

**IN THE WAITANGI TRIBUNAL**

Wai 3310

**CONCERNING**

the Treaty of Waitangi Act 1975

**AND**

the Education Services and  
Outcomes Kaupapa Inquiry

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**MEMORANDUM-DIRECTIONS OF THE CHAIRPERSON  
COMMENCING A KAUPAPA INQUIRY INTO  
CLAIMS CONCERNING EDUCATION SERVICES AND OUTCOMES**

25 September 2023

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## Introduction

1. The purpose of this memorandum-directions is to commence a Tribunal inquiry into claims concerning education services and outcomes. It appoints a presiding officer and outlines preliminary steps for the conduct of the inquiry.

### **Commencing a kaupapa inquiry into claims concerning education services and outcomes**

2. The Waitangi Tribunal's kaupapa inquiry programme is designed to provide a pathway for the hearing of nationally significant claims that affect Māori as a whole or a section of Maori in similar ways. In the previous Chairperson's memorandum of 1 April 2015, he indicated it would comprise 11 inquiries and set out the order in which they would commence. Included within that programme was an inquiry into claims concerning education services and outcomes.<sup>1</sup>
3. In 2019, the previous Chairperson reprioritised the order in which kaupapa inquiries would commence.<sup>2</sup> He brought forward two kaupapa inquiries that focus on major fields of current Crown policy and action, and which may require targeted inquiry processes, namely the Education Services and Outcomes Inquiry, and the Social Services and Social Development Inquiry.
4. Indicative claims issues for inclusion in the Education Services and Outcomes Inquiry will cover a broad range of matters including but not limited to:
  - (a) the Public Education system as a whole which would include the primary and secondary school education issues, tertiary education, curricula and education finance issues; and
  - (b) Kaupapa Māori education system and related issues.
5. The scope of the inquiry will be determined by the Education Services and Outcomes Inquiry panel.
6. The Tribunal has made significant comment on education issues in a range of reports, including the *Report of the Waitangi Tribunal on the Te Reo Maori Claim* (1986), *The Wananga Capital Establishment Report* (1999), *The Report on the Aotearoa Institute Claim concerning Te Wananga o Aotearoa* (2005), *Ko Aotearoa Tēnei: A Report into Claims concerning New Zealand Law and Policy Affecting Māori Culture and Identity* (2011), and *Matua Rautia: The Report on the Kōhanga Reo Claim* (2013). The Tribunal has also heard evidence and reported on longstanding issues faced by Māori in the education system in many of the district inquiries. Currently, the Kura Kaupapa Māori Urgent Inquiry (Wai 1718) Tribunal panel are in the final stages of completing their report following hearings in April and May this year.
7. Since 2019 the Tribunal has commenced Te Rau o te Tika: the Justice System Inquiry (Wai 3060) and the Constitutional Inquiry (Wai 3300). Given the current momentum provided by the Kura Kaupapa Māori Urgent Inquiry and several existing Tribunal reports on education matters, it is appropriate to commence the next kaupapa inquiry. Accordingly, I now formally initiate the Education Services and Outcomes Kaupapa Inquiry.

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<sup>1</sup> Memorandum of the Chairperson concerning the Kaupapa Inquiry Programme, 1 April 2015.

<sup>2</sup> Memorandum of the Chairperson concerning the Kaupapa Inquiry Programme, 27 March 2019.

### **Appointment of a presiding officer**

8. Given her background in these issues, previously as a lawyer and now Presiding Officer of the Kura Kaupapa Māori Urgent Inquiry, pursuant to clause 5(1)(a)(ii) of the second schedule to the Treaty of Waitangi Act 1975, I appoint Judge Rachel Mullins, a judge of the Māori Land Court, as Presiding Officer for the Education Services and Outcomes Kaupapa Inquiry.

### **Next steps**

9. The focus for Judge Mullins will be completing the Kura Kaupapa Māori Urgent Inquiry Report and any other related matters following its completion. Therefore, these directions are to take effect, and the inquiry to properly commence, following the release of the Kura Kaupapa Māori Urgent Inquiry report to parties.
10. The Presiding Officer will issue memorandum-directions on the next steps for the inquiry in due course to deal with scope, claim eligibility and other matters.
11. Panel members to the inquiry will also be appointed shortly after the release of the Kura Kaupapa Māori Urgent Inquiry Report.
12. The inquiry will be known as the Education Services and Outcomes Kaupapa Inquiry and its combined record of inquiry identifier is designated as Wai 3310.

The Registrar is to send this direction to Judge Rachel Mullins, all claimants and the Crown, and to publish it on the Tribunal's website.

**DATED** at Wellington this 25<sup>th</sup> day of September 2023



Chief Judge Caren Fox  
Chairperson  
**WAITANGI TRIBUNAL**