

IN THE WAITANGI TRIBUNAL
I TE RŌPŪ WHAKAMANA I TE TIRITI O WAITANGI

Wai 3310
Wai 1456
Wai 2332

In the Matter of the Treaty of Waitangi Act 1975

And

In the Matter of the Education Services and
Outcomes Kaupapa Inquiry (Wai
3310)

And

In the Matter of a claim by Gary Meroiti on behalf
of Te Aute College and Māori of
Aotearoa, except Māori affiliated to
Heretaunga-Tamatea; and Julian
Wilcox on behalf of the past and
present students of Te Aute College
and their whānau except those of
them affiliated to Heretaunga-
Tamatea (Wai 1456)

And

In the Matter of a claim by Gary Meroiti on behalf
of Te Aute College and Māori of
Aotearoa, except Māori affiliated to
Heretaunga-Tamatea; and Julian
Wilcox on behalf of the past and
present students of Te Aute College
and their whānau except those of
them affiliated to Heretaunga-
Tamatea (Wai 2332)

MEMORANDUM OF COUNSEL SEEKING LEAVE TO PARTICIPATE IN INQUIRY

Dated 15 December 2023

Mahony Horner Lawyers

Counsel: Dr Bryan Gilling / Henry Foubister / Daniel Hilton / Toni Knipping

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RECEIVED

Waitangi Tribunal

15 Dec 23

Ministry of Justice
WELLINGTON

MAY IT PLEASE THE TRIBUNAL

1. This Memorandum of Counsel is filed on behalf of:
 - a. **Wai 1456**, a claim by Gary Meroiti on behalf of Te Aute College and Māori of Aotearoa, except Māori affiliated to Heretaunga-Tamatea; and Julian Wilcox on behalf of the past and present students of Te Aute College and their whānau except those of them affiliated to Heretaunga-Tamatea; and
 - b. **Wai 2332**, a claim by Gary Meroiti on behalf of Te Aute College and Māori of Aotearoa, except Māori affiliated to Heretaunga-Tamatea; and Julian Wilcox on behalf of the past and present students of Te Aute College and their whānau except those of them affiliated to Heretaunga-Tamatea.

(Claimants)

2. On 25 September 2023, Chief Judge Dr C L Fox issued Memorandum-Directions initiating the Education Services and Outcomes Kaupapa Inquiry and appointing Judge Mullins as its Presiding Officer.¹ Further, Chief Judge Dr Fox confirmed the Inquiry's panel members by way of Memorandum-Directions on 4 December 2023.²
3. The Claimants' claim relates directly to both historical (Wai 1456) and contemporary (Wai 2332) actions and omissions of the Crown in relation to Te Aute College and its wider community, the results of which have been detrimental to Te Aute College, its students, and its community. This being the most appropriate Inquiry for the Claimants to be heard in, the Claimants seek the leave of the Tribunal to participate in this Inquiry.
4. Should such leave be granted, Counsel note that the Claimants intend to update the existing statements of claim for both Wai 1456 and Wai 2332 by


¹ Memorandum-directions of the Chairperson commencing a kaupapa inquiry into claims concerning Education Services and Outcomes (Wai 3310, #2.5.001, 25 September 2023)

² Memorandum-directions of the Chairperson appointing a panel for the Educational Services and Outcomes Kaupapa inquiry (Wai 3310, #2.5.002, 4 December 2023).

way of amended statements of claim.³

5. Additionally, Counsel advise, pursuant to section 24(1) of the Legal Services Act 2011, that legal aid has been granted for both the Wai 1456 and Wai 2332 claims to participate in this Inquiry.

Dated at Wellington this 15th day of December 2023



Dr B D Gilling, H T G Foubister, D T Hilton, and T E Knipping
Counsel for the Claimants

³ Statement of Claim (Wai 1456, #1.1.001, 5 December 2007); Statement of Claim (Wai 2332, #1.1.001, 17 June 2011).