

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

Wai 3310

KEI RARO I TE MANA O

te ture o te Tiriti o Waitangi 1975

Ā

I TE TAKE O

the Education Services and
Outcomes Kaupapa Inquiry
(Wai 3310)

**MEMORANDUM OF COUNSEL IN SUPPORT OF PRIOTISING MĀORI
BOARDING SCHOOLS**

Dated 18 December 2024

TamakiLegal
Barristers & Solicitors

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Waitangi Tribunal

18 Dec 24

Ministry of Justice
WELLINGTON

MAY IT PLEASE THE TRIBUNAL

1. This Memorandum of Counsel is filed on behalf of Frank Rawiri on behalf of himself and Ngā Taura Tawhito o Hato Petera, Wai 1385 (the “**Claimants**”).
2. Ngā Taura Tāwhito o Hato Petera (“Ngā Taura”) is made up of past students of Hato Petera College. More particularly, Ngā Taura is:¹

a pan tribal organisation made up of affiliated Catholic Māori and other Māori from around the country who share an allegiance to Hato Petera [College]. The vast majority of Ngā Taura are former pupils of the College. We number approximately 1200. We have a formal administrative structure of President, Chairman and Secretary with regional co-coordinators. Membership is restricted to past pupils. Ngā Taura is an active organisation that meets regularly on an operational basis to discuss matters pertaining to the College and whānau well-being.

Background

3. By Memorandum-Directions dated 25 September 2023, Chief Judge Fox commissioned the Education Services and Outcomes Kaupapa Inquiry (Wai 3310).²
4. In Memorandum-Directions dated 5 November 2024,³ the Presiding Officer Judge Mullins directed the convening of a judicial conference. Parties were directed to file submissions in advance of the judicial conference by 5 pm, Tuesday 19 November 2024.
5. On 18 November 2024, counsel for Wai 1456 and Wai 2332, Mahony Horner Lawyers filed submissions seeking prioritisation of Māori Boarding Schools.⁴

¹ Frank Rawiri, *Brief of Evidence* (23 January, 2014), Wai 1040, #K6, paragraph [12].

² Waitangi Tribunal, *Memorandum-Directions of the Chairperson Commencing a Kaupapa Inquiry into Claims Concerning Education Services and Outcomes* 25 September 2023 Wai 3310, #2.5.1 at [1]

³ Waitangi Tribunal, *Memorandum-Directions of Presiding Officer Judge Mullins Regarding Next Steps for the Inquiry* 5 Noema 2024 Wai 3310, #2.5.5 at [27].

⁴ Mahony Horner Lawyers, *Submissions of Counsel in advance of judicial conference*, 18 November 2024, Wai 3310, #3.1.006 [12]-[20].

6. At the judicial conference it was agreed that that the Crown be provided four weeks to file a response to submissions on any prioritisation of issues being sought⁵ which included:⁶
 - a. Issues relating to Māori boarding schools, their creation, development and treatment;
 - b. Coalition government policies, specifically decisions to remove approximately \$30m worth of funding from the Te Ahu o Te Reo Māori programme and restoring balance to the Aotearoa New Zealand histories curriculum; and
 - c. Recruitment of teachers of Te Reo Māori.
7. On 13 December 2024, counsel for Wai 1456 and Wai 2332, Mahony Horner Lawyers filed supplementary submissions on prioritising Māori Boarding Schools appending three claimant research reports.

Claimants support

8. The Claimants support the 18 November 2024 submissions and 13 December 2024 supplementary submissions filed by Mahony Horner Lawyers to prioritise Māori Boarding Schools.
9. When Hato Petera was known as St Peter's Māori Boys College in 1946, the desire and intention was for a school where Māori boys could be trained and educated independently of the Pakeha.⁷
10. The change of name from St Peter's Māori Boys College to Hato Petera was in recognition of the special Māori character of the school which accorded with the Claimants intentions:⁸

⁵ Waitangi Tribunal, *Memorandum-Directions of Presiding Officer Judge Mullins the hearing – He Tumu Herena Kōrero – and Judicial conference of 22 November 2024*, 3 Tihema 2024 Wai 3310, #2.6.001 at [14] and [15].

⁶ Waitangi Tribunal, *Memorandum-Directions of Presiding Officer Judge Mullins the hearing – He Tumu Herena Kōrero – and Judicial conference of 22 November 2024*, 3 Tihema 2024 Wai 3310, #2.6.001 at [12].

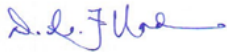
⁷ Frank Rawiri, *Brief of Evidence of Frank Rawiri*, 23 January 2024, Wai 1040, #K006 at [25][b].

⁸ Frank Rawiri, *Brief of Evidence of Frank Rawiri*, 23 January 2024, Wai 1040, #K006 at [25][c].

Although not exclusive to Māori, the curriculum is tailored to Māori and the roll is currently 100% Māori.

11. The Claimants consider a boarding school setting with a Māori curriculum to be an appropriate full immersion learning environment. The Claimants agree with submissions made by Mahony Horner Lawyers that Māori boarding schools are currently living a precarious existence. Investigating, making findings and producing recommendations would rectify many of the ongoing issues... and help avoid further closure of Māori boarding schools⁹

Dated at **Auckland** this **18th** day of **December 2024**



Darrell Naden
Counsel Acting



Siasoi Loa
Counsel Acting



Jessica Zhao
Counsel Acting

⁹ Mahony Horner Lawyers, *Submissions of Counsel in advance of judicial conference*, 18 November 2024, Wai 3310, #3.1.006 [17].