TE RŌPŪ WHAKAMANA I TE TIRITI O WAITANGI

Wai 3513

E PĀ ANA KI *CONCERNING*	te Treaty of Waitangi Act 1975
Ā, *AND*	the Citizen (Ruddock) Urgent Inquiry

HE MANATU WHAKAHAU NĀ TE MANA WHAKAHAERE

MEMORANDUM-DIRECTIONS OF THE PRESIDING OFFICER FOLLOWING THE URGENT HEARING INTO THE CITIZENSHIP (RUDDOCK) URGENT CLAIM

22 Hepetema 2025

Te Aronga

1. E whai take ana tēnei manatu-whakahau ki ētahi take i puta ake i te nohoanga ohatata mō te kerēme Citizenship (Ruddock) (Wai 3513) i tū rā i te 16 – 17 o Hune 2025 ki te tari o te Taraipiunara o Waitangi, Pōneke.

2. E whāiti ana te titiro ki ēnei, e whai ake nei:

   (a) ngā whakaritenga ki te tuku i ngā tuhinga me ngā mōhiohio i inoitia ai i tā tātou nohoanga;

   (b) ngā whakaritenga ki te tuku i ngā tāpaetanga whakakapi; ka mutu

   (c) te tuhinga kape kōrero mō ngā rā e rua o te nohoanga.

Ētahi anō tuhinga me ngā mōhiohio me tuku mai

3. I puta ake ētahi take ki te nohoanga e tika ana kia tukua mai ngā tuhinga. Kua tae kē mai ki te Tarapiunara ētahi o ērā tuhinga, nō reira e mihi ana ki ngā hunga me te tere o tā rātou tuku mai i ērā.

4. I te 16 o Hepetema 2025, i mea mai te rōia mō te Karauna mā rātou e tuku tētahi rārangi utu mō ngā tono pane uruwhenua. I whakaae au kia tukuna mai tērā rārangi ki te taha o tā te Karauna tāpaetanga whakakapi. Heoi anō, i te 17 o Hepetema 2025, ki te nohoanga pū, i tuku mai te rōia i ngā tuhinga tūturu e hāngai ana ki *Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 (as at 01 April 2025)*.

5. I te 16 o Hepetema 2025, i tahuri a Professor Emeritus David Williams ki kōwae [29] o te kōrero taunaki a Dr Charters me tana matapaki i tētahi whakataunga e ai ki te International Covenant on Civil and Political Rights (Wai 3513, #A9). I te hiahia a Professor Williams kia whakawhānui ake a Dr Charters ana kōrero mō te 'right' e kōrerohia nei e ia nōna e tahuri ana ki tētahi whakataunga whānui ā-rōpū nei pērā i te UNDRIP, me tana inoi kia tuka mai tētahi whakautu ā-tuhinga whai muri i te nohoanga. E whakaae ana ahau he āwhina te tirohanga o Dr Charters mō tēnei take.

6. I te 17 o Hepetema 2025, i tuku pātai a Professor Williams ki a Adrian Jarvis and Melanie Carpinter mō te kōwae [61] o tā rāua kōrero taunaki tukutahi e whai take nei ki ngā momo mōhiohio e taea ana e ngā kaitono te tuku atu ki Department of Internal Affairs (DIA) kia whakaatu atu i tā rātou longstanding familial/whakapapa ties ki Aotearoa.

7. I mea atu a Professor Williams, kāhore ia i kite i ngā tūtohunga e tohu nei i ēnei mōhiohio ki roto i ngā tuhinga kua tukuna rā e Ms Keisha Castle-Hughes (Wai 3513, #A5, #A5(a), #A5(b)) me tana uiui i a Mr Jarvis pena raini kua whakamāramatia ia ēnei tauira. Ka mea hoki a Professor Williams, ki te mōhio te DIA ki ētahi anō tuhinga i tukuna rā e rātou ki a Ms Castle Hughes mō te tono kiriraraunga o tana kōtiro, he āwhina nui tā rātou tuku mai i ērā. E whakaae ana ahau he āwhina nui tērā ki te Taraipiunara, ka whakahau ahau i konei me tuku mai te rōia mō te Karauna ērā tuhinga pena e wātea ana.

8. I tuku kōrero a Mr Jarvis mō tētahi kaupapa here whakahaere e arotia ai e ngā kaimahi i a rātou e inoi ana, e whai whakaaro ana hoki ki ngā mōhiohio a ngā kaitono mō te take o ngā tāpaetanga familial or whakapapa ties. Kāhore anō kia tae mai ērā mōhiohio. Nō reira e whakahau ana ahau ki konei kia tukuna mai e te rōīa mō te Karauna tētahi kape o taua kaupapa here whakahaere.

9. E mea ana ahau i konei, me tuku mai te rōia e tika ana ngā tuhinga e whai take nei ki ngā kaupapa ki runga rā i [3] – [8] i mua i te **5 pm, Paraire 26 o Hepetema 2025.**

Ngā tāpaetanga whakakapi

10. I te 16 o Hepetema 2025, i inoi atu ahau ki ngā hunga kia whai whakaaro ki tētahi rā mō te tuku mai i ngā tāpaetanga whakakapi.

11. I te mutunga o tā tātou nohoanga i te 17 o Hepetema 2025, i tāpaetia e te rōia mō ngā hunga whai take, e Dr Season-Mary Down e tika ana me whai te Taraipiunara i te rua wiki i mua i te rā tuku mai i ngā tāpaetanga whakakapi, ka mutu, me kotahi te rā tuku mō ngā hunga katoa.

12. I tāpae mai te rōia mō te Karauna, e tika kē ana pea kia whai i tētahi karapipititanga, mutu ana te rua wiki mā te kaikerēme me ngā hunga whai take e tuku, ka tuku ai te Karauna i tāna i te rua wiki anō whai muri i tērā. E mea ana te rōia mā taua hātepe e tika ai tā te Karauna whakautu i te kēhi o te kaikerēme.

13. Nā runga anō i te āhua ohotata o tēnei ruku tātari, ka mutu i te whāititanga o te take kia tātarihia, e tika ana kia kotahi te rā tuku mō ngā hunga katoa. Nō reira, me tuku mai ngā hunga katoa i ā rātou tāpaetanga whakakapi i mua i te 5 pm, Paraire 10 Oketopa 2025.

Tuhinga kape kōrero

14. E mea ana ahau i konei, ka tuku atu te tuhinga kape kōrero mō ngā rā e rua o te nohoanga ohotata i roto i te wā poto e tika ana. Māku e tuku ngā whakamōhiotanga mō tana whakaputanga hei a aini.

Purpose

1. This memorandum-directions addresses matters arising from the urgent hearing into the Citizenship (Ruddock) (Wai 3513) urgent claim which was held from 16 to 17 June 2025 at the Waitangi Tribunal's offices, in Wellington.

2. In particular, I address:

   (a) arrangements for the filing of documentation and information requested during the hearing;

   (b) arrangements for closing submissions; and

   (c) the transcript of the two-day urgent hearing

Further documentation and information to be filed

3. Several matters were raised during the urgent hearing which require further filing. The Tribunal has already received some of the requested documentation, and I thank parties for their promptness in providing this material.

4. On 16 September 2025, counsel for the Crown offered to provide the Tribunal with a schedule of fees related to visa applications. I granted leave for this to be filed alongside the Crown's closing submissions. Counsel provided the Tribunal with hard-copies of the material '*Immigration (Visa, Entry Permission, and Related Matters) Regulations 2010 (as at 01 April 2025)'* during the hearing on 17 September 2025.

5. On 16 September 2025, Professor Emeritus David Williams referred to paragraph [29] of the brief of evidence of Dr Charters in which she makes reference to a finding under the International Covenant on Civil and Political Rights (Wai 3513, #A9). Professor Williams asked Dr Charters to elaborate further on what she means in her brief of evidence by 'right' when speaking about a general assembly declaration such as the UNDRIP and requested this response in writing following the hearing. I agree that Dr Charter's views will assist the Tribunal.

6. On 17 September 2025, Professor Williams, referring to paragraph [61] of their joint brief of evidence, questioned Adrian Jarvis and Melanie Carpinter (Wai 3513, #A11) regarding the types of information applicants could provide to the Department of Internal Affairs (DIA) to demonstrate they have longstanding familial/whakapapa ties to New Zealand.

7. Professor Williams noted he did not see any reference to this information in the materials filed on behalf of Ms Keisha Castle-Hughes (Wai 3513, #A5, #A5(a), #A5(b)) and questioned Mr Jarvis about whether she would have been advised of these examples. Professor Williams then noted that any additional documentation regarding the advice Ms Castle-Hughes received from DIA concerning the citizenship application for her daughter would be helpful. I agree this would assist the Tribunal and direct counsel to file any such materials if they are available.

8. Mr Jarvis referred to an operational policy that officials apply when they request or consider information from applicants regarding familial or whakapapa ties for citizenship submissions. This information has not yet been provided to the Tribunal or inquiry parties. I therefore request that counsel for the Crown file a copy of this operational policy.

9. I direct relevant counsel to file the materials relevant to the matters outlined from [3] – [8] by **5 pm, Friday 26 September 2025**.

Closing submissions

10. On 16 September 2025, I asked parties to consider a timeframe by which written closing submissions can be filed.

11. At the end of the proceedings on 17 September 2025, counsel for the interested parties, Dr Season-Mary Downs, submitted that the Tribunal should implement a two-week timeframe for closing submissions, with a single filing date for all parties.

12. Counsel for the Crown submitted a preference for sequential filing dates, with a two-week timeframe for claimants and interested parties, and a further two weeks thereafter for the Crown. Counsel submitted such a process would enable the Crown to respond to the claimant's case.

13. Given the urgent nature of the inquiry and the discrete issue for consideration, a single filing date for all parties is preferred. All parties are to file their closing submissions by **5 pm, Friday 10 October 2025**.

Transcript

14. I note the transcript of the two-day urgent hearing will be issued as soon as possible. I will ensure parties are updated as to the status of the hearing transcript accordingly.

Me tuku atu te Kairēhita i tētehi kape o tēnei whakahau ki ērā ki te rārangi whakamōhio mō Wai 3313, the Citizenship (Ruddock) Urgent Inquiry .

The Registrar is to send a copy of this direction to all those on the distribution list for Wai 3313, the Citizenship (Ruddock) Urgent Inquiry.

WHAKAPŪMAUTIA ki Whanganui-a-Tara i te 22 o Hepetema 2025

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