

IN THE WAITANGI TRIBUNAL

WAI 3310

Wai 3080

IN THE MATTER of the Treaty of Waitangi Act 1975

AND

IN THE MATTER of the te Education Services and Outcomes Inquiry
(Wai 3310)

AND

IN THE MATTER of a claim by **Hemi Te Peeti, Karla Puhipuhi, Ani Skipper, Miriama Ketu, Nina Pilkington, Tawhiti Kunaiti and Lani Ketu** for and on behalf of **Ngati Whakatere ki te Tonga**.

Wai 3080 Memorandum of Counsel - Claimant Response to Tribunal Directions #2.5.5 ahead of
Judicial Conference set for 22 November 2024

Dated: 19 November 2022



P O Box 4104
Western Heights
ROTORUA

Ph: 07 345 6595 / Fax: 07 345 6598

Email: hemi@tenahulegal.co.nz

Counsel Acting: Hemi Te Nahu

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Waitangi Tribunal

19 Nov 24

Ministry of Justice
WELLINGTON

MAY IT PLEASE THE TRIBUNAL

1. We represent Hemi Te Peeti, Karla Puhipuhi, Ani Skipper, Miriama Ketu, Nina Pilkington, Tawhiti Kunaiti and Lani Ketu for and on behalf of Ngati Whakaterere ki te Tonga (**the Wai 3080 Claimants**)
2. We refer to the Tribunal's **Memorandum of Directions 2.5.5** dated 5 November last (the Directions) seeking claimants respond to various matters prior to the Judicial Conference (JC) for this Inquiry to be had 22 November 2024
3. The matters being canvassed at the JC essentially are as follows;
 - a. Matauranga Maori;
 - b. Primary and Secondary Schools;
 - c. Tertiary Education;
 - d. Curricula;
 - e. Education Finance; and
 - f. Te Reo Maori in the Education System
4. In addition the Wai 3080 claim is listed in the Tribunal's appendix to its Directions (**being 2.2.5a**) The Wai 3080 claim has Education listed as one of its grievances caused by the Crowns breaches of Te Tiriti.
5. Accordingly, the Wai 3080 claimants seek to participate in the **Wai 3310 te Education Services and Outcomes Inquiry** and seek a Direction from the Tribunal confirming Wai 3080 participation in this Inquiry. The ability of the claimants to be able to participate in this Inquiry may prevent further breaches of the principles of Justice if they were prevented from doing so.
6. The claimants seek leave to amend the Wai 3080 claim to further detail the Education grievances suffered by Ngati Whakaterere.
7. The claimants also seek leave to add to the Issues (**set out above from a-f**) as listed by the Tribunal as the Claimants have not had time to fully consider the issues contained therein and how they affect Ngati Whakaterere.

Planning for the balance of the Inquiry

8. The Tribunal seek claimants in this Inquiry to indicate their views on productive ways in which to proceed through the subject areas as identified in the Directions.
9. The Wai 3080 claimants are cognisant of the length and breadth of the subject areas and the Crown agencies that are involved in these areas.

10. What the Wai 3080 claimants have identified at this early stage is the need for the Tribunal to ascertain the traditional and historical context of Kawa and Tikanga as it applied to Matauranga processes Māori had, so as to fully understand and appreciate how Māori enacted Matauaranga and the application of Kawa and Tikanga that surrounded those processes, and how those processes were impacted upon by the Crown through its education policies and system
11. It is a requirement we submit is an essential tool of being able to determine pre-Treaty applications of kawa and tikanga surrounding Education, to be able to measure post Treaty applications of the Crown's Education regime enacted against Māori and in particular the Wai 3080 claimants of Ngati Whakatare.

Ways to Proceed

12. In terms of indicating ways to proceed, the Wai 3080 claimants agree that at such an early stage of this Inquiry, it would be best for all the claimants to participate in some type of collaborative approach in how best to tackle the subject areas considering the;
 - a. Diversity of the subject areas;
 - b. The recognition that some claimants would prioritise some subject areas over others;
 - c. That there needs to be a structure that will ensure all claimants can participate and engage in;
 - d. The Crown agencies involved; and
 - e. Research needs.
13. The Wai 3080 claimants have benefited from observing how other Tribunal Inquiries are conducted in terms of structure, claimant collaboration and the like.
14. There is also an understanding that where Kaupapa Inquiries are concerned that *'one size does not necessarily fit all'*
15. However the Wai 3080 claimants do wish to ensure that whatever the process **may** end up looking like, that it is a process that has been driven by and for the claimants.

Wai 3310 Judicial Conference 22 November 2024

16. Finally the Claimants seek through their Counsel to participate in the 22 November Judicial Conference.



Hemi Te Nahu
Counsel for Wai 3080 Ngati Whakaterere ki Te Tonga