

I TE RŌPU WHAKAMANA  
I TE TIRITI O WAITANGI

WAI 3310  
WAI 1630

KEI RARO I TE MANA o te ture o te Tiriti o Waitangi 1975

I TE TAKE O te pakirehua, Education Services and Outcomes  
Inquiry (Wai 3310)

Ā

I TE TAKE O he kereme na Heitia Raureti mo te hapū o Ngāti  
Kapu (Wai 1630)

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HE MANATU RŌIA

I tēnei rā, i te 19 o Noema 2024

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RECEIVED Waitangi Tribunal
<b>20 Nov 24</b>
Ministry of Justice WELLINGTON



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Ngā rōia

Dr Season-Mary Downs  
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Heather Jamieson

## TĒNĀ, E TE RŌPŪ WHAKAMANA I TE TIRITI O WAITANGI:

### Introduction

1. This Memorandum of Counsel is filed on behalf of Ngāti Kapu (Wai 1630) and responds to her Honour Judge Mullins' directions dated 5 November 2024 inviting submissions on the following issues:<sup>1</sup>
  - a) The remaining issues to be heard and determined in this inquiry;
  - b) Any priority matters demanding early attention; and
  - c) The readiness of the claimants and Crown to proceed.
2. Counsel indicate that Ngāti Kapu have expressed an interest in participating in this inquiry and an amended statement of claim will be filed in due course.
3. Counsel note that Ngāti Kapu's contemporary claims may include the following:
  - a) The undermining of Ngāti Kapu rangatiratanga by implementing a legislative and policy framework for education services that is inconsistent with te Tiriti o Waitangi;
  - b) The Crown's failure to protect, promote, and support Kura Kaupapa Māori is inconsistent with te Tiriti o Waitangi;
  - c) The Crown's failure to provide for and protect the use of tikanga Māori, te reo Māori, and mātauranga Māori within the public education system is inconsistent with te Tiriti o Waitangi; and
  - d) The Coalition Government's policies in relation to the education system are inconsistent with te Tiriti o Waitangi.

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<sup>1</sup> Wai 3310, #2.5.5, *He Pānui Whakahau a te Mana Whakahaere a Kaiwhakawā Mullins mō te nohoanga me te Hui ā-Kaiwhakawā ā te rua tekau mā rua o Noema* [14 Noema 2024], at [27].

## **Remaining issues**

4. Her Honour Judge Mullins indicated that the Tribunal will conduct this inquiry using the following broad contemporary themes:<sup>2</sup>
  - a) Mātauranga Māori;
  - b) Primary and Secondary schools;
  - c) Tertiary education;
  - d) Curricula;
  - e) Education finance; and
  - f) Te reo Māori in the education system.
5. Ngāti Kapu support these broad themes and do not, at this stage, suggest any further themes for inquiry.

## **Priority matters**

6. Ngāti Kapu suggest that there may be Coalition Government policies that necessitate priority, such as the decisions to:
  - a) Cut funding to the Te Ahu o Te Reo Māori programme by \$30 million; and
  - b) Restore balance to the Aotearoa New Zealand's Histories curriculum.

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<sup>2</sup> At [15].

## Readiness to proceed

7. Counsel and the claimants are in the process of undertaking research and developing Ngāti Kapu's claim and evidence for inquiry. It is envisaged that Ngāti Kapu will be ready to proceed to inquiry in accordance with the Tribunal's usual process following the completion of the Tribunal's assessment of eligibility of claims.

I TĒNEI RĀ, i Tūranganui-ā-Kiwa, te rā, 19 o Noema 2024

Three handwritten signatures are displayed horizontally. The first signature on the left is written in purple ink and appears to be 'S Down'. The middle signature is in black ink and appears to be 'Chere'. The signature on the right is in blue ink and is more stylized, possibly 'Heather Jamieson'.

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Dr Season-Mary Downs/Chelsea Terei-Tipene/Heather Jamieson  
Rōia mo Ngāti Kapu