

CHAPTER 1

THE CLAIM

1.1 INTRODUCTION

This claim was filed with the Waitangi Tribunal on 11 May 1998 and registered as Wai 718 on 19 May 1998. The formal claimant is Rongo Herehere Wetere of Ngati Maniapoto. Mr Wetere brings this claim on behalf of Te Tauihu o nga Wananga Association, comprising Te Wananga o Raukawa (which has its principal campus at Otaki), Te Wananga o Aotearoa (principal campus at Te Awamutu), and Te Whare Wananga o Awanuiarangi (principal campus at Whakatane).

The claim concerns the funding of three tertiary education institutions (TEIS) established as ‘wananga’ under the Education Act 1989. It is alleged that, in comparison with other TEIS, the Crown has failed to fund the wananga equitably and that, consequently, Maori have been, and are still being, seriously disadvantaged.

The claimants state that, having formally approved wananga status for each of the three claimant wananga under the Education Act 1989 (as amended by the Education Amendment Act 1990), the Crown has failed to resource those wananga on a similar basis to all other TEIS that were established prior to the 1990 amendments or that had received capital injections subsequent to those amendments. The claimants also allege that the Crown has failed to resource Te Wananga o Aotearoa, Te Wananga o Raukawa, and Te Whare Wananga o Awanuiarangi on an equitable basis when compared to other TEIS. The wananga are the only TEIS established following the 1990 legislative amendments.

1.2 FINDINGS AND RECOMMENDATIONS SOUGHT

The claimants seek the following recommendations:

- (a) that the Crown, as a matter of urgency, adequately resource Te Wananga o Aotearoa, Te Wananga o Raukawa, and Te Whare Wananga o Awanuiarangi on an equitable basis comparable to the capital funding provided for all other TEIS; and
- (b) that, in particular, capital grants be made to the claimants to enable them to purchase, expand, and improve the existing facilities of the wananga, so that those facilities are brought to a standard comparable to those of other TEIS.¹

1. See claim 1.1, paper 2.5

1.3 THE HEARINGS

On 28 May 1998, the claimants requested that urgency be granted on the ground that all three wananga were seriously affected by the Crown's failure to resource adequately a major and important Maori education initiative.

The claimants argued that the Crown's failure to provide adequate capital funding for wananga now placed the institutions, and their drive to attain greater Maori participation in tertiary education, in grave financial risk. The claimants argued that quality education provided through wananga Maori is compromised by a lack of resources, such as libraries, buildings, computers, classroom equipment, and teaching aids, needed to cater for growing student numbers.

The claimants allege that this is discriminatory and that the Crown's failure to resource wananga on a similar basis as TEIS established before 1990 is in clear breach of the Treaty principle of partnership. The claimants were the only TEIS to be denied capital establishment funding by the legislative amendments. The claimants further allege that other existing TEIS were provided with significant capital funding after the date at which the 1990 amendments came into force.

A conference was held on 30 June 1998 to hear the application for urgency. Having heard submissions from claimant and Crown counsel, Judge Richard Kearney granted urgency. The first hearing of the claim was held at Raukawa Marae in Otaki from 19 to 23 October 1998, before a Tribunal consisting of Judge Kearney, Josephine Anderson, and Keita Walker. Bishop Manuhua Bennett attended as the Tribunal's kaumatua adviser.

A second hearing was held at the same venue on 4 and 5 November. The final hearing of the claim was held in Wellington on 7 December 1998, when all parties made closing submissions to the Tribunal.

Counsel appearing were Carolyn Wait, representing Te Wananga o Aotearoa and Te Wananga o Raukawa; Joseph Williams and Gillian Warren, representing Te Whare Wananga o Awanuiarangi; and Mike Doogan and Helen Carrad, representing the Crown.

We wish to record our gratitude to counsel for the assistance that they provided to the Tribunal in the hearing of this claim. The matter was one of urgency, but despite this, the Tribunal was provided with significant briefs of evidence and exhibits, and comprehensive and helpful submissions.