IN THE WAITANGI TRIBUNAL **Wai 3300**

Wai 1307

IN THE MATTER OF the Treaty of Waitangi Act 1975

AND

IN THE MATTER OF Tomokia ngā tatau o Matangireia – the Constitutional Kaupapa Inquiry (Wai 3300)

BY Matutaera Te Nana Clendon, Robert Sydney Willoughby, Te Aroha Rewha (*dec*), and Russell Hook on behalf of Mārara Kaweora Hook (*dec*), Huia Storm Azimi, George Frederick Riley and James Henare Clendon, on behalf of themselves, and their whānau, and the hapū of Ngāti Kuta ki Te Rāwhiti

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MEMORANDUM OF COUNSEL REGARDING ELIGIBILITY ISSUES

Dated: 10 April 2026

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Waitangi Tribunal
13 Apr 26
Ministry of Justice
WELLINGTON

MAY IT PLEASE THE TRIBUNAL

1. This Memorandum of Counsel ("MoC") is filed:

a. on behalf of Matutaera Te Nana Clendon, Robert Sydney Willoughby, Te Aroha Rewha (*dec*), and Russell Hook on behalf of Mārara Kaweora Hook (*dec*), Huia Storm Azimi, George Frederick Riley and James Henare Clendon, on behalf of themselves, and their whānau, and the hapū of Ngāti Kuta ki Te Rāwhiti ("the Claimants"); and

b. responds to Memorandum-Directions ("MDs") dated 19 March 2026 regarding claim eligibility.

2. On 19 March 2026, Kaiwhakawā Matua Dr Caren Fox raised eligibility issues relating to a number of claims involved in the Wai 3300 Constitutional Kaupapa Inquiry ("the Inquiry") and directed relevant parties to file submissions by 6 April 2026.[1]

3. On 20 March 2026 the Registrar, via email, informed parties that Her Honour directed that the filing date be updated to 7 April 2026 as 6 April 2026 was a public holiday.

4. On 7 April 2026 Counsel sought an extension until 10 April 2026 to file submissions.

5. On 8 April 2026, the Registrar, via email, notified parties that the extension sought had been granted.

6. The eligibility issues fall under 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.[2]

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[1] Wai 3300, #2.6.84, Memorandum Directions dated 19 Poutūterangi 2026 at [10]-[12].
[2] Wai 3300, #2.6.84, Memorandum Directions dated 19 Poutūterangi 2026 at [6].

Ngāti Kuta ki te Rawhiti Claim ("Wai 1307")

7. The Claimants' Wai 1307 Claim was listed under the heading "List One: List of Claims Intending to Participate, with Issues due to Claim being Consolidated".[3]

8. The Wai 1307 claim was originally consolidated in the te Paparahi o te Raki (Northland) ("Wai 1040") District Inquiry.

9. The Wai 1307 claim was later approved for participation in other Inquiries, initially with the Military Veterans Kaupapa Inquiry ("Wai 2500").[4] Counsel have, however, been informed by email of the Registrar that the formal step of Counsel for the Claim seeking aggregation was never taken due to the unique way claims consolidated in Wai 1040 were aggregated for participation in Wai 2500.[5]

10. In a 27 August 2015 MD, Deputy Chief Judge Coxhead listed claims consolidated in Wai 1040 who had filed allegations pertaining to military veterans, and changed their status to aggregated to allow for their participation in Wai 2500.[6]

11. The Claimants' Wai 1307 Claim however was not included in the list, as they did not file allegations relating to military veterans until 13 November 2015.[7] This was followed by a MoC seeking participation in Wai 2500.[8]

12. Counsel was not acting for the Claimants at the time of the relevant filings noted above, and at present Counsel has been unable to locate a further direction of Deputy Chief Judge Coxhead changing the Wai 1307 Claim's status from consolidated to aggregated.

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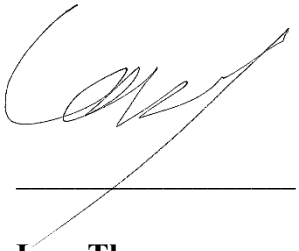
[3] Wai 3300, #2.6.84(b).
[4] Wai 2500, #2.2.32.
[5] Email of the Registrar, dated 9 April 2026.
[6] Wai 1040, #2.6.153.
[7] Wai 2500, #1.1.62.
[8] Wai 2500, #1.1.62.

13. Counsel notifies the Tribunal that the Claimants intend to file in due course a MoC to the Wai 1040 distribution list seeking a direction from Deputy Judge Coxhead aggregating the Wai 1307 Claim.



Lars Thompson

Counsel Acting