BEFORE THE WAITANGI TRIBUNAL

WAI 3553
WAI 3503
WAI 3502

IN THE MATTER OF the Treaty of Waitangi Act 1975

AND
IN THE MATTER OF the Education and Training Amendment Act and Te Mātaiaho Urgent Inquiry **(WAI 3553)**

AND
IN THE MATTER OF a claim by **Ripeka Lessels** and **O'Sonia Hotereni** for and on behalf of New Zealand Educational Institute (NZEI) Te Riu Roa **(WAI 3503**)

AND
IN THE MATTER OF a claim by **Watson Ohia, Heywood Kuka** me **Sophie Tukukino** for and on behalf of **Ngā Kura ā Iwi o Aotearoa (WAI 3502)**

MEMORANDUM OF COUNSEL FILING HANSARD TRANSCRIPT OF PARLIAMENTARY QUESTIONS REGARDING WAI 3553 AND EDUCATION REFORMS

I tēnei rā, te 1 o Mei 2026

RECEIVED
Waitangi Tribunal
1 May 2026
Ministry of Justice
WELLINGTON

ANNETTE SYKES & Co.
barristers & solicitors
8 – Unit 1 Marguerita Street
Rotorua, 3010
Phone: 07-460-0433
Counsel Acting: Annette Sykes / Maia Te Hira / Jack Potaka
Email: asykes@annettesykes.com / jack@annettesykes.com / kalei@annettesykes.com / rangipurei@annettesykes.com

TĒNĀ E TE TARAIPIUNARA

1. This memorandum of counsel is filed for and on behalf of;

   1.1 **Wai 3503** – a claim by **Ripeka Lessels and O'Sonia Hotereni** for and on behalf of **New Zealand Educational Institute (NZEI) Te Riu Roa (Wai 3503) ("the Applicants");** and

   1.2 **Wai 3502** – a claim by Watson Ohia, Heywood Kuka and Sophie Tukukino for and on behalf of **Ngā Kura ā Iwi o Aotearoa (WAI 3502) ("the Interested Parties").**

2. In Memorandum-directions of the presiding officer regarding written questions, and following the closing submissions hearing, the Presiding Officer directed counsel for Wai 3503 to file the materials and information outlined in paragraphs [6] to [7] by no later than 12 pm, Friday 1st May 2026, unless stated otherwise.[1]

3. The following Hansard transcripts record public statements made in the House of Representatives by members of the Government that are directly relevant to the issues under inquiry in Wai 3553, specifically the Crown's Treaty obligations in the context of education reforms and the Treaty Clause Review. Counsel attach herewith the three transcripts described below.

4. **<u>Wednesday 22 April 2026</u> – Prime Minister Question No. 10 (Deputy Prime Minister Hon David Seymour on behalf of the Prime Minister, responding to Debbie Ngarewa-Packer, Co-Leader, Te Pāti Māori):** In response to questions from MP Ngarewa-Packer on whether the Prime Minister stood by the Government's Treaty-related statements and actions, and specifically whether he would commit to opposing legislation arising from the Treaty Clause Review, the Deputy Prime Minister, speaking on behalf of the Prime Minister, confirmed that the Government would not oppose such legislation. The Deputy Prime Minister stated that the Government's purpose was to "clarif[y] and, in some cases, remov[e] references to the Treaty principles in law", and that it would be "rather strange to commit to opposing legislation designed to give effect to the policy intent" of the review. When asked whether stronger partnership with Māori under Te Tiriti would improve national resilience, the Deputy Prime Minister responded that the Government "do[es] not believe that New Zealanders should be ranked

[1] Wai 3553, #2.7.001
MEMORANDUM-DIRECTIONS OF THE PRESIDING OFFICER REGARDING WRITTEN QUESTIONS, AND FOLLOWING THE CLOSING SUBMISSIONS HEARING, 19 Āpereira 2026 at [5].

in a hierarchy of when their ancestors came to their land."[2]

5. **<u>Thursday 23 April 2026</u> – Education Question No. 5 (Hon Erica Stanford, Minister of Education, responding to Hana-Rawhiti Maipi-Clarke, Te Pāti Māori—Hauraki-Waikato):** In response to a direct question from MP Maipi-Clarke as to what assurances the Minister could give the Wai 3553 claimants that her education reforms would not risk long-term harm for Māori learners, the Minister declined to comment on matters relating to the claim, stating she wished to "respect the tribunal's opportunity to consider all evidence carefully before reporting." When further asked whether she would immediately halt her education reforms pending the Tribunal's recommendations and meaningfully engage with Māori and the education sector, the Minister refused, stating: *"I will not be doing that"*, and asserted that the Government was investing in a bilingual education system "more equitably than any other Government."[3]

6. **<u>Tuesday 28 April 2026</u> – Prime Minister Question No. 8 (Rt Hon Christopher Luxon, Prime Minister, responding to Debbie Ngarewa-Packer, Co-Leader, Te Pāti Māori):** When asked whether the Treaty Clause Review would achieve the same effect as the Treaty Principles Bill and whether he would vote against any resulting legislation as he had voted against that Bill, the Prime Minister did not commit to opposing such legislation, stating instead that the Government's purpose was to ensure "everybody's clear with their obligations under legislation" and to move away from "open ended, generic Treaty clauses" in favour of "specific" clauses. When asked whether his Government was removing Treaty clauses so as to avoid honouring Te Tiriti in practice, the Prime Minister replied: "No, and I reject the characterisation of that question." When asked whether this constituted a systemic roll-back of Te Tiriti o Waitangi, the Prime Minister denied it, again citing the goal of ensuring "specific clauses that are relevant to the legislation."[4]

7. Counsel consider all three transcripts are directly relevant to the Tribunal's inquiry. In particular, they bear on:

    a. whether the Crown is actively protecting Māori interests in the context

[2] New Zealand House of Representatives, *Hansard*, Wednesday 22 April 2026, Questions for Oral Answer, Prime Minister – Question No. 10, Debbie Ngarewa-Packer (Co-Leader, Te Pāti Māori) to the Prime Minister, answered by Hon David Seymour (Deputy Prime Minister) (15:03).
[3] New Zealand House of Representatives, *Hansard*, Thursday 23 April 2026, Questions for Oral Answer, Education – Question No. 5, Hana-Rawhiti Maipi-Clarke (Te Pāti Māori—Hauraki-Waikato) to the Minister of Education, Hon Erica Stanford (14:25).
[4] New Zealand House of Representatives, *Hansard*, Tuesday 28 April 2026, Questions for Oral Answer, Prime Minister – Question No. 8, Debbie Ngarewa-Packer (Co-Leader, Te Pāti Māori) to the Prime Minister, Rt Hon Christopher Luxon (14:27).

of the Education and Training Amendment Act reforms and the broader Treaty Clause Review;

b. whether the Minister of Education is taking steps to engage meaningfully with Māori prior to implementing those reforms;

c. the Crown's stated intention to remove or standardise Treaty references across legislation; and

d. the question of prejudice arising from the Crown's actions.

8. The statements of the Prime Minister, Deputy Prime Minister, and Minister of Education are consistent in confirming that the Government does not intend to pause, halt, or reconsider those reforms pending the Tribunal's report.

9. Accordingly, counsel **attach herewith** the following Hansard transcript excerpts:

a. **Exhibit "A" -** New Zealand House of Representatives, Hansard, Wednesday 22 April 2026, Prime Minister – *Question No. 10 (Debbie Ngarewa-Packer to the Prime Minister, answered by Hon David Seymour);*

b. **Exhibit "B"** - New Zealand House of Representatives, Hansard, Thursday 23 April 2026, Education – *Question No. 5 (Hana-Rawhiti Maipi-Clarke to the Minister of Education);*

c. **Exhibit "C"** - New Zealand House of Representatives, Hansard, Tuesday 28 April 2026, Prime Minister – *Question No. 8 (Debbie Ngarewa-Packer to the Prime Minister).*

10. Should the Tribunal have any queries in respect of the above, counsel are available to assist.

DATED at Rotorua this 1st day of May 2026

Annette Sykes | Jack Potaka | Kalei Delamere-Ririnui | Rangipurei Manley

Counsel for the Claimants