TE RŌPŪ WHAKAMANA I TE TIRITI O WAITANGI

Wai 3553

E PĀ ANA KI *CONCERNING*	te Treaty of Waitangi Act 1975
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 REGARDING WRITTEN QUESTIONS, AND FOLLOWING THE CLOSING SUBMISSIONS HEARING

29 Āpereira 2026

Te Aronga / Purpose

1. This memorandum-directions:

    (a) releases further Tribunal written questions arising from the urgent hearing held for the Education and Training Amendment Act and Te Mātaiaho Urgent Inquiry (Wai 3553), from 15 to 17 April 2026; and

    (b) addresses procedural and evidential matters arising from the one-day closing submissions hearing held on 28 April 2026.

Questions in writing arising from the urgent hearing

2. In my memorandum-directions dated 21 April 2026, I released the Tribunal's written questions following the urgent hearing held from 15 to 17 April 2025. Some questions were omitted in error (Wai 3553, #2.6.1(c)). These questions are for the following witnesses:

    (a) Philippa Tinning (#A22);

    (b) Ellen MacGregor-Reid (#A42);

    (c) Andrew Jackson (#A43); and

    (d) Pauline Cleaver (#A44).

3. I accordingly **attach** questions for the above witnesses as **Appendix A**.

4. In order to assist our reporting process, I confirm that counsel for the respective witnesses are to file their written responses by no later than **5 pm, Friday 1 May 2026.**

Filing requested during the one-day closing submissions hearing

5. During the closing submissions hearing, several matters were raised that require further filing. These documents had not been received at the time of writing. I therefore direct the relevant counsel to file the materials and information detailed from paragraphs [6] to [19] below by no later than **12 pm, Friday 1 May 2026** unless stated otherwise**.**

Annette Sykes and Co. on behalf of The New Zealand Educational Institute (NZEI) – Te Riu Roa (Wai 3503) (Wai 3553, #3.3.13)

6. During the presentation of claimant closing submissions, Annette Sykes noted public statements made by the Minister of Justice, the Hon. Paul Goldsmith, relating to the Treaty Clause Review. Ms Sykes offered to file these for the record.

7. I direct counsel to file the relevant documents.

Curricula comparisons

8. During Tribunal questioning, panel member Dr Paul Hamer referred to paragraph [20] of the overview of Ms Sykes' closing submissions where counsel states that Te Marautanga o Aotearoa now mirrors the New Zealand curriculum. Dr Hamer noted that Crown witnesses appeared to deny this claim. Dr Hamer accordingly requested that clarifying information should be filed by Ms Sykes and counsel for the Crown.

9. Ms Sykes stated that she could prepare the relevant documentation for filing but could only do so on a limited basis due to an 'independent parallel process'. Counsel offered to file this material by 1 May 2026. Ms Sykes further suggested that the appropriate procedure would be for the Crown to file first.

10. Counsel for the Crown, James Watson advised that the Crown would notify by the end of the day the viability of filing the requested information by 30 April 2026.

11. The Tribunal is yet to receive an update from the Crown.

12. I accordingly direct the Crown to file the requested documentation by **5 pm, Thursday 30 April 2026.** Ms Sykes should then file any statement in response by no later than **5 pm, Friday 1 May 2026.**

Whāia Legal on behalf of Te Whakakitenga o Waikato Inc. (Wai 3553, #3.3.15)

13. Prior to the closing submissions hearing, counsel for Te Whakakitenga o Waikato, Jamie Ferguson, Maia Wikaira, Wiliame Gucake, and Angel Stewart, filed correspondence between Minister Goldsmith and the National Iwi Chairs Forum (Wai 3553, #3.2.24(a) & #3.2.24(b)).

14. On page 2 of Minister Goldsmith's letter, there is reference to an 'Appendix A' which contains a full list of changes agreed by Cabinet to the Acts in scope (Wai 3553, #3.2.24(a)). This is missing from what was filed.

15. I direct counsel to file this 'Appendix A' document by **12 pm, Friday 1 May 2026.**

Crown presentation of roadmap of closing submissions (Wai 3353, #3.3.18)

16. During Tribunal questioning, Dr Paul Hamer referred to a text message exchange released via the Official Information Act 1982 (OIA), between the Minister of Education, the Hon. Erica Stanford and Dr Michael Johnston, regarding the 'second phase of work'. Dr Hamer requests that counsel clarifies what the 'second phase of work' entails.

17. Mr Watson advised during the hearing that counsel would endeavour to put the Ministers' exchange into context via a chronology in his fulsome written closing submissions.

18. I also asked Mr Watson what the timeframes would regarding decisions about the purpose provisions of the Education and Training Act 2020 (ETA). Mr Watson confirmed he would seek urgent instructions on this but noted he would need to consult colleagues at the Ministry of Justice.

19. I direct counsel to file the relevant information by **12 pm, Friday 1 May 2026.**

Written closing submissions in reply to the Crown

20. On the morning of 28 April 2026, counsel for the Crown filled their roadmap for closing submissions to be presented at hearing (Wai 3553, #3.3.18).

21. Due to the late filing of the Crown's submissions, I gave claimant counsel the opportunity to indicate whether they wished to put any submissions in reply to the Crown counsel's closing submissions.

22. Claimant counsel indicated that they would need to first examine the Crown's written closing submissions before they could indicate whether they considered submissions in reply were necessary.

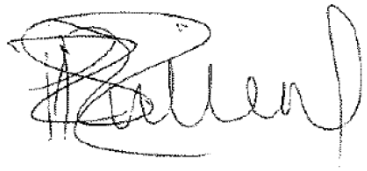
23. I confirm that claimant submissions in reply to the Crown's closing submissions, as they pertain to those further amendments under the Treaty Clause Review, are to be filed by no later than **5 pm, Friday 1 May 2026.**

24. I confirm that claimant submissions in reply to the Crown's closing submissions, as they relate to 'Section 127(1)(d) legislative amendments' and 'National curriculum' of the Tribunal's amended issues for inquiry, are to be filed by **5 pm, Friday 8 May 2026.**

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 29 o te Āpereira 2026



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