TE RŌPŪ WHAKAMANA I TE TIRITI O WAITANGI

Wai 2800

E PĀ ANA KI
CONCERNING

te Treaty of Waitangi Act 1975

Ā,
AND

te Inquiry into Remaining Historical Claims

HE PĀNUI WHAKAHAU A TE MANA WHAKAHAERE

MEMORANDUM-DIRECTIONS OF THE PRESIDING OFFICER REGARDING THE PARTICIPATION OF LATE CLAIMS IN THIS INQUIRY

9 Hūrae 2026

Hei tīmatanga kōrero / Introduction

1. This memorandum-directions for the Inquiry into Remaining Historical Claims (Wai 2800) addresses submissions for late claims to be included in this inquiry.

Horopaki / Background

2. In memorandum-directions dated 12 January 2026, I directed parties to file submissions on their intention to participate in this inquiry by 5pm, Monday 11 May 2026 (Wai 2800, #2.5.17 at [13]).

3. In memorandum-directions dated 4 June 2026, I advised that I was not minded to grant leave to include any claims that had not met the deadline (5pm, Monday 11 May 2026) for filing their expressions of intention (EOIs) to participate (Wai 2800, #2.5.21 at [14]).

4. As such, I directed parties who filed after that deadline to seek leave to be included in this inquiry, providing evidence and an explanation outlining why they had not met the EOI filing deadline. I directed that these submissions be filed by 5pm, Tuesday 16 June 2026 (Wai 2800, #2.5.21 at [16]).

Submissions to be included in the Wai 2800 inquiry

The Tautuku and Waikawa Lands (Resource Management) (Wai 783) claim

5. On 13 May 2026, Dr Bryan Gilling and Caitlin Fellowes from Mahony Horner advised that the Wai 783 claim intended to participate in this inquiry. Counsel advised that the late filing was because they had only received initial instructions from the Wai 783 claimant two days previous (11 May 2026) and were still seeking final instructions.

6. As directed at above at [4], on 16 June 2026, Dr Gilling and Ms Fellowes submitted the Wai 783 claimants' explanation as to why they were unable to meet the filing deadline, and provided an accompanying brief of evidence from named claimant Emeritus Professor Hirini Matunga that affirms the information provided by counsel (Wai 2800, #3.1.60 & #A1).

7. Counsel advised that since the judicial conference on 27 February 2026, they made numerous attempts at contacting Professor Matunga to confirm whether he was interested in participating in the inquiry, but were unsuccessful due to out-of-date contact details that were previously provided (Wai 2800, #3.1.60 at [3(a)]).

8. Counsel further advised that it was only in the evening of 11 May 2026 that they were able to contact Professor Matunga, and during this conversation, he advised that he was not aware of the Wai 2800 pānui process nor the inquiry itself but that he would like to participate; however, he needed to obtain information from his co-claimant, Dr Lyn Carter, before instructing counsel (Wai 2800, #3.1.60 at [3(b)]–[3(c)]).

9. Counsel advised that confirmation was received from Dr Carter on Tuesday 12 May 2026, and following the issuing of the authority to act form for the claimants, counsel filed their intention to participate on Wednesday 13 May 2026 (Wai 2800, #3.1.60 at [3(d)]–[3(e)]).

10. Counsel stated that they 'respectfully support' the Tribunal's intention to ensure the inquiry progresses with deliberate speed, but that at this point of the inquiry, the Wai 783 claimants had not had an opportunity to comply. Counsel state that they had orally advised the Tribunal at the 27 February 2026 judicial conference that they were trying to contact the Wai 783 claimant group (Wai 2800, #3.1.60 at [5]–[6]).

11. Counsel therefore seek leave for the Wai 783 claim to be granted leave to participate in this inquiry, submitting that no party will be prejudiced if the leave sought is granted (Wai 2800, #3.1.60 at [7]).

Te Aitanga-ā-Hauiti Iwi (Wai 976) claim

12. On 12 May 2026, the Tribunal received a submission from Tui Marino on behalf of the Wai 976 claim. The claimant did not provide an explanation at the time as to why they submitted a late expression.

13. On 30 June 2026, Mr Marino submitted the Wai 976 claimants' explanation as to why they were unable to meet the filing deadline, and provided accompanying documents as evidence to support the claimants' reason for late filing (Wai 2800, #3.2.1 and #3.2.1(a)).

14. In his memorandum, Mr Marino advised that the Wai 976 claim has been clustered with other claims on behalf of Te Aitanga-a-Hauiti iwi and hapū under Wai 900, the Combined Record of Inquiry for the East Coast claims (Wai 2800, #3.2.1).

15. Mr Marino advised that the late filing of the Wai 976 claimants' EOI was due to 'the complex nature of evidence' regarding eligibility which required careful documenting and was time-consuming. Mr Marino seeks that Wai 976 and the affiliated claims be heard in this inquiry (Wai 2800, #3.2.1).

16. The Tribunal is aware that Mr Marino was present at the 24 February 2026 judicial conference, and he has been in contact with the Tribunal since then regarding the participation of Wai 976 in this inquiry.

Decision

17. Having considered the above submissions, I now confirm that the leave sought by Wai 783 and Wai 976 is **granted**.

18. In memorandum-directions dated 15 June 2026, I directed claimants who have filed EOIs to participate in this inquiry to file submissions regarding eligibility for each of their claims by 15 July 2026, as well as amended statements of claim if necessary (Wai 2800, #2.5.22 at [42(a)] & [42(b)].

19. Wai 783 and Wai 976 are to file submissions on the eligibility of their claim, and an amended statement of claim, if necessary, by **5pm, Wednesday 15 July 2026**.

Me tuku atu te Kairēhita i tētehi kape o tēnei whakahau ki ērā ki te rārangi whakamōhio mō Wai 2800, the Inquiry into Remaining Historical Claims.

The Registrar is to send this direction to all those on the distribution list for Wai 2800, the Inquiry into Remaining Historical Claims.

WHAKAPŪMAUTIA ki Rotorua i te 9 o te Hūrae 2026

Kaiwhakawā T Wara
Te Mana Whakahaere
TE RŌPŪ WHAKAMANA I TE TIRITI O WAITANGI