressing Mr Ruddock's citizenship applications in a timely manner. The Crown submitted that this offer remains live (Wai 3555, #3.5.2 at [14]).
16. In response, counsel for the applicant submitted that while this response was appreciated, the Crown's offer did not, amongst other things, outline a timeframe or confirm that the applicant will be afforded priority (Wai 3513, #3.1.3 at [6]).
17. The panel would accordingly like further information regarding the Crown's offer of assistance and whether the assistance would ensure a priority processing of the applications. Additionally, a potential timeframe for the processing of the application is necessary for the panel to come to a decision on this matter.

Further information from the applicant

18. The Tribunal understands from the applicant's statement of claim that his three tamariki have no legal right to be in New Zealand and are accordingly unable to attend school in New Zealand without residency or citizenship (Wai 3513, #1.1.1).
19. The ability for Mr Ruddock's tamariki to attend school is of particular importance. To assist the Tribunal, it would be helpful for counsel for the applicant to provide further details on the current visa status of his tamariki, or their current legal right to be in the country. Counsel is also directed to provide further information regarding school entry requirements and timeframes in light of residency, citizenship or visa issues.

Direction

20. Parties are directed to provide information on the matters discussed above by no later than **5pm, Thursday, 28 August 2025.**

Me tuku atu te Kairēhita i tētehi kape o tēnei whakahau ki ērā ki te rārangi whakamōhio mō Wai 3513, the Citizenship (Ruddock) Urgent Claim.

The Registrar is to send a copy of this direction to all those on the distribution list for Wai 3513, the Citizenship (Ruddock) Urgent Claim.

WHAKAPŪMAUTIA ki Te Whanganui-a-Tara i te 27 o te Ākuhata 2025

Kaiwhakawā Alana Thomas
Te Mana Whakahaere
TE RŌPŪ WHAKAMANA I TE TIRITI O WAITANGI