

I TE RŌPŪ WHAKAMANA
I TE TIRITI O WAITANGI

WAI 3310
WAI 1718

IN THE WAITANGI TRIBUNAL

KEI RARO I TE MANA O the Treaty of Waitangi Act 1975

Ā

I TE TAKE O the Education Services and Outcomes
Kaupapa Inquiry

HE MANATŪ RŌIA MŌ NGĀ KAIKEREME WAI 1718
MEMORANDUM OF COUNSEL FOR THE WAI 1718 CLAIMANTS

20 TĪHEMA 2024
20 DECEMBER 2024

RECEIVED

Waitangi Tribunal

13 Jan 25

Ministry of Justice
WELLINGTON

KĀHUI
LEGAL

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Rōia: P T Walker / A A Grant

E TE RŌPŪ WHAKAMANA I TE TIRITI:

Introduction

1. These submissions are filed on behalf of the named claimant for Wai 1718, Dr Cathy Moana Dewes. The Wai 1718 claim is made on behalf of Te Rūnanga Nui o Ngā Kura Kaupapa Māori o Aotearoa (**Te Rūnanga Nui**) and all whānau of Kura Kaupapa Māori Te Aho Matua (the **Claimants**).
2. This memorandum is filed in response to the memorandum-directions of Judge Mullins dated 3 Thema 2024 (Wai 3310, #2.6.001), directing claimant counsel to file any further submissions outlining any issues they believe should be prioritised within this inquiry by 5 pm, Friday 20 December 2024.

Wai 1718 Claim Issues

3. The Wai 1718 Claim was heard in part in the Wai 1718 Urgent Inquiry which occurred last year in 2023. The Deputy Chairperson at that time limited the scope of the urgent inquiry to the Tomorrow's Schools reforms. The pre-publication version of the report *Kei Ahotēa Te Aho Matua* was released on 25 July 2024 and the published version is expected to be released early next year.
4. The Wai 1718 Claimants seek to address through the Education Services and Outcomes Inquiry longstanding, unresolved matters that fall outside the scope of the Wai 1718 Urgent Inquiry, which were not covered in *Kei Ahotēa Te Aho Matua*.
5. The Claimants are presently focused on seeking to resolve matters addressed in *Kei Ahotēa Te Aho Matua* through direct discussions with the Crown. This remains their current focus and they have therefore not sought to raise priority matters relating to Kura Kaupapa Māori in this Inquiry at this time. The Claimants note that Ms Iona Holsted, the previous Secretary for Education, finished up in her role in October this year and a new permanent appointment to the role of Secretary for Education is yet to be made. Discussions with the Ministry therefore remain uncertain and the Claimants anticipate further discussions with the Ministry will occur in the coming months in this regard.

Priority Matters Demanding Early Attention

6. The Claimants are not seeking to raise any priority issues at this point in time. However, in light of the uncertainty related to the progression of discussions with the Ministry, the Claimants seek to further reserve their position on the issue of priority and the manner in which their outstanding claims (as outlined in Statement of Claim filed 31 August 2008 and the First Amended Statement of Claim dated 12 October 2021) will be progressed through this Inquiry. These outstanding claim issues include the following issues related to Kura Kaupapa Māori and Te Rūnanga Nui:
- (a) Establishment of Kura Kaupapa Māori;
 - (b) Systemic funding issues for Kura Kaupapa Māori, including equity issues;
 - (c) Property issues facing Kura Kaupapa Māori, including in connected with the establishment of Kura Kaupapa Māori;
 - (d) Professional learning and development for Kura Kaupapa Māori;
 - (e) Lack of funding and Te Reo Māori resources for Kura Kaupapa Māori; and
 - (f) Other aspects of the operation of Kura Kaupapa Māori.
7. Counsel seeks to reserve the position of the Claimants to raise any necessary issues of priority upon the receipt of further instructions as matters progress. This position does not preclude the Tribunal progressing any other priority matters raised by other parties and/or any further interlocutory steps in this Inquiry at this time, as the Tribunal considers appropriate.

I TE rā 20 o Tīhema i te tau 2024 ki Whanganui



P T Walker / A A Grant
Counsel for the WAI 1718 Claimants

