

TE RŌPŪ WHAKAMANA I TE TIRITI O WAITANGI

Wai 3300

E PĀ ANA KI
CONCERNING

te Treaty of Waitangi Act 1975

Ā,
AND

Tomokia ngā tatau o Matangireia
– the Constitutional Kaupapa
Inquiry

HE PĀNUI WHAKAHAU A KAIWHAKAWĀ MATUA DR C L FOX

*MEMORANDUM-DIRECTIONS OF CHIEF JUDGE DR C L FOX REGARDING ELIGIBLE
CLAIMS WITH JURSDICTIONAL ISSUES*

19 Poutūterangi 2026

Purpose

1. This memorandum-directions discusses the eligibility issue of claims intending to participate in the Wai 3300, Tomokia ngā tatau o Matangireia – the Constitutional Kaupapa Inquiry.

Eligibility Issues

Procedural background

2. In memorandum-directions of 11 April 2024, I outlined the main themes and principal exclusions for eligibility in this inquiry (Wai 3300, #2.5.17 at [5] & [7]). The exclusions are:
 - (a) Constitutional issues that are included in historical claims fully addressed in one or more Treaty settlements with the Crown. Once the settlements have been legislated, the Tribunal's jurisdiction is excluded from further inquiry into the historical allegations of that claim;
 - (b) Where a claim has constitutional grievances that have previously been heard and reported on by the Tribunal. The Tribunal is not able to hear for a second time grievances in relation to which it has made a recommendation or finding; and
 - (c) Claims whose remaining constitutional grievances have already been fully heard and reported on by Tribunal, or by direction consolidated into other Tribunal inquiries. The Tribunal is not able to conduct parallel inquiries into the same claims unless those claims have been aggregated into an inquiry rather than consolidated.
3. In these same directions, I released a preliminary list of claims that may be eligible to participate in this inquiry (Wai 3300, #2.5.17(a)) and instructed parties to file remaining submissions concerning the eligibility of their claims, and counsel for the Crown to file submissions regarding any concerns they have as to the eligibility of claims or the scope of the inquiry.
4. In response to these directions, counsel for the Crown provided their general views on the exclusions to eligibility in this inquiry, noting the Tribunal's jurisdiction and that claim issues brought by a settled group fall outside of that jurisdiction (Wai 3300, #3.1.54 at [5] & [12]).

Eligible Claims

5. In memorandum-directions of 13 March 2026, I confirmed a list of claims eligible to participate in the kaupapa inquiry (Wai 3300, #2.6.83).
6. In assessing which claims would be eligible, some claims have presented with jurisdictional issues related to the principal exclusions listed above at [2]. These issues have been split into three categories:
 - (a) Issues in relation to settlement legislation;
 - (b) Issues in relation to the consolidation of the claim in another inquiry; and
 - (c) Issues in relation to scope.

Settlement Legislation

7. Claims who are eligible to participate in this inquiry, but are subject to finalised settlement legislation that could impact their ability to participate, are **attached** as **Appendix A**.

Consolidation of claim

8. Claims who are otherwise eligible to participate in this inquiry, but are consolidated into another inquiry that could impact their ability to participate, are **attached** as **Appendix B**.

Scope

9. Claims who are eligible to participate in this inquiry, but have issues relating to scope within their allegations, are **attached** as **Appendix C**.

Decision

10. I now invite the claims listed in **Appendix A** to file submissions in relation to their eligibility due to settlement legislation by **5 pm, 6 April 2026**.
11. If the claims listed in **Appendix B** wish to participate in this inquiry, I direct counsel to indicate whether they seek aggregated status in this inquiry, also by **5 pm, 6 April 2026**.
12. If the claims listed in **Appendix C** wish to participate in this inquiry, I direct counsel to file amendments to claim allegations that relate to any of the themes of the inquiry by **5 pm, 6 April 2026**.
13. If any other parties would like to file allegations that relate to the any of the themes of this inquiry to be eligible to participate in the inquiry, they are still welcome to do so.

Crown Submissions

14. I also invite counsel for the Crown to provide specific input on the eligibility of the claims listed in the attached appendices to participate in this inquiry by **5 pm, 6 April 2026**.

Me tuku atu te Kairēhita i tētehi kape o tēnei whakahau ki ērā ki te rārangi whakamōhio mō Wai 3300, Tomokia ngā tatau o Matangireia – the Constitutional Kaupapa Inquiry.

The Registrar is to send a copy of this direction to all those on the distribution list for Wai 3300, Tomokia ngā tatau o Matangireia – the Constitutional Kaupapa Inquiry.

WHAKAPŪMAUTIA ki Te Whanganui-a-Tara i te 19 o te Poutūterangi 2026



Kaiwhakawā Matua Dr C L Fox
Tumuaki

TE RŌPŪ WHAKAMANA I TE TIRITI O WAITANGI