OFFICIAL

WAITANGI TRIBUNAL

Wai 3583

CONCERNING the Treaty of Waitangi Act 1975

AND a claim by Sarah-Kay Coulter on behalf of herself.

MEMORANDUM-DIRECTIONS OF THE DEPUTY CHAIRPERSON

The Registrar will please enter this matter on the register of claims and give it the next available Wai number. The register should note that the claim was received on 3 September 2026.

The claimant has applied to have their claim heard urgently by the Tribunal and this application will be dealt with in separate directions.

The claimant should please take note of the 'Wai' number reference at the top of the page. Please use this claim number in any communication with the Tribunal.

This claim is lodged by Dr Sarah-Kay Coulter on behalf of herself and concerns the Crown's exercise of authority over education in Aotearoa and the implications of the Education and Training Amendment Act 2025. The claimant alleges that the Crown has breached the principles of the Treaty of Waitangi by:

- continuing to determine the legal and institutional architecture within which Māori education operates, limiting Māori educational authority;
- failing to establish durable fiscal and institutional arrangements necessary for the exercise of Māori authority in the education system;
- failing to adequately recognise, protect, and maintain Māori education authority; and
- altering the statutory expression of Te Tiriti o Waitangi obligations within education by passing the Education and Training Amendment Act 2025.

The claimant seeks a variety of relief, including recommendations that the Crown:

- establish a durable constitutional education framework that identifies Māori educational jurisdiction, Crown educational jurisdiction, shared or overlapping jurisdiction and includes mechanisms for determining and resolving jurisdictional disputes;
- establish an agreed Māori-Crown process for determining the long-term constitutional, institutional, jurisdictional and fiscal settlement of Māori educational authority;
- establish a permanent Māori Educational Fiscal Mechanism to resource the exercise of Māori educational authority;
- establish a permanent Māori Educational Authority and Futures Fund capitalised through Crown financial redress;
- provide an appropriate apology and acknowledgement for the historical displacement, restriction and inadequate protection of Māori educational authority; and
- provide financial redress for historical and continuing prejudice.

The claimant may amend this claim at a later stage. In any case the Tribunal may require the claimant to prepare a fully particularised statement of claim before the claim can be heard.

The Tribunal currently runs district and kaupapa inquiry programmes in which claims are grouped either by district or by kaupapa (thematic) issue. Historical claims are those that raise grievances which arose before 21 September 1992. Contemporary claims have grievances that arose on or after that date. Some claims have both historical and contemporary grievances.

If an urgent hearing is not granted for this claim, it would appear to fall within the scope of either Tomokia ngā tatau o Matangireia - the Constitutional (Wai 3300) kaupapa inquiry or the Education Services and Outcomes (Wai 3310) kaupapa inquiry.

The claimant should also note that this claim is registered only insofar as it concerns contemporary allegations of Treaty breaches by the Crown.

When the time comes for the claim to be prepared for hearing, the Tribunal will decide whether there are any matters in the present claim that the Tribunal may not inquire into. The claimant needs to be aware that there are some matters that the Tribunal is not allowed to inquire into, such as any Bill that has been introduced into Parliament (unless the Bill has been referred to the Tribunal under section 8 of the Treaty of Waitangi Act 1975). Also, when historical claims are settled, the settlement legislation usually forbids the Tribunal from inquiring further into the matters that have been settled.

The claimant also needs to be aware that the Tribunal does not make settlements. After the Tribunal has completed an inquiry into claims, it writes a report making recommendations to the Crown. It cannot tell the Crown what to do; it may only recommend that the Crown acts to address the negative consequences of its breaches of the principles of the Treaty.

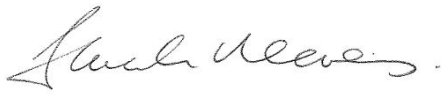
Legal Aid Services provides help for Waitangi Tribunal claimants. For advice on getting a lawyer or receiving funding, please contact Legal Aid Services at their Wellington central office or one of the local offices; the claimant should check their telephone directory for contact details.

Any questions about the contents of this document should be directed to The Registrar, Waitangi Tribunal, DX SX 11237, Wellington; phone (04) 914 3000, fax (04) 914 3001; email wt.registrar@justice.govt.nz.

The Registrar is to send a copy of this direction to the claimant and to:

- Crown Law Office;
- Te Kahui Whakatau (Treaty Settlements), Office of Treaty Settlements and Takutai Moana – Te Tari Whakatau;
- Crown Forestry Rental Trust;
- Legal Aid Services; and
- Te Puni Kōkiri;
- Ministry of Education;
- Iwi Chairs Forum;
- all those on the notification list for Wai 3300, Tomokia ngā tatau o Matangireia - the Constitutional kaupapa inquiry; and
- all those on the notification list for Wai 3310, the Education Services and Outcomes kaupapa inquiry.

DATED at Wellington this 4th day of September 2026



Judge Sarah Reeves
Deputy Chairperson
WAITANGI TRIBUNAL