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 ADDRESSING LATE FILINGS REGARDING ELIGBILITY SUBMISSIONS, EXTENSION REQUESTS, AND OTHER MATTERS

4 Ākuhata 2026

Hei tīmatanga kōrero / Introduction

1. This memorandum-directions for the Inquiry into Remaining Historical Claims (Wai 2800) addresses:

   (a) late filings and extension requests for claimant submissions on eligibility to participate in this inquiry; and

   (b) self-represented claims that may not have received recent directions regarding the next steps required to participate in this inquiry.

He tāpaetanga kua tukua tōmuri / Eligibility submissions received out of time or extensions sought

Horopaki / Background

2. In memorandum-directions dated 4 June and 9 July 2026, I confirmed those claims for which 'Expressions of Intention' (EOIs) had been accepted and were approved to further submit on their eligibility for this inquiry (Wai 2800, #2.5.21, #2.5.21(a) & #2.6.1).

3. In memorandum-directions dated 15 June 2026, I directed that submissions on eligibility and amended statements of claim be filed by 15 July 2026, and I reminded parties of the need for timeliness, especially in the filing of submissions and evidence to enable the efficient progression of this inquiry. As such, I advised that I will not be accepting documents for the Wai 2800 record that have not been filed on time without prior leave being sought, and a compelling reason for the delay being provided alongside supporting evidence (Wai 2800, #2.5.22 at [19] & [42]).

4. I also advised that when considering whether to grant leave to file out of time, each case will be considered on its own merits, and that where appropriate, I will take into account exceptional circumstances (such as where claimants delayed in filing do not have counsel to assist them) (Wai 2800, #2.5.22 at [21]).

Muaupoko Land (Wai 52) and Muaupoko Lands and Resources (Greenland) (Wai 2139) claims

5. On 17 July 2026, Tom Bennion, Emma Whiley and Kudrat, counsel for the Muaupoko Land (Wai 52) and Muaupoko Lands and Resources (Greenland) (Wai 2139) claims, filed submissions on the eligibility of Wai 52 and Wai 2139 to participate in the inquiry. Counsel advised that the delay in filing was due to being engaged in hearings for the Wai 2200 - Porirua ki Manawatū District Inquiry throughout the week.

Ngā Uri o Maki-nui Lands (Kapea and Beazley) (Wai 2181) claim

6. On 22 June 2026, Dr Season-Mary Downs, Majka Cherrington and Tatijana Simon-Larsen advised that they had received instructions to act on behalf of the Ngā Uri o Maki-nui Lands (Kapea and Beazley) (Wai 2181) claim.

7. On 15 July 2026, Ms Cherrington emailed the Waitangi Tribunal's Registrar (the Registrar) to advise that counsel were unable to file submissions on the eligibility of Wai 2181 due to one of the named claimants passing away, leaving them unable to confirm instructions. Counsel seek an extension to file submissions while instructions are being obtained and advise that they will update the Tribunal as soon as they have instructions in this regard.

Oruawharo Lands and Waterways (Wai 1667) claim

8. On 14 July 2026, Thomas de Thierry advised the Registrar of the Oruawharo Lands and Waterways (Wai 1667) claimants' continued intention to participate in the inquiry, but requested more time to submit on eligibility and file an amended statement of claim. Mr de Thierry advised that the Wai 1667 claimants needed more time to gather whānau information and secure legal representation. This includes reviewing oral histories and existing documentation to clarify their discrete historical issues regarding the Crown's actions over the Paraheke wāhi tapu reserve and other lands.

9. Mr de Thierry sought an extension until Monday 14 September 2026 to update the statement of claim for Wai 1667.

Whakataunga / Decision

10. Counsel for Wai 52 and Wai 2139 seek an extension regarding their late filing, but have failed to provide a proper explanation as to the reasons why the directed timeframes could not be met. I direct counsel to provide a further explanation on how their participation in the Wai 2200 hearing hindered their ability to file a timely eligibility submission by **5 pm, Thursday 6 August 2026**.

11. Given that counsel for Wai 2181 was only recently engaged, I thereby grant the extension sought. Counsel for Wai 2181 to provide submissions on the eligibility of their claim to participate in this inquiry by **5 pm, Monday 14 September 2026**.

12. Due to the nature of being self-represented, I grant an extension to the Wai 1667 claimants to file submissions on eligibility by **5 pm, Monday 14 September 2026**.

He kaikerēme kāore i whiwhi i ngā tohutohu / Self-represented claims that may not have received recent directions regarding the next steps required to participate

The Estate of Tāite Whitiwhiti Heremia (Wai 579) claim

13. 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]).

14. On 12 May 2026, Christine Heremia provided the Tribunal an expression of intention on behalf of the Estate of Tāite Whitiwhiti Heremia (Wai 579) claim to participate in this inquiry. At the time, the claimant advised that they only received notice of the inquiry and the new approach earlier this year, but misplaced the information to be able to express an intention to participate.

15. 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 for filing their EOIs to participate. I directed the Wai 579 claimants to seek leave to be included in this inquiry, providing evidence and an explanation outlining why they had not met the EOI filing deadline (Wai 2800, #2.5.21 at [14] and [16]).

16. Leave was not sought by the claimants by this date; however, upon review, it was found that the claimant contact for Wai 579 was not on the distribution list for this inquiry, and therefore likely did not receive my directions as above, as well as my direction to file submissions in eligibility.

He kaikerēme ērā atu / Other claims that may not have received relevant directions

17. Tribunal staff have since identified further self-represented claims which did not previously have a representative contact on the Wai 2800 distribution list, and therefore may not have had the opportunity to respond to my directions regarding their EOI and eligibility. These claims are included in **Appendix A.**

Whakataunga / Decision

18. In light of these circumstances, and to allow instruction of legal counsel where necessary, I grant further time for those self-represented claimants to provide their submissions on eligibility by **5 pm, Monday 14 September 2026**.

He whakaroatanga taurite / Corresponding extensions

19. I accordingly grant the Crown a corresponding extension to file its response submissions on eligibility and jurisdictional matters **20 working days after receipt** of the submissions from claimants.

20. Claimants will in turn have **12 working days from receipt** of the Crown response submissions to file any replies.

21. The Tribunal's assessment on eligibility of these claims will accordingly be undertaken and released following receipt of the above submissions.

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 Rarotonga i te 4 o Ākuhata 2026

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