

**WAITANGI TRIBUNAL**

Wai 3505

**CONCERNING**

the Treaty of Waitangi Act 1975

**AND**

a claim by Robina Rihari on behalf of herself

**MEMORANDUM-DIRECTIONS OF THE DEPUTY CHAIRPERSON**

The Registrar will please enter this matter on the register of claims and give it the next available Wai number. The register should note that the claim was received on 7 April 2025.

The claimant should please take note of the 'Wai' number reference at the top of the page. Please use this claim number in any communication with the Tribunal.

This claim is lodged by Robina Rihari on behalf of herself. The claimant alleges that the Crown has breached the principles of the Treaty of Waitangi by:

- failing to engage in genuine partnership with Māori in the formulation and implementation of education policies, which has led to systemic exclusion of Māori perspectives and authority;
- failing to provide equitable funding and support to Māori education models within mainstream schooling;
- neglecting to ensure that Māori in rural areas have equitable access to quality education, resulting in systemic disparities;
- failing to implement effective strategies to recruit, support and retain Māori educators, particularly in leadership positions undermining efforts to create a representative and culturally responsive education workforce; and
- providing inadequately regulated private and state-integrated schools to ensure compliance with te Tiriti o Waitangi, allowing practices that disadvantage Māori students and staff to persist.

The claimant seeks a variety of relief, including findings and recommendations that the Crown:

- introduce reforms to the Education and Training Act 2020 (ETA) and related educational policy frameworks, to properly reflect and give effect to te Tiriti o Waitangi and its principles;
- amend the ETA to include explicit Treaty compliance obligations for all private schools and Crown-funded private education providers;
- provide a systemic, lasting and meaningful reforms to redesign the education system in Aotearoa New Zealand to be te Tiriti compliant and responsive to the needs, aspirations and identity of Māori learners and their whānau;
- give proper recognition and support within the education system for Māori learners who experience educational exclusion or disadvantage as a result of institutional racism, culturally unsafe environments, or have learning needs that are inadequately supported;

- require all private schools to develop te Tiriti-aligned policies, provide cultural safety training and report annually on Māori student outcomes and experiences;
- recognise the failure to regulate the private education sector in accordance with te Tiriti o Waitangi has contributed to the ongoing prejudice experienced by Māori learners and staff within private settings; and
- conduct an investigation into the education-related funding, resourcing, and support policies and initiatives currently provided by the Government to Māori learners, educators, and communities, including whether they are sufficient, targeted, and consistent with Treaty obligations.

The claimant may amend this claim at a later stage. In any case the Tribunal may require the claimant to prepare a fully particularised statement of claim before the claim can be heard.

The Tribunal currently runs district and kaupapa inquiry programmes in which claims are grouped either by district or by kaupapa (thematic) issue. Historical claims are those that raise grievances which arose before 21 September 1992. Contemporary claims have grievances that arose on or after that date. Some claims have both historical and contemporary grievances.

The allegations made in this claim are contemporary in nature. They pertain to education services and outcomes and as such may be best suited for consideration in the Wai 3310, Education Services and Outcomes Kaupapa Inquiry.

The claimant should also note that this claim is registered only insofar as it concerns contemporary allegations of Treaty breaches by the Crown. The Tribunal does not inquire or make findings or recommendations in relation to bodies or parties which are not the Crown.

When the time comes for the claim to be prepared for hearing, the Tribunal will decide whether there are any matters in the present claim that the Tribunal may not inquire into. The claimant needs to be aware that there are some matters that the Tribunal is not allowed to inquire into, such as any Bill that has been introduced into Parliament (unless the Bill has been referred to the Tribunal under section 8 of the Treaty of Waitangi Act 1975). Also, when historical claims are settled, the settlement legislation usually forbids the Tribunal from inquiring further into the matters that have been settled.

The claimant also needs to be aware that the Tribunal does not make settlements. After the Tribunal has completed an inquiry into claims, it writes a report making recommendations to the Crown. It cannot tell the Crown what to do; it may only recommend that the Crown acts to address the negative consequences of its breaches of the principles of the Treaty.

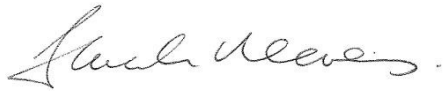
Legal Aid Services provides help for Waitangi Tribunal claimants. For advice on getting a lawyer or receiving funding, please contact Legal Aid Services at their Wellington central office or one of the local offices; the claimant should check their telephone directory for contact details.

Any questions about the contents of this document should be directed to The Registrar, Waitangi Tribunal, DX SX 11237, Wellington; phone (04) 914 3000, fax (04) 914 3001; email [wt.registrar@justice.govt.nz](mailto:wt.registrar@justice.govt.nz).

The Registrar is to send a copy of this direction to the claimant and to:

- Crown Law Office;
- Te Kahui Whakataū (Treaty Settlements), Office for Māori Crown Relations – Te Arawhiti;
- Crown Forestry Rental Trust;
- Legal Aid Services;
- Te Puni Kōkiri;
- Ministry of Education; and
- all those on the notification list for Wai 3310, the Education Services and Outcomes Kaupapa Inquiry.

**DATED** at Wellington this 15<sup>th</sup> day of July 2025

A handwritten signature in black ink, appearing to read 'Sarah Reeves', with a small flourish at the end.

Judge Sarah Reeves  
Deputy Chairperson

**WAITANGI TRIBUNAL**