KEI MUA I TE AROARO O TE RŌPŪ WHAKAMANA I TE TIRITI O WAITANGI

BEFORE THE WAITANGI TRIBUNAL

WAI 3513

WAI 3352

IN THE MATTER OF The Treaty of Waitangi Act 1975

AND

IN THE MATTER OF An application for urgent inquiry by John Ruddock (Wai 3513)

AND

IN THE MATTER OF The New Zealand Māori Council Constitutional Claim (Wai 3352)

MEMORANDUM OF COUNSEL FOR NZMC SEEKING TO BE INCLUDED AS AN INTERESTED PARTY

4 September 2025

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WELLINGTON

MAY IT PLEASE THE TRIBUNAL

1. This Memorandum is filed for and on behalf of Wai 3352 – a claim by Anne Kendall, Kereama Pene, Dr Kenneth Kennedy and Sharon Gemmel on behalf of the New Zealand Māori Council (**"NZMC"**).

2. On 24 July 2025, an urgency application was filed on behalf of John Ruddock concerning issues arising from the operation of the Citizenship Act 1977.[1]

3. By way of Memorandum of directions dated 25 July 2025, Deputy Chairperson Judge Reeves directed the Crown and any interested parties to respond to the urgency application by 8 August 2025.[2]

4. On 1 September 2025, Judge Thomas granted the application for urgency and advised that the urgent inquiry will be targeted and specific and is to focus on:[3]

   "Whether the Citizenship Act 1977 and the current process to apply for citizenship for Māori whose parents were not born in New Zealand or Australia is in breach of te Tiriti o Waitangi principles".

5. By way of Memorandum of directions dated 1 September 2025, Judge Thomas also directed claimants and any interested parties in support to file evidence by 5 pm, Thursday, 4 September 2025.[4]

NZMC SEEKS TO BE INCLUDED AS INTERESTED PARTY

6. NZMC seeks to be included in this urgent inquiry as an interested party.

[1] Wai 3513, #1.1.1.
[2] Wai 3513, #2.5.1 at [2].
[3] Wai 3513, #2.5.4 at [51]-[52].
[4] Wai 3513, #2.5.5 at [4].

7. Counsel apologises for filing out of time, but has only now received instructions from NZMC claimants that they wish to participate (as an interested party) in this urgent inquiry. Therefore, we respectfully seek leave for the same.

8. The NZMC claimants are being heard in the Wai 3300 Tomokia ngā tatau o Matangireia - the Constitutional Kaupapa Inquiry, of which citizenship is a theme to be considered in that inquiry.

9. After review of the claim by Mr Ruddock, NZMC is of the view that the prejudice identified is not only about the individual circumstances of the applicant but has wider ramifications for all Māori and is an issue of a constitutional nature.

10. The NZMC is a statutory entity that represents 16 District Councils made up of 168 Māori Committees across the motu. Many, if not all, of those that NZMC represents have whānau living overseas, and it is of significant concern that under the Citizenship Act 1977, Māori cannot pass their citizenship status beyond the first generation, disconnecting tamariki from their whenua.

11. NZMC submits that due to the long-standing relationship between Māori and their ancestral land Whenua, their whakapapa, which connects them to the land, and their belief in whanaguatanga, means that they should not be restricted from citizenship by legislation. It is also inconsistent with tikanga that Māori should be denied the right to reintegrate within their ancestral Hapu.

12. To deny those of Māori descent the right of citizenship is an act by the Crown that severs the connection of whakapapa and breaches te Tiriti o Waitangi/The Treaty of Waitangi, in particular article 3 that guarantees protection for Māori rights as citizens.

13. As an interested party, NZMC does not wish to file evidence nor to present oral submissions at the hearing tabled for 16 September 2025. Instead, counsel seek leave to file submissions by the filing date of 12 September 2025 and for those submissions to be taken as read by the Tribunal.

14. For the reasons set out above, the NZMC claimants have an interest in the inquiry apart from any interest in common with the public in accordance with the *Waitangi Tribunal Guide to Practice and Procedure* and s 4A of the Commissions of Inquiry Act 1908.[5]

Dated at **Wellington** this Thursday, 4 September 2025.

Donna Hall	Darshini Dorn	Bryn Singers
Woodward Law	**Woodward Law**	**Woodward Law**

[5] Waitangi Tribunal, *Guide to the Practice and Procedure of the Waitangi Tribunal, A Comprehensive Practice Note Issued under Clause 5(9) and (10) of Schedule 2 to the Treaty of Waitangi Act* 1975, August 2023, cl 3.69; Commissions of Inquiry Act 1908, s 4A.