

IN THE WAITANGI TRIBUNAL WAI 3503
WAI 3504

UNDER The Treaty of Waitangi Act 1975

AND

IN THE MATTER OF

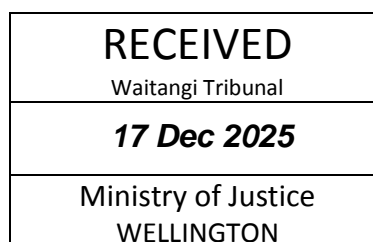
A request for an Urgent Inquiry by Ripeka Lessels and O'Sonia Hotereni for and on behalf of themselves and New Zealand Educational Institute (NZEI) Te Riu Roa (Wai 3503)

AND

IN THE MATTER OF

A claim by Gazala Maihi on behalf of the New Zealand Post Primary Teachers Association Te Wehengerua (Wai 3504)

MEMORANDUM OF COUNSEL
DATED 17 DECEMBER 2025



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MAY IT PLEASE THE TRIBUNAL

1. This memorandum of counsel is filed on behalf of Wai 3504, a claim by Gazala Maihi, on behalf of the New Zealand Post Primary Teachers' Association Te Wehengerua ("PPTA Te Wehengerua/the claimants").
2. On 9 May 2025, a statement of claim on behalf of PPTA Te Wehengerua ("the Wai 3504 claim") was filed in the Wai 3310 Education Services and Outcomes Kaupapa Inquiry.¹
3. PPTA Te Wehengerua has already filed a memorandum of counsel in support of the Wai 682 and Wai 1464/1546 application for urgency ("original urgency application") concerning amendments to the Education and Training Act 2020² ("the Education Act") and changes to the New Zealand Curriculum – Te Mātaiaho ("the New Zealand Curriculum"). PPTA Te Wehengerua has sought full party status and the ability to file evidence should an inquiry into the original urgency application be granted.³
4. On 3 December 2025, the Tribunal received an amended statement of claim and another application for an urgent inquiry on behalf of Ripeka Lessels and O'Sonia Hotereni for and on behalf of themselves and New Zealand Educational Institute (NZEI) Te Riu Roa ("the Wai 3503 urgency application").⁴
5. The Wai 3503 urgency application also concerns the subjects of the original urgency application; that being the recent amendments to the Education Act and the reset of the New Zealand Curriculum ("the subjects of the two urgency applications").
6. The subjects of the two urgency applications were directly pleaded too in the Wai 3504 statement of claim.
7. On 5 December 2025, Her Honour Judge Rachel Mullins was appointed as the presiding officer to the panel alongside Dr Paul Hamer, Kevin Prime,

¹ Wai 3504 #1.1.1

² Wai 3504 #1.1.1 at [15](b).

³ Wai 1464 #3.1.23

⁴ Wai 3503 #1.1.1(a)

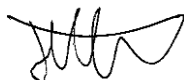
Gerrard Albert and Kevin Fox as members to determine the two urgency applications.⁵

8. On 15 December 2025 Her Honour Judge Rachel Mullins released directions stating that due to the similarity in issues raised, the panel would determine the original urgency application and the Wai 3503 urgency application together.⁶
9. Her Honour directed any interested parties to respond to the Wai 3503 urgency application by Monday 22 December 2025.⁷
10. The claimants wish to again express their support for an urgent inquiry into the subjects of the two urgency applications.
11. The claimants state the subjects of the two urgency applications are of high importance given they govern the legislative Te Tiriti obligations of all school boards through amendments to the Education Act, and the subject matter that all children learn under the New Zealand curriculum.
12. The claimants as the professional association and trade union representing more than 25,000 teachers and principals employed in state and integrated secondary schools, area schools, technology centres and community education centres represent a majority of secondary teachers within Aotearoa and are bound within the PPTA Te Wehengerua constitution to affirm and advance Te Tiriti. They have a high interest in any inquiry into the subjects of the two urgency applications; and seek participation as a full party with the ability to file evidence in any inquiry granted into the same.

Dated this 17th day of December 2025 at Tāmaki Makaurau



David Stone



Harry Clatworthy

⁵ Wai 1464 #2.5.2

⁶ Wai 3503 #2.5.2 at [10].

⁷ Wai 3503 #2.5.2 at [12].

Counsel for the claimants

To: The Registrar, Waitangi Tribunal and Crown Law Office, and those on the notification list for the two urgency applications.