

**Wai 49, #2.20**  
**Wai 682, #2.96**  
**Wai 1464, #3.1.26**  
**Wai 1546, #3.1.25**  
**Wai 3503, #3.1.5**

KEI MUA I TE AROARO O TE RŌPŪ WHAKAMANA  
I TE TIRITI O WAITANGI

BEFORE THE WAITANGI TRIBUNAL

WAI 3503  
WAI 1546  
WAI 1464  
WAI 682  
WAI 49

IN THE MATTER OF the Treaty of Waitangi Act 1975

AND

IN THE MATTER OF applications for an urgent inquiry into  
amendments to the Education and Training  
Act 2020, and the reset of the New Zealand  
Curriculum - Te Mātaiaho

CROWN MEMORANDUM IN RESPONSE TO  
MEMORANDUM-DIRECTIONS APPOINTING A PANEL TO DETERMINE THE  
URGENT APPLICATIONS (WAI 1546, #2.5.3)

9 December 2025



**Te Tari Ture  
o te Karauna**  
Crown Law

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Waitangi Tribunal

9 Dec 2025

Ministry of Justice  
WELLINGTON

**MAY IT PLEASE THE TRIBUNAL:**

1. On 5 December 2025, the Tribunal notified the parties of the panel members appointed to determine the urgent applications and to hear all matters associated with the claims<sup>1</sup> if urgency is granted.
2. One of the panel members that the Tribunal has appointed is Mr Kevin Prime, who the Tribunal noted:
  - 2.1 was the Chairman of the Board of Governors for the Bay of Islands College from 1983-2003; and
  - 2.2 was also previously a named claimant in the Ngati Hine Lands, Forests and Resources (Wai 682) claim (but had not actively participated in Ngati Hine's claim for several years and since May 2023 was no longer a named claimant).
3. The Tribunal has invited the parties to notify the Tribunal of any issue arising from the Tribunal's decision.
4. The Crown acknowledges that, of course, it is a matter for the Tribunal to regulate its own proceedings, including as to whom it has decided to appoint to its panel.
5. Mr Prime's past experience as a chairman of the school board of governors will no doubt hold him in good stead to perform his functions as a panel member regarding the claims.
6. In respect of Mr Prime's past connection with the Wai 682 claim, the Crown anticipates that, in making the decision to appoint Mr Prime, the Tribunal will have considered and applied the principles articulated in *Saxmere*.<sup>2</sup> Nevertheless, to complete the record, the Crown submits that it would be appropriate for the Tribunal formally to record its reasons.

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<sup>1</sup> Wai 49, Wai 662, Wai 1464, Wai 1546 and Wai 3503.

<sup>2</sup> *Saxmere Company Ltd v Wool Board Disestablishment Company Ltd* [2009] NZSC 72, [2010] 1 NZLR 35; *Saxmere Company Ltd v Wool Board Disestablishment Company Ltd (No 2)* [2009] NZSC 122.

9 December 2025



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S Barr  
Counsel for the Crown

**TO:** The Registrar, Waitangi Tribunal  
**AND TO:** Claimant Counsel