OFFICIAL

WAITANGI TRIBUNAL

Wai 1464
Wai 1546
Wai 682
Wai 49
Wai 3503

CONCERNING the Treaty of Waitangi Act 1975

AND an application for an urgent inquiry by Te Kapotai and Ngati Pare claim (Wai 1464)

AND an application for an urgent inquiry by, the Waikare Inlet claim (Wai 1546)

AND an application for an urgent inquiry by the Ngāti Hine Lands, Forests and Resources claim (Wai 682)

AND an application for an urgent inquiry by the Taumarere River and Te Moana O Pikopiko-I-Whiti claim (Wai 49)

AND an application for an urgent inquiry by the Education (New Zealand Educational Institute) claim (Wai 3503)

MEMORANDUM-DIRECTIONS OF THE PRESIDING OFFICER REGARDING NEXT STEPS FOR THE WAI 3503 URGENT APPLICATION

15 December 2025

Application for urgent hearing

Procedural history

1. On 19 November 2025, the Tribunal received amended statements of claim, a joint application for an urgent inquiry, several accompanying affidavits and a bundle of evidence filed by Tukau Law on behalf of (Wai 1546, #1.1.1(x), #3.1.15, #3.1.16, #A2, #A3, #A4, #A5, #A6, #A6(a) & #A7):

    (a) Te Riwhi Whao Reti, Hau Hereora, Romana Tarau, Karen Herbert, Edward Cook, and Pearl Reti on behalf of Te Kapotai (Wai 1464 / Wai 1546); and

    (b) Rewiti Paraone, Erima Henare, Pita Tipene Waihoroi Shortland on behalf of Te Rūnanga o Ngāti Hine (Wai 682 / Wai 49).

2. This application for urgency concerns the recent amendments to the Education and Training Act 2020, and the reset of the New Zealand Curriculum - Te Mātaiaho.

3. On 19 November 2025, the Deputy Chairperson directed the Crown and any interested parties to respond to the application for an urgent hearing by 3 December 2025, and directed the applicant to file submissions in reply by 17 December 2025 (Wai 1464, #2.5.1).

4. On 20 November 2025, the Tribunal received a memorandum of counsel filed by Tukau Law on behalf of the applicants, relevantly, seeking that the Tribunal consider and direct a new filing date for reply submissions as an earlier date of 9 December 2025 (Wai 1464, #3.1.24).

5. On 3 December 2025, the Tribunal received an amended statement of claim and another application for urgent inquiry, with accompanying affidavits and appendices, filed by Annette Sykes & Co. on behalf of Ripeka Lessels and O'Sonia Hotereni for and on behalf of themselves and New Zealand Educational Institute (NZEI) Te Riu Roa (Wai 3503) (Wai 3503, #1.1.1(a), #3.1.2, #3.1.3, #A1, #A2 & #A3).

6. The claim also concerns the recent amendments to the Education and Training Act 2020, the reset of the New Zealand Curriculum - Te Mātaiaho, including the lack of consultation with NZEI Te Riu Roa about the changes made (Wai 3503, #1.1.1(a)).

7. On 5 December 2025, I was appointed as the presiding officer to the panel to determine both urgent applications, alongside Dr Paul Hamer, Kevin Prime, Gerrard Albert and Derek Fox as members to this panel (Wai 1464, #2.5.2).

8. Further, on 5 December 2025 I declined the request of Wai 1464, Wai 1546, Wai 682 and Wai 49, via e-mail from the Tribunal Registrar, for an earlier filing deadline for reply submissions of 9 December 2025. I confirmed that the deadline would remain as 17 December 2025, and that directions regarding this decision would be released in due course.

9. On 11 December 2025, the Tribunal received a memorandum of counsel for the Crown filing their submissions opposing the urgent application of Wai 3503 (Wai 3503, #3.1.25 & #A4).

Next steps

10. Due to their similarity in issues raised, this panel will determine these applications together.

11. Though I did not direct the Crown to file submissions in response to the Wai 3503 application, for the purposes of expediency I accept these submissions.

12. Accordingly, in light of the Crown filing their submissions, I now direct any interested parties to respond to the Wai 3503 application for an urgent inquiry by no later than **midday, Monday 22 December 2025**.

13. I also direct the applicant to file submissions in reply to those of the Crown and interested parties by no later than **midday**, **Monday 5 January 2026**. This reply is to be confined to what has been said in terms of paragraph [2] above. It is not a further opportunity nor is it proper to replead or repeat the claim. Assertions are not to be made, except on matters raised by the Crown or the opposing parties.

14. Parties are to ensure any forthcoming submissions comply with the new standardised procedure regarding the management of urgencies, as set out in the recently released practice note of the Tribunal.[1]

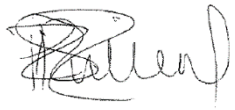
15. Failure to comply may result in the rejection of documents or significant delay in deciding whether or not to grant urgency.

16. Further directions may be released in due course.

The Registrar is to send a copy of this direction to counsel for the applicants, Crown counsel and those on the notification list for:

- Wai 1464, Te Kapotai and Ngati Pare claim;
- Wai 1546, the Waikare Inlet claim;
- Wai 682, the Ngāti Hine Lands, Forests and Resources claim;
- Wai 49, the Taumarere River and Te Moana O Pikopiko-I-Whiti claim; and
- Wai 3503, the Education (New Zealand Educational Institute) claim.

DATED at Te Kūiti this 15th day of December 2025



Judge R Mullins
Presiding Officer
WAITANGI TRIBUNAL

[1] Waitangi Tribunal, *Te Tukanga Taihoro: An Expedited Urgent Inquiry Process* (2025), Practice-Note-Te-Tukanga-Taihoro-Urgency-Inquiry-Process.pdf.