OFFICIAL

IN THE WAITANGI TRIBUNAL	**WAI 3300** **WAI 3541**
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)
AND	
IN THE MATTER OF	A claim by Ross Himona (Wai 3541)

MEMORANDUM OF COUNSEL REQUESTING PARTICIPATION IN 3300 INQUIRY DATED 1 MAY 2026

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Waitangi Tribunal
1 May 26
Ministry of Justice
WELLINGTON

MAY IT PLEASE THE TRIBUNAL

1. This memorandum is filed on behalf of Major (Ret.) Ross Himona, Wai 3541 claimant ("the Claimant"), currently registered to participate in Wai 3500 Taku Ahurea, Taku Tūākiri: Cultural Identity Kaupapa Inquiry. Counsel seeks for the claimant to also be included in Wai 3300 Tomokia ngā tatau o Matangireia: the Constitutional Kaupapa Inquiry, and presents arguments accordingly.

2. While the claim is currently registered in the Wai 3500 Cultural Identity Inquiry, there are aspects of this claim that are more appropriate to be heard within the constitutional framework. The core constitutional issue is outlined below.

3. The Crown has systematically imposed its own corporate iwi and Large Natural Grouping constructs on Māori. These constructs are Crown inventions cloaked in the verisimilitude of legitimate customary authority, and are a Crown tool to supplant hapū as the primary political and governing unit within Māori society.

4. Article II of Te Tiriti o Waitangi guarantees to hapū and rangatira the exercise of tino rangatiratanga over their political authority and governing institutions. The Crown's imposition of its own constructs distorts this constitutional arrangement, undermining hapū as the rightful Treaty partners and holders of tino rangatiratanga.

5. Article I granted a limited kāwanatanga. The Crown has therefore exceeded this by imposing its own governance structures on Māori and requiring Māori to reorganise themselves to fit within those structures.

6. In relation to the issues extracted from the Wai 3500 claim, the constitutional standing of the Claimant's hapū has been heavily compromised in their ability to exercise tino rangatiratanga. The Crown now deals almost exclusively with its iwi entity constructs rather than engaging with hapū as governing bodies.

7. This claim goes to the very heart of the constitutional relationship between the Crown and Māori. It raises the issue of whether the Crown may lawfully reconstruct Māori political authority by imposing its own governance frameworks and then refusing to engage with hapū as the fundamental constitutional units guaranteed protection and the continued exercise of tino rangatiratanga under Te Tiriti.

8. As such, Counsel requests permission for these aspects of the Wai 3541 claim that concern fundamental constitutional issues to be heard within Wai 3300 Tomokia ngā tatau o Matangireia: the Constitutional Kaupapa Inquiry.

9. Other aspects of the Wai 3541 claim, namely those relating to matters of hapū culture and identity, would remain within Wai 3500 Taku Ahurea, Taku Tūākiri: Cultural Identity Kaupapa Inquiry.

DATED at Tāmakai Makaurau this 1st May 2026

Charl Hirschfeld

Counsel for the claimant

To: The Registrar, Waitangi Tribunal and Crown Law Office, and those on the notification list for Wai 3300 Tomokia ngā tatau o Matangireia — the Constitutional Kaupapa Inquiry.