TE RŌPŪ WHAKAMANA I TE TIRITI O WAITANGI

Wai 3553

E PĀ ANA KI te Treaty of Waitangi Act 1975
CONCERNING

Ā, te Education and Training Amendment Act and Te Mātaiaho Urgent Inquiry

AND

HE PĀNUI WHAKAHAU O TE MANA WHAKAHAERE

MEMORANDUM-DIRECTIONS OF THE PRESIDING OFFICER CONFIRMING INQUIRY APPROACH, URGENT HEARING ARRANGEMENTS AND PARTICIPATION

12 Māehe 2026

Hei tīmatanga kōrero / Introduction

1. This memorandum-directions confirms next steps in relation to the Education and Training Amendment Act and Te Mātaiaho (Wai 3553) Urgent Inquiry. Specifically, I:

    (a) confirm the issues for inquiry;

    (b) confirm the broader inquiry approach;

    (c) advise the arrangements for the urgent hearing; and

    (d) provide a final list of claimants and interested parties participating in the inquiry.

2. An inquiry timetable, which lists the filing milestones for the inquiry, is **attached** as **Appendix A**.

Whakataunga horopaki / Background

3. In memorandum-directions dated 2 March 2026, the Tribunal panel issued our decision granting both applications for urgency (Wai 3553, #2.5.1 at [72]).

4. The procedural history for this urgent inquiry is set out in the directions mentioned above.

Te Tukanga Whakahaere (o te ruku tātari ohotata) / Urgent inquiry approach

Issues for inquiry

5. This urgent inquiry will be targeted in scope and will focus on the Crown's:

    (a) recent amendments to section 127(1)(d) of the Education and Training Act 2020 (the Act); and

    (b) the reset of the New Zealand Curriculum – Te Mātaiaho (the curriculum).

6. To ensure these proceedings remain sufficiently focused, I confirm the following as the issues for inquiry:

<u>Section 127(1)(d) legislative amendments</u>

    (a) In the absence of consultation with Māori on amending section 127(1)(d), did the Crown adequately inform itself of potential risks, if any, to te Tiriti o Waitangi (te Tiriti) interests of tamariki Māori created by amending the section?

    (b) Was official advice on this matter consistent when Parliament passed both the Education and Training Act 2020 and its 2025 amendments?

    (c) In removing section 127(1)(d), what, if any, measures did the Crown take to ensure te Tiriti interests of tamariki Māori are upheld in the daily operations of schools?

    (d) Has the Crown's unilateral removal of section 127(1)(d) been Tiriti-compliant?

<u>New Zealand Curriculum – Te Mātaiaho</u>

    (e) In what ways will the proposed curriculum framework and learning areas change the significance of te Tiriti as a foundational or directive principle in schools?

        (i) More specifically, in what ways will the proposed curriculum framework and learning areas change the way te reo Māori, tikanga Māori, mātauranga Māori, and Aotearoa histories are taught?

(f) Does the timeframe for the public submissions process to provide feedback on the draft curriculum allow for any meaningful change to be implemented in relation to the final curriculum? If not, why not?

(g) Has the Crown's engagement with Māori over the changes to the curriculum, including via the Māori Education Ministerial Advisory Group, been Treaty-compliant?

7. Parties with any objections to the above inquiry issues should file a memorandum outlining any proposed changes for the panel's consideration **as soon as possible**, and by no later than **5 pm, Tuesday 17 March 2026.**

Ruku tātari ohotata / Urgent hearing

Urgent hearing procedure

8. In our decision granting urgency, we acknowledged the Crown was open to the Tribunal hearing matters related to the legislative amendments on the papers (Wai 3553, #2.5.1 at [27]).

9. The panel has considered the Crown's submissions and considers it beneficial to test the evidence and submissions on the Crown's legislative amendments at hearing, with a narrow focus on the inquiry-specific claim issues outlined above.

10. I accordingly confirm that both inquiry issues at [5] above will be subject to an evidential hearing in the usual way.

11. I further confirm the Tribunal will produce a single report covering both inquiry issues.

Urgent hearing dates and filing milestones

12. The Tribunal will convene a two-day urgent hearing at the Waitangi Tribunal's offices, at **Level 2, Fujitsu Tower, 141 The Terrace, Wellington**, from **15 to 16 April 2026**.

13. Parties should confirm their intention to participate via an e-mail to the Waitangi Tribunal's Registrar (**WT.Registrar@justice.govt.nz**) by **Wednesday 8 April 2026.** Parties should further indicate whether they wish to attend in person or remotely via AVL.

14. A livestream will also be shared with a controlled distribution list for those wishing to observe the proceedings.

Ngā manatu-whakahau mō te wātaka / Timetabling directions

15. Our inquiry timeframes are necessarily truncated. I remind parties of the expectations set by the Chairperson in her 2025 practice note on urgencies, *Te Tukanga Taihoro – an Expedited Urgent Inquiry Process*, that:[1]

> […] the parties who have sought urgency are expected to be ready and able to do all that is reasonably possible to promote the rapid inquiry into, and reporting of, an urgent claim. The Crown, as a Treaty partner, is expected to engage in a constructive way to facilitate the conduct of the inquiry, including by way of prompt and proactive release of information that will assist the inquiry.

[1] Waitangi Tribunal, *Tukanga Taihoro – Expedited Urgent Inquiry Process* (2025) at [16].

16. Based on these expectations, I now direct that:

    (a) The claimants and any interested parties are to file any further evidence by **5 pm, Tuesday 24 March 2026.**

    (b) The Crown is to file its evidence in response by **5 pm, Thursday 26 March 2026.**

    (c) The claimants and interested parties are to file any evidence in reply to the Crown by **5 pm, Monday 30 March 2026.**

    (d) The claimants and interested parties are to file their synopses and any opening submissions by **5 pm, Thursday 2 April 2026.**

    (e) The Crown is to file their synopsis and any opening submissions by **5 pm, Tuesday 7 April 2026.**

    (f) Parties confer and file an agreed draft hearing timetable by **5 pm, Wednesday 8 April 2026.** The Tribunal will distribute a final hearing timetable as soon as practicable thereafter.

17. As per Te Tukanga Taihoro at [18], all affidavits, briefs of evidence, and submissions filed before hearing are to be taken as read. I confirm the Tribunal will later indicate in advance of the hearing those witnesses it wishes to put questions to.

18. I will confirm arrangements for closing submissions via separate directions in due course.

Te hunga e whai take ana / Interested parties

19. In memorandum-directions dated 19 November 2025, the Deputy Chairperson Judge Sarah Reeves directed the Crown and any interested parties to respond to the application for this urgent inquiry by no later than 3 December 2025 (Wai 1546, #2.5.1).

20. The Tribunal subsequently received a number of requests to participate in the urgency as either interested parties or full parties.

21. I am satisfied that the applications meet the requirements set out in section 4A of the Commissions of Inquiry Act 1908 as having an interest in these proceedings apart from any interest in common with the public.

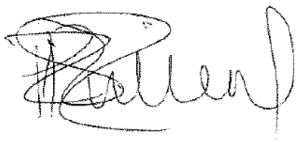
22. In emails sent by the Registrar, I **granted** interested party status to all applications that requested interested party status or full party status in this urgency. I confirm that these parties will have interested party status for this urgent inquiry.

23. The full list of interested parties is **attached** as **Appendix B**.

Me tuku atu te Kairēhita i tētehi kape o tēnei whakahau ki ērā ki te rārangi whakamōhio mō Wai 3553, the Education and Training Amendment Act and Te Mātaiaho Urgent Inquiry.

The Registrar is to send a copy of this direction to all those on the distribution list for Wai 3553, the Education and Training Amendment Act and Te Mātaiaho Urgent Inquiry.

WHAKAPŪMAUTIA ki Kirikiriroa i te 12 o te Māehe 2026



Kaiwhakawā R Mullins
Te Mana Whakahaere
TE RŌPŪ WHAKAMANA I TE TIRITI O WAITANGI