KEI MUA I TE AROARO O TE RŌPŪ WHAKAMANA I TE TIRITI O WAITANGI
BEFORE THE WAITANGI TRIBUNAL

WAI 3503
WAI 3428

IN THE MATTER OF	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 Dr Kenneth Kennedy and Mr Toro Bidos on behalf of themselves and the NZMC (Wai 3428)

MEMORANDUM OF COUNSEL SUPPORTING APPLICATION FOR URGENT INQUIRY

18 December 2025

WOODWARD LAW OFFICE

Counsel Acting:
Donna Hall
Bryn Singers

PO Box 30411
Lower Hutt 5010
+64 (04) 560 3680
info@mokoia.co.nz

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WELLINGTON

E TE KAIWHAKAWĀ, TĒNĀ KOE

1. This Memorandum is filed on behalf of Dr Kenneth Kennedy and Mr Toro Bidois on behalf of themselves and the New Zealand Māori Council (NZMC) (Wai 3428).

2. It supports the application made by Wai 3503, a claim by by Ripeka Lessels and O'Sonia Hotereni for and on behalf of themselves and New Zealand Educational Institute (NZEI) Te Riu Roa, and seeks to participate in any granted inquiry as an **Interested Party.**

BACKGROUND

3. On 3 December 2025, the Tribunal received an amended statement of claim in addition to an application for urgency on behalf of Wai 3503 - Ripeka Lessels and O'Sonia Hotereni for and on behalf of themselves and New Zealand Educational Institute (NZEI) Te Riu Roa.

4. The claim concerns the recent amendments to the Education and Training Act 2020, and the reset of the Aotearoa/New Zealand Curriculum - Te Mātaiaho. This claim has a similar bases to the application for urgency made by Wai 1464/1546 the Te Kapotai Claim and Wai 682 Ngāti Hine Claim on 19 November 2025.

5. Counsel for claimants Wai 3428 ("NZMC claimants"), filed a memorandum on 4 December 2025, supporting the application for urgency for Wai 1464 and Wai 682 and seeking to be included as an interested party.

6. By way of correspondence by the Registrar, Deputy Chairperson Sarah Reeves, granted the request for NZMC claimants of Wai 3428 to be included as an interested party on 4 December 2025.

7. On 5 December 2025, Judge Mullins was appointed as the presiding officer alongside Tribunal panel members Dr Paul Hamer, Kevin Prime,

Gerrard Albert and Kevin Fox to determine the two applications for urgency.[1]

8. By way of Memorandum-Directions dated 15 December 2025, Judge Mullins directed that the panel would hear both the original urgency application made by Wai 1464 and Wai 682, and the Wai 3503 urgency application together given the similarity in the issues that have been raised.[2]

9. This memorandum of counsel responds to her Honour's directions for any interested parties to respond to Wai 3503's urgency application by Monday 22 December 2025.

NZMC POSITION ON APPLICATION FOR URGENCY

10. For the same reasons given in the original urgency application made on 19 November 2025, NZMC supports the application for urgency made by Wai 3503.

11. The claimants agree that this matter must be heard urgently rather than being deferred to be considered in the wider Wai 3310 Education Inquiry. There is a clear and present prejudice arising from these reforms, and no alternative remedy is available.

12. The claimants note the observations of the High Court in the urgency application by Wai 3503 which seems to consider the Waitangi Tribunal as the most appropriate place to determine the matters brought by NZEI.[3]

13. It would therefore be against the interests of natural justice for these issues to be deferred to the substantive Wai 3310 Inquiry.

[1] Wai 1464, #2.5.2.
[2] Wai 3503 #2.5.2 at [10].
[3] Wai 3503, #3.1.3 at [14].

NZMC SEEKS INCLUSION AS INTERESTED PARTY

14. NZMC seeks to be included in an urgent inquiry whether jointly or separately for Wai 3503 and seeks to make legal submissions should this request be granted.

15. For the same reasons set out in counsel's memorandum on 4 December 2025[4] supporting the application for urgency for Wai 1464 and Wai 682, the NZMC claimants have an interest in the inquiry apart from any interest in common with the public.[5]

16. These reasons are set out briefly below.

17. NZMC is a statutory entity constituting 16 District Councils and 168 Māori Committees nationwide, representing Māori rights and interests both general and specific. It views the recent amendments to the Education and Training Act 2020 and the New Zealand Curriculum as a matter of significant concern. In particular, changes that have decentralised Te Tiriti/the Treaty within the education system which occurred without proper consultation or engagement with NZMC.

18. It is essential that tamariki and rangatahi, both Māori and non-Māori have thorough understanding of the nation's foundation, which places Te Tiriti o Waitangi as the cornerstone of civic education.

19. There is widespread lack of understanding of the constitutional make-up of Aotearoa/New Zealand, particularly the significance of Te Tiriti which should make it a priority in the Curriculum, instead of being de-prioritised or removed.

20. Any attempt to diminish the importance of Te Tiriti within the education system must be approached with the utmost caution. Steps to reduce Te Tiriti's importance must involve a comprehensive review, specific

[4] Wai 1464, #3.1.22.
[5] Waitangi Tribunal, *Guide to the Practice and Procedure of the Waitangi Tribunal, A Comprehensive Practice Note Issued under Clause 5(9) and (10) of Schedule 2 to the Treaty of Waitangi Act* 1975, August 2023, cl 3.69; Commissions of Inquiry Act 1908, s 4A.

consultation with Māori who have a major interest in the issue and should not have been rushed through as part of broader reforms.

21. By privileging a curriculum model without Māori values, and one that bears no meaningful connection to Aotearoa/New Zealand or the key principles of tikanga, the Crown fails to respect tikanga, their obligations under Te Tiriti and severely diminishes Māori rights.

22. The risk of irreversible prejudice to Māori tamariki and rangatahi within the public education system would have long-term generational impacts.

23. Removing curriculum obligations to give effect to Te Tiriti o Waitangi/the Treaty of Waitangi not only undermines the rights of Māori rangatahi and Tamariki but also carries long-term detrimental consequences for wider society in general. Without accurate and foundational teaching about Te Tiriti, public understanding will continue to erode, marking a backwards step in dismantling racial prejudice toward Māori, which again will persist for generations to come.

CONCLUSION

24. For the above reasons, NZMC seeks to participate as an interested party in any inquiry into these issues whether jointly with the original Wai 1464-1546/Wai 682 claim, or separately, and supports the application for urgency.

Dated at **Wellington** this Thursday, 18 December 2025.

Donna Hall
Woodward Law

Bryn Singers
Woodward Law