

Wai 49, #2.31
Wai 682, #2.107
Wai 1464, #3.1.36
Wai 1546, #3.1.35
Wai 3503, #3.1.15

IN THE WAITANGI TRIBUNAL

WAI 3310

WAI 3492

IN THE MATTER OF

The Treaty of Waitangi Act 1975

AND

IN THE MATTER OF

a request for an Urgent Inquiry 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 Thomas Henry for himself and on behalf of the Ōtāhuhu Māori Wardens concerning the role of Māori Wardens in education services and outcomes

Memorandum of Counsel

Dated 22 December 2025



LOADER
LEGAL

Loader Legal, Spaces – Level 7, 50 Albert Street, Auckland CBD 1010

P 09 872 0816 extn. 1816 (09) | M 022 025 0436 | brooke@loaderlegal.com

Counsel acting: Brooke Loader | Grant Hewison | Jasper Sontier

RECEIVED

Waitangi Tribunal

23 Dec 2025

Ministry of Justice
WELLINGTON

MAY IT PLEASE THE TRIBUNAL

Introduction

1. This Memorandum is filed on behalf of Wai 3492, a claim by Thomas Henry, for himself and on behalf of the Ōtāhuhu Māori Wardens.
2. On 20 May 2025, a statement of claim on behalf of Mr Henry and the Ōtāhuhu Māori Wardens was filed in the Wai 3310 Education Services and Outcomes Kaupapa Inquiry.¹
3. On 19 November 2025, the Tribunal received amended statements of claim and a joint application for an urgent inquiry concerning the recent amendments to the Education and Training Act 2020 and the reset of the New Zealand Curriculum - Te Mātaiaho (“the original urgency application”), on behalf of the Wai 682 and Wai 1464/1546 claims.²
4. On 3 December 2025, the Tribunal received an amended statement of claim and a further application for an urgent inquiry in relation to the education reforms, filed on behalf of Ripeka Lessels and O’Sonia Hotereni and New Zealand Educational Institute (NZEI) Te Riu Roa (“the Wai 3503 urgency application”).³
5. The further urgency application filed as Wai 3503 relates to the same underlying matters as the earlier urgency application: the recent amendments to the Education and Training Act 2020 and the reset of the New Zealand Curriculum - Te Mātaiaho.
6. Those matters are also raised in the statement of claim filed on behalf of the Ōtāhuhu Māori Wardens, which concerns the Crown’s education services and outcomes insofar as they affect the role of Māori Wardens in supporting Māori learners, whānau, and communities, including through engagement with schools, addressing barriers to education, and contributing to positive and culturally grounded education outcomes.
7. On 5 December 2025, Her Honour Judge Rachel Mullins was appointed as the presiding officer to the panel convened to determine the urgency applications, alongside Dr Paul Hamer, Kevin Prime, Gerrard Albert and Derek Fox.⁴

¹ Wai 3492, #1.1.1

² WAI 1464, #1.1.1(o) / WAI 1546, 1.1.1(n).

³ Wai 3503, #1.1.1(a)

⁴ Wai 1464 #2.5.2

8. By directions issued on 15 December 2025, Her Honour confirmed that, given the substantial overlap in issues raised, the panel would determine the original urgency application and the Wai 3503 urgency application together.⁵
9. The Tribunal also directed any interested parties to file responses to the Wai 3503 urgency application by Monday, 22 December 2025.
10. Mr Henry and the Ōtāhuhu Māori Wardens say that the matters raised by the urgency applications warrant consideration by the Tribunal on an urgent basis. They say these matters are of particular significance given the pace and nature of the proposed education reforms, and the potential for those reforms to affect the education system within which Māori Wardens carry out their work supporting tamariki Māori, whānau, and schools, including through their role in addressing disengagement, truancy, and other barriers to education.
11. As an established Māori organisation with a longstanding role in supporting education services and outcomes at the community level, the claimants are directly affected by the Crown's education policies and settings. They accordingly have a direct interest in any inquiry granted and seek leave to participate as a full party, with the ability to file evidence as the Tribunal may direct.

Dated at Tāmaki Makaurau this 22nd day of December 2025



Dr Grant Hewison
Counsel for the Claimants



Jasper Sontier

TO: The Registrar, Waitangi Tribunal, Wellington;
All Counsel - WAI 3310 The Education Services and Outcomes Inquiry

⁵ Wai 3503 #2.5.2.