

KEI AHOTEA  
TE AHO MATUA



KEI AHOTEA  
TE AHO MATUA

---

PRE-PUBLICATION VERSION

WAI 1718

HE PŪRONGO A TE RŌPŪ WHAKAMANA  
I TE TIRITI O WAITANGI 2024



ISBN 978-1-7385974-6-8 (PDF)

[www.waitangitribunal.govt.nz](http://www.waitangitribunal.govt.nz)

Typeset by the Waitangi Tribunal

Published 2024 by the Waitangi Tribunal, Wellington, New Zealand

28 27 26 25 24 5 4 3 2 1

Set in Adobe Minion Pro and Cronos Pro Opticals

## RĀRANGI UPOKO

Te Rito . . . . . xv

Te Kawa Aho. . . . . xix

### **UPOKO 1: TE AHO TĀMIRO . . . . . 1**

- 1.1 Ko te Aha te Take? . . . . . 1
- 1.2 Te Ahunga Mai o tēnei Pakirehua . . . . . 2
- 1.3 Mātāmua ko te Reo Māori . . . . . 3
- 1.4 Kanohi ki te Kanohi, Rae ki te Rae – He Tikanga Tūtakitaki . . . . . 4
- 1.5 Ngā Hunga Whakawā i tēnei Pakirehua . . . . . 5
- 1.6 Ko ngā Kaiwhakautu a te Karauna . . . . . 6
- 1.7 Te Anga o tēnei Pūrongo . . . . . 6

### **UPOKO 2: TE AHO TĀWAI . . . . . 9**

- 2.1 He Kupu Whakataki . . . . . 9
- 2.2 Te Huanga mai o te Kura Kaupapa Māori: . . . . . 9
- 2.3 Te Aho Matua . . . . . 11
- 2.4 Te Whakapapa o te Rūnanga Nui . . . . . 12
- 2.5 Te Tauākī Kawa . . . . . 12
- 2.6 Te Take mō te Tauākī Kawa 2019–24 . . . . . 13
  - 2.6.1 Te wāhi ki ngā whakahaerenga e rua . . . . . 13
  - 2.6.2 Te Whāinga Matua o Ngā Rōpū e Rua . . . . . 13
  - 2.6.3 Ngā Mātāpono o te Mahi Ngātahi . . . . . 13
  - 2.6.4 Te Hōtaka Mahi Ngātahi . . . . . 14
  - 2.6.5 Mahere Mahi Ngātahi . . . . . 14
  - 2.6.6 Te Mahere Mahi . . . . . 14
- 2.7 Te Hātepe Whakahou i Ngā Kura mō Āpōpō . . . . . 14
- 2.8 Te Matakahuki . . . . . 15
- 2.9 Te Pae Roa . . . . . 16
- 2.10 Kōrero whakatepe . . . . . 16

### **UPOKO 3: TE AHO KĀRURE . . . . . 17**

- 3.1 Kupu Whakataki . . . . . 17
- 3.2 Mana Whakatau . . . . . 18
- 3.3 Ngā Mātāpono Hāngai me ngā Herenga . . . . . 18
  - 3.3.1 Tino rangatiratanga . . . . . 18
  - 3.3.2 Kāwanatanga . . . . . 20
  - 3.3.3 Kōtuinga . . . . . 21
  - 3.3.4 Kaitiakitanga . . . . . 25

3.3.5	Mana taurite . . . . .	29
3.3.6	Whiringa . . . . .	30
<b>UPOKO 4: TE AHO TUAPUKU . . . . . 31</b>		
4.1	Kupu Whakataki . . . . .	31
4.2	Whiria kia ū, Whiria Kia Mau – te Whakatau a te Karauna ki te Arotake i a Ngā Kura mō Āpōpō . . . . .	32
4.2.1	Te whakahoi – ngā whakaaro o ngā rōpū e rua . . . . .	32
4.2.1.1	Te whenu kaikerēme – ngā whakaaro o ngā kaikerēme . . . . .	32
4.2.1.2	Te whenu Karauna – ngā whakaaro o te Karauna . . . . .	33
4.2.2	Te Horanga Whānuitanga – te whānuitanga o te horopaki . . . . .	33
4.2.2.1	Te whenu tūhono – te hononga o ngā rōpū e rua i te tīmatanga o te tau 2018 . . . . .	34
4.2.2.2	Te whenu tāwekeweko – ngā whakapātaritari i mua i te aroaro o ngā Kura Kaupapa Māori i te tau 2018 . . . . .	35
4.2.2.3	Te whenu manako nui – ngā wawata o te Kāwanatanga mō te mātauranga Māori . . . . .	38
4.2.3	Te tāmianga o te Rāngai Motuhake – ka whakatūria te Rāngai Motuhake o Ngā Kura mō Āpōpō, ka mahi ai i tāna arotake . . . . .	39
4.2.3.1	Te whiri arotake – te whakatau a Te Kāhui Minita ki te arotake i a Ngā Kura mō Āpōpō . . . . .	39
4.2.3.2	Nā te Rāngai Motuhake i whatu, nā te Kāhui Minita i tāniko . . . . .	41
4.2.3.3	Te ara o te whenu Rāngai Motuhake – ka kopou te Karauna i ngā mema o te Rāngai Motuhake . . . . .	42
4.2.3.4	Whira te paewhiri – ka whakarite ngā āpiha o te Tāhuhu o te Mātauranga i te Paewhiri Tohtutuhu Rāngai Huhua . . . . .	43
4.2.3.5	He mātai i ngā whenu o te kahu – ka mahi te Rāngai Motuhake i tāna arotake . . . . .	44
4.2.3.6	Te hora a te Rāngai Motuhake i tāna pūrongo hukihuki. . . . .	45
4.2.3.7	He ringa tōnanawe – ka whakaroa te Karauna i te arotake a te Rāngai . . . . .	47
4.2.3.8	Ka hora tūmatanuitia te pūrongo hukihuki. . . . .	49
4.2.4	I whiria rānei te aho Tiriti ki te whenu arotake? . . . . .	51
4.2.4.1	Me tui te aho kaikerēme ki te takapau whakataunga? . . . . .	51
4.2.4.2	Me whatu rawa Te Rūnanga Nui, ngā Kura Kaupapa Māori ake ki te Hōtaka Mahi Mātauranga 2018, ki ngā Tikanga Whakahaere rānei? . . . . .	54
4.2.4.3	Me whatu rānei e te Karauna Te Rūnanga Nui ki te Rāngai? . . . . .	55
4.2.4.4	Te tākeka o te whatu. . . . .	56
4.3	Tuia te Kupu . . . . .	57
4.3.1	Ngā Aho Whakaaro o ngā rōpū e rua . . . . .	58
4.3.1.1	Ngā aho whakaaro o ngā kaikerēme . . . . .	58
4.3.1.2	Ngā aho whakaaro o te Karauna . . . . .	58
4.3.2	Te whenu urupare a te Karauna . . . . .	59

## RĀRANGI UPOKO

4.3.2.1	Te takapaunga kōrero whakamutunga a te Rāngai . . . . .	59
4.3.2.2	Ka whakarite te Karauna i tana takapau urupare . . . . .	61
4.3.2.3	Te takapaunga o te urupare ōkawa . . . . .	65
4.3.2.4	Te horanga o te takapau urupare a te Karauna ki te hapori whānui . . . . .	67
4.3.2.5	Ka horaina te takapau e hui tahi ai a Te Rūnanga Nui me te Karauna i te Noema me te Tihema 2019 . . . . .	68
4.3.2.6	Te whakahouanga o ngā whenu o Te Tauākī Kawa . . . . .	72
4.3.2.7	Te whāriki a Te Rūnanga Nui i tāna tāpaetanga ki te Ture Mātauranga me te Whakangungu . . . . .	74
4.3.3	I tuia rānei te aho Tiriti ki te takapau urupare a te Karauna? . . . . .	76
4.3.3.1	I ū rānei tā te Karauna whatu i tana takapau ki ngā aho kōrero o te Rāngai? I whiria rānei te aho Tiriti? . . . . .	76
4.3.3.2	I mārāma rānei te tauira o te takapau whakaaro o te Karauna ki ngā kaikerēme? . . . . .	79

<b>UPOKO 5: TE AHO TUAMAKA . . . . .</b>	<b>83</b>
5.1 Kupu Whakataki . . . . .	83
5.2 Te Tūranga o ngā Pāti . . . . .	85
5.2.1 Te tūranga o te kaitono . . . . .	85
5.2.2 Te tūranga o te Karauna . . . . .	86
5.3 Ngā Tūmanako o Te Rūnanga Nui mō te Anamata o te Kura Kaupapa Māori . . . . .	88
5.3.1 He ara whakarara mō te mātauranga Ara Kaupapa Māori . . . . .	88
5.3.2 He ara whakarara ka whakahaeretia motuhaketia . . . . .	91
5.4 Te Whakawhanaketanga o te Pepa Kāhui Minita o Hepetema 2021 . . . . .	91
5.4.1 He aha ngā pārongo a te Karauna mō ngā tūmanako o Te Rūnanga Nui? . . . . .	92
5.4.1.1 Te hiahia ki tētahi ara whakarara ka whakahaerehia motuhaketia . . . . .	93
5.4.1.2 Te whai wāhitanga o Te Rūnanga Nui ki ngā taketakenga mai o te whāinga a te Rāngai Māori . . . . .	93
5.4.2 Ngā mahi kaupapa here i oti tōmua mai ki te whakapakari i te mātauranga Māori i te tau 2020 ki te Hūrae 2021 . . . . .	94
5.4.2.1 Pēpuere ki te Hūrae 2020: Te tikitanga atu me te whakawhānuitanga ake o te whāinga Rāngai Māori . . . . .	94
5.4.2.2 Ka whakarite a Te Rūnanga Nui i tāna anō mahere whatunga 30-tau . . . . .	96
5.4.2.3 Te tātaritanga a te Tāhuhu o ngā tūmanako a Te Rūnanga Nui . . . . .	97
5.4.2.4 Ngā tono pārongo a Te Rūnanga Nui mō te ara whakarara . . . . .	100
5.4.2.5 Ka pātai te Rōpū Mahi Motuhake mō te urupare kaupapa here a te Kāwanatanga. . . . .	102
5.4.2.6 Ka whakaū te Tāhuhu i tōna tūranga mō Tūtohunga 4(a) ki te kaitono . . . . .	103

5.4.2.7	Ngā mahi a te Karauna i te hāwhe tuatahi o te tau 2021 ki te whanake i tētahi mahere mahi whānui mō te Ara Reo Māori . . . . .	105
5.4.3	Te whanaketanga o te Pepa Kāhui Minita o Hepetema 2021 nō te Hūrae 2021, haere ake . . . . .	107
5.4.3.1	Ka tono a Minita Tuarua Davis kia whakaritea he pepa Kāhui Minita . . . . .	107
5.4.3.2	I tīmata ngā kaimahi a Te Tāhuhu ki te tuhi i te Pepa a Te Kāhui Minita o te Hepetema 2021 . . . . .	109
5.4.3.3	Ka whai wāhi ngā āpiha o Te Tāhuhu ki a Te Matakahuki i te Ākuhata me te Hepetema 2021 e pā ana ki Te Pepa a Te Kāhui Minita o te Hepetema 2021 . . . . .	111
5.4.3.4	Ka whakaaetia te Pepa a Te Kāhui Minita o te Hepetema 2021 e Te Kāhui Minita . . . . .	114
5.4.3.5	Ka whai wāhi Te Tāhuhu ki Te Rūnanga Nui i muri i te whakaaetanga o te Pepa a Te Kāhui Minita o te Hepetema 2021 . . . . .	118
5.4.3.6	Ngā whakaaro o ngā kaiwhakaatu mō te Pepa a Te Kāhui Minita o te Hepetema 2021 . . . . .	121
5.4.3.7	Te urupare a ngā kaikerēme ki te Pepa a Te Kāhui Minita o te Hepetema 2021 . . . . .	122
5.4.3.8	Ka whakatahi a Te Matakahuki i te hōtaka mahi . . . . .	123
5.5	Te Whakawhanaketanga o ngā Kōwhiringa Kaupapa Here ‘e Tupu ai te Ara Mātauranga Reo Māori, Kaupapa Māori Anō Hoki’ i te Tau 2022 . . . . .	124
5.5.1	Te Rīpoata a Te Pae Roa . . . . .	125
5.5.1.1	Te whakatau a te Karauna ki te kōkiri me te kore i aro ki a Te Matakahuki . . . . .	125
5.5.1.2	Te whakatūnga mai o Te Pae Roa . . . . .	126
5.5.1.3	Te rauna tuatahi o te uiui me te rīpoata tuatahi . . . . .	130
5.5.1.4	Te rauna tuarua o ngā hui me te pūrongo tuarua . . . . .	133
5.5.2	Te pūrongo a Te Matakahuki . . . . .	138
5.5.2.1	Takawaenga . . . . .	138
5.5.2.2	Te pūrongo a Te Matakahuki . . . . .	140
5.5.3	Te pūrongo mātauranga o te marama o Ākuhata 2022 . . . . .	144
5.5.3.1	Ka tuarīhia e Te Tāhuhu tana pūrongo mātauranga hukihuki ki Te Matakahuki . . . . .	144
5.5.3.2	Te pūrongo whakamutunga . . . . .	147
5.5.3.2.1	Whakaritenga Tuatahi – he hōtaka mahi i whakamanahia ai e te Kāhui Minita me ngā panonitanga ā-ture-kore . . . . .	150
5.5.3.2.2	Whakaritenga Tuarua – he hōtaka mahi i whakamanahia ai e te Kāhui Minita e whai wāhi atu nei ngā panonitanga ā-ture . . . . .	150



RĀRANGI UPOKO

5.5.3.2.3	Whakaritenga Tuatoru – kia whakatūria tētahi hinonga hōu i roto i te Tāhuhu. . . . .	151
5.5.3.2.4	Whakaritenga Tuawhā – kia whakatūria tētahi hinonga ā-ture motuhake hōu . . . . .	151
5.5.3.2.5	Te Tātaritanga a te Tāhuhu i ngā whakarite whakahoutanga . . . . .	152
5.5.3.2.6	Ngā tūtohunga matua a te Tāhuhu. . . . .	153
5.5.4	Ngā mahi a te Karauna i muri i te marama o Ākuhata 2022. . . . .	156
5.5.4.1	I aha te Karauna kia kauneke ngā mahi kaupapa here i muri i te pūrongo o te marama o Ākuhata e 2022?. . . . .	156
5.5.4.2	Te whakaritenga whakawhiti i waenganui i te Karauna me Te Rūnanaga Nui . . . . .	157
5.5.4.2.1	Ākuhata 2022 – ka tono a Te Matakahuki i tētahi kape o te pūrongo mātauranga whakamutunga. . . . .	157
5.5.4.2.2	Hepetema 2022 – ka tau tētahi kape o te pūrongo mātauranga whakamutunga ki a Te Matakahuki. . . . .	159
5.5.4.2.3	Ngā taunekeneke a ngā pāti o muri mai i te marama o Hepetema 2022 . . . . .	162
5.5.4.2.4	Te āhua o ngā whakaaro o ngā kāhui i te mutunga o 2022 . . . . .	170
5.6	I Kauneke Mahi Kaupapa Here Rānei te Karauna ki te ‘Whakawhanake i te Ara Reo Māori me te Ara Kaupapa Māori’ i te Tau 2021 me te Tau 2022 me te ū ki te Tukanga ā-Ttiriti? . . . . .	172
5.6.1	Te Pepa Kāhui Minita o te marama o Hepetema 2021 . . . . .	172
5.6.1.1	I mahi tahi rānei te Karauna ki Te Rūnanga Nui ki te auaha i te anga kaupapa here i whakatakotoria ai ki te Pepa Kāhui Minita, i whakamōhiohia tikahia rānei ngā kaitono mō te wāhi ki ōna marau?. . . . .	173
5.6.1.2	I tika rānei tā te Karauna whakamārama i te Ara Kaupapa Māori me te Ara Reo Māori? . . . . .	175
5.6.2	Te pūrongo mātauranga o te marama o Ākuhata 2022. . . . .	177
5.6.3	Te tūranga ā-kaupapahere o te Karauna i te putanga o te pūrongo mātauranga o Ākuhata 2022 . . . . .	180
5.6.3.1	He tika rānei tā te tūranga kaupapahere o te Karauna whakamārama i te Kaupapa Māori me te mātauranga Ara Reo Māori? . . . . .	181
5.6.3.2	Ka rawaka rānei tā te tūranga kaupapahere Karauna tuku mana whakahere mō te Kura Kaupapa Māori ki Te Rūnanga Nui? . . . . .	182
5.6.4	Te Whakatoiharatanga . . . . .	183

RĀRANGI UPOKO

<b>UPOKO 6: TE AHO KOHUNGA</b> . . . . .	187
6.1 Whakapuakitanga . . . . .	187
6.2 Ngā Tūranga o ngā Kāhui . . . . .	187
6.2.1 Te tūranga o ngā kaitono . . . . .	187
6.2.2 Te tūranga o te Karauna . . . . .	187
<b>6.3 I Angitū Rānei te Hui Whakawhanaungatanga i Muri i</b> <b>te Hui Takawaenga?</b> . . . . .	188
6.4 He Aha ngā Whakaweawenga o ngā Whanonga a te Karauna i Tau ai ki te Hononga o ngā Tira e Rua? . . . . .	189
6.4.1 Te takahitanga o Te Tauāki Kawa . . . . .	189
6.4.2 Kōrero takarepa me te kōpaka o te kōrero pono . . . . .	191
6.4.3 Te kore whakanui i te mana o Te Rūnanga Nui me Te Kura Kaupapa Māori . . . . .	191
6.4.4 E taea ana rānei te whakakaha te hononga i waenga i te Karauna me ngā kaitono? . . . . .	193
<b>UPOKO 7: TE AHO WHĪTIKI</b> . . . . .	195
7.1 Whakapuakitanga . . . . .	195
7.2 Te Whakarāpopototanga o ngā Kitenga . . . . .	195
7.3 Ngā Tūtohunga . . . . .	196
7.3.1 He ohu mātauranga Kaupapa Māori . . . . .	197
7.3.2 Te whakarauoratanga o te hononga o ngā kāhui . . . . .	199
7.3.3 He ara whakarara te ara Kaupapa Māori . . . . .	200
7.3.4 Ā ngā kaitono utu me ētahi atu take . . . . .	202
7.4 Kōrero Whakakapi . . . . .	202
Kuputaka . . . . .	207
<b>APPENDIX: ENGLISH TEXT OF REPORT CHAPTERS 3 TO 7</b> . . . . .	211
3.1 Introduction . . . . .	213
3.2 Jurisdiction . . . . .	213
3.3 Relevant principles and duties . . . . .	214
3.3.1 Tino rangatiratanga . . . . .	214
3.3.2 Kāwanatanga . . . . .	216
3.3.3 Partnership . . . . .	217
3.3.4 Active protection . . . . .	220
3.3.5 Equity . . . . .	224
3.3.6 Options . . . . .	225
4.1 Introduction . . . . .	227
4.2 The Crown’s decision to review Tomorrow’s Schools . . . . .	228
4.2.1 The parties’ positions . . . . .	228
4.2.1.1 The claimants’ position . . . . .	228
4.2.1.2 The Crown’s position . . . . .	229
4.2.2 The wider context . . . . .	229
4.2.2.1 The relationship between the parties at the beginning of 2018 . . . . .	229

4.2.2.2	The challenges Kura Kaupapa Māori faced as at 2018 . . . . .	231
4.2.2.3	The Government's aspirations for Māori education . . . . .	233
4.2.3	The Tomorrow's Schools Independent Taskforce is established and conducts its review . . . . .	234
4.2.3.1	Cabinet decides to review Tomorrow's Schools . . . . .	234
4.2.3.2	Cabinet approves Terms of Reference for the Taskforce . . . . .	235
4.2.3.3	The Crown appoints members to the Independent Taskforce . . . . .	237
4.2.3.4	Ministry of Education officials organise the Cross-Sector Advisory Panel . . . . .	237
4.2.3.5	The Independent Taskforce conducts its review . . . . .	238
4.2.3.6	The Independent Taskforce releases its draft report . . . . .	240
4.2.3.7	The Crown extends the Taskforce's review . . . . .	241
4.2.3.8	The Independent Taskforce conducts further consultation regarding its draft report . . . . .	242
4.2.4	Did the Crown establish the Tomorrow's Schools review in a Treaty compliant manner? . . . . .	244
4.2.4.1	Did the Crown need to consult the claimants before reaching these decisions? . . . . .	245
4.2.4.2	Did the EWP 2018 or the Terms of Reference need to mention Te Rūnanga Nui and Kura Kaupapa Māori specifically? . . . . .	247
4.2.4.3	Should the Crown have offered Te Rūnanga Nui a place on the Taskforce? . . . . .	248
4.2.4.4	Prejudice . . . . .	249
4.3	The Crown's response to the Independent Taskforce's report . . . . .	250
4.3.1	The parties' positions . . . . .	251
4.3.1.1	The claimants' position . . . . .	251
4.3.1.2	The Crown's position . . . . .	251
4.3.2	The Crown's response to the Taskforce's report . . . . .	252
4.3.2.1	The Taskforce's final report . . . . .	252
4.3.2.2	The Crown prepares its response to the Taskforce's report . . . . .	254
4.3.2.3	The Crown's formal response to the Taskforce's report . . . . .	257
4.3.2.4	The Crown releases its response to the public . . . . .	259
4.3.2.5	Te Rūnanga Nui meets with the Crown in November and December 2019 . . . . .	260
4.3.2.6	The Tauākī Kawa refresh . . . . .	263
4.3.2.7	Te Rūnanga Nui presents its submission on the Education and Training Bill . . . . .	265
4.3.3	Did the Crown respond to the Taskforce's report in a Treaty compliant manner? . . . . .	267
4.3.3.1	Did the Crown accord sufficient weight to the Taskforce's report when deciding not to pursue Recommendation 4(a)? Did its degree of consultation before reaching this decision meet Treaty standards? . . . . .	267

4.3.3.2	Should the Crown have communicated its decision not to pursue Recommendation 4(a) more clearly to the claimants?	270
5.1	Introduction	273
5.2	Parties' positions	274
5.2.1	The claimants' position	274
5.2.2	The Crown's position	276
5.3	The aspirations of Te Rūnanga Nui for the future of Kura Kaupapa Māori	278
5.3.1	A parallel pathway for Kaupapa Māori education	278
5.3.2	An autonomously governed parallel pathway	280
5.4	The development of the September 2021 Cabinet Paper	281
5.4.1	What information did the Crown have about the aspirations of Te Rūnanga Nui?	281
5.4.1.1	The desire for an autonomously governed parallel pathway	282
5.4.1.2	The involvement of Te Rūnanga Nui in the origins of the Rāngai Māori goal	282
5.4.2	Preliminary policy work completed to strengthen Māori Medium education through 2020 to July 2021	283
5.4.2.1	February to July 2020: Adoption and extension of the Rāngai Māori goal	283
5.4.2.2	Te Rūnanga Nui develops its own 30-year network plan	285
5.4.2.3	The Ministry's analysis of the aspirations of Te Rūnanga Nui	286
5.4.2.4	Te Rūnanga Nui requests information about the parallel pathway	288
5.4.2.5	The Taskforce queries the Crown's policy response	290
5.4.2.6	The Ministry confirms its position on Recommendation 4(a) with the claimants	291
5.4.2.7	The Crown work in the first half of 2021 towards a broadly Māori Medium work programme	293
5.4.3	Development of the September 2021 Cabinet Paper from July 2021 onwards	295
5.4.3.1	Associate Minister Davis requests a Cabinet paper be developed	295
5.4.3.2	Ministry staff begin drafting the September 2021 Cabinet Paper	296
5.4.3.3	Ministry officials engage with Te Matakahuki in August and September 2021 regarding the September 2021 Cabinet Paper	299
5.4.3.4	The September 2021 Cabinet Paper is approved by Cabinet	301
5.4.3.5	The Ministry engages with Te Rūnanga Nui after approval of the September 2021 Cabinet Paper	304
5.4.3.6	Crown witnesses' perspectives on the September 2021 Cabinet Paper	307
5.4.3.7	The claimants' reaction to the September 2021 Cabinet Paper	308
5.4.3.8	Te Matakahuki withdraws from the work programme	309

5.5	The development of policy options to ‘grow Māori medium and kaupapa Māori education’ in 2022 . . . . .	310
5.5.1	The Te Pae Roa report . . . . .	310
5.5.1.1	The Crown’s decision to progress without Te Matakahuki . . . . .	310
5.5.1.2	The establishment of Te Pae Roa . . . . .	312
5.5.1.3	First round of engagement and first report . . . . .	315
5.5.1.4	Second round of engagement and second report . . . . .	318
5.5.2	The Te Matakahuki report . . . . .	322
5.5.2.1	Mediation . . . . .	322
5.5.2.2	The Te Matakahuki report . . . . .	323
5.5.3	The August 2022 education report . . . . .	327
5.5.3.1	The Ministry shares its draft education report with Te Matakahuki . . . . .	327
5.5.3.2	The final report . . . . .	330
5.5.3.2.1	Package One – a Cabinet-mandated work programme of non-legislative changes . . . . .	332
5.5.3.2.2	Package Two – a Cabinet-mandated work programme, including legislative change . . . . .	332
5.5.3.2.3	Package Three – establishing a new entity within the Ministry . . . . .	333
5.5.3.2.4	Package Four – establishing an independent statutory entity . . . . .	333
5.5.3.2.5	The Ministry’s analysis of the packages of reform . . . . .	333
5.5.3.2.6	The Ministry’s ultimate recommendations . . . . .	334
5.5.4	The Crown’s actions after August 2022 . . . . .	337
5.5.4.1	How did the Crown progress policy work after the August 2022 report? . . . . .	337
5.5.4.2	Engagement between the Crown and Te Rūnanga Nui . . . . .	338
5.5.4.2.1	August 2022 – Te Matakahuki request a copy of the final education report . . . . .	338
5.5.4.2.2	September 2022 – Te Matakahuki receive a copy of the final education report . . . . .	339
5.5.4.2.3	The parties’ interactions after September 2022 . . . . .	343
5.5.4.2.4	Parties’ descriptions of the Crown’s position at the end of 2022 . . . . .	349
5.6	Did the Crown progress policy work to ‘grow Māori medium and kaupapa Māori education’ in 2021 and 2022 in a Treaty compliant manner? . . . . .	351
5.6.1	The September 2021 Cabinet paper . . . . .	351
5.6.1.1	Did the Crown work with Te Rūnanga Nui to shape the policy framework set out in the Cabinet paper, or adequately inform the claimants about its contents? . . . . .	352
5.6.1.2	Did the Crown appropriately delineate between Kaupapa Māori and Māori Medium education? . . . . .	354
5.6.2	The August 2022 education report . . . . .	355

5.6.3	The Crown’s policy position in the wake of the August 2022 education report . . . . .	358
5.6.3.1	Does the Crown’s policy position appropriately delineate between Kaupapa Māori and Māori Medium education? . . . .	359
5.6.3.2	Does the Crown’s policy position afford Te Rūnanga Nui sufficient control over Kura Kaupapa Māori settings? . . . .	360
5.6.4	Prejudice . . . . .	361
6.1	Introduction . . . . .	365
6.2	The parties’ positions . . . . .	365
6.2.1	The claimants’ position . . . . .	365
6.2.2	The Crown’s position . . . . .	365
6.3	Was the hui whakawhanaungatanga following mediation successful? . . . .	366
6.4	What impacts did the Crown’s conduct have on the relationship between the parties? . . . . .	367
6.4.1	Failing to honour Te Tauāki Kawa . . . . .	367
6.4.2	Poor communication and a lack of transparency . . . . .	368
6.4.3	Failing to acknowledge the mana of Te Rūnanga Nui and Kura Kaupapa Māori . . . . .	369
6.4.4	Is there a way forward to improve the relationship between the Crown and the claimants? . . . . .	370
7.1	Introduction . . . . .	373
7.2	Summary of findings . . . . .	373
7.3	Recommendations . . . . .	374
7.3.1	A Kaupapa Māori education authority . . . . .	375
7.3.2	Restoring the relationship between the parties . . . . .	376
7.3.3	A parallel Kaupapa Māori education pathway . . . . .	378
7.3.4	Claimant costs and other matters . . . . .	379
7.4	Concluding comments . . . . .	380
	Glossary . . . . .	381



Waitangi Tribunal  
Te Rōpū Whakamana i te Tiririti o Waitangi  
*Kia puta ki te whai ao, ki te mārama*

Hōnore Tama Pōtaka  
Minita o Te Arawhiti  
Minita Whakawhanake Māori

Hōnore Erica Stanford  
Minita Mātauranga

Te Whare Pāremata  
TE WHANGANUI-A-TARA

25 o Hūrae 2024

Ko ngā purapura a Matariki tēnei kua tau ki te whenua, ko ngā iwi tēnei kua hui i te pūmahana o te kotahitanga me te aroha. Ko Matariki e rewa nei i te rāwhiti ka aho ki runga i a koe, Minita Stanford. Ko Rehua e tō nei i te uru ka tau ki runga i a koe, Minita Pōtaka. Ko tā te tokorua whetū nei he whakaora i te tangata, ko tā kōrua he whakaora i te kaupapa tēnei kua tau ki mua tonu i te aroaro hei kawē mā kōrua ki te kōmata o te rangi. Kei ngā whetū pīata o te rangi, Minita Pōtaka, Minita Stanford, tīrama, tīaha, e whiti, ē!

Koia tēnei ko tētahi tanga tārua o te pūrongo *Kei Aho te Aho Matua* kua āpitihia, he pūrongo mō te whai wāhitanga o te Karauna me te whaiwhakaarohia o Te Rūnanga Nui me ngā Kura Kaupapa Māori Te Aho Matua i te tukanga arotake me te whakahou i a Ngā Kura mō Āpōpō i te tau 2018 ki te tau 2022. Ko Te Rūnanga Nui me ngā whānau o te Kura Kaupapa Māori Te Aho Matua ngā kaitono o tēnei pakirehua kōhukihuki. Kei te uho o tēnei pakirehua te pātai matua – kei hea te wāhi ki te whai wāhitanga o ngā kaikerēme i te whakatūnga o ngā kaupapa here e hāngai pū ana ki ā rātou ake kaupapa? Ka riro mā ō mātou kitenga me ā mātou tūtohunga tēnei pātai e whakautu.

Level 7, 141 The Terrace, Wellington, New Zealand. Postal: DX SX11237  
Fujitsu Tower, 141 The Terrace, Te Whanganui-ā-Tara, Aotearoa. Pouaka Poutāpeta: DX SX11237  
Phone/Waea: 04 914 3000 Email/E-mēra: [information@waitangitribunal.govt.nz](mailto:information@waitangitribunal.govt.nz)  
Web/Ipurangi: [www.waitangitribunal.govt.nz](http://www.waitangitribunal.govt.nz)



Kua tuhia tēnei pūrongo i te reo Māori. He whakatau tēnei i tau ai i muri i ngā wānanga me ngā tono a ngā kaikerēme me te Karauna i mua i te kōkiritanga o ngā whakawākanga. He mea tuku e ngā kaikerēme ngā taunakitanga me ngā tāpaetanga ture i te reo Māori, ā, nā rātou tahi ko Te Rōpū Whakamana i te Tiriti o Waitangi me ētahi atu kāhui tētahi tukanga whakawākanga i whakarite e mau ai te mana o te reo Māori i ngā kiripānga e hui tahi ana ki a rātou anō. E mihiā ana e Te Rōpū Whakamana i te Tiriti o Waitangi ngā mātanga reo i whai wāhi ai ki te tuhi i tēnei pūrongo kia mātāmua ko te reo Māori – arā a Tākuta Anaha Hiini rātou ko Te Waipounamu Teinakore, ko Jarred Boon, ko Greg Koia, ko Ruth Smith. Tae atu ki te kaiarotake matua, ki a Tā Pou Tēmara, te kanohi hōmiromiro, kia mātāmua ko te reo kia tika, kia rere, kia Māori.

E tūtohu nei mātou i te hiranga o te whai wāhitanga o ngā tira katoa ki te tātaritanga, ki ngā kitenga me ngā tūtohunga. Nō reira, kua āpitihia ngā upoko 3, 4, 5, 6 me te 7 i te reo Pākehā i te wāhanga āpitihanga e mārāma ake ai te titiro a ētahi ki te ia o te pūrongo. Heoi, ko te pūrongo, ko ō mātou kitenga me ā mātou tūtohunga kei te reo Māori e mātāmua ake ai ia i te reo mātāmuri e kīia nei ko te reo Pākehā.\*

Ko *Kei Aho* te *Aho Matua* te pūrongo tuatahi a te Taraipiunara e aro nei ki te wāhanga kura whakature, ahakoa rā te whāiti o te take. Kua tukuna e te Taraipiunara ētahi kitenga me ētahi tūtohunga e hāngai ana ki te mātauranga i te *Report of the Waitangi Tribunal on the Te Reo Maori Claim* (1986), *The Wananga Capital Establishment Report* (1999) me *Matua Rautia: Report on the Kōhanga Reo Claim* (2013) mō te korenga o te pūnaha mātauranga o mohoa nei e hāngai ana ki ngā hiahia ako o ngā tamariki me ngā rangatahi Māori. Pēnei i te Kōhanga Reo me te Whare Wānanga, ko te Kura Kaupapa Māori Te Aho Matua te urupare tōtika ki te hunga nāna nei tētahi pūnaha i whakatū kāore e hāngai ana ki te Māori, me te ngākau titikaha o te Māori kia ora tonu te reo me te mātauranga Māori. Ko te āta tātari i te pūnaha mātauranga tētahi wāhanga o te pakirehua mō ngā Ratonga Mātauranga me ngā Hua ka tīmata ā kō ake nei i tēnei tau tonu.

He mea kite e mātou te takahitanga o ngā mātāpono Tiriti e te Karauna, inarā ko te rite tonu o te takahi i te wāhi ki te kōtuinga me te kaitiakitanga i te arotake me te whakahou i a Ngā Kura mō Āpōpō. I tamō te tukanga a

---

\* We acknowledge the importance of all parties being able to fully engage with the analysis, findings and recommendations. Therefore, English versions of chapters 3, 4, 5, 6 and 7 are included in an appendix to assist in understanding the report. The definitive text of the report however, including our findings and recommendations, are in te reo Māori.



te Karauna – i te whakatau kia whakaarahia te arotake i te tau 2018 ki te pūrongo mātauranga i te marama o Ākuhata i te tau 2022 i hua ai ētahi whiringa hei whakapai ake mā Minita Hipkins rāua ko Minita Davis. Ka āta kōrerohia ēnei kitenga me te kōrero pono i te upoko 4 me te upoko 5 o tā mātou pūrongo. Ko te korenga o te whai wāhi o ngā kaitono ki te whakarite i te whanaketanga o ngā kaupapa here matua, me te kore hoki o te whakawhitiwhiti kōrero a te Karauna mō te aronga o ngā mahi kaupapa here ngā kaupapa matua i te pūrongo nei.

Ko te hua o tēnei arotake me te whakahou e whā-tau te roa ko ngā whakaritenga kaupapa here e rite tonu ana te takahi i ngā herenga Tiriti o te Karauna ki te Kura Kaupapa Māori, ahakoa te rite tonu o te tautokona o rātou e Te Rūnanga Nui. Kāore te Karauna i whakarite i tētahi kaupapa here tūtahi me tētahi rautaki e ea ai ngā hiahia o te Kura Kaupapa Māori, i takahia ai ngā mātāpono o te kōtuinga, o te kaitiakitanga, o te mana taurite me ngā whiringa. Kāore hoki ngā whakaritenga o nāianei e riro ai i tētahi te mana kia whakatauhia ngā whakataunga whakamutunga mō ngā kaupapa here rawa e pā nei ki te Kura Kaupapa Māori i tuarīhia ki Te Rūnanga Nui e whakakanohi nei i ngā whānau o te Kura Kaupapa Māori, e takahi nei hoki i ngā mātāpono Tiriti, arā i te kōtuinga me te kaitiakitanga.

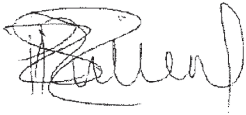
Kua whakahāwea kinotia ngā kaitono e te Karauna me ā rātou takahitanga kua āta kōrerohia i tā mātou pūrongo. Inarā, kāore he mana o ngā kaikerēme i raro i te kōtuinga Tiriti ki te whakatū kaupapa here e hāngai ana ki te Kura Kaupapa Māori. Nā te Karauna tonu i whāki kāore te kaupapa here o mohoa nei i te whaitake.

E ea ai tēnei raru, he nui ā mātou tūtohunga. Hei timatanga, kia whaiwhakaarohia e te Karauna kia tika i a ia te hononga e whai wāhi nei tā rātou whakapā i te takahitanga o ngā mātāpono Tiriti. Kia tika rā anō te hononga, me mahi ngātahi te Karauna me ngā kaikerēme ki te whakarite i ētahi momo kaupapa here mō te Kura Kaupapa Māori e whai wāhi nei ngā rawa, te tautoko i te marau me te whakarite kōtuitui. Hei whāinga roa, e tūtohu nei mātou i te Karauna kia titikaha ki te whakatū i tētahi kāhui ara Kaupapa Māori motuhake – te korahi tika me ngā āhuatanga ka whanakehia me ngā kiripānga Māori, e whai wāhi ai hoki ngā kaikerēme. Kei te upoko 7 te hōhonutanga o ngā tūtohunga.

Ā tēnā, kāti tā tātou tangi ki a rātou kua riro tītapu atu ki te hākui puaroa o te pō rerehua. Tēnā tātau ka tahuri ki te kumanu i tō tātau reo kia tū tonu ai te whare kōrero hei tāwharau mō ngā āhuatanga o te reo ā haere ake nei, arā, kia mau te rongomaiwhiti hei moko mō te tūākiri o ngā tātai āpōpō kia ngunguru ai i te ao, i te pō, i te pō, i te ao.

Heoi, ka waiho ngā aho kua whatua ki tēnei pūrongo ki a kōrua hei tātari, hei wānanga hoki kia kite he aha te anga whakamua, kei ahotea Te Aho Matua.

Nāku noa nā

A handwritten signature in black ink, appearing to read 'Rachel Mullins', written in a cursive style.

Kaiwhakawā Rachel Mullins  
Tumuaki Pakirehua

*Tūtapa, tūtapa, tūtapa mai i runga, tūtapa mai i raro,  
Tūtapa ki te tupua, ki te tahito, ki te whaiao, ki te ao mārama,  
Ki ngā mana nui o runga, o raro, o ngā taiao.*

*Oī, kia takina rā te kawa.  
Ko kawa tuatahi ki a Ranginui e tū nei,  
Ko te kawa tuarua ki a Papatūānuku e takoto nei,  
Ko te kawa tuatoru ki a Tānemahuta o te wao,  
Ko te kawa tuawhā ki a Pākoki,  
Ko te kawa tuarima ki a Harakeke, ki a Harareka,  
Ko te kawa tuaono ki a Harapere, ki a Kōrari,  
Ko te kawa tuawhitu ki a Repo o te ngaengae,  
Ko te kawa tuawaru ki a Raupō, ki a Muka,  
Ko te kawa tuaiwa ki a Taura, ki a Here, ki a Awe.  
Ko te kawa tuangahuru ki ngā mana nui o runga, o raro, o ngā taiao.*

*Tēnā, whakarongo mai rā  
Ki te ahurewa, ki te ruānuku, ki te pūkenga, ki te tāura, ki te tauira,  
E whakaoko mai ai ki tēnei korotū, koia tēnei ko te matainaina,  
E aro mai ai ki tēnei ingoingo, koia tēnei ko te matawara,  
E hiwa mai ai ki tēnei minamina, koia tēnei ko te mānakonako  
Ki ngā mana nui o runga, o raro, o ngā taiao.*

*Tauwhirotia mai tēnei rito, tēnei tāmiro ki te tāwharau nui.  
Tautiakina mai tēnei tāwai, tēnei kārure, tēnei tuapuku ki te tāwharau roa.  
Kumanuhia mai tēnei tuamaka, tēnei kohunga, tēnei aho whītiki ki te tāwharau  
taketake.*

*Whakatōngia iho rā te mana atua ki roto, ki ēnei taura kia ū, kia mau, kia ita,  
Ki ēnei taukaea kei motukia, kei wetekia,  
Ki ēnei weu kei tāwekeweko.  
Whiria rawatia, kei ahotea te aho matua.  
Tāwaitia rā ēnei taukaea ki ngā wairākau a Tāne  
Kia puta rā tēnei pūeru whakaewarangi,  
Tēnei kahu parawai ki te whai ao, ki te ao mārama.*

*Whano, whano,  
Whātuia ngā here kia ū, kia mau, kia ita.  
Tūturu ōwhiti whakamaua kia tina, tina!  
Haumi, ē,  
Hui, ē,  
Tāiki, ē!*

Tēnei ka tau, ko te kī whakamahuki mō ngā whakamāramatanga o te ingoa, o ngā upoko, me te āhua o te hanganga o tēnei pūrongo e tauritea ana ki te whatunga o tētahi kākahu rangatira.

Ko te whakaaro tuatahi ia ko te āta whakahāngai i te pūrongo nei ki tētahi āhuatanga Māori pēnei i te hanganga o tētahi whare, i te tārainga o tētahi waka, i te ngakinga o tētahi māra, i te tupunga o tētahi hua, i te ahatanga o tētahi aha kē atu rānei i toko ake ai te whakaaro kia mātua tapaina te pūrongo ki tētahi ingoa hei timatanga. Nā te whaiwāhitanga o te kāhui e kīia nei ko Te Aho Matua o Ngā Kura Kaupapa Māori ki te pakīrehua nei i whakaarohia ai tēnei mea, te aho hei kaupapa nui o te pūrongo me ngā upoko. Me mihi a Ahorangi Rawinia Higgins i te atamai o te whakaaro punenga i puta māori noa ai i a ia tāna anō whakatauaiki ‘*Kei ahotea te aho matua*’. Nā ngā tairo a Kupe i ngā tau, nā te āheihei o te moana tuaranga-ranga, nā ngā tino hekenga o te wā, nā te pōkaikaha me te ahotea i te whakatūnga rā anō o te kura kaupapa ā moroki noa i whakaetia ai e te paewhiri kia tapaina te pūrongo ki tā te ahorangi i kī ai, arā, Kei Ahotea te Aho Matua.

Nā te whaiwāhitanga o te aho ki te kaupapa nei i whakaarohia ai kia tapaina ngā upoko ki ētahi momo aho nō roto i te Whare Pora. I te otinga atu o ngā tini wānanga, i tau i te kāhui mātanga reo kia whakahāngaihia te tuinga mai o tēnei pūrongo nei ki te whatunga o tētahi kākahu ka timata rā i te kotinga ki te hākukutanga o te harakeke, i te hākukutanga ki te mironga, i te mironga ki te whiringa, i te whiringa ki te hūnga, i te hūnga ki te tāwaitanga, i te tāwaitanga ki te whakairinga, i te whakairinga, ka tau ai ki tōna otinga rā anō e whakaatuhia ai tētahi kahu parawai.

E whai iho nei ko ngā whakamāramatanga o ngā upoko kua whakahāngaihia ki ētahi momo aho.

- ▶ *Te Rito*: Koia tēnei ko te rito o te harakeke e tupu nei i waenga i ngā awhi rito. Ā-whakaaro Māori nei, he whānau te harakeke. Ko te rito o te harakeke te tamaiti, ā, ko ngā awhi rito ngā mātua, ko ngā rau harakeke o waho ngā kaumātua me ngā tūpuna o taua tamaiti rā e karapoti nei, e tauawhi nei i a ia e tika ai tana tupu. He reta tēnei ki ngā minita e whakamārama ana i te take o tēnei kerēme. I konei kitea ai ngā kitenga matua me ngā tūtohunga.
- ▶ *Te Aho Tāmīro*: He weu kua rangitāmīrohia, kua miroa kia kotahi tonu te aho. Koinei te upoko tuatahi o te pūrongo e whai wāhi nei tōna take matua, tōna horopaki, me te ahunga hoki o tēnei pakīrehua. Ki konei whakamāramahia ai te take o te tono kia kōhukihuki, te tukanga takawaenga, me ngā whanaketanga takawaenga o muri, te kopounga o te kaiwhakawā matua me te paewhiri, te whai wāhitanga o ngā kāhui whaipānga, te whanake haeretanga o ngā take matua o te pūrongo, me te āhua o ngā whakawānga. Hei whakakapinga, ka āta whakamāramahia te whakatakotoranga o te pūrongo e mōhiohia ai te huarahi e takahia ana.
- ▶ *Te Aho Tāwai*: He weu kua rangitāmīrohia, kua whiria kia rua kē ngā aho. Koia tēnei ko te upoko tuarua o te pūrongo. He whakarāpopototanga tēnei o te tukanga i takoto ai i te kāhui o te Karauna e kīia nei ko Ngā Kura mō Āpōpō i ahu ai i te tūhonotanga o ngā taunakitanga tūturu a ia kāhui. Ki tēnei

upoko kitea ai tētahi whakarāpopototanga o te whakatūnga me te whanake haeretanga o Te Kura Kaupapa Māori, Te Aho Matua, me Te Rūnanga Nui.

- ▶ *Te Aho Kārure*: He weu kua rangitāmirohia, kua whiria kia rua kē ngā huinga weu e toru. Koia ēnei, ko ngā mātāpono o te Tiriti o Waitangi me ētahi atu ture Taraipiunara. Koinei te upoko tuatoru.
- ▶ *Te Aho Tuapuku*: He weu kua rangitāmirohia, kua whiria kia whā kē ngā aho. Ko tēnei te upoko tuawhā o te pūrongo e whai wāhi nei te tātaritanga o ngā taunakitanga me ngā taumata matua o te tukanga whakawhanake e ai ki te whakapuakanga take. Ki tēnei upoko nei kitea ai tā te Kāwanatanga whakautu ki te pūrongo a te Rōpū Mahi Motuhake me te whanake haeretanga o Hōtaka Mahi Mātauranga me ana kaupapa here (2021–22).
- ▶ *Te Aho Tuamaka*: He weu kua rangitāmirohia, kua whiria kia rima kē ngā aho. Koinei te upoko tuarima e whakamārama ana i te hononga o Te Rūnanga Nui o ngā Kura Kaupapa Māori me te Karauna, tae noa atu ki tā te Karauna whakaaweawe i taua hononga rā.
- ▶ *Te Aho Kohunga*: He harakeke mana nui tēnei momo kua roa nei e whakamahia ana hei whenu i ngā pūeru rangatira pēnei i te kahu parawai. Koinei te whakakapinga o te pūrongo e kitea ai ngā kitenga me ngā tūtohunga.
- ▶ *Te Aho Whītiki*: He taura e whītiki nei i te kākahu kia ū, kia mai. Ki konei whakarāpopotonga ai ā mātou kitenga, ā, ka whakatakoto atu i ā mātou tūtohunga.

Kia whakataukītia ake te kōrero, ‘Tūngia te ururoa, kia tupu whakaritorito te tupu o te harakeke.’\*

---

\* Hirini Moko Mead and Neil Grove, *Ngā Pēpeha o ngā Tīpuna*, 2nd ed (Wellington: Victoria University Press, 2003), p 410

*Kāore te aroha i ahau ki taku reo puiaki, ē . . . i  
Ka ngaro rā i te hau tāhengihengi, ē . . . i  
A tō atua pohe, he kanohi kerepō, ē . . . i  
Whakamahurutia mai au, he riri hūneinei, ē . . . i  
Ki te hākawa nāna nei te reo i hē ai, ē . . . i  
Hoki mai ki ahau, e taku reo taketake, ē . . . aaa*

—Nā Takuta Anaha Hiini, 2023

## UPOKO 1

### TE AHO TĀMIRO

E tika ai te mahi muka hei whatu kākahu, me muka te momo harakeke e koti ai koe, e hāpine ai koe. Mehemea he rerekē ngā momo harakeke, kāore rānei e whai muka te harakeke, he uaua te tāmīro e oti ai he muka. He ōrite anō te mahi tahi a te tangata. Ahakoa te hiahia kia mahi tahi ngā Kura Kaupapa Māori Aho Matua (Kura Kaupapa Māori), Te Rūnanga Nui o Ngā Kura Kaupapa Māori (Te Rūnanga Nui), me te Karauna, kāore nei i eke ki tā tēnā, ki tā tēnā i manako ai. E kitea ana tēnei tūāhuatanga i ngā tau 2018–23.

#### 1.1 KO TE AHA TE TAKE?

Ko te take o tēnei pakirehua, ko te titiro ki te kerēme a Tākuta Cathy Dewes ki te Rōpū Whakamana i Te Tiriti o Waitangi (Te Rōpū Whakamana). He kerēme kōhukihuki tēnei i whakatakotonga kia aro mai ai te Kāwanatanga o Aotearoa ki ētehi kaupapa nui, e ai ki tā Tākuta Dewes, e whaitake ana i raro i ngā mātāpono o Te Tiriti o Waitangi. Ahakoa ko Tākuta Dewes te kaikerēme i whakaingoatia ki tēnei kerēme, arā anō te tini e tū nei hei kaiwhakaatu, otirā e tū nei hei taituarā mōna. Ko ngā kāhui matua e noho mai nei hei taituarā mōna, waihoki e whai wāhanga nui ana ki tēnei kerēme kōhukihuki ko ngā Kura Kaupapa Māori, me Te Rūnanga Nui.<sup>1</sup> Ko tōna iho, ko ngā whakareanga tamariki/mokopuna o nāianei, ko ngā whakareanga tamariki/mokopuna kāore anō kia whānau mai.

Ko ngā take e manawapā nei a Tākuta Dewes ko te takahia, ko te kore hoki i arohia o ngā mōtika o ngā Kura Kaupapa Māori, me Te Rūnanga Nui i raro i Te Tiriti o Waitangi, ko te whakahoutanga a te Karauna me te kaupapa Ngā Kura mō Āpōpō me ōna āhuatanga katoa mai i te tau 2018–23, me te pānga mai o aua whakahoutanga ki ngā Kura Kaupapa Māori me Te Rūnanga Nui, mēnā rā he takahitanga i raro i Te Tiriti.<sup>2</sup> E whāriki atu nei ngā kaikerēme ko te Kura Kaupapa Māori he mea whakairo e te Māori, mō te Māori, nā te Māori, ā, ko te angitu e mārāma ana te kitea. E whakapae atu nei ngā kaikerēme, i taea tēnei angitu ahakoa te kore tuku pūtea, te kore tuku āwhina mai a te Karauna ki te whanaketanga o ngā Kura Kaupapa Māori.<sup>3</sup> Nā runga i tēnei, ko tā ngā kaikerēme ko te whakawhanake i tētehi anga hāngai ki ngā Kura Kaupapa kāore i noho mātāmua mai ki ngā

---

1. Tauāki whakataunga take (paper 1.4.1)

2. Tauāki whakataunga take (paper 1.4.1)

3. Ngā tāpaetanga whakakapi a ngā kaikerēme, 12 June 2023 (paper 3.3.3), p 6

whakaaro o te Karauna mai anō i te whakahouanga o Ngā Kura mō Āpōpō mai i te tau 2018, ā mohoa nei.

I whakakupungia e te Karauna tō rātou hiahia kia renarena ake te taura here tāngata ki ngā kaikerēme, ā, ka tūtohu i te hirahiratanga o ngā Kura Kaupapa Māori ki te whakarauoratanga o te reo me ngā tikanga.<sup>4</sup> Heoi anō, ka whārikingia tā rātou kōrero he nui ngā haepapa e kawē nei rātou, ā, me whakaaro hoki ērā haepapa i te whānuitanga o tēnei kerēme.<sup>5</sup> Waihoki, ko tā te Karauna he whakapā tonu atu ki Te Rūnanga Nui me ngā Kura Kaupapa Māori anō, ā, ko te hōtaka mahi e noho mai nei hei āheinga e koke whakamua ai ki tā ngā kaikerēme e hiahia nei, arā kia nui ake te tautokona, kia whai mana whakahaere hoki ki te mātauranga Kaupapa Māori.<sup>6</sup>

### 1.2 TE AHUNGA MAI O TĒNEI PAKIREHUA

I te 12 o Oketopa 2021, i whārikingia e Tākuta Dewes te kerēme Wai 1718 ki te aroaro o Te Rōpū Whakamana.<sup>7</sup> I taua wā rā, nā Heamana Tuarua Kaiwhakawā Sarah Reeves te tūtohi kia rapua te maungārongo i ētehi o ngā piringa mahi tahitanga mā te hui takawaenga. I whakaae ngā hunga whakawā mā Te Rōpū Whakamana hei whakahaere tētehi hui takawaenga i te 14 o Aperira 2022. I tohua a Kaiwhakawā Carrie Wainright rāua ko Tākuta Hana O'Regan hei kaitakawaengatakirua.<sup>8</sup> I tū te hui takawaenga i te 23–24 o Mei 2022. I te 6 o Mei 2022, ka whiwhi rā i te Pūrongo Kaitakawaenga e whakaturuma ana i angitu te hui takawaenga.<sup>9</sup>

Nā runga i te tono a ngā kaikerēme, ka whakatārewatia te tono rongonga kōhukihuki ki te 10 o Hune 2022, inā hoki i hiahia ki te whakaaro ake anō ki tō rātou tūnga whai mai ana i te tukanga whakapāpā i whakarārangihi i te whakaaetanga hui takawaenga.<sup>10</sup> Nā Kaiwhakawā Reeves ngā hunga whakawā i tohutohu kia whakamōhio atu ki Te Rōpū Whakamana, mehemea rā ka whakakorengia tā rātou tono, ko te 10 o Oketopa 2022 te rā whakamutunga. Whai muri mai ana i ngā whakaroanga e rua o te whakatārewatanga,<sup>11</sup> ka whakahoungia e ngā kaikerēme tā rātou tono rongonga hukihuki i te 10 o Noema 2022.<sup>12</sup> I te 14 o Noema, ka whakaaetia e Kaiwhakawā Reeves te kōhukihukitanga o te tono. I tāna whakataua, ka mea ake a Kaiwhakawā Reeves ko te tono o nāianei ko 'te raupapatanga tono o nāia tata ake nei . . . e whakapae nei ko ngā kaupapa here a te Karauna e whakatoimaha nei i te hunga e tuku nei, e whiwhi nei hoki i te mātauranga Kaupapa Māori, rumaki Māori hoki', e pā ana ki *The Wānanga Capital Establishment Report* (1999),

4. Ngā tāpaetanga whakakāpi a te Karauna, 19 June 2023 (paper 3.3.4), p 12

5. Ngā tāpaetanga whakakāpi a te Karauna (paper 3.3.4), p 13

6. Ngā tāpaetanga whakakāpi a te Karauna (paper 3.3.4), p 13

7. He manatū rōia a ngā kaikerēme, 10 June 2022 (paper 3.1.28)

8. He Pānui Whakahau a Te Rōpū Whakamana i te Tiriti o Waitangi, 29 April 2022 (paper 2.5.9)

9. Mediators' Report (paper 2.5.10(a))

10. He manatū rōia a ngā kaikerēme, 10 June 2022 (paper 3.1.28)

11. He manatū rōia a ngā kaikerēme, 11 October 2022 (paper 3.1.30); he manatū rōia a ngā kaikerēme, 1 November 2022 (paper 3.1.31)

12. He manatū rōia a ngā kaikerēme, 10 November 2022 (paper 3.1.32)



*The Te Wānanga o Aotearoa Report* (2005), and *Te Matua Rautia: The Kōhanga Reo Report* (2013).<sup>13</sup> I te mātaitanga o ā rātou kitenga me ā rātou tūtohunga e pā ana ki te ngoikore o te tautoko me ngā taupā kei mua i te aroaro o te hunga e whakahaere ana i te mātauranga ‘nā te Māori mō te Māori’, ka huri mai a Kaiwhakawā Reeves ki te kerēme o nāianeī me te pātai ake, ‘he aha rā kua panonitia?’<sup>14</sup> Koia ka hāngai tonu tā Kaiwhakawā Reeves ko tā te kerēme whakapae ‘e tinga ana, ka pā noa te whakaaweawe kōaro ki te torohaki o te whakarauoratanga o te reo Māori,<sup>15</sup> ā, ka tāpiritia mai anō te kōrero, kāore he huarahi anō ‘e pai ana hei takahi atu mā ngā kaitono’.<sup>16</sup>

I te 23 o Tihema 2022, ka tohua e Kaiwhakawā Reeves a Kaiwhakawā Rachel Mullins hei Āpiha Whakahaere, ā, ko Herewini Te Koha, ko Ahorangi Susy Frankel, ko Ahorangi Rawinia Higgins, rātou ko Derek Fox hei mema o te paewhiri pakirehua Dewes Wai 1718.<sup>17</sup> I te 8 o Maehe, ka tohutohu a Kaiwhakawā Mullins kia tū ētehi rongonga e whā, e toru rā te roa, i waenga i ngā marama o Aperira me Hune. I tū te Rongonga Tuatahi i te Kura Kaupapa tuatahi, i Te Kura Kaupapa Māori o Hoani Waititi i te Uru o Tāmaki, i tū te Rongonga Tuarua i Te Kura Kaupapa Māori o Ngā Mokopuna i Te Tūranga o Kupe, i tū te Rongonga Tuatoru i ngā tari o Te Rōpū Whakamana i Te Whanganui-a-Tara, ā, i tū te Rongonga Tuawhā i te Marae o Waiwhetū i Te Awakairangi.

### 1.3 MĀTĀMUA KO TE REO MĀORI

I te Hui Kaiwhakawā i te 20 o Pēpuere 2023, ka tohu a Kaiwhakawā Mullins ki ngā hunga whakawā e ngākau titikaha ana Te Rōpū Whakamana kia whakaputaina tana pūrongo ki tēnei kerēme ki te reo Māori.<sup>18</sup> I ngā tohutohu-manatu i tukua i te 19 o Aperira 2023, ka whakamanangia ka tuhia te nuinga o te pūrongo ki te reo Māori, ā, he wāhanga ōna ka noho reo Pākehā mai hei whakaū i te māramatanga mai o te Karauna.<sup>19</sup> I ngā tohutohu-manatu i tukua i te 19 o Aperira 2023, ka whakamanangia e Kaiwhakawā Mullins kua whakapā atu ki ngā mātanga reo hei kaikiri-mana ki te āwhina i te tuhinga hukihukitanga o te pūrongo.<sup>20</sup> I whakawāteatia atu he āheinga ki ngā hunga whakawā kia whakahoki kōrero ki tēnei kawenga, i te hui kaiwhakawā, i ngā tohutohu-manatū hoki o muri mai, i te 19 o Aperira 2023.

I tau i ngā mema o te paewhiri pakirehua me te kāhui mātanga kia noho mātāmua ko te reo Māori hei reo matua o tēnei pūrongo i tuhia hukihukitia ai i te reo taketake o tēnei whenua e kiia nei ko Aotearoa. Ka kitea hoki te reo Pākehā

13. Te Whakataunga ā Tiamana Tuarua Kaiwhakawā Sarah Reeves, 14 December 2022 (paper 2.5.15), pp 15–16

14. Te Whakataunga ā Tiamana Tuarua Kaiwhakawā Reeves (paper 2.5.15), pp 15–16

15. Te Whakataunga ā Tiamana Tuarua Kaiwhakawā Reeves (paper 2.5.15), p 17

16. Te Whakataunga ā Tiamana Tuarua Kaiwhakawā Reeves (paper 2.5.15), p 18

17. He Pānui Whakahau a Te Rōpū Whakamana i te Tiriti o Waitangi, 23 December 2022 (paper 2.5.16)

18. Tuhinga kape kōrero 4.1.2, p 17

19. He pānui whakahau o te Kaiwhakawā Mullins, 19 April 2023 (paper 2.5.24), p 6

20. He pānui whakahau o te Kaiwhakawā Mullins (paper 2.5.24), pp 5–6

i ētehi wāhanga o ngā kitenga, o ngā tohutohu, o ngā whakatau, o ngā tūtohunga hoki e mārama kehokeho ai te kitea o ētehi horopaki e hāngai pū tonu ana ki tā mātou i mea ai.<sup>21</sup> He mea whakatau wawe tēnei whakaaro e te paewhiri pakirehua me te kāhui mātanga i te tukanga pakirehua. He rite tonu tā rātou āta whakamōhio atu ki te hunga e whai wāhi nei ki te kaupapa e mārama pū ai rātou ki ngā nekehanga, ki ngā whakataunga, me ngā whakahaerenga tae noa atu ki te otinga o te kaupapa.<sup>22</sup> E kore rawa ngā mihi whakamānawa e ngū i te mahi tahi a ngā rōpū nei i tēnei kaupapa nui whakaharahara.

He tuatahitanga tēnei i Te Rōpū Whakamana. Katoa ngā pūrongo kua puta i te orokohanga mai o Te Rōpū Whakamana i te tau 1975, tatū iho rā ki te pūrongo i oti ai i mua i tēnei nā, i tuhia ki te reo Pākehā. Nō reira, me whakanui tēnei pūrongo ka tika e kitea nei ko te reo taketake o tēnei whenua e noho mātāmua ake ana i te reo o te hoa tiriti.

I whakahoki kōrero te Karauna me tana tautoko, e tohu ake ana i ngā tohutohu i *Ko Aotearoa Tēnei* me *The Report on the Te Reo Māori Claim* arā 'the Crown should not be a monolingual monolith.'<sup>23</sup> I whakamōhio atu e te Rōpū Whakamana ki ngā hunga whakawā he huarahi hou tēnei, he huarahi kuneroa hoki te tukanga a te Rōpū Whakamana. Ka whakaūngia anō e Kaiwhakawā Mullins, ka mārama ngā mahi a te Rōpū Whakamana i te roanga o tēnei tukanga.<sup>24</sup> Ka whakamāramatia anō e Kaiwhakawā Mullins te tohua o ētehi mātanga reo tokorima ka āwhina i te tuhinga o te pūrongo; ko Tākuta Anaha Hiini, ko Te Waipounamu Teinakore, ko Ruth Smith, ko Jarred Boon, rātou ko Greg Koia. I āta whakamāramatia ko tā te mātanga reo, ko te āwhina i te Rōpū Whakamana ki te whakairo i tā rātou whakatau, ehara i te mea ko rātou anō ngā kaiwhakatau.<sup>25</sup> Ko ngā haepapa matua, ko te tae atu ki ngā rongonga, ko te hāpai i ngā take tikanga i ngā whakahaerenga, ko te tuhi i te pūrongo hukihuki e ai ki ngā tohutohu a te paewhiri ngā mahi i whai wāhi ai, i tutuki ai hoki i ngā mātanga reo. I riro i a Tākuta Anaha Hiini o Kōtiti Reo Consultants te tūranga o te kaiwhakamāori matua.

E whakamānawahia ana e te paewhiri ngā mahi whakaheke tōtā a ngā mātanga reo i a rātou e kaha tiaki nei i ngā āhuatanga o ngā whakahaerenga me te tuhinga o te pūrongo. E mārama pū ana kei te āpiha me te paewhiri te mana o ngā whakataunga me ngā kitenga katoa o te pūrongo i whai mana ai i ā rātou waitohunga.<sup>26</sup>

#### 1.4 KANOHI KI TE KANOHI, RAE KI TE RAE – HE TIKANGA TŪTAKITAKI

E whakarārangi atu nei i ngā tikanga, i ngā kawa i whāia rā i ngā hui i tūtakitaki ai ngā kaikerēme, te Karauna, me te hunga i tae ā-tinana atu ki ngā hui a Te Rōpū Whakamana.

21. He pānui whakahau o te Kaiwhakawā Mullins (paper 2.5.24), p 6

22. Tuhinga kape kōrero 4.1.3

23. Ngā tāpaetanga whakakapi a te Karauna (paper 3.3.4), p 100

24. He pānui whakahau o te Kaiwhakawā Mullins (paper 2.5.24), p 6

25. Tuhinga kape kōrero 4.1.3, p 16

26. He pānui whakahau o te Kaiwhakawā Mullins (paper 2.5.24), p 7

Arā te kōrero e kīia ana, 'kanohi ki te kanohi, rae ki te rae'. Ahakoa te taikaha o tēnei rārangi, e whakakaupapa ana taua kōrero i te tikanga whakahaere, i ngā tūmanako o ngā Kura Kaupapa Māori, o Te Rūnanga Nui, me Te Tāhuhu o te Mātauranga (Te Tāhuhu) ki te whakatatū i tēnei take. Mai anō i te pōhiri tuatahi ki runga o Hoani Waititi, tae atu ki te pōhiri tuarua ki Te Kura Kaupapa Māori o Ngā Mokopuna, pōi ana ki te hui tuatoru ki ngā tari o Te Rōpū Whakamana i Te Tiriti o Waitangi, oti ake ana ki te marae o Waiwhetū,<sup>27</sup> he mea kawe te whakaaro rangatira e te katoa, kaikerēme mai, Karauna mai hoki, i ngā whakahaere katoa. He mea nui i te ao Māori kia kitea te kanohi, kia rangona te reo, ā, koia tēnei i noho mai hei tikanga tāwharau i ngā tukanga whakahaere. Whārikingia ana ngā kupu whakamiha, ngā kupu tuitui tāngata ki te marae. Horahia ana te takapau o kupu taunaki, o tāhuhu kōrero ki mua i te aroaro o te Rōpū Whakamana. Hora atu, hora mai; pere atu, pere mai; tū ana tēnā, tēnā i runga anō i tōna mana. He mana i mau, he mana i tū tonu! Kāore he kakari, kāore he tukitukinga rae.

### 1.5 NGĀ HUNGA WHAKAWĀ I TĒNEI PAKIREHUA

Ahakoa ko Tākuta Dewes, Tumuaki o Te Rūnanga Nui, te kaikerēme matua i whakaingoatia i tēnei pakirehua, ko te hunga i whakaaetia hei hunga whakawā whaipānga ko Te Rūnanga o Ngāti Hine (Wai 682) – nō muri mai ka unuhia tā rātou kerēme,<sup>28</sup> ko Tawhirimatea Williams (Wai 1795),<sup>29</sup> ko Herearoa Skipper, ko Te Puna Moanaroa, rātou ko Korohere Ngāpō.<sup>30</sup>

I whāia atu e Te Rūnanga o Ngāti Hine kia whakamanangia rātou hei hunga whakawā whaipānga nā runga i ētehi take. Ka whakatakotonga atu ki te kōti e mea nei nō rātou te tino rangatiratanga ki te reo, ki te mātauranga, me te kuran-ga.<sup>31</sup> I tua atu i tērā, he Kura Kaupapa Māori anō i tō rātou rohe, ā, ka tohe nā te motuhake o te ahurea, o ngā pūtake tōrangapū, haporī hoki, tērā e tinga ana ko te pānga o ngā āhuatanga whakatoihara o te whakahouanga o Ngā Kura mō Āpōpō, ka rerekē te pānga whakatoihara ka pā ki tō rātou kura.<sup>32</sup> Ka kimi whakaaetanga ngā rōia ki te tuku i ā rātou kupu kōrero motuhake hei tautoko i te kerēme Wai 1718, ā, he mea whakamana e Kaiwhakawā Mullins i āna tohutohu-manatu.<sup>33</sup> I muri mai, ka kounu a Ngāti Hine i tā tātou pakirehua, me te tuku atu anō he pai ake kia tirohia ā rātou kerēme i te pakirehua whānui.<sup>34</sup>

Ka tonu a Tawhirimatea Williams kia whakamanangia ia, rātou ko tana whānau hei hunga whakawā whaipānga hei painga mō te hapū o Ngāti Ruatakenga. I whāia e Tawhirimatea Williams te mana hunga whakawā whaipānga nā runga i te

27. He pānui whakahau o te Kaiwhakawā Mullins, 3 May 2023 (paper 2.6.1(a))

28. He pānui whakahau o te Kaiwhakawā Mullins, 8 March 2023 (paper 2.5.20)

29. He pānui whakahau o te Kaiwhakawā Mullins, 11 April 2023 (paper 2.5.23)

30. He pānui whakahau o te Kaiwhakawā Mullins, 21 April 2023 (paper 2.5.25)

31. He manatu rōia, 21 February 2023 (paper 3.1.39), p 1

32. He manatu rōia (paper 3.1.39), p 1

33. He pānui whakahau o te Kaiwhakawā Mullins, 8 March 2023 (paper 2.5.20), p 3

34. He manatu rōia, 15 June 2023 (paper 3.2.23), p 1

korahi o te pakirehua o nāiane me tōna pānga ki tāna ake kerēme, Wai 1795.<sup>35</sup> Ka tahuri ngā rōia ki te hora i ētehi taunakitanga hāngai e tautoko ana i te kerēme o Wai1718 me te tuku atu i ētehi tāpaetanga me ngā take ka ara ake, mā Tawhirimatea Williams hei whakautu.<sup>36</sup> I whakaaengia e Kaiwhakawā Mullins te whaipānga mai o Tawhirimatea Williams i āna tohutohu-manatu i te 11 o Aperira 2023. Ko Tawhirimatea Williams anake te hunga whakawā whaipānga i tuku taunakitanga me tāna whakaahua i te Ngā Kura mō Āpōpō hei 'muka kōrero kua oti noa te here', me tāna ahakoa te whiriwhiri a te Kāwanatanga, kāore he kōwhiringa mā rātou i tua atu i te whakaae.<sup>37</sup>

I whāia atu e Herearoa Skipper, e Te Puna Moanarua, rātou ko Tākuta Korohere Ngāpō kia whakamanangia rātou hei hunga whakawā whaipānga nā runga i tō rātou wheako, i te whānui hoki o ngā mōhiotanga tuku iho i ngā whakareanga hei āwhina i te Rōpū Whakamana me te Pakirehua Kōhukihuki Kura Kaupapa Māori.<sup>38</sup> I whakamanangia e Kaiwhakawā Mullins te mana hunga whakawā whaipānga i āna tohutohu-manatu i te 21 o Āperira 2023, ā, ko te mātakitaki anake tā rātou i āhei ai.

Ahakoa, ehara i te kaitono i tēnei pakirehua, he mea nui kia whakapuaki kōrero mō te Matakahuki i tēnei wā, inā hoki ka hokihoki anō ki tēnei rōpū i te pūrongo nei. Ko Te Matakahuki te rōpū i whakatūngia i te tau 2020 hei reo mō te tōpūtanga mātauranga kaupapa Māori me ngā mahi whakapāpā ki te Karauna.<sup>39</sup> Ko te mematangia o Te Matakahuki ko Te Runanga Nui, Te Kōhanga Reo National Trust Board, Ngā Kura ā Iwi o Aotearoa and Te Tau Ihu o Ngā Wānanga.

## 1.6 KO NGĀ KAIWHAKAUTU A TE KARAUNA

Ko te Tāhuhu e whakakanohi nei i te Karauna i tēnei pakirehua. Ko ngā āpiha i whaiwāhi atu ki te Education Work Programme 2018 i tū hei kaiwhakaatu mō te Karauna.

## 1.7 TE ANGA O TĒNEI PŪRONGO

I te Aho Tāwai, arā i te upoko tuarua, ka whārikingia tētehi tirohanga whānui o te Kura Kaupapa Māori, tae noa ki te whakatūnga o Te Rūnanga Nui me te whakawhanaketanga o Te Aho Matua. Ka takoto hoki tētehi whakarāpopototanga o te tukanga whakahou a te Karauna i te kaupapa o Ngā Kura mō Āpōpō, ā, tae mai ana ki te kerēme i te wā nei.

I te Aho Kārure, arā i te upoko tuatoru, ka whakamāramatia ngā mātāpono o Te Tiriti o Waitangi me te pānga mai ki tēnei pakirehua.

---

35. He manatu rōia, 17 March 2023 (paper 3.1.45), p1; Wai 1795 tauākī whakaraupapa nawe, 29 August 2008 (Wai 1795, claim 1.1.1), pp16–17

36. He manatu rōia (paper 3.1.45), p1

37. Kōrero taunaki a Tawhirimatea Williams, 23 May 2023 (doc B25(a)), p1

38. He manatu rōia, 20 April 2023 (paper 3.1.61), p4

39. Kōrero taunaki a Raniera Procter, 14 April 2023 (doc B24)

I te Aho Tuapuku, arā i te upoko tuawhā, ka matapakitia te ū o te whakatau a te Karauna ki te Tiriti me te kōkiri i te arotaketia o Ngā Kura mō Āpōpō i 2018, me te whakahoki tuatahi a te Karauna ki te pūrongo a te Rāngai i te tau 2019, 2020 hoki.

I te Aho Tuamaka, arā i te upoko tuarima, ka whakaarotia te ū o ngā mahi a te Karauna ki te Tiriti me te ‘whakatupu i te ara Reo Māori me te ara Kaupapa Māori’ i te tau 2021 me te tau 2022. Ka matapakihia te whanaketanga me te kiko o te Pepa Kāhui Minita i te Hepetema 2021, te whanaketanga o te pūrongo o Ākuhata 2022, me te tūnga kaupapa here o te Karauna i muri mai i te pūrongo o Ākuhata 2022.

I te Aho Kohunga, arā i te upoko tuaono, ka whakaarotia te pānga o te whanonga o te Karauna me tana mahi tahi ki a Te Rūnanga Nui.

I te Aho Whītiki, arā i te upoko tuawhitu, ka whakarāpopotonga ō mātou kitenga, ā, ka whakatakoto atu i ā mātou tūtohunga.



## UPOKO 2

### TE AHO TĀWAI

#### 2.1 HE KUPU WHAKATAKI

Ko tā tēnei upoko he whakatakoto i te horopaki o tēnei pakirehua me ngā kaupapa kua uru ki roto i ngā āhuatanga o te arohaehaenga o te hātepe Kura mō Āpōpō a te Karauna. Ka whakapapa haere mātou i te huanga mai o te Kura Kaupapa Māori, o Te Aho Matua, tae atu ki a Te Rūnanga Nui. Ka whakamārama hoki i Te Tauākī Kawa i waenganui i a Te Rūnanga Nui me Te Tāhuhu, me ngā kaupapa mahi i waenganui i a rāua tahi. Whai muri iho, ka whakamārama i ētahi āhuatanga i ahu mai nō te whakatau a te Karauna ka whakahou i te rautaki a Te Tāhuhu, me ā rātou kaupapa mahi. Ahakoa Te Tauākī Kawa, he mea ohore ngā kaupapa mahi a Te Tāhuhu ki a Te Rūnanga Nui, ka mutu ka hua mai he rōpū hou, ka whai wāhi ki tēnei pakirehua, ko Te Pae Roa tēnā, ko Te Matakahuki hoki. Ka whai haere tēnei wāhanga i ngā arohaehaenga o te hātepe Kura mō Āpōpō a te Karauna, te takanga o ngā take me ngā taunakitanga e whakaaetia ana e ngā taha e rua. Ka noho tēnei upoko hei tūāpapa mō te kerēme a ngā Kura Kaupapa Māori Aho Matua.

#### 2.2 TE HUANGA MAI O TE KURA KAUPAPA MĀORI:

Kua whakamārama mai ngā kaikerēme, he urupare te Kura Kaupapa Māori ki tētahi mōrearea mātauranga. I whakatūria te Kura Kaupapa Māori hei urupare i te māharahara nui ki te mimiti haeretanga, ki te ngaro haeretanga o te reo Māori, otirā ia, ki te urupare i te taumata angitu o te tamariki Māori i ngā kura auraki, me te whakapakari i ngā ihuputa o te Kōhanga Reo i te koke ki pae mātauranga kē.

I whakatūria tuatahitia te Kura Kaupapa Māori, arā, ko te Kura Kaupapa Māori o Hoani Waititi Marae ki Tāmaki Makaurau i te tau 1985.<sup>1</sup> I te tau 1989, ka arongia ōkawatia te Kura Kaupapa Māori e te Karauna mā te wāhanga 155 o te Education Act 1989 hei 'kura motuhake'.<sup>2</sup> E 43 katoa ngā Kura Kaupapa Māori i whakatūria i ngā tau 1985–2000, ā, 19 atu anō ngā kura i whakatūria mai i ngā tau 2000–23.<sup>3</sup> E ai ki a Tākuta Cathy Dewes, nō te Oketopa 2021, neke atu i te 6,500 tamariki Māori puta noa i te motu i kuraina ki te Kura Kaupapa Māori.<sup>4</sup>

---

1. Wai 1718 panonitanga o te tauākī whakaraupapa nawe, 12 October 2021 (paper 1.1.1(c)), p [4]

2. Wai 1718 panonitanga o te tauākī whakaraupapa nawe (paper 1.1.1(c)), p [5]

3. Wai 1718 panonitanga o te tauākī whakaraupapa nawe (paper 1.1.1(c)), p [6]

4. Wai 1718 panonitanga o te tauākī whakaraupapa nawe (paper 1.1.1(c)), p [6]

Ko te whāinga o te Kura Kaupapa Māori, ko te para i te huarahi e noho tangata whenua anō ai te reo Māori, me ngā whanonga pono o te ao Māori ki te iwi Māori hei tūāpapa tūnga mō rātou. Mā konei he oranga e puta ai i ngā tamariki Kura Kaupapa Māori ki ō rātou whānau, ki ō rātou hapū, ki ō rātou iwi hoki.<sup>5</sup> E ai ki tā Tākuta Dewes, ko te Kura Kaupapa Māori tētahi tauira o te tino rangatiratanga i roto i te mātauranga. Ko te pae o angitu kei roto i ētahi āhuatanga o te tino rangatiratanga, inarā te reo Māori me ngā tikanga ahurea, te kāwanatanga me te mana whakahaere Māori, te tāraitanga o te marautanga Māori me tōna whakaakona.<sup>6</sup>

E tū mārō ai, e tū pakari ai te Kura Kaupapa Māori, me pakari tahi te tūāpapa. Nō te tau 1988–89 i hangaia ai te tūāpapa e tū nei te kaupapa, arā, i hangaia Te Aho Matua. Ko Te Aho Matua me ōna pou e ono e noho nei hei pou whirinaki, hei pou toko i te kaupapa e tū ai te tamaiti ki te whai ao, ki te ao mārāma.<sup>7</sup> Mārāma ana tā Te Aho Matua titiro ki te katoa o te tamaiti me te whakatupu i a ia ki roto i te ao Māori. E ai ki te kōrero, he mea whakakite a Kahurangi Kāterina Te Heikōkō Mataira e te ao wairua ki te kaupapa o Te Aho Matua, ā, nāna ka puta ki te ao mārāma.<sup>8</sup>

Ko wāhanga nui o te Kura Kaupapa Māori, ko ōna kaitiaki. Ko ngā mātua e tiaki nei i ngā tamariki, ko ngā kaiako e tiaki nei i ngā tauira, ā, ko te tautiaki i waenga i te hapori me te kura, ko te kōtihi tēnei o te whakaaro rangatira. Nā ngā whānau tēnei kaupapa i poipoi, i manaaki i te tīmatanga, ā, tae noa ki tēnei rā e kitea ana te mahi a te mātua hei tauawhi i ngā Kura Kaupapa Māori. Nō reira ka mārāma ngā kōrero a Te Wehi Wright, mō te 'ko te kura hei kāinga, ko te kāinga hei kura.'<sup>9</sup>

Tērā atu anō tētahi rōpū kaitiaki i whakatūria ōkawatia ai i te tau 1993 i te rohe o Whanganui, i Kaiwhaiki rawa, hei tiaki i Te Aho Matua, ā, koia tērā ko Te Rūnanga Nui o Ngā Kura Kaupapa Māori.<sup>10</sup> Ko tā Te Rūnanga Nui he noho hei kaitiaki mō Te Aho Matua, he whakamahere rautaki hei whakatutuki i ngā whāinga e tupu ai ngā Kura Kaupapa Māori, otirā he whakahou, he whakahāngai i āna rautaki, i ōna whāinga e ai ki tā te wā e tohu ai, ā, i pērātia i te tau 2004, me te tau 2021.<sup>11</sup> Nā rātou te mahi nui kia whakaturehia a Te Aho Matua hei tūāpapa rapunga whakaaro, ā, nāwai ka whakatutukihia taua whakapaunga kaha i te tau 1999, i raro i te Education (Te Aho Matua) Amendment Act 1999.<sup>12</sup>

Tata ki te rua tekau tau i muri mai e kōkiri ana ngā Kura Kaupapa Māori i āna mahi, ka whakatūngia tētahi Rāngai Motuhake e te Minita Mātauranga hei arotake i te kaupapa here a te pūnaha mātauranga whakature e kīia nei ko Ngā Kura mō Āpōpō. Ko tā rātou, he whakatau mēnā rānei me panoni ētahi o ōna āhuatanga.

5. Wai 1718 panonitanga o te tauākī whakaraupapa nawe (paper 1.1.1(c)), p [4]

6. Kōrero taunaki a Cathy Dewes, 3 April 2023 (doc B1(a)), p 3

7. Wai 1718 panonitanga o te tauākī whakaraupapa nawe (paper 1.1.1(c)), p [4]

8. Kōrero taunaki a Dewes (doc B1(a)), pp 4–5

9. Kōrero taunaki a Te Wehi Wright, 3 April 2023 (doc B2(a)), pp 2–3, 5

10. Wai 1718 panonitanga o te tauākī whakaraupapa nawe (paper 1.1.1(c)), p [5]

11. Wai 1718 panonitanga o te tauākī whakaraupapa nawe (paper 1.1.1(c)), p [6]

12. Wai 1718 panonitanga o te tauākī whakaraupapa nawe (paper 1.1.1(c)), p [6]



### 2.3 TE AHO MATUA

Ko te tūāpapa o te Kura Kaupapa Māori ko Te Aho Matua. He kaupapa tēnei i waihangatia ai, e ai ki tā te Māori titiro, e te Kura Kaupapa Māori Working Party i te tau 1988–89. Ko te aronga nui i konei, ko te whakawhanaketanga o te katoa o te tamaiti.<sup>13</sup>

E ono ngā pou o Te Aho Matua, arā, ko:

- Te Ira Tangata;
- Te Reo;
- Ngā Iwi;
- Te Ao;
- Ngā Āhuatanga Ako; me
- Te Tino Uaratanga.<sup>14</sup>

I whakatūria a Te Aho Matua hei mātāpono ārahi i te Kura Kaupapa Māori<sup>15</sup>, ka mutu, i whakaturehia a Te Aho Matua mā roto mai i te Education (Te Aho Matua) Amendment Act 1999.<sup>16</sup> Ko Te Rūnanga Nui te kaitiaki o Te Aho Matua,<sup>17</sup> ā, i te tau 2008, ka pānuitia atu a Te Aho Matua.

Ko tā Dewes, ko ngā Kura Kaupapa ‘he taura mātauranga o te tino rangatira-tanga’<sup>18</sup>, ā, hāunga ia ko te whakamana me te whakatairanga i te reo Māori ki tōna tino taumata. Tērā atu anō ētahi mea matua, arā ko te whakahoki i te reo ki te whānau, ko te tuku hoki i te mana ki te tangata māna anō e tohu tāna e ako ai, ko te āhua o taua ako, āhea, ki hea hoki.

Ko tā Rawiri Wright he pūnaha whakatipu a Te Aho Matua.<sup>19</sup> E ai ki tā Te Aho Matua titiro ki te ao, ‘kāore he wehenga i waenga i ngā mātāpono whakaako me ngā mātāpono whakatupu i te tamaiti, otirā i te tangata.’<sup>20</sup> I konei kitea ai ko te tino hiranga o Te Aho Matua ko te whakamatua i te tupuranga o te tamaiti, arā, ka kapohia ēnei whakaaro i roto i ngā mātāpono e ono hei whāngai i tēnei āhuatanga i roto i ngā mahi ako. E kiia ana ‘ko te tohutohu matua a Te Aho Matua e mea ana tiakina te wairua me te ngākau o te tangata,’ ā, mātāmuri mai ka taka ko ngā whakaakoranga hei whakaū i te ora, i te mōhio, i te kaha, i te pakari o te tamaiti.

E ai ki ngā kaikerēme, kāore e tutuki tēnei whāinga mā te whai i te ara auraki, otirā ia, ka whakatau a Rawiri Wright ‘mā te katoa me ngā hapori katoa’<sup>21</sup> a Te Aho Matua.

13. Wai 1718 panonitanga o te tauāki whakaraupapa nawe (paper 1.1.1(c)), p [4]; He manatū rōia a ngā kaikereme me te Karauna, 20 March 2023 (paper 3.1.47(a)), p [1]; Te Rūnanga Nui o Ngā Kura Kaupapa Māori o Aotearoa to Tomorrow’s Schools Independent Taskforce, 13 April 2019 (application for urgency, supporting documents (doc A6), pp 246–253)

14. Wai 1718 panonitanga o te tauāki whakaraupapa nawe (paper 1.1.1(c)), p [4]

15. He manatū rōia a ngā kaikereme me te Karauna, 20 March 2023 (paper 3.1.47(a)), p [1]

16. Education Act 1989, s 155A

17. Wai 1718 panonitanga o te tauāki whakaraupapa nawe (paper 1.1.1(c)), p [6]

18. Kōrero taunaki a Cathy Dewes, 29 March 2023 (doc B1), p 3

19. Kōrero taunaki a Cathy Dewes rātou ko Rawiri Wright ko Renee Wright, 30 March 2023 (doc B10), p 7

20. Kōrero taunaki a Dewes rātou ko Rawiri Wright ko Renee Wright (doc B10), p 7

21. Kōrero taunaki a Dewes rātou ko Rawiri Wright ko Renee Wright (doc B10), p 7

Ko tā Te Wehi Wright, raukura o te kaupapa nei, ko tētahi o ngā āhuatanga nui o Te Aho Matua ko te whakatō i tō te tamaiti 'mōhio, mārama hoki ki tōna pitomata'<sup>22</sup> kia taea ai e ia tāna e hiahia ai ki tēnei ao hurihuri nei. Otirā, e ai ki a Te Wehi Wright, 'ko te mea nui, māna tonu, mā tōna whānau hoki tērā ara e tohu, e koke anō hoki.'<sup>23</sup>

#### 2.4 TE WHAKAPAPA O TE RŪNANGA NUI

I te tau 1993, i whakatūria ko Te Rūnanga Nui e ngā whānau o te Kura Kaupapa Māori i te marae o Kaiwhaiki hei kaitiaki ōkawa mō Te Aho Matua me te Kura Kaupapa Māori.<sup>24</sup> Ko te mutunga iho, ka whakamanatia a Te Rūnanga Nui hei manatōpū.<sup>25</sup> Nō ngā tau i muri iho ka riro mā Te Rūnanga Nui e kawē ngā take ki a Te Tāhuhu. Ko rātou ngā māngai o ngā Kura Kaupapa Māori Aho Matua me te Karauna. I roto i ngā tāpaetanga a ngā kaikerēme ka whakamārama i te wairua mahi tahi i waenganui i Te Rūnanga Nui me Te Tāhuhu i roto i ngā tau, ngā piki me ngā heke. Ka taka te wā, ka whakaae Te Rūnanga Nui me Te Tāhuhu ki Te Tauākī Kawa. Ka whakawhānuitia tēnei ā muri nei.

I te tau 1996, ka whakaritea mai e Te Rūnanga Nui tāna rautaki e kiia nei ko te Mahere Rautaki e whakarārangi mai ana i ā rātou whāinga mō te whakawhānui, mō te whakawhanake, me te whakahaere hoki i te Kura Kaupapa Māori me Te Rūnanga Nui. I whakahoungia taua mahere rautaki i te tau 2004 me te tau 2021.<sup>26</sup>

#### 2.5 TE TAUĀKĪ KAWA

He wāhanga nui te wāhanga ki Te Tauākī Kawa i tēnei pakirehua. Nō te tau 1994, ka tūhono a Te Rūnanga Nui me Te Tāhuhu i raro i tētahi whakaaetanga e kiia ana ko Te Tauākī Kawa. Kei Te Tauākī Kawa e kī ana ka mahi tahi ngā hoa whaipānga ki tēnei tauākī mā te whakaū me te whakatutuki i ō rātou haepapa mō te wāhi ki tēnā, ki tēnā ki tēnei tauākī.<sup>27</sup>

Ko tētahi here o Te Tauākī Kawa, ko te whakaaetanga kia rite tonu te huihui a ngā rōpū nei ki te kōrero mō ngā take nui, tae atu rā ki te whakatūnga o ētahi Kura Kaupapa hou anō hoki. Kua whai pūtea tautoko a Te Rūnanga Nui i Te Tāhuhu mai i te tau 1995, ka mutu, i tua atu i tērā, kua whakaritea he kirimana i ōna wā e hāngai ana ki ngā kaupapa matua a te Tāhuhu. E ai ki ngā kaikerēme, kua iti noa iho te tautoko ā-pūtea, ka mutu, kua noho mai ko te Kura Kaupapa Māori hei papa ki ngā piropiro tōrangapū o te wā.

22. Kōrero taunaki a Te Wehi Wright, 29 March 2023 (doc B2), p 2

23. Kōrero taunaki a Te Wehi Wright, 29 March 2023 (doc B2), p 2

24. Wai 1718 panonitanga o te tauākī whakaraupapa nawe (paper 1.1.1(c)), p [5]

25. He manatū rōia a ngā kaikerēme me te Karauna (paper 3.1.47(a)), p [2]

26. Wai 1718 panonitanga o te tauākī whakaraupapa nawe (paper 1.1.1(c)), p [6]

27. Wai 1718 panonitanga o te tauākī whakaraupapa nawe (paper 1.1.1(c)), p [8]; Te Tauākī Kawa 1994 (application for urgency, supporting documents (doc A6), p 230)

I te wā i tīmata ai tā te Karauna kōkiri i āna panonitanga ki te pūnaha mātauranga o Aotearoa i te tau 2017, i te mahi tahi kē a Te Rūnanga Nui ki a Te Tāhuhu o te Mātauranga ki te kōkiri i tētahi hōtaka whakatikatika i ngā take mauroa i waenganui i ngā rōpū e rua. I tīmata ēnei mahi e rua tau tōmua mai i te tau 2015. He tārewa nō te whakatutuki o ēnei mahi i whatiwhati haere ai te whanaungatanga i waenganui i a Te Rūnanga Nui me Te Tāhuhu.

Nō muri mai i ētahi whakawhitinga kōrero, ka ngana anō ngā taha e rua ki te mahi tahi, ā, nō te tau 2019, ka whakahoungia a Te Tauākī Kawa hei wāhanga o ngā whakataunga i waenganui i a Te Rūnanga Nui me Te Tāhuhu ki te whakatakoto Putanga Hou mō ngā ratonga ka whakaratoa e Te Rūnanga Nui ki te Kura Kaupapa Māori. Heoi anō rā, ko ngā mātāpono o te whanaungatanga i waenganui i a Te Rūnanga Nui, e ai ki ngā kaikerēme,<sup>28</sup> kua kore i hua mai e ai ki tā rātou i wawata ai.

## 2.6 TE TAKE MŌ TE TAUĀKĪ KAWA 2019–24

Ko tā Te Tauākī Kawa he aro ki ngā mahi a tēnā, a tēnā mō te wāhi ki te Kura Kaupapa Māori, otirā, mā ngā whakahaerenga e rua nei tētahi hōtaka hei whakaurite, hei whakahaere hoki i te mahinga tahitanga i waenganui i ēnei rōpū e rua. Ka whakatakoto i ngā kōrero nō roto mai i Te Tauākī Kawa kia mārara kehokeho ai ki te āhua o te mahi tahi i waenganui i a Te Rūnanga Nui me te Tāhuhu. Ko ngā whakaritenga matua i whakaetia rā e Te Rūnanga Nui me Te Tāhuhu i Te Tauākī Kawa o te tau 2019 ka whai ake nei:

### 2.6.1 Te wāhi ki ngā whakahaerenga e rua

Hei kaitiaki a Te Rūnanga Nui ki Te Aho Matua, me te aha, ka pā tēnei haepapa ki ngā kura kua tohua hei Kura Kaupapa Māori i raro i te wāhanga 12 o te Ture Mātauranga 1989. Kua whakamanatia tēnei i raro i te rārangi 155B o te Ture. He haepapa ā-ture tō Te Tāhuhu tae atu rā ki te whakawhanaketanga o ngā kaupapa here me ngā rauemi.

### 2.6.2 Te Whāinga Matua o Ngā Rōpū e Rua

E whakaae ana ngā rōpū e rua he haepapa tō rāua ki te whakarauora i te reo Māori me ngā tikanga Māori, me te whakapiki hoki i ngā putanga mātauranga mō te Māori, te aro hoki ki te wāhanga o te tuakiri, o te reo, me te ahurea ki te whakapiki ake i ngā putanga Mātauranga mō ngā taurira katoa.

### 2.6.3 Ngā Mātāpono o te Mahi Ngātahi

Ka whakaae ngā rōpū e rua ki te mahi tahi:

1. me te wairua tapatahi, te ngākau whakapono me te whakaute anō o tētahi i tētahi
2. ki te whakapā tōmua mō ngā take e whai pānga atu ana ngā rōpū e rua

28. Ngā tāpaetanga whakakapi a ngā kaikerēme, 12 June 2023 (paper 3.3.3), p 53

## 2.6.4

3. ki te aro, ki te whakaita hoki i te mana motuhake o ia rōpū, ō rāua tūranga, ō rāua haepapa, ō rāua herenga hoki.
4. Ā, ka whakaae ngā taha e rua kia whakamahia te hōtaka mahi tahi ki te ārahi i ngā mahinga ngātahitanga.

**2.6.4 Te Hōtaka Mahi Ngātahi**

Ka whakaritea he hōtaka mahi ngātahi mā:

- ▶ te whakarite hui e whakatutukihia ai ngā mahi, otirā, e tutuki ai i ngā rōpū tā rātou i whakatau ai. Ka panonihia pea ētahi wāhanga o te hōtaka mahi ngātahi i ōna wā e tika ai mā ngā rōpū e rua e ai ki tā rāua i whakatau ngātahi ai.
- ▶ tētahi mahere mahi kua whakaaetia e ngā rōpū e rua mō ngā mahi e haere ake ana. Ka arotakengia tēnei mahere mahi i ia tau.

**2.6.5 Mahere Mahi Ngātahi**

Ka hui ngā māngai kua tautapangia e ngā rōpū e rua ia koata tau ki te kōrero i ngā māharahara, i ngā take nui me te kōkiritanga o te mahere mahi.

Me hui te Hekeretari me te Hekeretari Tuarua o te Mātauranga ki te Tumuaki o Te Rūnanga Nui i ia ono marama.

**2.6.6 Te Mahere Mahi**

Ka mahi tahi ngā rōpū e rua ki te whakatutuki i ngā putanga kua whakaahuatia ki te Whakaaetanga Putanga (Bilateral) 2019–24.

Ka mana Te Tauākī Kawa nei mai i te Tihema 2019 ki te Hune 2024.

**2.7 TE HĀTEPE WHAKAHOU I NGĀ KURA MŌ ĀPŌPŌ**

I te tau 1988, ka whakatakina e te Minita Mātauranga, e David Lange te hōtaka o Ngā Kura mō Āpōpō hei urupare ki te pūrongo a Picot. He nui ngā panonitanga ka hua i te hōtaka o Ngā Kura mō Āpōpō tae atu rā ki te whakaaranga o ngā poari ā-kura, he whakahaerenga kaute pūtea hou, he pokapū kāwanatanga hou, me te whai wāhitanga mai hoki o te tauira kanorau.<sup>29</sup> I te tau 1989, ka whakatakina ōkawatia te hōtaka o Ngā Kura mō Āpōpō. Ka whakamanahia hoki ko tētahi whakahoutanga o te Ture Mātauranga i taua tau tonu rā, ā, ka uru mai te whai wāhitanga ki ngā kura motuhake – tae atu rā ki te Kura Kaupapa Māori, i noho mai rā i raro i ngā whakahaerenga a Te Aho Matua (s 155E).

I te tau 2008, ka whakatakina e te Tāhuhu te hōtaka o Ka Hikitia, e whakarārangi mai ana i tā te Tāhuhu rautaki kia eke te mātauranga Māori mō te Māori, otirā ia, mā te mahi tahi ki te Māori i ngā tau e rima te haere ake nei. ‘Ka arotakengia tēnei

---

29. Ministry of Education, ‘Kura Kaupapa Māori Working Group’, 1989 (application for urgency, supporting documents, (doc A6) pp1–33)

i te tau 2013, ā, e tirohia ana ināianei hei wāhanga o te Hōtaka Mahi Mātauranga 2018 – Kōrero Mātauranga o Te Aho Matua.<sup>30</sup>

Ka tīmata rā te Karauna i tāna Hōtaka Mahi Mātauranga i te tau 2018. E kapi mai ana i te Hōtaka Mahi Mātauranga ko ngā arotake nui o ētahi wāhanga o te rāngai mātauranga, ko ngā rautaki pae tawhiti ki te whakamahere i ngā kaupapa me ngā mahi matua, me ngā whakahaerenga matua anō hoki. I arotakea hoki ko te hōtaka o Ngā Kura mō Āpōpō.<sup>31</sup>

I te Māehe 2018, i whakaae te Rūnanga Kāwanatanga ki ngā tikanga whakahaere mō tētahi rōpū pakirehua motuhake ki te whakahaere i te arotake o Ngā Kura mō Āpōpō.<sup>32</sup> Ko ngā mema ko Bali Haque rātou ko Cathy Wylie, ko John O’Neil, ko Barbara Alā’alatoa, ko Mere Berryman.<sup>33</sup> I te Noema o 2018, ka whakaputaina e te Rāngai Motuhake tāna pūrongo whāiti, ko *Our Schooling Futures: Stronger Together/Whiria Ngā Kura Tūātinini*, ki te Minita Mātauranga. Ka whakaputaina te pūrongo whāiti kia arotakehia tūmatawhānuitia i te Tihema o 2018, ā, ka hui te Rōpū ki ngā kaiwhaipānga, tae atu rā ki a Te Rūnanga Nui, i waenganui i te Māehe me te Mei o 2019. Nō muri mai i te wāhanga tohutohu, ka whakaputaina e te Rāngai Motuhake tāna pūrongo whakamutunga i te Hepetema 2019. Ko tētahi take matua i puta rā i te pūrongo ko te tūtuhunga 4(a) e kī ana me whakarite e te rautaki whakarite kura he ara whakarara kaupapa Māori.<sup>34</sup>

## 2.8 TE MATAKAHUKI

Nā te nui o ngā kaupapa mahi a te Hōtaka Mahi Mātauranga, ka whakakotahi mai ngā kaupapa Māori i roto i rāngai mātauranga, ā, ka tū ko Te Matakahuki. He rōpū tēnei e noho ana hei māngai nō Te Rūnanga Nui o Ngā Kura Kaupapa Māori, o Te Kōhanga Reo, o Ngā Kura ā Iwi, me Te Tauihu o Ngā Wānanga; he mea whakatū te rōpū nei i te tau 2020.<sup>35</sup> Ko Te Matakahuki kōrero tahi, wānanga tahi hoki ki te Karauna mō tāna hōtaka arareo Māori. I waenganui i te Ākuhata me te Hepetema o 2021, he nui tonu ngā wā i hui ai a Te Tāhuhu o te Mātauranga ki a Te Matakahuki ki te wānanga i tētahi ture ako Māori.<sup>36</sup> Taihoa ake ka whakawhānui i te wāhi ki a Te Matakahuki ki ētahi atu upoko.

30. Ministry of Education, ‘Ka Hikitia: Managing for Success – Māori Education Strategy 2008–2012’ (application for urgency, supporting documents (doc A6), pp 275–296)

31. Tomorrow’s Schools Independent Taskforce, *Our Schooling Futures: Stronger Together/Whiria Ngā Kura Tūātinini* (Wellington: Ministry of Education, 2019), p 14 (application for urgency, supporting documents (doc A6), p 605)

32. Kōrero taunaki a Iona Holsted, 12 November 2021 (doc A7), p 3

33. Office of the Minister of Education, ‘Appointments to the Independent Taskforce’, p [3] (application for urgency, supporting documents (doc A6), p 438)

34. Tomorrow’s Schools Independent Taskforce, *Our Schooling Futures: Stronger Together/Whiria Ngā Kura Tūātinini* (Wellington: Ministry of Education, 2019), p 18 (application for urgency, supporting documents (doc A6), p 609)

35. He manatū rōia a ngā kaikereme me te Karauna (paper 3.1.47(a)), p [5]

36. Kōrero taunaki a Hohepa Campbell, 12 October 2021 (doc A5), p 5; He manatū rōia a ngā kaikereme me te Karauna (paper 3.1.47(a)), p [4]

### 2.9 TE PAE ROA

Ko Te Pae Roa te rōpū i whakaritea ai e te Minita, e Kelvin Davis, ki te ārahi i ngā huinga tahitanga a te Karauna ki te Māori, ki ngā hapū, ki ngā iwi me ngā hunga whaipānga o te rāngai Mātauranga ki te kimi urupare ki ngā pātai e whai ake nei<sup>37</sup>:

- ▶ He aha ngā whakaarotau mō te Māori Medium Education/Kaupapa Māori Education ka whakaarohia ana tēnei hōtaka mahi?
- ▶ He pēhea te āhua o te Māori Medium Education/Kaupapa Māori Education i ngā tau e 30, i ngā whakareanga e 3–4 te whai ake nei?
- ▶ He aha ētahi o ngā āhuatanga e whakararuraru nei i a koe, e hiahia ana rānei koe ki te panoni i te Māori Medium Education/Kaupapa Māori Education ināianei?
- ▶ Ka pēhea tō whakamārama i te Māori Medium Education/Kaupapa Māori Education?

Ko ngā mema o Te Pae Roa ko Tākuta Wayne Ngata, rātou ko Rāhui Papa, ko Moe Milne, ko Miriama Prentice, ko Jason Ake. Ka hoki anō ki ngā kōrero a Te Pae Roa hei ngā upoko e whai ake nei.

### 2.10 KŌRERO WHAKATEPE

I whakatūria te Kura Kaupapa Māori hei kaupapa tāwharau i te taiao ako motuhake, i te reo, i te ahurea, me ngā tikanga Māori mō ngā taurira Māori i te rāngai mātauranga. Mā ēnei whakahaerenga e tutuki ai ngā takune mātauranga, ahurea anō hoki o te Karauna me ngā Kura Kaupapa Māori.

Ka whakarārangi mai a Te Aho Matua i ngā whāinga ako o te Kura Kaupapa Māori e hua mai ai he āhuatanga motuhake ki te whakatutuki i ngā whāinga mō ngā Kura Kaupapa Māori o te motu. Ko tā Te Rūnanga Nui he whakakanohi, he tū hei māngai o ngā Kura Kaupapa Māori me te whakaita anō i ngā hiahia o ngā Kura Kaupapa Māori e ai ki Te Aho Matua; he whakaū i te wāteatanga o ngā rauemi mā Te Aho Matua; he whakaū hoki i te whakaaro ka urupare a Te Aho Matua i ngā hiahia o ngā taurira, o ngā whānau, me ngā hāpori Māori. Mā roto mai i te upoko e whai ake nei ka kōrerohia ngā mātāpono o Te Tiriti o Waitangi e whai hāngaitanga ana ki ngā kōrero kua whakatakotoria ki tēnei upoko.

---

37. Te Pae Roa, 'The Future of Kaupapa Māori and Māori medium education: Report Back and Independent Advice Following Te Pae Roa's Engagement Process', 4 April 2022 (Rōia Karauna, supporting documents (doc B30), pp 1930–1943)

## UPOKO 3

### TE AHO KĀRURE

#### 3.1 KUPU WHAKATAKI

He mea whakauru tēnei kōrero ki te upoko tuatahi o te pūrongo nei e mōhiohia ai te āhua o te tohe a ngā kaitono i tēnei pakirehua mō te whanonga me ngā whakataua a te Karauna i te roanga ake o te tukanga hei whakahou, hei arotake hoki i a Ngā Kura mō Āpōpō, i takahia ai ana utanga i raro i te Tiriti o Waitangi ki Te Rūnanga Nui me Ngā Kura Kaupapa Māori. Inā koa, ko te āwangawanga o ngā kaitono ko:

- ▶ te whakataua a te Karauna kia whakatūhia te rāngai motuhake, māna Ngā Kura mō Āpōpō e arotake;
- ▶ ngā whakautu a te Karauna i te āhua o te pūrongo 2018 a te Rāngai (*Our Schooling Futures: Stronger Together/Whiria Ngā Kura Tūātinitini*), inarā te Tūtohunga 4(a) e tūtohu ana i te whakatūnga mai o tētahi ohu whakahaere motuhake mō te ara Kaupapa Māori;
- ▶ ngā mahi kaupapahere a te Karauna i te tau 2021 me te tau 2022 ki te ‘whakatupu i te ara reo Māori me te ara Kaupapa Māori’.

Ko te tohe a ngā kaikerēme kua whakatoiharatia rātou me te ara mātauranga whānui o te Kura Kaupapa e ngā mahi, me ngā mea kua mahue i te Karauana i te roanga ake o te tukanga hei whakahou, hei arotake hoki i a Ngā Kura mō Āpōpō.<sup>1</sup>

Ahakoia kāore te Karauna i te whakaae ki ngā whakapae i mea rā kua takahia e rātou te Tiriti, i tono kupu ārahi rātou i te Rōpū Whakamana i Te Tiriti o Waitangi ki te whai i te ara tika hei whai māna, arā mā te Karauna e ū tonu ai ia ki ana utanga ki te Tiriti i runga i te āhua o tōna hononga ki a Te Rūnanga Nui.<sup>2</sup> He mea tono hoki e ngā kaitono kia tūtohungia e Te Rōpū Whakamana i Te Tiriti o Waitangi ētahi whakataunga whaihua ki tana pūrongo.<sup>3</sup>

E aromātaitia ai te kerēme kua tau ki te aroaro, e puta ai hoki ētahi whakataunga me ētahi tūtohunga, kua takoto i a mātou ngā mātāpono Tiriti me ngā mahi e hāngai pū ana ki te horopaki o tēnei pakirehua. I a mātou e wānanga ana i ia mātāpono, ka tirohia ngā tāpaetanga a ngā rōpū me ngā kōrerorero o mua a Te Rōpū Whakamana i Te Tiriti o Waitangi, inā koa ko ngā kōrero e hāngai ana ki te whakaturenga mātauranga a te Karauna, ki ngā kaupapahere, me ngā anga ture a te Karauna.

---

1. Ngā tāpaetanga whakakapi a ngā kaikereme, 12 June 2023 (paper 3.3.3), pp 160–164

2. Ngā tāpaetanga whakakapi a te Karauna, 19 June 2023 (paper 3.3.4), p 51

3. Ngā tāpaetanga whakakapi a ngā kaikereme (paper 3.3.3), pp 164–174

### 3.2 MANA WHAKATAU

Ko tā te Ture Tiriti o Waitangi 1975 he tautuhi i te mana whakatau o te Rōpū Whakamana i te Tiriti o Waitangi. E ai ki te wāhanga 6(1) o taua Ture rā, e āhei ana ngā Māori katoa te tuku kerēme ki te Rōpū Whakamana i te Tiriti mēnā kua tūkinohia ia e te ture, e tētahi kaupapahere, e ngā mahi hārakiraki rānei a te Karauna kāore e whai ana i ngā mātāpono o te Tiriti.

Mēnā e mārāma ana te kitea o te hua o te kerēme ‘i ia wāhanga ōna’, ka tūtohu pea ki te Karauna ki te kimi i ētahi huarahi kia utua parematatia, kia mukua ngā te whakatoihara, kia aukatia rānei te pērāhia o ētahi atu ā muri ake nei. E mōhio pū ai te Rōpū Whakamana i te Tiriti o Waitangi e whaihua ana tētahi kerēme:

- ▶ kua whaihua tā te kaitono kerēme i raro i te mana o tētahi, o ētahi take rānei i te wāhanga 6(1) o te Ture; ka mutu,
- ▶ kua pāngia kinohia, ka pāngia kinohia rānei te kaitono e aua take; waihoki,
- ▶ he take kāore i ū, kāore rānei e ū ana ki ngā mātāpono o te Tiriti.

E whakaaetia ai tētahi kerēme kōhukihuki, me tutuki ētahi paearu ki tētahi taumata teitei ake. Ka whakaarohia e te Rōpū Whakamana i te Tiriti o Waitangi ēnei āhuatanga e whai iho nei:

- ▶ e taea ana e te kaikerēme te whakaatu atu te kino o te whakatoihara kua pā ki a rātou, ka pā rānei ki a rātou, he whakatoihara e kore e mauru noa, nā ngā mahi me ngā kaupapahere a te Kāwanatanga kua oti kē i a ia, ka oti rānei i a ia ākuanei;
- ▶ kāore he putanga kē atu, i roto i ngā āhuatanga o te wā, e tika ana kia whāia e ngā kaikerēme; ka mutu,
- ▶ e taea ana e ngā kaikerēme te whakaatu atu tō rātou rite ki te kuhu wawe ki tētahi whakawānga.

Koia ēnei ko ētahi atu āhuatanga hei whaiwhakaaro mā te Rōpū Whakamana i te Tiriti, mehemea:

- ▶ e whakapātaritarihia ana e te kerēme, e ngā kerēme rānei tētahi mahi, tētahi kaupapahere rānei a te Karauna kua tau kē, e tāria tonuhia ana rānei kia tau;
- ▶ kua tau i ngā mana o te kōti te tono o te kerēme, o ngā kerēme rānei i te āhua o te tono ki te Rōpū Whakamana kia kōhukihuki; me
- ▶ ētahi atu take e tautoko ana i te tono kia kōhukihuki.<sup>4</sup>

### 3.3 NGĀ MĀTĀPONO HĀNGAI ME NGĀ HERENGA

#### 3.3.1 Tino rangatiratanga

Nā te atikara tuarua o Te Tiriti o Waitangi i taurangi ki te Māori te tino rangatiratanga o ō rātou whenua, o ō rātou pā, o ō rātou ngahere, me ētahi atu taonga. Nō reira, hei tāna, e taurangihia ana te mana o tā te Māori noho e ai ki ngā mātāpono me ngā tikanga o te ahurea Māori. E tohe nei ngā kaikerēme, ko ngā Kura Kaupapa Māori te whakatinanatanga o te kawenga o te tino rangatiratanga i

---

4. Te Rōpū Whakamana i te Tiriti o Waitangi, *Guide to the Practice and Procedure of the Waitangi Tribunal* (Wellington: Waitangi Tribunal, 2023), pp13–14



roto i te horopaki inamata nei.<sup>5</sup> Inarā, hei tā ngā kaikerēme, kua whakahāweatia, kua whakatoiharatia hoki e te Karauna te mana o te Kura Kaupapa Māori me tō rātou āheinga ki te kawē i tō rātou tino rangatiratanga.<sup>6</sup> Ki ōna whakaaro, kāore te Karauna i te whakaae ki te whakapae e mea ana e whakahēngia ana te mōtika o te kaikerēme ki te kawē i tōna rangatiratanga i roto i tēnei horopaki.

Kua puta te kōrero i ngā whakawānga Rōpū Tiriti o mua e pā ana ki te āhua o te pūtahitanga o te tino rangatiratanga me te mātauranga. I te pūrongo *Mōkai School Report* (2000), nā te Rōpū Whakamana i te Tiriti i whakatau 'i hāngai te mātāpono Tiriti o te tino rangatiratanga' ki ngā pāhekohekotanga i waenga i te Karauna me te hapori o Mōkai mō te āhua o te mātauranga Hapori o ngā tamariki o Mōkai. E ai ki tā te Rōpū Whakamana i te Tiriti aromātai i te horopaki nei, nō te hapori o Mōkai te tino rangatiratanga, ā, he mahi nui hei whakatutuki mā te mātauranga hapori kia ea ai 'te herenga a te Karauna e tiakina ai ngā taonga pēnei i te reo Māori me te mātauranga.'<sup>7</sup>

Pēnei i te whakawānga o *Te Whanau o Waipareira* (1998) i whakatau ai i te tau i mua ko te haepapatanga o te Karauna kia hono atu ki ētahi kahui iwi-kore e whakaratoa ai ētahi momo ratonga pāpori, arā:

Rangatiratanga resides in a community. While legal structures may be established by Maori groups for their own purposes, they merely reflect or approximate the locus of rangatiratanga, and the legal structure should not be mistaken for the community.<sup>8</sup>

I te pūrongo o te *Kerēme Kōhanga Reo* (2013) e kiia nei ko *Matua Rautia*, he mea tūtohu e te Rōpū Whakamana i te Tiriti, ahakoa kāore te Tari o te Kōhanga Reo i tautuhia hei 'hapori' ake i tōna hononga me tana mematangā Kōhanga Reo, 'kua riro mā te Tari e kawē tō rātou rangatiratanga me te kaitiakitanga ki te taumata ā-motu mō tā rātou ko te Karauna whakatairanga i te kaupapa o te Kōhanga Reo, e pai ake ai ētahi take e hāngai pū ana ki ngā kaupapahere, ki ngā waeture, me te pūtea.'<sup>9</sup> Nā te Rōpū Whakamana o te Kōhanga Reo i whakatau, nā tēnei hononga me tuari ā-Tiriti nei te Karauna i te haepapa me te mana whakahaere ki ngā kōhanga me Te Poari Matua hei kanohi mō āna mema, i te whanake haeretanga o tētahi anga kaupapahere e kauanuanu ana i te kaupapa o ngā kōhanga reo.<sup>10</sup>

Kua tau i te huhua o ngā Rōpū Whakamana i te Tiriti, ka whakapūmau te mātāpono o te tino rangatiratanga i te mana o te Māori ki ana tukanga hapori,

5. Ngā tāpaetanga whakataki a ngā kaikereme, 26 April 2023 (paper 3.3.1), p7

6. Ngā tāpaetanga whakataki a ngā kaikereme (paper 3.3.1), p31

7. Te Rōpū Whakamana i te Tiriti o Waitangi, *The Mokai School Report* (Wellington: Legislation Direct, 2000), p13

8. Te Rōpū Whakamana i te Tiriti o Waitangi, *Te Whanau o Waipareira Report* (Wellington: GP Publications, 1998), p2

9. Te Rōpū Whakamana i te Tiriti o Waitangi, *Matua Rautia: The Report on the Kōhanga Reo Claim* (Wellington: Legislation Direct, 2013), p93

10. Te Rōpū Whakamana i te Tiriti o Waitangi, *Matua Rautia*, p66; Te Rōpū Whakamana i te Tiriti o Waitangi, *Ko Aotearoa Tēnei: A Report into Claims concerning New Zealand Law and Policy Affecting Māori Culture and Identity, Te Taumata Tuarua*, 2 vols (Lower Hutt: Legislation Direct, 2011), vol 2, p450

tukanga tōrangapū hoki ki te taumata e tika ana, ā, me āhei hoki te Māori ki te whakatika, ki te whakatau hoki i ngā kaupapahere e hāngai ana ki a rātou.<sup>11</sup> Inā koa, e ai ki te Rōpū Whakamana i te Tiriti i te pūrongo *Mōkai School Report*, i tino hāngai te tino rangatiratanga ki te horopaki o te mātauranga. He mea āpiti e te Rōpū Whakamana i te Tiriti i Te Ture Whenua Māori (2016) o *He Kura Whenua ka Rokohanga*, ‘me whanake te iwi Māori i ngā whakahouanga ki ō rātou ake kura wānanga.’<sup>12</sup>

Ki a mātou, ka pērā anō ō mātou whakaaro ki ngā whakahouanga, ngā arotakenga hoki o Ngā Kura mō Āpōpō. Ko te Kura Kaupapa Māori tētahi whakatinananga o te tino rangatiratanga. He urupare tōtika nā te Māori ki te mātauranga hapori e mea nei ngā kaikerēme, kāore i whaihua ki ngā tamariki Māori me ngā whānau Māori. Nā reira i hāngai ai ngā utanga a te Karauna e whaikiko ai tō rātou tino rangatiratanga.<sup>13</sup>

### 3.3.2 Kāwanatanga

Nā te atikara tuatahi o te Tiriti i riro ai i te Karauna te kāwanatanga. He rite tonu tā te Rōpū Whakamana i te Tiriti whakamārama atu he mana tēnei hei whakahaere, he mana e āhei ai te whakatū ture.<sup>14</sup>

I te pūrongo o *Tē Wānanga o Aotearoa* (2005), i whakahāngai Te Rōpū Whakamana i te Tiriti i te mātāpono nei ki te rāngai mātauranga, me te whakatau mā te kāwanatanga e āhei ai te Karauna ki te whakatau i ngā kaupapa here mātauranga paetoru.<sup>15</sup> Nā taua Rōpū Whakamana i kī e kaha whakawhirinaki ana tētahi kāwanatanga pai ki ‘te māramatanga o te Karauna me tana kauanuanu hoki ki tēnei mea, ki te wānanga.’ E ai ki ngā whakaaro o te Rōpū Whakamana i te pūrongo o *Matua Rautia*, ka riro kē mā te Karauna ngā kaupapahere mātauranga kōhungahunga e whakatau ‘e ai ki ngā mātāpono o te kāwanatanga angitu, hei painga mō Ngāi Aotearoa whānui.’<sup>16</sup>

I te pūrongo *Ko Aotearoa Tēnei* (2011), i whakatau hoki te Rōpū Whakamana i te Tiriti, me piko te kawe a te Karauna i te kāwanatanga i roto i te kōtuinga Tiriti ki ngā mātāpono o te kāwanatanga pai. I roto i ngā whiringa kōrero e pā ana ki ngā utanga a te Karauna e pā ana ki te reo Māori, ko te whakatau a taua Rōpū Whakamana i te Tiriti, ‘e rua ngā uherenga kāwanatanga kei te Kāwanatanga ki te

11. Te Rōpū Whakamana i te Tiriti o Waitangi, *The Mokai School Report*, pp12–13; Te Rōpū Whakamana i te Tiriti o Waitangi, *Whaia te Mana Motuhake/In Pursuit of Mana Motuhake: Report on the Māori Community Development Act Claim* (Wellington: Legislation Direct, 2015), p 29

12. Te Rōpū Whakamana i te Tiriti o Waitangi, *He Kura Whenua ka Rokohanga: Report on Claims about the Reform of Te Ture Whenua Māori Act 1993* (Wellington: Legislation Direct, 2016), p 129

13. Wai 1718 panonitanga o te tauākī whakaraupapa nawe, 12 October 2021 (paper 1.1.1(c)), p [4]

14. Te Rōpū Whakamana i te Tiriti o Waitangi, *Matua Rautia*, p 65; Waitangi Tribunal, *Whaia te Mana Motuhake*, p 25

15. Te Rōpū Whakamana i te Tiriti o Waitangi, *The Report on the Aotearoa Institute Claim concerning Te Wānanga o Aotearoa* (Wellington: Legislation Direct, 2005), p 35

16. Te Rōpū Whakamana i te Tiriti o Waitangi, *Matua Rautia*, p 65

iwi Māori: ngā kaupapahere pūahoaho kua hua mai i te kōtuinga kua kōrero kēhia e mātou; me ngā hōtaka whakaturuki e arotahi ana, e tino whitake ana.<sup>17</sup>

Hei tā mātou, e hāngai ana tēnei ki te wāhanga kura whakature hoki. Ko tā te mana whakahaere kāwanatanga he whakamana i te whakataunga o ngā kaupapahere, tae noa atu ki te whakahouanga o Ngā Kura mō Āpōpō. Ka whakahaukaha mātou i ngā tauria e toru e tohu ana i te hāngai o te kawenga o te kāwanatanga i roto i te kōtuinga Tiriti ki tēnei pakirehua. Tuatahi, he utanga tō te Karauna, i a ia e kawē ana i tōna mana kāwanatanga, ki te whai kia pūahoaho tana whakakakau i āna whakataunga kaupapahere e hāngai ana ki ngā Kura Kaupapa Māori. Tuarua, me mārāma pū, me hāngai pū hoki te aro a te Karauna ki ngā pānga ka hua mai pea o āna kaupapahere ki ngā Kura Kaupapa Māori i a ia e whakatau ana i aua take. Tuatoru, me mahi te Karauna ki te waihanga i ngā kaupapahere e hāngai ana, e whaihua ana, e aronui ana hoki ki ngā mate ake o ngā Kura Kaupapa Māori.

He utanga kāwanatanga ō te Karauna ki te huawaere i te mātauranga hei tau-toko i ngā ākonga Māori katoa, e ki nei ngā rōia o te Karauna.<sup>18</sup> E tū nei ngā Kura Kaupapa Māori i roto i te horopaki o te pūnaha kura whakature. Ehara i te mōtika kirirarau noa iho te whai wāhitanga o tēnei pūnaha ki te katoa, engari he herenga ā-ture kē.<sup>19</sup> Ki ō mātou whakaaro, nā tēnei herenga kua kaha ake ngā utanga o te Karauna ki te tautoko i ngā Kura Kaupapa Māori ki te taumata e tika ana. Heoi anō, ehara i te mea nā te kaha ake o ngā utanga, kua kore ōna tepenga. Nā te kaha ake o ngā utanga kāwanatanga o te Karauna, kua kaha ake hoki ngā utanga ki te kawē i taua kāwanatanga kia hāngai ai ki te kōtuinga Tiriti, mā te whakahehi i ngā whānau o ngā Kura Kaupapa Māori ki te kawē i tō rātou rangatiratanga. Ka matapaki tonu mātou i te mātāpono o te mahi tahi ki te wāhanga e whai ake nei.

### 3.3.3 Kōtuinga

Ko tā te mātāpono o te kōtuinga he kimi i te kauwhanganui e taurite ai ngā mōtika o Ngāi Māori me te Karauna ki te tino rangatiratanga me te kāwanatanga. E tohe nei ngā kaikerēme o tēnei pakirehua, ko Te Rūnanga Nui tētahi hoa Tiriti o te Karauna.<sup>20</sup> Nō reira, he mana tō Te Rūnanga Nui kia riro māna tōna anō mana whakahaere, kia whai wāhi ia ki te whakarite tahi i ngā pūnaha, kia uiuia ia, kia whaiwhakaarohia hoki ia i roto i te ngākaupai.<sup>21</sup> E tohe nei ngā kaikerēme, nā te āhua o ngā mahi a te Karauna i roto i te tukanga arotake me te whakahou i a Ngā Kura mō Āpōpō i takahia ai ēnei mōtika, nā reira i takahia ai te mātāpono o te kōtuinga.<sup>22</sup> Inarā, ko ngā whakapae e hīpoki ana i ngā takahitanga a te Karauna:

17. Te Rōpū Whakamana i te Tiriti o Waitangi, *Ko Aotearoa Tēnei: A Report into Claims concerning New Zealand Law and Policy Affecting Māori Culture and Identity, Te Taumata Tuatahi* (Wellington: Legislation Direct, 2011), p 450

18. Ngā tāpaetanga whakakapi a te Karauna (paper 3.3.4), pp 13–14

19. Education and Training Act 2020, s 35

20. Ngā tāpaetanga whakakapi a ngā kaikereme (paper 3.3.3), p 78

21. Ngā tāpaetanga whakakapi a ngā kaikereme (paper 3.3.3), pp 82–83

22. Ngā tāpaetanga whakakapi a ngā kaikereme (paper 3.3.3), pp 78, 91

- ▶ i tā rātou whakawhanake i ngā rautaki i te korenga o te whai wāhitanga o Te Rūnanga Nui;<sup>23</sup>
- ▶ i te korenga o rātou i uiui atu ki te Te Rūnanga Nui, me te āhua o ā rātou whakatau e pā ana ki te tūtohunga o tētahi ara whakarara;<sup>24</sup>
- ▶ i te āhua o ā rātou mahi i te roanga ake o ngā mahinga kaupapahere i te tau 2021 me te tau 2022 ki te ‘whakatupu i te ara reo Māori me te ara Kaupapa Māori’.<sup>25</sup>

E ai ki ngā kaikerēme, nā ngā takahitanga i whakahāweatia ai te rangatiratanga o Te Matakahuki, ā, ehara tērā i te kawenga o te kāwanatanga pai.<sup>26</sup>

Kua whakatewhatewhahia e te Rōpū Whakamana i te Tiriti te huarahi e whai wāhi ai te kōtuinga Tiriti i ngā pūrongo maha e hāngai ana ki te mātauranga Māori me ngā ratonga pāpori. Hei tauira, i te pūrongo o *Te Whānau o Waipareira* (1998), nā tētahi huahuatai i whakaahua te moenga o te Karauna me Ngāi Māori, hei tāna:

broad and general vows express the desire and the intention of the parties to live together in mutual love and respect. The success of a marriage depends not on the ability of the parties to formulate or interpret vows advantageously to themselves, nor on their ability to enforce them in the case of dispute. Rather, it depends on their commitment to work through problems in a spirit of goodwill, trust, and generosity, actively seeking creative solutions, and taking opportunities to bolster each other.<sup>27</sup>

E ai ki te Rōpū Whakamana o *Ko Aōtearoa Tēnei*, he hononga tēnei ‘me auau te whakataurite anō’.<sup>28</sup> He maha ngā kōrero nō roto i ngā pūrongo maha e whakamārama ana i te hiranga me ngā herenga o tēnei momo whakataurite anō. I *Te Mana Whatu Ahuru* (2018–20) i whakamārama te Rōpū Whakamana i te hononga o te Māori me te Karauna hei ‘kōtuinga e me wānanga tonu’.<sup>29</sup>

I tīkina tēnei tirohanga, o te whiriwhiri whakaaro me te whaiwhakaaro tētahi ki tētahi, e te Rōpū Whakamana o Oranga Tamariki (2021), i whakamahia hoki e mātou hei whakapuaki i te kotuinga Tiriti ki ētahi kupu e whakaaro nei mātou, e whakaahua ana i te ia o te kerēme kei mua i tō mātou aroaro; ‘kāore i taea e tētahi kāhui tētahi paku aha te mahi e raru nei te mana o tērā atu mēnā kāore i whakaaetia, māna he tūmomo āhuatanga ahurei’.<sup>30</sup>

Pēnei i te whakatau, mā te rangatiratanga e tepea ai te kāwanatanga, kua roa nei te Rōpū Whakamana i te Tiriti e whakatau ana, mā te mana o te Karauna ki te

23. Ngā tāpaetanga whakakapi a ngā kaikereme (paper 3.3.3), p 94

24. Ngā tāpaetanga whakakapi a ngā kaikereme (paper 3.3.3), p 107

25. Ngā tāpaetanga whakakapi a ngā kaikereme (paper 3.3.3), pp 136–137, 140–141, 151

26. Ngā tāpaetanga whakakapi a ngā kaikereme (paper 3.3.3), p 137

27. Te Rōpū Whakamana i te Tiriti o Waitangi, *Te Whanau o Waipareira*, p 222

28. Te Rōpū Whakamana i te Tiriti o Waitangi, *Ko Aotearoa Tēnei*, p 19

29. Te Rōpū Whakamana i te Tiriti o Waitangi, *Te Mana Whatu Ahuru: Report on the Te Rohe Pōtae Claims*, 6 vols (Wellington: Legislation Direct, 2023), vol 1, p 210

30. Te Rōpū Whakamana i te Tiriti o Waitangi, *He Pāharakeke, he Rito Whakakīkinga Whāruarua: Oranga Tamariki Urgent Inquiry* (Wellington: Legislation Direct, 2021), pp 18–19

whakahaere, ki te whakatū ture hoki e whakaahua te taumata e kawea ai te rangatiratanga i te horopaki o tētahi whenua motuhake o moroki nei. E whai iho nei ko ngā kōrero a te Rōpū Whakamana i ngā Whiringa Pōti Māori (1994), e whai wāhi nei hoki te Rōpū Whakamana o Ngāi Tahu:

if we look beyond the strict literal meaning of the treaty to its broader principles, it is clear that the exercise of tino rangatiratanga, like kawanatanga, cannot be unfettered; the one must be reconciled with the other. In constitutional terms this could be seen as entitling Maori to a measure of autonomy, but not full independence outside the nation state that they helped to create in signing the Treaty.<sup>31</sup>

Heoi anō, e ai ki tā te Rōpū Whakamana o Te Raki (2022) i whakatau ai inātata ake nei, ahakoa ngā tepenga i uruhia ai e te kōtuinga Tiriti ki te nuinga o te mana motuhake o te iwi Māori,

should always have been based on dialogue and shared decision making, as well as independent decision making where appropriate and where both parties agreed to this. Where unilateral Crown consultation has left hapū and iwi feeling disempowered, but trapped in processes that seem to them to offer the shadow of participation rather than the substance, it has not met the test of partnership.<sup>32</sup>

He maha tonu ngā Rōpū Whakamana kua whaiwhakaaro ake ki ngā kōtuinga Tiriti i te horopaki o te mātauranga me te whakarauoratanga o te reo Māori. E ai ki te Rōpū Whakamana Whakatū Wānanga (1999), ‘he arawātea nui i tēnei kerēme e tūhōhungia ai, e whakatikaina ai hoki e te Karauna ētahi ngoikoretanga ōna hei hoa Tiriti i ngā kawatau, i ngā manako, me ngā mōtika o te iwi Māori i ngā take mātauranga.’<sup>33</sup>

I ngā tau tata nei, he rite tonu tā te Rōpū Whakamana i te Tiriti whakapūmau i te kōtuinga Tiriti me te āta tautuhi i tana tūranga i te horopaki o te mātauranga. He mea whakatau e te Rōpū Whakamana i te purongo *Ko Aotearoa Tēnei* tētahi whakamāramatanga o te kōtuinga e tautoko ana i te Māori kia whai wāhi ki ‘ngā kaupapa, ki ngā whakaaro, me te hautūtanga.’<sup>34</sup> I whakatauria e Te Rōpū Whakamana i te pūrongo *Te Urewera* (2017) ‘ahakoa te aha, ki hea rānei, ki te hia mahi tahi ngā hapū me ngā iwi, me ū tonu te Karauna ki te mahinga ngātahitanga’ e ea ai te wāhi ki te whakaratonga o ngā ratonga mātauranga.<sup>35</sup>

31. Te Rōpū Whakamana i te Tiriti o Waitangi, *Maori Electoral Option Report* (Wellington: Government Printer, 1994), pp 3–4

32. Te Rōpū Whakamana i te Tiriti o Waitangi, *Tino Rangatiratanga me te Kāwanatanga: The Report on Stage 2 of the Te Paparahi o Te Raki Inquiry* (Wellington: Legislation Direct, 2022), p 76

33. Te Rōpū Whakamana i te Tiriti o Waitangi, *The Wananga Capital Establishment Report* (Wellington: GP Publications, 1999), p 45

34. Te Rōpū Whakamana i te Tiriti o Waitangi, *Ko Aotearoa Tēnei*, vol 2, p 450

35. Te Rōpū Whakamana i te Tiriti o Waitangi, *Te Urewera*, 8 vols (Lower Hutt: Legislation Direct 2017), vol 8, p 3783

I te pūrongo *Hauora* (2019), otirā te pūrongo tuatahi a te Rōpū Whakamana mō te pakirehua Kaupapa moroki ki ngā ratonga hauora me ōna hua, i whakahaukahatia e te Rōpū Whakamana te momo hiranga o te kōtuinga i te aromātaitanga o te hāngaitanga ā-Tiriti o ngā tikanga me ngā kaupapa here ā-Motu. Hei tā te Rōpū Whakamana o te pūrongo *Hauora*, ko te tikanga o te kōtuinga ko te āhukahukatanga o ngā mōtika o te Māori kia whiria e rātou tā rātou ake momo whakarite i a rātou anō, me te momo whakaritenga e whiri ai rātou kia kawea tō rātou tino rangatiratanga. I kite mātou te whai wāhitanga o ngā whiringa mātāpono Tiriti (i kōrerohia rā i te wāhanga 3.3.6) ki tēnei herenga. I te pūrongo *Hauora*, he mea whakatau e taua Rōpū Whakamana te hāngaitanga o te kōtuinga i te Māori e kimi tūranga whaitake ana i te whanaketanga me te whakahaerenga o ngā kaupapa here. Waihoki, i whakatau hoki e te Rōpū Whakamana te herenga nui o te Karauna kia whaipānga ki te Māori me he hārakiraki ka tau ki ngā hua.<sup>36</sup> E kitea nei e mātou te hiranga o tēnei whakatau i tā mātou pakirehua.

He maha tonu ngā huarahi ture o moroki nei kua whāia e kaha ake ai, e tiakina ai hoki te kōtuinga Tiriti i te rāngai mātauranga whakature. Hei tauira, ko te whai wāhitanga o Te Tauākī Kawa i whakahoua, otirā ko te whakarite takawaenga nō nā tata nei i waenga i Te Rūnanga Nui me te Karauna e whai wāhi nei te utanga o te Karauna kia whakatinanahia hoki e rātou te wāhi ki ‘Te Tiriti o Waitangi’ i te ture Mātauranga me te Whakangungu 2020.<sup>37</sup> Kia hoki ake ki ā mātou whakamāramatanga i te wāhanga 2.1.4, he herenga Te Tauākī Kawa ki te hononga o te Karauna me Te Rūnanga Nui e whakamārama ana i ngā aratohu whakahaere i taua hononga rā. E whaiwhakaarohia ana e mātou te whakatakotoranga o ngā kupu o Te Tauākī Kawa e āta miramira ana i te hiranga o te kōtuinga i waenga i te Karauna me Te Rūnanga Nui. Hei tauira, he wāhi kei Te Tauākī Kawa taketake (1994) mō tētahi hōtaka whakapāpā kia hui e tau ai te haepapatanga ki ngā kāhui e rua.<sup>38</sup> Kei Te Tauākī Kawa hou (2019) tētahi whāinga tōpū e tautoko ana i te whakahaumanutanga o te reo Māori me ngā tikanga Māori, ka mutu, e tūhōhungia ana te wāhi ki te tuakiritanga, ki te reo, ki te ahurea hoki i te angitu o te mātauranga. Waihoki, he mātāpono i Te Tauākī Kawa hou kia whakahaerehia te kōtuinga o te Karauna me Te Rūnanga Nui, ngā whakapāpātanga me ngā hōtaka mahi, me tētahi whakaritenga whakatau tohe mō te whakatātūnga o ngā take.<sup>39</sup> Hei āpiti atu ki ētahi atu take i te whakaritenga takawaenga, hei tāna, me tautuhi anō kia tika ake ai te hononga i waenga i te Tāhuhu me Te Rūnanga Nui.<sup>40</sup>

Hei whakakapi ake, ko tētahi take o te Ture Mātauranga me te Whakangungu 2020 kia whakatūhia, kia whakahaerehia hoki tētahi pūnaha mātauranga ‘e whakahōnore ana i Te Tiriti o Waitangi, e tautoko ana hoki i ngā hononga i waenga

36. Te Rōpū Whakamana i te Tiriti o Waitangi, *Hauora: Report on Stage One of the Health Services and Outcomes Kaupapa Inquiry* (Wellington: Legislation Direct, 2023), pp 28–29

37. Education and Training Act 2020, ss 4(d), 9

38. Te Tauākī Kawa 1994 (application for urgency, supporting documents (doc A6), p 230)

39. The Tumuaki of Te Rūnanga Nui o Ngā Kura Kaupapa Māori o Aotearoa and the Secretary for Education, ‘Te Tauākī Kawa – A Memorandum of Understanding’, 20 December 2019 (Rōia Karauna, supporting documents (doc B30), pp 3–4)

40. Mediation Agreement, 24 May 2022 (paper 2.5.11(b)), p 4

i te iwi Māori me te Karauna.’ Ka whakapūmautia hoki ki te Ture Mātauranga me te Whakangungu, ko Te Rūnanga Nui ngā katiaki o Te Aho Matua.<sup>41</sup> Ka wānangahia anō te hiranga o ngā huarahi nei ki ngā upoko o tēnei pūrongo e whai mai nei.

I kite hoki mātou i ngā herenga i tau ai ki te Karauna i te wā i uru ai a Aotearoa hei kāhui o te Whakapuakitanga o te Rūnanga Whakakotahi i ngā Iwi o te Ao mō ngā Tika o ngā Iwi Taketake (UNDRIP) i te tau 2010, otirā he herenga e noho tahi ana me ngā herenga o te kōtuinga Karauna. Kei te atikara 14 o UNDRIP e āta whakamārama ana ingā mōtika o ngā iwi taketake ‘kia whakatūhia, kia whaka-haerehia hoki ā rātou ake pūnaha mātauranga me ō rātou ake kura wānanga e whaiwāhi ana ō rātou ake reo taketake e hāngai pū ana ki ā rātou ake tukanga ahurea o te whakaako me te ako.’<sup>42</sup>

### 3.3.4 Kaitiakitanga

E kaha whaipānga ana te mātāpono o te kaitiakitanga ki ngā utanga o te kōtuinga o te Karauna.<sup>43</sup> E mōhio whānuihia ana ngā mahi Tiriti hei whakatutuki mā te Karauna kia kaua noa iho e taharangi, heoi he utanga ki te tiaki i ngā mōtika Māori me ngā hua kua taurangihia i raro i te Tiriti.<sup>44</sup> E mārāma kehokeho ana te kitea o tēnei taurangi i ngā kupu whakataki me te atikara tuatoru o te Tiriti.<sup>45</sup>

Mō ngā take e whakaarahia nei i tēnei pakirehua, me ngā take e pā ana ki te whanake haeretanga o Ngā Kura mō Āpōpō me ngā Kura Kaupapa Māori, hei tā ngā kaikerēme kāore te Karauna i te ū ki ana utanga Tiriti me ētahi atu herenga.<sup>46</sup> E ai ki ngā kaikerēme, me tautīnei e te Karauna tētahi paerewa teitei e ū ana ki te ‘kaitiakitanga.’<sup>47</sup>

He mea whakatau e te Rōpū Whakamana o te Kerēme o Te Reo Māori (1986) te hāngaitanga o te kaitiakitanga ki te reo Māori me te ahurea. Nā reira i whakaarohia ai ‘me whanake ake te mātāpono kia kore ai te iwi Māori e noho herekore, e mau tūturu ai i te iwi Māori tō rātou reo me tō rātou ahurea.’<sup>48</sup>

41. Education and Training Act 2020, s10

42. United Nations General Assembly, *United Nations Declaration on the Rights of Indigenous Peoples: Resolution Adopted by the General Assembly*, 2 October 2007, A/RES/61/29, art 14

43. Te Rōpū Whakamana i te Tiriti o Waitangi, *Te Tau Ihu o te Waka a Maui: Report on the Northern South Island Claims*, 3 vols (Wellington: Legislation Direct, 2008), vol 1, p 4; Te Rōpū Whakamana i te Tiriti o Waitangi, *The Maniapoto Mandate Inquiry Report* (Wellington: Legislation Direct, 2020), p 14; Te Rōpū Whakamana i te Tiriti o Waitangi, *Waikanae: Report on Te Ātiawa/Ngāti Awa Claims – Pre-publication Version* (Wellington: Waitangi Tribunal, 2022), pp 15–16

44. Te Rōpū Whakamana i te Tiriti o Waitangi, *Hauora*, p 30; Waitangi Tribunal, *The Whakatōhea Mandate Inquiry Report* (Lower Hutt: Legislation Direct, 2018), p 23; Te Rōpū Whakamana i te Tiriti o Waitangi, *Tū Mai te Rangi! Report on Crown and Disproportionate Reoffending Rates* (Lower Hutt: Legislation Direct, 2017), p 21; *New Zealand Maori Council v Attorney-General* [1987] 1 NZLR 641 (CA), p 664

45. Te Rōpū Whakamana i te Tiriti o Waitangi, *Te Mana Whatu Ahuru*, vol 1, p 211

46. Ngā tāpaetanga whakakapi a ngā kaikereme (paper 3.3.3), p 65

47. Ngā tāpaetanga whakakapi a ngā kaikereme (paper 3.3.3), p 58

48. Te Rōpū Whakamana i te Tiriti o Waitangi, *Report of the Waitangi Tribunal on the Te Reo Maori Claim*, 3rd ed (Wellington: Brooker’s Ltd, 1993), p 20; Te Rōpū Whakamana i te Tiriti o Waitangi, *Matua Rautia*, pp 61–62

I ētahi horopaki kua whakatau te Rōpū Whakamana i te Tiriti, e ea ai te wāhi ki tana utanga kaitiakitanga, ‘me whakapau kaha te Karauna ki te āta tiaki i a ia.<sup>49</sup> Kei te āhua o te horopaki e noho here ana tēnei āhuatanga e kitea nei ‘te paraheahea o te taonga.’<sup>50</sup>

Heoi anō, i te pūrongo o te Ture Whanake Hapori Māori (2015) me te whakatau a te Rōpū Whakamana, he matatini ngā utanga o te Karauna i raro i te mana o te mātāpono o te kaitiakitanga e whai wāhi nei ‘te hiahia kia kua rawa te iwi Māori e herea e ngā kōpiringa o te ture, o te kāwanatanga rānei.’<sup>51</sup> Waihoki, ‘kia tāpikipiki te mana e mau nei i te Karauna me te iwi Māori . . . me whai wāhi te mātāpono o te kaitiakitanga e whakaatuhia ai te taumata tika o te mana Māori.’<sup>52</sup>

I te pūrongo *Hauora*, ka whakatauria e te Rōpū Whakamana te pikinga haeretanga o te herenga o te kaitiakitanga i tau ai ki te Karauna e mea ana ‘kua ū, kua mārāma hoki ngā rerekētanga i te āhua o te orange o te Māori me te tauīwi.’<sup>53</sup> Nō reira, e whakamana nei mātou i ngā whakataunga a te Rōpū Whakamana o te pūrongo *Hauora* e mōhio nei te Karauna ki ngā rerekētanga e mate ai rātou ki te whakarite anō i ā rātou rauemi e tika ai te wāhi ki tā rātou mahi i raro i te mātāpono kaitiakitanga.

I te pūrongo o Te Rohe Pōtae, i meatia ai he herenga kei runga i te Karauna ki te kawē i ana mana kāwanatanga ki te tiaki i ngā mōtika me ngā whaipānga o Ngāi Māori e taurangihia ana i raro i te atikara 2 me te atikara 3 o te Tiriti.<sup>54</sup> Mehemea ka pānui noa i te tuhinga reo Māori o te atikara 2, e taurangitia ana te tino rangatiratanga o te Māori ki ngā whenua, ki ngā kāinga me ngā taonga anō hoki.<sup>55</sup> Ahakoa kāore e herea ana te kaitiakitanga ki ēnei tūmomo whaipānga, kei ngā kupu o te Tiriti tētahi tūmomo utanga e tau ana ki te Karauna e pā nei ki ēnei tūmomo whaipānga.

He rite tonu tā ngā kaikerēme kōrero mai ki a mātou, he taonga te āhua o ngā Kura Kaupapa Māori me Te Aho Matua. He mana whakatau matatini kua whakatauria kētia e mea ana, he taonga te mātauranga Māori. I te Rōpū Whakamana i te Tiriti o te Wānanga Capital Establishment, i whakatauria he taonga te wānanga, ahakoa kei te ao hurihuri:

It is clear that te reo Maori and matauranga Maori are taonga. Wananga is given life by these taonga, and in the reciprocal nature of the Maori world, wananga also serves to give life to te reo and matauranga. Each is dependent on the others to nurture,

---

49. Te Rōpū Whakamana i te Tiriti o Waitangi, *Maori Electoral Option Report* (Wellington, Brooker's Ltd, 1994), sec 3.4

50. Te Rōpū Whakamana i te Tiriti o Waitangi, *He Pāharakeke*, p 18; Te Rōpū Whakamana i te Tiriti o Waitangi, *Matua Rautia*, p 67

51. Te Rōpū Whakamana i te Tiriti o Waitangi, *Whaia te Mana Motuhake*, p 30

52. Te Rōpū Whakamana i te Tiriti o Waitangi, *Whaia te Mana Motuhake*, p 31 (citing Wai 2417 R01, doc B20, Gilling, *Paddling their Own Waka or Rowing the Government's Boat? The Official System for Māori Socio-Economic Development in the Post 1945 Period*)

53. Te Rōpū Whakamana i te Tiriti o Waitangi, *Hauora*, p 32

54. Te Rōpū Whakamana i te Tiriti o Waitangi, *Te Mana Whatu Ahuru*, vol 1, p 216

55. Treaty of Waitangi Act 1975, sch 1



sustain, and develop. Wananga as a system of learning, and a repository of matauranga Maori, is a taonga in its own right . . .<sup>56</sup>

Ko te kupu a taua Rōpū Whakamana i te Tiriti, mehemea e kerēmehia ana e ngā whare whakaako o ēnei rā te taitara wānanga, me whakaatu i ngā paerewa me ngā uaratanga nō taua pūnaha tawhito.<sup>57</sup> I *Matua Rautia*, kāore te Rōpū Whakamana i te Tiriti i whakaae he taonga te kōhanga reo. Engari ko tā rātou kē, ‘he kauwaka whakahirahira tonu te kōhanga reo e tukua iho ai te taonga pū (koa ko te reo), me te kawenga o te tino rangatiratanga e hāngai ana ki taua taonga rā.’<sup>58</sup>

E whiriwhiri whakaaro ana tēnei Rōpū Whakamana i te Tiriti i te wāhi ki ngā Kura Kaupapa Māori, e noho nei ki te pokapū o tēnei ara mātauranga, he wāhanga noa iho o taua ara mātauranga e noho ana ki roto i te rāngai kura whakature. E mārara ana mātou ki te whakataungā o te Rōpū Whakamana i te Tiriti o te Wānanga Capital Establishment e kī nei he taonga te wānanga. Ko te wānanga, i roto i tōna mana hei pūnaha tawhito, te huarahi i whāia ai e te hunga kua pakeke kē, kua whiriwhirihia e ngā tohunga mō ō rātou pūkenga te take. Kāore he ritenga tuku iho pērā e hāngai ana ki ngā Kura Kaupapa Māori, pēnei i tērā e hāngai ana ki ngā wānanga. Ko te papakāinga tonu te wāhi ako i ngā tamariki. Ko ngā ‘kaiako’ ko ngā mātua rātou ko ngā whaea kēkē, ko ngā matua kēkē, ko ngā kuia, ko ngā koroua, ko ngā kaumātua o te whānau anō hoki. Koinei te aronga nui o te katoa, arā, te whakaako me te whakatupu i ngā tamariki. Pēnei i ngā kupu nā Ahorangi Wharehuia Milroy i whakatakoto i te pakirehua Kōhanga Reo:

Engari kia mōhio mai koutou, ko taua reo rā he wairua anō kei roto, he wairua anō hei ārahi i ngā tamariki, i ngā mokopuna. Koinei ka kī ake ahau ki te kupu i hoatu ai au ki a koutou: ‘mātua rautia.’

Ko ngā ‘mātua’, kei te mōhio – anei ngā mātua, anei e nohonoho ake nei, ngā mātua. Te ‘rau’, – anei te rau e noho ake nei. E hia rau? Kotahi rau. Engari ‘mātua rautia.’<sup>59</sup>

Koinei te ngako o ngā Kura Kaupapa Māori. Ko ngā Kura Kaupapa Māori te puritanga o ngā uaratanga mātauranga o te papakāinga o neherā, e whai nei ki te whakapūmau anō i aua whakahaere mātauranga, i roto i ngā tepenga o te horopaki o ngā kura whakaturea o nāianei. I kī mai ngā kaiwhakaatu o te taha kaikerēme, ko ngā Kura Kaupapa Māori he ātete ki te tāmitanga, he whakatinanatanga o te rangatiratanga. Nā Tākuta Dewes te kōrero, kei te Māori ‘te mahere ki te manaaki tika i ngā tamariki, ki te whakarauora i te reo me te whakaako i te mātauranga Māori.’<sup>60</sup>

Ko te tohe a ngā rōia o ngā kaikerēme, ‘ko te ihomatua o ngā Kura Kaupapa Māori, ko te Kāinga hei Kura, ko te Kura hei Kāinga – ko tētahi te whānuitanga o

56. Te Rōpū Whakamana i te Tiriti o Waitangi, *Wananga Capital Establishment*, p 48

57. Te Rōpū Whakamana i te Tiriti o Waitangi, *Wananga Capital Establishment*, p 48

58. Te Rōpū Whakamana i te Tiriti o Waitangi, *Matua Rautia*, p 67

59. Wai 2336 ROI, tuhinga kape kōrero 4.2.1, p 5

60. Kōrero taunaki a Rawiri Wright, 29 March 2023 (doc B8), p7; Kōrero taunaki a Cathy Dewes, 31 March 2023 (doc B1(a)), p 9

tētahi, he hononga pūmau, ā, ka mahi tahi ki te whakatupu i te tamaiti.<sup>61</sup> I rongu mātou i te pūmau mutunga kore o ngā whānau o ngā Kura Kaupapa Māori i tētahi raukura, i a Te Wehi Wright, e kuraina ana āna tamariki ki te Kura Kaupapa. I te kura i kuraina ai ia, i Te Kura Kaupapa Māori o Ruamata, i reira tētahi kura hei whakaako i te reo ki ngā whānau o ngā ākongā. I āta whakatauritea ngā akoranga o te kāinga ki ērā o te kura.<sup>62</sup> Ko tāna ki a mātou:

Āe, ko te reo te mauri o te mana Māori, engari āe, ko te kura hei kāinga, ko te kāinga hei kura. Me Māori te mana kia Māori te mauri. Ko Te Aho Matua te tāhuhu o tōku whare. Tamaiti akona ki te Kura Kaupapa, tū ana ki te ao, tau ana!<sup>63</sup>

Ko te whakatau a te Rōpū Whakamana i te Tiriti o Oranga Tamariki, nā te taurangitanga o te tino rangatiratanga ki ngā kāinga i hua mai ai he ‘mōtika e toitū ai te ahurea.’<sup>64</sup> Ahakoa i aro kē te pakirehua a taua Rōpū Whakamana i te Tiriti ki te kāinga, he whakatauirahia ana i te kāinga ā-whānau, i whakaae ia ki te whānui me te huhua o taua kupu. Ko tā te Rōpū Whakamana i te Tiriti whakamārama i te kāinga, ‘he nui noa ake i tētahi wāhi noa iho hei nohoanga mō te whānau . . . he wāhi e hua ai, e poipoia ai, e ora ai te tuakiri.’<sup>65</sup> Koia ko ngā Kura Kaupapa Māori. Pēnei i ngā wānanga, i ngā wā o mua ko te papakāinga hoki te puna o te reo Māori me te mātauranga Māori, i poipoia ai, i ako ai ngā tamariki Māori. Ko te āhua o te hononga o ngā Kura Kaupapa Māori me ngā kāinga te whakatinanatanga o te papakāinga i roto i te ao hurihuri nei. I tua atu i te whakarauora mai anō i ngā uaratanga tuku iho o te mātauranga ki te kāinga – koia tonu te whakaūnga tonutanga o te kāinga mō ngā ākongā me ngā whānau.

Nō reira, he tūmomo herenga kaitiakitanga tō te Karauna e pā ana ki ngā Kura Kaupapa Māori, hei whakatinanatanga o te kāinga. Kua matapaki kē mātou, nā te nohoanga o ngā Kura Kaupapa Māori ki te rāngai kura whakature i kaha ake ai ngā utanga kaitiakitanga o te Karauna ki te tautoko i ngā Kura Kaupapa Māori. Ko te mea nui kē, me kaua e noho ko te utanga kaha ake hei takunga e kaha rawa ai ngā mana kāwanatanga. Ki ō mātou whakaaro, i runga i tēnei utanga kaitiakitanga, anei te mahi mā te Karauna:

- ▶ me waihangā i ngā kaupapahere e hāngai ana ki ngā matea ake o ngā Kura Kaupapa Māori;
- ▶ me whai kia whai tūranga Te Rūnanga Nui, hei kanohi mō ngā whānau o ngā Kura Kaupapa Māori, ki te hoahoa i ngā kaupapahere ka whaipānga ki ngā kura, kia tautoko ai ngā kaupapahere i te puāwaitanga o ngā Kura Kaupapa Māori; ka mutu

61. Ngā tāpaetanga whakakapi a ngā kaikereme (paper 3.3.3), p 72

62. Kōrero taunaki a Te Wehi Wright, 2 April 2023 (doc B2(a)), pp 2–3, 5

63. Tuhinga kape kōrero 4.1.4, p 303

64. Te Rōpū Whakamana i te Tiriti o Waitangi, *He Pāharakeke*, p 12

65. Te Rōpū Whakamana i te Tiriti o Waitangi, *He Pāharakeke*, p 14

- me pūahoaho te kōrero ki Te Rūnanga Nui e pā ana ki ngā mahinga kaupapahere, e tutuki ai i a ia tāna mahi hei kanohi mō ngā Kura Kaupapa Māori.

### 3.3.5 Mana taurite

Ko te mātāpono mana taurite te kaihere i te Karauna ki te mahi tika me te mahi matatika me te Māori i puta ake i te atikara tuatoru o te Tiriti. E kaha whaipānga ana ki te kaitiakitanga, inarā i raro i ngā mahi a te kāwanatanga kua mate te Karauna ki te whakatutuki i āna mahi ki te taumata tiketike e taea ana e ea ai ngā hua matatika ka puta mō te iwi Māori.

Ki tā ngā kaikerēme, nā te 'kūare o te māramatanga o te Karauna ki te mana taurite' kua herea tana whakamārama i ngā hātepe ohaoha-hapori.<sup>66</sup> Heoi anō, e ai ki te tohe a ngā kaikerēme, me whakaaro kē te Karauna ki 'te āhua o tētahi anga mana taurite hei whai mā te Kura Kaupapa Māori e ū ana ki ō rātou manako, ki ō rātou matea hoki.'<sup>67</sup>

E ai ki te Rōpū Whakamana i te pūrongo Kōhanga Reo, ko te mana taurite, he 'āheinga ki te anganui i ngā manarite-kore'.<sup>68</sup> E ai ki ngā whakamāramatanga a te Rōpū Whakamana o te Ture Whanake Hapori Māori mō te mana taurite, ehara i te mea me ōrite te manaakihia, te ahatia rānei o te kirirarau e te Karauna, heoi 'me tika kē tana aro ki ia kāhui . . . kanohi ki te kanohi, ka mutu, me kua rawa ia e whakawehe, e whakararu rānei i ngā whanaungatanga'.<sup>69</sup>

Hei tā te Rōpū Whakamana o te pūrongo *Te Urewera*, i raro i te atikara tuatoru, 'e herea ana te Karauna ki te whakarato āwhina, ratonga hapori hoki ki te iwi Māori pēnei i ngā kainoho katoa o Aotearoa ahakoa ko wai'.<sup>70</sup> Nō reira, me ū te Karauna ki te 'tautika o te whakaratonga' ('e whakarato ana i te katoa ki ngā ratonga e ea ai te wāhi ki ō rātou hiahia'), ehara i te mea ko te 'whakaratonga taurite' (e whakarato ana i te katoa ki ngā ratonga ōrite ki tētahi taumata noa iho nei). E mārama ake ai te whakamāramatanga, mō te mātauranga Māori, 'me tutuki ngā hiahia o te hapū me te iwi, tēnā i ngā hiahia o ngā kainoho o Aotearoa whānui'. Hei tā te Rōpū Whakamana, he hirahira tēnei āhuatanga e tukituki nei te iwi Māori ki ngā manarite-kore.<sup>71</sup> Inā koa, he mea whakatau e te Rōpū Whakamana o te pūrongo *Te Urewera* ina whakarato mātauranga, ratonga hapori hoki te Karauna ki ngā tauwiwi, 'me ōrite hoki taua āhuatanga o te whakarato' ki te iwi Māori.<sup>72</sup>

Ki a mātou nei, e ai ki ngā tohe o runga nei me te wāhi ki te ture, he mana nui tō te mātāpono e kiia nei ko te mana taurite i tēnei pakirehua.

66. Ngā tāpaetanga whakakapi a ngā kaikereme (paper 3.3.3), p 19

67. Ngā tāpaetanga whakakapi a ngā kaikereme (paper 3.3.3), p 19

68. Te Rōpū Whakamana i te Tiriti o Waitangi, *Matua Rautia*, p 67

69. Te Rōpū Whakamana i te Tiriti o Waitangi, *Whaia te Mana Motuhake*, 2015, p 32

70. Te Rōpū Whakamana i te Tiriti o Waitangi, *Te Urewera*, vol 8, p 3770

71. Te Rōpū Whakamana i te Tiriti o Waitangi, *Te Urewera*, vol 8, p 3774

72. Te Rōpū Whakamana i te Tiriti o Waitangi, *Te Urewera*, vol 8, p 3774

### 3.3.6 Whiringa

Kua whakamōhio kētia e te Rōpū Whakamana te taurangi i te atikara tuarua me te atikara tuatoru e taurangihia ana te mana kia ‘whiria e te Māori tōna anō ara hapori me tōna anō ara ahurea.’<sup>73</sup> Hei whakarāpopoto, e āhei ana te Māori ki te ‘whai tonu i āna anō tikanga, te whai wāhi ki ngā hapori tangata whai Pākehā, te whai rānei i ngā huarahi e rua.’<sup>74</sup> Me tautoko tonu e te Karauna ngā huarahi e rua nei ahakoa hapori, ahakoa ahurea, me ‘ōrite hoki te tautokona pēnei i ētahi atu kainoho o Aotearoa.’<sup>75</sup>

E ai ki ngā kaikerēme, ko tā te mātāpono e kīia nei ko ngā whiringa huarahi he ‘tiaki i ngā mōtika o te Māori e taea tonuhia ai e rātou te noho e ai ki ngā tikanga taketake me te tirohanga Māori i a rātou e whai wāhi ana ki te hapori whānui me te ahurea, e ai ki tā rātou e manako nei.’<sup>76</sup> I whakatakoto rātou i te whakatau a te Rōpū Whakamana i te pūrongo *Hauora*, i runga i te mātāpono o ngā whiringa huarahi, ko tā te Karauna he ‘tiaki i te wāteatanga me te toitūtanga o ngā whakataunga kaupapa Māori i ngā rāngai hapori me ngā ratonga auraki e kore ai e huakore te noho a te Māori i ā rātou whiringa.’<sup>77</sup>

Mō te mātāpono o ngā whiringa huarahi, e ai ki te Rōpū Whakamana o te *Kōhanga Reo* me ‘āta whakamārama e te Karauna ngā huanga me ngā taumaha-tanga’ o te whai i ētahi momo ara mātauranga (hei tauira, ko tētahi ara mātauranga kōhungahunga e rumakina ana ki te reo Māori). Hei āpiti, me tuku pūtea te Karauna e tautokona ai te rangahautia o ngā hua mātauranga e riro ai mā aua rangahau rā ia, me te iwi Māori hoki e whakamōhio atu mō te rumakitanga o te reo.’<sup>78</sup>

73. Te Rōpū Whakamana i te Tiriti o Waitangi, *Report on the Muriwhenua Fishing Claim*, 3rd ed (Wellington: GP Publications, 1988), pp 193–195

74. Te Rōpū Whakamana i te Tiriti o Waitangi, *Te Mana Whatu Ahuru*, vol 1, p 212

75. Te Rōpū Whakamana i te Tiriti o Waitangi, *Matua Rautia*, p 68

76. Ngā tāpaetanga whakakapi a ngā kaikereme (paper 3.3.3), p 86

77. Ngā tāpaetanga whakakapi a ngā kaikereme (paper 3.3.3), p 86, quoting Te Rōpū Whakamana i te Tiriti o Waitangi, *Hauora*, p 35

78. Te Rōpū Whakamana i te Tiriti o Waitangi, *Matua Rautia*, p 68

## UPOKO 4

### TE AHO TUAPUKU

#### 4.1 KUPU WHAKATAKI

Ko Ngā Kura mō Āpōpō te pūnaha hei whakarite, hei hautū, hei whakahaere hoki mā ngā kura katoa kua whakaturengia ki Aotearoa, tae atu ki ngā Kura Kaupapa Māori. I tīmata mai tēnei i te tau 1989. Mā te pūnaha, Ngā Kura mō Āpōpō, e āhei ai tēnā kura me tēnā kura ki te takiwhakahaere i a rātou anō mā tētahi tauira poari, me te whai wāhitanga mai o ētahi tari Karauna, pēnei i te Tari Arotake Mātauranga<sup>1</sup> i roto i ētahi āhuetanga whakakite. Mā ngā poari kura e whakahaere te tahua pūtea ka whakaratoa e te Tāhuhu ki ngā utu kaimahi, ki ngā rawa ā-kura me te whakatau i ngā whāinga whakahaere i te kura i runga i ngā aratohu mātauranga ā-motu.<sup>2</sup> Hei tauira, mā ngā kura ake e whiriwhiri ngā motuhaketanga ā-marau e whakaako nei rātou, mehemea e hāngai ana ki te marautanga whānui i whakataua ai e te Tāhuhu – ki ngā Kura Reo Māori, ko Te Marautanga o Aotearoa tonu.<sup>3</sup>

I te tau 2018, ka whakatūria e Te Kāhui Minita tētahi Rāngai Motuhake (te Rāngai) hei arotake i Ngā Kura mō Āpōpō. I tonoa te Rāngai ki te whakatau mehemea e whaitake ana te pūnaha, mehemea rānei he whiringa whaitake ake. E hāngai ana tēnei pakirehua ki taua arotake, me tā te Karauna urupare ki taua arotake, mai i te tau 2018 ki te tau 2022. Ko te tohe a ngā kaikerēme, i te roanga ake o tēnei tukanga i takahi te Karauna i ōna utanga ā-Tiriti nā te iti o te whai wāhitanga ake, te kore whaiwhakaarotia rānei o Te Rūnanga Nui me ngā Kura Kaupapa Māori. Kei te tohe hoki rātou, nā ngā mahi a te Karauna, kua tata motu te here i waenganui i a rātou me te Karauna.<sup>4</sup>

Kei tēnei upoko, ka anganui ki ngā nawe o ngā kaikerēme e hāngai ana ki te whakatau kia tīmata te arotake i a Ngā Kura mō Āpōpō i te tau 2018, me te urupare tuatahi a te Karauna ki te pūrongo a te Rāngai i te tau 2019 me te tau 2020. Ki te wāhanga 4.2, ka whakatewhatewhahia te whakatau kia huatakina te arotake me te whakatūtanga o te Rāngai. Ki te wāhanga 4.3, ka aromātaitia te urupare tuatahi a te Kāwanatanga ki te Tūtohunga a te Rāngai 4(a), i whakatau me whakatū he ohu

---

1. Tomorrow's Schools Independent Taskforce, 'Our Schooling Futures: Stronger Together (Whiria Ngā Kura Tūātitini)' (Wellington: Ministry of Education, 2018), pp 23, 25 (application for urgency, supporting documents (doc A6), pp 466, 468)

2. Independent Taskforce, 'Our Schooling Futures', pp 23, 25 (application for urgency, supporting documents (doc A6), pp 466, 468)

3. Independent Taskforce, 'Our Schooling Futures', p 24 (application for urgency, supporting documents (doc A6), p 467)

4. Wai 1718 panonitanga o te tauākī whakaraupapa nawe, 12 October 2021 (paper 1.1.1(c)), p [23]

whakahaere motuhake mō te ara Kaupapa Māori, tae atu ki te whakaturetanga o te Ture Mātauranga me te Whakangungu 2020.

Ki ia wāhanga, ka mātua whakatakotoria ngā whakaaro o ngā rōpū e rua ki te kaupapa e hāngai ana. Kātahi ka tātaringia ngā takunetanga, e ai ki ngā taunakitanga nā te Karauna me ngā kaikerēme i whakapuaki. Ka timata ki te whakatau kia huatakina tēnei arotake.

#### **4.2 WHIRIA KIA Ū, WHIRIA KIA MAU – TE WHAKATAU A TE KARAUNA KI TE AROTAKE I A NGĀ KURA MŌ ĀPŌPŌ**

Kua tonoa te Rōpū Whakamana kia whaiwhakaaro mehemea i ū tā te Karauna huataki i te arotake ki ōna utanga e ai ki te Tiriti. Ko te tino hāngaitanga, ka whakatau te Rōpū Whakamana mehemea i eke tā te Karauna whaiwhakaaro ki a Te Rūnanga Nui, i eke rānei te whai wāhitanga o Te Rūnanga Nui i roto i ēnei whakataunga. I te timatanga, me mātua mōhio ehara te Rāngai i te Karauna. He rōpū tohutohu noa iho te Rāngai, nā ōna mema te arotake i mahi i runga i tō rātou mana hei mātanga motuhake.<sup>5</sup> Kāore e aromātaingia te hāngai o āna mahi ki te Tiriti, engari ia ngā mahi a te Karauna, e pā ana ki:

- ▶ te whakatau a Te Kāhui Minita ki te huataki i te arotake i Ngā Kura mō Āpōpō mā roto i te Hōtaka Mahi Mātauranga 2018;
- ▶ te whakaae a Te Kāhui Minita ki ngā Tikanga Whakahaere mā te Rāngai;
- ▶ te kopou a te Tāhuhu o te Mātauranga i ngā mema o te Rāngai.

#### **4.2.1 Te whakahoi – ngā whakaaro o ngā rōpū e rua**

##### **4.2.1.1 Te whenu kaikerēme – ngā whakaaro o ngā kaikerēme**

Ko te tāpae a ngā kaikerēme, nō te tau 2018 kua takahi ngā mahi a te Karauna i ōna utanga ki Te Rūnanga Nui me ngā Kura Kaupapa Māori i raro i Te Tiriti.<sup>6</sup> Ko ngā utanga e kōrerongia nei, ko te mahi tahi me ngā kaikerēme me te whakaute i tō rātou tino rangatiratanga.<sup>7</sup> E whakaae ana ngā kaikerēme ki te mana kāwanatanga o te Karauna ki te arotake i te pūnaha o Ngā Kura mō Āpōpō.<sup>8</sup> Heoi anō, e kī ana rātou kāore te Karauna i whaiwhakaaro ki ngā matea motuhake o Te Rūnanga Nui me ngā Kura Kaupapa Māori i te huatakinga o te arotake me te whakatūtanga o te Rāngai. Nā tēnei, e whakapae ana rātou kāore te Karauna i ū ki āna here ki a Te Rūnanga Nui hei hoa Tiriti.<sup>9</sup> Inā rā, ko te tohe a ngā kaikerēme

- ▶ kāore te Karauna i whaiwhakaaro ki ngā Kura Kaupapa Māori me Te Rūnanga Nui i tana whakatau ki te huataki i te arotake mā roto mai i te Hōtaka Mahi Mātauranga 2018, kāore hoki i uiui i ngā kaikerēme i mua i tēnei whakataunga;

5. Ministry of Education, 'Terms of Reference for the Review of Tomorrow's Schools', 2018, Annex B (application for urgency, supporting documents (doc A6), pp 433–434)

6. Ngā tāpaetanga whakataki a ngā kaikerēme, 26 April 2023 (paper 3.3.1), p 34

7. Ngā tāpaetanga whakataki a ngā kaikerēme (paper 3.3.1), pp 34–35

8. Ngā tāpaetanga whakakapi a ngā kaikerēme, 12 June 2023 (paper 3.3.3), p 97

9. Ngā tāpaetanga whakakapi a ngā kaikerēme (paper 3.3.3), p 97

- ▶ kāore te Karauna i uiui i ngā kaikerēme e pā ana ki te whānui, ki te hanga rānei o te arotake, ā, kāore ngā Kura Kaupapa Māori me Te Rūnanga Nui i whakahuatia i roto i ngā Tikanga Whakahaere;
- ▶ kāore hoki te Karauna i uiui i ngā kaikerēme e pā ana ki ngā mema o te Rāngai i mua i te whakapāhotanga, ā, kāore hoki tētahi o Te Rūnanga Nui i pōhiritia ki te Rāngai.<sup>10</sup>

#### 4.2.1.2 *Te whenu Karauna – ngā whakaaro o te Karauna*

Hei tā te Karauna, kāore ia i takahi i Te Tiriti i tana huataki i te arotake i a Ngā Kura mō Āpōpō, i tana whakatūtanga rānei i te Rāngai. Hei urupare ki ngā tohe a ngā kaikerēme e mea nei kāore te Karauna i uiui i a rātou i mua i te whakatakinga o te Hōtaka Mahi Mātauranga 2018, ko tāna whakahau he whakakitenga tā te Hōtaka Mahi Mātauranga 2018 ki te rāngai mātauranga katoa me ōna wāhanga tekau mā whā ake.<sup>11</sup> E mea ana te Karauna, ahakoa kāore tētahi whakapāpā tūtahi i tū i waenganui i a rātou me ngā kaikēreme e pā ana ki te whakawhanaketanga, ki te huatakitanga rānei o te Hōtaka Mahi Mātauranga 2018, i whakamōhio tonutia ngā kaikerēme e pā ana ki te mahinga o te Hōtaka Mahi Mātauranga 2018 i te whanake haeretanga o tērā kaupapa, mā roto tonu mai i ngā hui a ngā Toi Rangapū Kaupapa Māori i te tau 2019 me te tau 2020.<sup>12</sup>

Ko te tohe hoki a te Karauna, ‘i tika, i pono tonu āna mahi, ā, i ū hoki ki ōna utanga e ai ki te Tiriti’ i a ia e whakawhanake ana i ngā Tikanga Whakahaere mā te Rāngai me te kopou i ōna mema.<sup>13</sup> E whakahaukaha ana te Karauna, i whakahau ngā Tikanga Whakahaere i te Rāngai kia whaiwhakaaro ki ngā huarahi ‘e ora mārīka ai Te Tiriti’ – tae ana ki te ara Reo Māori, he karangatanga e whai nei ki te whakakapi i ngā Kura Kaupapa Māori.<sup>14</sup> Hei tā te Karauna, ahakoa kāore ngā Kura Kaupapa Māori me Te Rūnanga Nui i tautuhia i roto i ngā pepa kōmihana, i whānui kē ngā karangatanga ki te taumata e tika ana, i runga i te whānui o te arotake.<sup>15</sup> E tāpae nei hoki te Karauna, i kopoua ngā mema o te Rāngai hei whakakanohi i te whānui o ngā pūkenga e tika ana ki te arotake, me te ‘taurite ā-mātāwaka, ā-ira’.<sup>16</sup> E ai anō ki te Karauna, nā te Tāhuhu tētahi Paewhiri Tohutohu Rāngai Whānui (Paewhiri Tohutohu) i whakatū hei tohutohu i te Rāngai, ā, ko te Tumuaki o nāianei o Te Rūnanga Nui, ko Hohepa Campbell tētahi o taua paewhiri.<sup>17</sup>

#### 4.2.2 *Te Horanga Whānuitanga – te whānuitanga o te horopaki*

I mua i te tātaritanga o te whakatau a te Karauna ki te huataki i te arotake i Ngā Kura mō Āpōpō, he mea nui anō te whakamahuki i te horopaki whānui o te whakataunga a te Karauna. Me miramira ngā āhuatanga matua ā-horopaki nei e

10. Ngā tāpaetanga whakakapi a ngā kaikerēme (paper 3.3.3), p 100

11. Ngā tāpaetanga whakakapi a te Karauna, 19 June 2023 (paper 3.3.4), p 56

12. Ngā tāpaetanga whakakapi a te Karauna (paper 3.3.4), p 57

13. Ngā tāpaetanga whakakapi a te Karauna (paper 3.3.4), p 58

14. Ngā tāpaetanga whakakapi a te Karauna (paper 3.3.4), p 59

15. Ngā tāpaetanga whakakapi a te Karauna (paper 3.3.4), p 60

16. Ngā tāpaetanga whakakapi a te Karauna (paper 3.3.4), p 58

17. Ngā tāpaetanga whakakapi a te Karauna (paper 3.3.4), p 59

hāngai ana ki ngā mahi a te Karauna, mai i te tau 2018, ā haere ake. Tuatahi, ko te āhua o te hononga o ngā rōpū e rua i te tīmatanga o te tau 2018, ā, ko te tuarua ko ngā whakapātāritari i tūpono ai ngā Kura Kaupapa Māori i taua wā, ā, i whakaae ngā kaiwhakaatu o tēnei pakirehua i reira aua whakapātāritari (mō ētahi, kei reira tonu i tēnei wā nei). Ko te āhuatanga tuatoru ko ngā wawata o te Kāwanatanga hou, i tū ai i te hiku o te tau 2017, e pā ana ki te rāngai mātauranga Māori.

#### **4.2.2.1 Te whenu tūhono – te hononga o ngā rōpū e rua i te tīmatanga o te tau 2018**

Ahakoia kei te aro whāiti tēnei pakirehua ki ngā takunetanga nō te tau 2018 ā haere ake, kua kuneroa, kua panoni haere te hononga o te Karauna me Te Rūnanga Nui i ngā tekau tau i mua, nō te whakatūnga o te Kura Kaupapa Māori tuatahi i te tau 1985 (i matapakina ai i te upoko 2). I te tau 1994, i waitohua tahitia Te Tauākī Kawa e Te Rūnanga Nui me te Tāhuhu. Ko tā te pepa rā, i whakaae te Tāhuhu ki te wāhi ki te Te Rūnanga Nui hei 'kaitiaki . . . mō te kaupapa o ngā Kura Kaupapa Māori.' I roto i te whakaaetanga i meatia rā kia kotahi, neke atu rānei ngā hui a te Tāhuhu ki a Te Rūnanga Nui i ia wāhanga kura o te tau ki te whakamatua i ngā take kaupapa here, i ngā take whakahaere hoki hei anganui mā ngā Kura Kaupapa Māori me Te Rūnanga Nui hei taua wāhanga tonu.<sup>18</sup> I te tau 1999, ka āpitihia e te Karauna te wāhanga 155B ki te Education Act 1989, hei whakamana ā-ture i Te Rūnanga Nui hei 'kaitiaki' mō Te Aho Matua.<sup>19</sup>

I te tau 2012, i waitohua tahitia te whakahouanga o Te Tauākī Kawa e te Tumu Whakarae mō te Mātauranga me te Tumuaki o Te Rūnanga Nui o taua wā, a Toni Waho. I hāngai tērā whakaaetanga ki te takiwā o te Tihema o te tau 2012 ki te Tihema o te tau 2017.<sup>20</sup> I taua whakaaetanga, i āmine ngā rōpū e rua ki te kōtuinga 'i roto i te wairua o te mahi tahi, o te tika me te whakautu tahi', 'kia wawe ai te whakapāpā e pā ana ki ngā take e mōhiotia ana e whaipānga ana ki ngā taha e rua', me 'te whakautu i te motuhaketanga o tēnā rōpū, o tēnā rōpū tae ana hoki ki ngā tūranga ake, ki ngā haepapa ake, ki ngā kawenga ake anō hoki.'<sup>21</sup> Tōna tikanga, ka whakatinanatia te hononga mā roto mai i tētahi hōtaka mahi i whakaae tahitia ai e āta whakarārangi ana i ngā kaupapa hei mahi tahi mā ngā rōpū e rua.<sup>22</sup> I whakaae tahi ngā rōpū e rua ki te hōtaka whakapāpā i mea ai me hui i ia hauwhā o te tau ki 'te matapakī i ngā āhuatanga e whaipānga ana ki ngā taha e rua, tae atu hoki ki te whakatinanatanganga haeretanga o te hōtaka mahi.'<sup>23</sup> Heoi anō, he tepenga i roto tonu i Te Tauākī Kawa. Kāore ōna mana ki te whakatūoi, ki te whakatepe rānei i ngā mōtika ā-ture me ngā utanga a te Karauna, i ngā mahi, i ngā mana rānei o ngā

18. Te Tauākī Kawa 1994 (application for urgency, supporting documents (doc A6), p 230)

19. Education Act 1989, ss 155–155F (application for urgency, supporting documents (doc A6), p 269)

20. The Tumuaki of Te Rūnanga Nui o Ngā Kura Kaupapa Māori o Aotearoa and the Secretary for Education, 'Te Tauākī Kawa – A Memorandum of Understanding', 20 December 2019 (Rōia Karauna, supporting documents (doc B30), pp 2–4)

21. 'Te Tauākī Kawa' (Rōia Karauna, supporting documents (doc B30), p 2)

22. 'Te Tauākī Kawa' (Rōia Karauna, supporting documents (doc B30), p 3)

23. 'Te Tauākī Kawa' (Rōia Karauna, supporting documents (doc B30), p 3)



āpiha o te Tāhuhu, i ngā Minita rānei. Ko te mea hirahira hoki, kāore ōna mana ki te whakatepe i te āheinga o te Karauna ki te waihanga i ngā kaupapa here, ki te whakataki ture rānei.<sup>24</sup> Aua atu hoki, nā Tākuta Darren Bean (Te Tumu Whakarae Tuarua mō te Mātauranga Māori ki te Tāhuhu) te kōrero, ko Te Tauākī Kawa te 'kāmaka' o te hononga o te Karauna me Te Rūnanga Nui.<sup>25</sup> Ka āta matapakina ngā pānga o ngā mahi a te Karauna ki tēnei hononga ki te upoko 6.

Ahakoia te hāngaitanga o Te Tauākī Kawa i tēnei takiwā, me te whakamanatanga o Te Rūnanga Nui ki rō ture, ko tā ngā kaikerēme i te raruraru tō rātou ko te Karauna hononga tae noa ki te tau 2018. Hei tā Campbell, 'nō te whakatūtanga o te Kura Kaupapa Māori tuatahi, kua tāmia ngā Kura Kaupapa Māori me Te Rūnanga Nui e te Kāwanatanga.'<sup>26</sup> Mātua rā, i whakapuakina e ngā kaikerēme tētahi takunetanga e mārāma ai te āhua o te hononga: 'te whakatikatikatanga' o te Ture Mātauranga 1989 e te Karauna i te tau 2017. Nō te tau 1989, i hāngai kau noa te wāhanga 155 ki ngā Kura Kaupapa Māori, e whakamanatia ai ērā hei kura ahurei me ngā whakaritenga motuhake hei whakatū. Ko tētahi wāhanga o te 'whakatikatikatanga', ko te hanumitanga o te wāhanga 155 ki te wāhanga 156 – te whakaritenga e hāngai ana ki ngā kura ahurei katoa. Kāore Te Rūnanga Nui i uiuia, kāore hoki rātou i whakamōhiotia ka pēnei ngā āpitihanga kia whakamana rānōhia, nā reira rātou i manawa pā ai, e ai ki a rātou.<sup>27</sup> I roto i ngā tāpaetanga whakakapi, i whakaae te Karauna nā te hanumitanga o ngā Kura Kaupapa Māori ki ngā whakaritenga ōrite ki ā ngā kura ahurei, 'kāore i whakamanahia te wāriu o te whakamanatanga motuhake o mua i ngā Kura Kaupapa Māori, i Te Aho Matua rānei, tae atu hoki ki Te Rūnanga Nui hei kaitiaki mōna.'<sup>28</sup> Ka mutu, nā te Karauna te whakamahukitanga, ahakoia kāore tēnei āpitihanga i whaipānga ki te hātepe ā-ture e whakamanahia ana e te Ture, 'i ia āpitihanga, me mātua uru mai Te Rūnanga Nui ā-tikanga nei, ā-ture nei hoki hei kaitiaki mō Te Aho Matua, ki ngā whakapāpātanga.'<sup>29</sup> Ahakoia kāore tēnei panonitanga ture e hāngai ki te aronga o tēnei pakirehua, he hirahira tonu hei whakahoropaki i te āhua o te hononga o ngā taha e rua e ānga atu ana ki te tau 2018.

#### **4.2.2.2 Te whenu tāwekeweko – ngā whakapātaritari i mua i te aroaro o ngā Kura Kaupapa Māori i te tau 2018**

I te roanga o tēnei pakirehua, i rangona te nui o ngā taunakitanga i whakarewa ai i te ngākau e pā ana ki ngā whakapātaritari i tūpono ai ngā Kura Kaupapa Māori. Heoi anō, kāore te nuinga o ēnei taunakitanga e hāngai ki te aronga whāiti o tēnei pakirehua inā hoki e hāngai kē ana ki ngā kaupapa here a te Karauna nō mua i te tau 2018, ā, kāore hoki i te whaitake pū ki te hāngai o te Tiriti ki te hātepe arotake, whakahou hoki i a Ngā Kura mō Āpōpō. Nā te whāiti o tēnei pakirehua ohore,

24. 'Te Tauākī Kawa' (Rōia Karauna, supporting documents (doc B30), p 4)

25. Daryn Bean to Hohepa Campbell, 10 February 2022 (doc A11(a)), p 7

26. Kōrero taunaki a Hohepa Campbell, 12 October 2021 (doc A5), p 3

27. Ngā tāpaetanga whakataki a ngā kaikerēme (paper 3.3.1), p 16

28. Ngā tāpaetanga whakakapi a te Karauna (paper 3.3.4), p 81

29. Ngā tāpaetanga whakakapi a te Karauna (paper 3.3.4), p 81

kāore e whakaputaina ētahi kitenga e pā ana ki te tika o ngā anga kaupapa here i te tū kē i te tau 2018. Engari, ki a mātou he horopaki nui whakaharahara tonu ngā whakapātaritari i tūpono ai ngā Kura Kaupapa Māori i te wā i whakaaraha ai te arotake, hei whakaahua i te horopaki o ngā whakatau a te Karauna i whai ake e pā ana ki te arotake me te whakahou. Kāti, mā mātou tētahi whakarāpopototanga o aua whakapātaritari e whakatakoto ki konei, e ai ki ngā kaikērēme.

Ko tā Campbell, ‘i roto i ngā tekau tau, he rite tonu tā mātou [tā Te Rūnanga Nui] ki atu ki ngā āpiha o te Karauna me ngā Minita, kāore he rautaki mārāma ki te āta tautoko i te tupuranga me te whanaketanga o ngā Kura Kaupapa Māori. Ki tā Campbell, nā ngā mahi a te Karauna whai muri i te arotake i Ngā Kura mō Āpōpō i ū ai tēnei ‘hanga kino hoki.’<sup>30</sup> Ko tētahi kaupapa nui kua aua atu e whakatetea ana, ko te tōpūtanga o ngā Kura Kaupapa Māori ki te rāngai Reo Māori whānui tonu. Ko tā Campbell anō ‘neke atu i te 20 tau, kua inoia e Te Rūnanga Nui tētahi rautaki ake nā te Karauna ki te whakatū, ki te whakawhanake i ngā kura, auare ake. Engari ia, kua ‘whakatōpūhia’ ngā Kura Kaupapa ki te mahere whānui mā te rāngai Reo Māori, i whakaparāhakotia ai te tauira ahurei o ngā Kura Kaupapa Māori.<sup>31</sup> Taketake ana te maninohea o ngā kaikērēme ki te tautoko a te Karauna i ngā Kura Kaupapa i te huhua o ngā nawe ake, e whakamāramatia nei e Campbell kua tūroa ‘i ngā tekau tau.’<sup>32</sup> Ki tēnei pakirehua, nā ngā kaikērēme i ki mai:

- ▶ i raro i te kaupapa here hei hanga whare a te Tāhuhu, kāore e taea ngā whare e tika ana mō ngā Kura Kaupapa Māori;<sup>33</sup>
- ▶ nā te mea kāore he hātepe okawa ki te whakatū Kura Kaupapa, he uaua ki ngā whānau te whakatū i ngā kura hou;<sup>34</sup>
- ▶ whakahaeretia ai ngā Kura Kaupapa Māori e ai ki tētahi anga e riro ai mā te whānau te kura e whakahaere. kāore e hāngai ki te anga poari me ōna whāititanga;<sup>35</sup>
- ▶ kāore anō kia tika te tautoko ā-rauemi i ngā kaupapa whakangungu kaiako;<sup>36</sup>
- ▶ kua whakahē te Tāhuhu i te tono a Te Rūnanga Nui ki te whakamana i Te Aho Matua hei marautanga ā-motu;<sup>37</sup>
- ▶ kāore anō kia tika te tautoko ā-pūtea i te waihanganga o ngā rauemi whakaako mā ngā Kura Kaupapa Māori;<sup>38</sup>
- ▶ kāore anō kia tika, kia taurite te taumata o te tahua pūtea mā ngā Kura Kaupapa Māori.<sup>39</sup>

Nā ngā kaikērēme ēnei nawe i whakapuaki i te roanga ake o ngā nohoanga me te taumaha, te mamae hoki ka pā mai i ēnei take i roto i ngā tau. Inā rā, ka pōnānā

30. Kōrero taunaki a Campbell (doc A5), p 3

31. Kōrero taunaki a Campbell (doc A5), p 20

32. Kōrero taunaki a Campbell (doc A5), p 9

33. Kōrero taunaki a Mahanga Pihama, 14 April 2023 (doc B18(b)), pp 2–3

34. Kōrero taunaki a Sandra Walker, 29 March 2023 (doc B3), p 4

35. Kōrero taunaki a Cathy Dewes, 12 October 2021 (doc A1), p 14

36. Kōrero taunaki a Hohepa Campbell, 17 December 2021 (doc A9), p [4]

37. Kōrero taunaki a Rawiri Wright, 12 October 2021 (doc A2), p 17

38. Kōrero taunaki a Sandra Walker rāua ko Renee Wright, 12 October 2021 (doc A3), p 12

39. Kōrero taunaki a Dewes (doc A1), pp 5–6, 15–17

mātou i te āhua o ngā whare me te tūāhanga i whakaaturia ai ki a mātou i Te Kura Kaupapa Māori o Ngā Mokopuna, me te aha, ka mihi mātou ki te manawanui o te whānau, o ngā tamariki, o ngā kaiako hoki ki te eke panuku ahakoa ēnei āhuatanga. Tēnei te tūtohu i aua taunakitanga – kāore i kō atu i ngā nohoanga e rongō pū ai, e wheako pū ai te Rōpū Whakamana me te Karauna i ngā take kei mua i te aroaro o ngā Kura Kaupapa Māori. Ko tō mātou tūmanako, ka mānawatia e te Karauna ēnei taunakitanga kei kōkirihia ana ngā mahi a te Karauna i roto i te rāngai kaupapa Māori, ahakoa he aha rawa te mahi.

I rongō hoki mātou i te hanga whakaae a te Karauna, nā te anga kaupapa here o te tau 2018 i tino raruraru ai ngā Kura Kaupapa Māori. I whakaae a Iona Holsted (Te Tumu Whakarāe mō te Mātauranga), kāore te anga kaupapa here, ture hoki o te wā nei e ‘hāngai pū’ ana ki ngā Kura Kaupapa Māori.<sup>40</sup> I whakaae tahi a Tākuta Bean rāua ko Darren Nathan (Kaitohutohu Matua, Hononga me te Mātauranga Māori ki te Tāhuhu), kāore ‘ngā hātepe, ngā kaupapa here me ngā tukanga a te Tāhuhu o te Mātauranga i hoahoatia mā ngā kaupapa whakawhanake i te iwi Māori’, pēnei i ngā Kura Kaupapa Māori.<sup>41</sup> Nā tēnei āhuatanga i ara ake ai ētahi whakapātāritari ki te tāhonotanga o te pūnaha mātauranga a te Karauna me te ara Kura Kaupapa Māori, me āta tāwhai.<sup>42</sup> Hei tā ngā kaiwhakaatu, kua aua atu te eke panuku a Te Rūnanga Nui me ngā Kura Kaupapa Māori nā te ‘manawanui me te manawatitī ki te ātete ki ngā pūnaha.’<sup>43</sup> Kei te whakaae hoki te Karauna, nā te hanumitanga o ngā Kura Kaupapa Māori e te Tāhuhu ki te ara Reo Māori, ‘kāore i kopanatia te torowhānuitanga o ngā Kura Kaupapa Māori, te ahureinga o tōna tūāpapa mātāpono, o Te Aho Matua, te motuhaketanga rānei o tana marautanga (Te Marautanga o Te Aho Matua) i te rāngai auraki’, ā, ka pā mai te mamae me te muhani.<sup>44</sup> Nā ngā kaiwhakaatu anō i whakapuaki, kua 50 ōrau te pikinga o te tahua taurite mā ngā ākonga kei ngā Kura Kaupapa Māori i te tau 2022.<sup>45</sup>

I roto i āna kōrero whakakapi, nā te Karauna i whakapuaki, he nui tēnei pikinga engari e tika ana. Ki ō mātou whakaaro, nā tēnei whakapuakitanga nā te Karauna i tohu mai, ko te tikanga kau, kāore i te tika, ā, i te tarepa hoki te tahua pūtea i tuarīhia ai ki ngā Kura Kaupapa Māori hei pūtea whakahaere i mua.<sup>46</sup> Kei te whakaae hoki te Karauna i roto i āna kōrero whakakapi, ‘inā te nui o ngā kura me whai hau-mitanga’, ka mutu nā ngā take o mua i whaitake ai ētahi pūtea tāpiri.<sup>47</sup> Nā Holsted hoki te kōrero, ‘kāore i tōpuni te whanaketanga o ngā rauemi i te reo Māori, nō te ao Māori, nō Te Aho Matua rānei me ngā rauemi mā te ara Reo Pākehā, ā, kāore hoki i rite te taumata o te tautoko.’<sup>48</sup> Nāna hoki i tūtohu ngā ‘wheako’ o ngā kaikerēme, inā rā he mea āta whakamahere ngā kura auraki, ka hangaia ai

40. Tuhinga kape kōrero 4.1.6, p 59

41. Kōrero taunaki a Daryn Bean rāua ko Darren Nathan, 5 May 2023 (doc B31), p 4

42. Kōrero taunaki a Bean rāua ko Nathan (doc B31), p 4

43. Kōrero taunaki a Bean rāua ko Nathan (doc B31), p 4

44. Ngā tāpaetanga whakakapi a te Karauna (paper 3.3.4), pp 11, 46–47

45. Kōrero taunaki a Bean rāua ko Nathan (doc B31), p 13

46. Ngā tāpaetanga whakakapi a te Karauna (paper 3.3.4), pp 46–47

47. Ngā tāpaetanga whakakapi a te Karauna (paper 3.3.4), pp 91–92, 112

48. Kōrero taunaki a Iona Holsted, 5 May 2023 (doc B29), p 6

hei whakatutuki i ngā matea o tētahi taupori, kua ‘mate ngā Kura Kaupapa Māori ki te whakapau kaha e kitea ai tō rātou whaitaketanga.’<sup>49</sup> Nāna ake ngā kupu nei, ‘mārama ana te kitea kāore te Karauna i whakatutuki i ngā matea me ngā kawatau o ngā kaikerēme i te takanga o te wā.’<sup>50</sup>

Kia toaitia anō te kōrero, kāore te nuinga o ēnei nawe e whai wāhi ki te aronga whāiti o tēnei pakirehua. He pai ake kia waiho ēnei ki te whānuitanga o te pakirehua Education Services and Outcomes. Heoi anō, ka whakahahakitia ngā nawe o ngā kaikerēme kia mārama ai te hiranga o te horopaki me ngā whakatau a te Karauna i whai mai. Ahakoa kāore te Karauna i whakaae ki ngā nawe katoa i whakatakotohia ai e ngā kaikerēme, kua whakaae te Karauna he whakapātaritari whai kiko, he whakapātaritari whaitake hoki i mua i te aroaro o ngā Kura Kaupapa Māori i te wā i huataki ai te Karauna i te arotake i Ngā Kura mō Apōpō.

#### **4.2.2.3 Te whenu manako nui – ngā wawata o te Kāwanatanga mō te mātauranga Māori**

I te 26 o Oketopa, 2017, i karawhitia he Kāwanatanga hou. I kopoua a Hōnore Mauroa Chris Hipkins ki te tūranga Minita o te Mātauranga, ā, i kopoua hoki a Hōnore Mauroa Kelvin Davis ki te tūranga Minita Tuarua o te Mātauranga (Mātauranga Māori). I tētahi tuhinga pārongo e pā ana ki te mātauranga Māori i whakaritea ai mā te Minita kātahi anō ka tohua, nā ngā āpiha o te Tāhuhu te tohutohu:

[t]o maximise New Zealand’s economic potential and improve social equity, the Government needs to ensure that Māori children, young people and adults are adequately equipped with the skills and knowledge to fully participate in the workforce, to support social, cultural, economic and individual wellbeing.<sup>51</sup>

Nā ngā āpiha te tohutohu, ‘he pai ake ngā hua ka puta mai i ngā kura Reo Māori mō te Māori, inā hoki he ōrite te whakawhiwhinga o te Taumata Mātauranga ā-Motu Kaupae 2, Kaupae 3 me te Urunga Whare Wānanga ki tō te taupori whānui. E taea ana ēnei wāhi angitu te whakapiki hei tautoko i ngā ākongā Māori katoa e angitu ai rātou hei ākongā Māori i roto i te ao mātauranga.’<sup>52</sup> I roto i te tuhinga pārongo te kōrero ‘he autaiā ngā putanga o ngā kura Reo Māori ki ngā ākongā Māori.’<sup>53</sup> Ko tā te tuhinga pārongo, ka tino piki ēnei putanga ina:

49. Tuhinga pitopito kōrero a Iona Holsted, 22 May 2023 (doc B29(b)), p 2

50. Tuhinga pitopito kōrero a Holsted (doc B29(b)), p 3

51. Ministry of Education, ‘Māori Education – Briefing to the Incoming Minister’, 2017 (Hohepa Campbell and Mahinarangi Maika, supporting documents (doc B26(a)), p 260)

52. Ministry of Education, ‘Briefing to the Incoming Minister’ (Campbell and Maika, supporting documents (doc B26(a)), p 260)

53. Ministry of Education, ‘Briefing to the Incoming Minister’ (Campbell and Maika, supporting documents (doc B26(a)), p 262)

- ▶ Māori identity, language and culture is highly valued and celebrated;
- ▶ the curriculum is delivered in and through the Māori language; and
- ▶ Māori identity, language and culture is embedded in the governance, leadership, teaching and learning and physical environment of the school.<sup>54</sup>

I roto i ēnei hanga, ‘ka eke hoki ngā tamariki e whakaatu ana i ngā āhuatanga tuku iho e kīia nei he ‘mōrearea’ ki ngā taumata ōrite ki ngā tamariki me ngā rangatahi kei ngā kura Reo Māori. Heoi anō, i whakapuakina i roto i te tuhinga pārongo, inā te kaitā o ngā whakapātaritari ki ngā ākonga<sup>55</sup> e manako ana ki te uru ki ngā ara Reo Māori, e kī ana ‘ahakoa ngā putanga autaiā o ngā ākonga Māori kei ngā kura Reo Māori, iti ake i te 19,000 ngā ākonga Māori kei aua kura, me te aha, ‘nā ngā take pupuri ākonga ki aua ara, tokoiti noa iho ngā ākonga Māori ka noho pū ki ēnei kura, tae noa ki te mutunga ki te kura.’<sup>56</sup> Ahakoa ko tā te pepa whakapuaki, e taea ana te whakaurunga ki ngā ara Reo Māori te taunanawe, e meatia ana, ‘e kore e ea i tēnei anake nei ngā whakapātaritari nui taiooreore kei te ara Kaupapa Māori’. Heoi anō e whakahaukahatia ana, e whakawhanaketia ai ngā putanga mātauranga mō te Māori, he mea whakahirahira tonu ngā ‘rangapūtanga whaihua’ o te Karauna me te Māori.<sup>57</sup>

#### **4.2.3 Te tāmianga o te Rāngai Motuhake – ka whakatūria te Rāngai Motuhake o Ngā Kura mō Āpōpō, ka mahi ai i tāna arotake**

##### **4.2.3.1 Te whiri arotake – te whakatau a Te Kāhui Minita ki te arotake i a Ngā Kura mō Āpōpō**

I waenganui i te Pepuere 2018, i whakaaetia e Te Kāhui Minita te Hōtaka Mahi Mātauranga 2018, e hīpoki ana i ngā whāinga kaupapa here mā te rāngai mātauranga katoa ki tētahi taumata tiketike. I whakapuakina i roto i te pepa a Te Kāhui Minita e pā ana ki te Hōtaka Mahi Mātauranga 2018 ‘he aronga ki te whakapiki i te ekenga o ngā ākonga Māori, mā roto mai i ‘te whanaketanga o tētahi mahere rau-taki mā te ara Reo Māori.’<sup>58</sup> Nā Minita Hipkins te whakamārama i roto i te pepa, kei te pūnaha mātauranga o mohoa nei ētahi ‘manarite-kore i auau te kitea’ mō

---

54. Ministry of Education, ‘Briefing to the Incoming Minister’ (Campbell and Maika, supporting documents (doc B26(a)), pp 262–263)

55. Ministry of Education, ‘Briefing to the Incoming Minister’ (Campbell and Maika, supporting documents (doc B26(a)), p 263)

56. Ministry of Education, ‘Briefing to the Incoming Minister’ (Campbell and Maika, supporting documents (doc B26(a)), p 263)

57. Ministry of Education, ‘Briefing to the Incoming Minister’ (Campbell and Maika, supporting documents (doc B26(a)), pp 263–264)

58. Cabinet Business Committee, ‘Education Portfolio Work Programme: Purpose, Objectives and Overview’, 14 February 2018, p 20 (Campbell and Maika, supporting documents (doc B26(a)), p 46)

ngā ākonga Māori kei ngā kura auraki.<sup>59</sup> Nāna i whakapuaki te tairite o te angitu o ngā ākonga kei te ara Reo Māori, engari hei tāna me pakari ake taua ara e tika ai ngā raru pupuri kaiako, raru kōpāpā hoki.<sup>60</sup> Kāore te ara Kaupapa Māori, Te Rūnanga Nui, ngā Kura Kaupapa Māori rānei i whakahuatia ake i roto i te pepa.<sup>61</sup>

I roto i te Hōtaka Mahi Mātauranga 2018 ngā mahere ki te arotake i ngā wāhanga rerekē o te rāngai mātauranga, tae noa atu ki te arotakenga o Ngā Kura mō Āpōpō tonu e te Rāngai.<sup>62</sup> Ka tino whānui te aronga o te arotake nō te mea e whakahaere ana te pūnaha i te rāngai kura katoa e whakaturengia ana.<sup>63</sup> Ko te hiahia o Minita Hipkins, kia mahia te arotake 'e whaihua ai, e hāngai ai ki ngā taunakitanga whaitake' ngā panonitanga ka whai mai, ā, 'kia mahia te arotake e whai mana ai ngā kura me ngā hapori'.<sup>64</sup> Mātua rā, ko tana whakapuaki mai e kore e eke te Karauna ki te taumata tiketike i te pūnaha mātauranga tūmatanui 'mā te tohutohu noa iho i ngā mahi me mahi'.<sup>65</sup> Hei tāna, ka angitu te whakahouanga i runga i te āhua o te whānui o ngā whakapāpātanga me te whaipānga ki te hunga whakaako, ngā whānau, ngā iwi me te hapori whānui.<sup>66</sup> E ai ki a Rāwiri Wright, kāore ngā kaikerēme i whakapāpāngia e pā ana ki te pēheatanga o te arotakenga o Ngā Kura mō Āpōpō i mua i tā te Kāwanatanga pānui tūmatanui.<sup>67</sup> Ko te kī mai a Campbell rāua ko Mahinarangi Maika (Kaitohutohu Rautaki a Te Rūnanga Nui) kāore ngā kaikerēme i uiuia e pā ana ki te rārangi kaupapa kei te Hōtaka Mahi Mātauranga 2018 i mua i te whakaetanga ōna e Te Kāhui Minita.<sup>68</sup> Kāore tēnei i whakahēngia e ngā kaiwhakaatu a te Karauna i roto i ā rātou taunakitanga, me te aha i whakaae te Karauna i roto i ngā tāpaetanga whakakapi, kāore he uiuinga i tū.<sup>69</sup> I whakamahuki a Rāwiri Wright i te mānukanuka o ētahi o Te Rūnanga Nui i ara ake ai i te whakaaro ka tū tētahi arotake. Nāna te kōrero, i te tino māharahara ngā kaikerēme kei puta i te Rāngai ētahi tūtohunga nui taioreore e hāngai ana ki a rātou, ā, kāore rātou i whai wāhi atu.<sup>70</sup>

59. Cabinet Business Committee, 'Education Work Programme', p 5 (Campbell and Maika, supporting documents (doc B26(a)), p 32)

60. Cabinet Business Committee, 'Education Work Programme', p 5 (Campbell and Maika, supporting documents (doc B26(a)), p 32)

61. Cabinet Business Committee, 'Education Work Programme', pp 1–23 (Campbell and Maika, supporting documents (doc B26(a)), pp 28–49)

62. Cabinet Business Committee, 'Education Work Programme', pp 22–23 (Campbell and Maika, supporting documents (doc B26(a)), pp 48–49)

63. Cabinet Business Committee, 'Education Work Programme', p 11 (Campbell and Maika, supporting documents (doc B26(a)), p 38)

64. Cabinet Business Committee, 'Education Work Programme', p 11 (Campbell and Maika, supporting documents (doc B26(a)), p 38)

65. Cabinet Business Committee, 'Education Work Programme', p 4 (Campbell and Maika, supporting documents (doc B26(a)), p 31)

66. Cabinet Business Committee, 'Education Work Programme', p 4 (Campbell and Maika, supporting documents (doc B26(a)), p 31)

67. Kōrero taunaki a Rawiri Wright, 13 April 2023 (doc B22), p 7

68. Kōrero taunaki a Hohepa Campbell rāua ko Mahinarangi Maika, 17 April 2023 (doc B26), p [5]

69. Kōrero taunaki a Andy Jackson rāua ko Andrea Schöllmann, 5 May 2023 (doc B28), p 5; Ngā tāpaetanga whakakapi a te Karauna (paper 3.3.4), p 57

70. Kōrero taunaki a Rawiri Wright (doc B22), p 7

#### 4.2.3.2 *Nā te Rāngai Motuhake i whatu, nā te Kāhui Minita i tāniko*

I muri mai i te pāhotanga o te arotake i te 21 o Pēpuere 2018, i hohoro Te Kāhui Minita ki te waihanga i āna Tikanga Whakahaere.<sup>71</sup> I whakaaetia ngā Tikanga Whakahaere e Te Kāhui Minita i te 12 o Maehe 2018.<sup>72</sup> Nā ngā Tikanga Whakahaere i tau ai te aronga whānui o te arotake – mā te Rāngai e whaiwhakaaro mehemea e hāngai ana, e tika ana hoki ngā tautuhinga kāwana, ngā tautuhinga hautū me ngā tautuhinga whakarite hei whakaako i ngā tamariki e rima tau te pakeke ki te tekau mā iwa tau te pakeke.<sup>73</sup> I roto i taua arotake, i tohutohu Te Kāhui Minita ki te Rāngai ki te aro, ki te kite mehemea ka ū te pūnaha 'e angitu ai ngā ākonga katoa i roto i te mātauranga', e whakatairangatia ai hoki te mana taurite me te taumata tiketike' mō ngā tamariki katoa.<sup>74</sup> I tonoa ngā mema o te Rāngai ki te tūhura i ngā huarahi hei 'whakatinana i te Tiriti o Waitangi', mā roto mai i te anganui ki te āheinga o Ngā Kura mō Āpōpō ki te whakaea i ngā matea o ngā ākonga Māori, mā te 'aromātai hoki i tōna whaihua ki ngā ākonga ara Reo Māori'.<sup>75</sup>

E kīia ana te arotake a te Rāngai i roto i ngā Tikanga Whakahaere, 'hei huarahi e whai wāhi ai a Aotearoa whānui ki te whakatakoto i ōna whakaaro me ōna wheako i roto i te pūnaha mātauranga, me ā rātou tohutohu hei whakapakari, hei panoni hoki', engari kāore i āta whakahuatia tētahi whakawhitiwhitinga kōrero ake ki ngā Kura Kaupapa Māori.<sup>76</sup> Heoi anō, nā Te Kāhui Minita tonu ētahi aronga whakawhitiwhiti kōrero i whakatau ki te Rāngai i te wā o te arotake. He mea tohutohu te Rāngai ki te 'undertake extensive and broad-based consultation so that the full spectrum of stakeholder views including learners and teachers, but also parents, whānau, iwi and Pasifika communities and employers are captured and reflected in the final report'.<sup>77</sup>

Ko te mea hirahira hoki, ka meatia i roto i ngā Tikanga Whakaere ka whakatūria tētahi Paewhiri Tohutohu e te Tāhuhu hei tautoko i te Rāngai.<sup>78</sup> Ko ngā mema o te Paewhiri Tohutohu, ko ngā kanohi o ētahi momo ohu, pēnei i ngā tumuaki, i ngā kaiako, i ngā ākonga, i ngā poari, i ngā whānau anō hoki.<sup>79</sup> Ko tōna rerekētanga i te Rāngai, i whakahoahoatia te paewhiri kia noho motuhake ai, ko

71. 'Ambitious three-year work programme for education', The Beehive, 21 February 2018, <https://www.beehive.govt.nz/release/ambitious-three-year-work-programme-education>, accessed 10 November 2023

72. Kōrero taunaki a Jackson rāua ko Schöllmann (doc B28), p 5

73. Ministry of Education, 'Terms of Reference for the Review of Tomorrow's Schools' (application for urgency, supporting documents (doc A6), pp 429–430)

74. Ministry of Education, 'Terms of Reference for the Review of Tomorrow's Schools' (application for urgency, supporting documents (doc A6), p 429)

75. Ministry of Education, 'Terms of Reference for the Review of Tomorrow's Schools' (application for urgency, supporting documents (doc A6), p 430)

76. Ministry of Education, 'Terms of Reference for the Review of Tomorrow's Schools' (application for urgency, supporting documents (doc A6), p 431)

77. Ministry of Education, 'Terms of Reference for the Review of Tomorrow's Schools' (application for urgency, supporting documents (doc A6), pp 430–431)

78. Ministry of Education, 'Tomorrow's Schools Review: Appointments to the Independent Taskforce', 2018 (application for urgency, supporting documents (doc A6), p 435)

79. Ministry of Education, 'Appointments to the Independent Taskforce' (application for urgency, supporting documents (doc A6), p 435)

te mahi a te Paewhiri Tohutohu ko te whai kia tika te whaiwhakaaro a te Rāngai ki 'te whānuitanga o te pūnaha mātauranga, mā roto mai i te whaiwhakaaro ki ngā momo kura rerekē, ki te whānuitanga o ngā hapori e hāpai nei aua kura, tae atu ki ngā kawatau me ngā matea o aua hapori'.<sup>80</sup> I meatia i roto i ngā Tikanga Whakahaere, 'me whai wāhi mai ngā kanohi o te ara Reo Pākehā me te ara Reo Māori', engari kāore i āta whakahuatia me whai wāhi ētahi kanohi Kaupapa Māori. Kāore hoki ngā Tikanga Whakahaere i whakahua i ngā Kura Kaupapa Māori me Te Rūnanga Nui ake hei mema ki te Paewhiri Tohutohu.<sup>81</sup>

Kāore te Karauna i tono ki ngā kaikerēme ki te tuku whakaaro ake e pā ana ki ngā Tikanga Whakaaro o te arotake i mua i te whakaaetanga e Te Kāhui Minita. Nā Campbell te kī mai 'Kāore i whakapuakina ki Te Rūnanga Nui i mua te whānui, te āhua rānei o te hātepe arotake'.<sup>82</sup> Nāna hoki te kī mai kāore a Te Rūnanga Nui me ngā Kura Kaupapa Māori ake i whakahuatia i roto i ngā Tikanga Whakahaere.<sup>83</sup> Kāore ēnei kōrero i tohea e te Karauna.<sup>84</sup> Heoi anō, nā ngā āpiha o te Tāhuhu, nā Andy Jackson (Hautū, Te Pou Kaupapahere mō te Tāhuhu) rāua ko Andrea Schöllmann (Pou Ārahi, Te Pou Kaupapahere mō te Tāhuhu) i whakamārama, ko te 'ara Reo Māori' tētahi karangatanga hei whakakapi, ā, ko tōna tikanga ka kapi hoki ko ngā Kura Kaupapa Māori.<sup>85</sup>

#### **4.2.3.3 Te ara o te whenu Rāngai Motuhake – ka kopou te Karauna i ngā mema o te Rāngai Motuhake**

I whakaae te Kāhui Minita ki tā Minita Hipkins kopou i ngā mema o te Rāngai i te 28 o Maehe 2018.<sup>86</sup> Nā te Minita te kupu ki te Kāhui Minita e pā ana ki ngā mema i tūtuhua ai ki te Rāngai, 'ka whānui, ka taurite ā-ira, ā-mātāwaka, ā-takiwā hoki te hanganga o te Rāngai, me te hāngai hoki o te whānui o ngā pūkenga me ngā mōhiotanga' ki te whakatutuki i te arotake.<sup>87</sup> Ko ngā mema i kopou ai, ko Bali Haque (Heatangata) rātou ko Ahorangi Mere Berryman, ko Barbara Ala'alatoa, ko Tākuta Cathy Wylie, ko Ahorangi John O'Neil.<sup>88</sup> I roto i te pepa Kāhui Minita te rārāngitanga mai o ngā tohu me ngā angitutanga o ngā mema tokorima, me ngā wāhanga huhua o te rāngai mātauranga e matatau nei rātou. Ko tā mātou i kite ai, i roto i te pepa i whakamāramatia a Ahorangi Mere Berryman hei ahorangi e mahi nei 'ki te ātete i ngā kōrero tīrara, i ngā kōrero nō mai rā anō e whakapūmau

80. Ministry of Education, 'Appointments to the Independent Taskforce' (application for urgency, supporting documents (doc A6), p 435)

81. Ministry of Education, 'Terms of Reference for the Review of Tomorrow's Schools' (application for urgency, supporting documents (doc A6), pp 429–435)

82. Kōrero taunaki a Hohepa Campbell, 29 March 2021 (doc B12), p 16

83. Kōrero taunaki a Campbell (doc B12), p 16

84. Kōrero taunaki a Jackson rāua ko Schöllmann (doc B28); Ngā tāpaetanga whakakapi a te Karauna (paper 3.3.4)

85. Kōrero taunaki a Jackson rāua ko Schöllmann (doc B28), p 3

86. Kōrero taunaki a Jackson rāua ko Schöllmann (doc B28), p 6

87. Ministry of Education, 'Appointments to the Independent Taskforce' (application for urgency, supporting documents (doc A6), p 437)

88. Ministry of Education, 'Appointments to the Independent Taskforce' (application for urgency, supporting documents (doc A6), p 436)



ana i ngā manarite-kore ā-mātauranga ki ngā ākonga Māori'. Heoi anō, kāore i whakahuatia i roto i te pepa mehemea he mōhiotanga o Ahorangi Berryman e hāngai ana ki te ara Kaupapa Māori.<sup>89</sup>

Nā Rawiri Wright te kōrero kāore ngā kaikerēme i uiuia e pā ana ki ngā mema o te Rāngai i mua i te whakataunga.<sup>90</sup> Kāore hoki a Te Rūnanga Nui i pōhiritia ki te Rāngai tonu.<sup>91</sup> Nā Tākuta Schöllmann rāua ko Jackson tēnei i whakaū i roto i ā rāua taunakitanga, me te kī ake i whiriwhiria ngā mema o te Rāngai i runga i ngā whakahau a ngā āpiha o te Tāhuhu, ka whakawhitiwhiti kōrero ai ki ētahi anō tari Karauna, pēnei i te Manatū Wāhine, i Te Puni Kōkiri, i te Manatū mō ngā Iwi o Te Moana-nui-a-Kiwa, mā rātou ētahi tautapanga.<sup>92</sup> He mea whakahaukaha hoki e ēnei kaiwhakaatu te kawatau mō ngā mema o te Rāngai kia 'tōkeke ai te noho motuhake i ngā tari mātauranga', mā rātou anō ngā tukinga whaipānga e whaiwhakaaro.<sup>93</sup>

#### **4.2.3.4 Whira te paewhiri – ka whakarite ngā āpiha o te Tāhuhu o te Mātauranga i te Paewhiri Tohtutohu Rāngai Huhua**

I te Aperira 2018, i whakarite ngā āpiha a te Tāhuhu i te mematanga o te Paewhiri Tohtutohu.<sup>94</sup> I kaitā te hanga o te Paewhiri Tohtutohu; ko ōna mema hei kanohi mō ngā momo ohu huhua e whaipānga ana ki te pūnaha Ngā Kura mō Āpōpō.<sup>95</sup> Whā tekau mā waru ngā mema i whakahuatia ai i te rārangi take o te hui tuatahi a te Pae Whiriwhiri ki te Rāngai i te Mei 2018.<sup>96</sup> I roto i ā rāua taunakitanga, nā Jackson rāua ko Tākuta Schöllmann i whakamārama ko te whāinga o te Paewhiri Tohtutohu, ko te whakamōhio ki te Rāngai i ngā pakaritanga me ngā whakapātāritari i te pūnaha o taua wā, ngā panonitanga e whai mana taurite ai ngā tamariki katoa, me te pānga o ngā panonitanga i te pūnaha ki te hunga kāore e whaihua ana i a ia i tēnei wā.<sup>97</sup>

Ahakoia he Māori ētahi mema o te Paewhiri Tohtutohu, kua mahi rānei i te ara Reo Māori, kotahi anake te mema i kopoua ai hei kanohi ake mō Te Rūnanga Nui – ko tōna Tumuaki i tēnei wā, ko Campbell.<sup>98</sup> I kopoua a Arihia Stirling rāua ko Sophie Tukukino ki te paewhiri hei kanohi mō Ngā Kura ā-Iwi.<sup>99</sup> Nā Jackson rāua ko Tākuta Schöllmann te kī, i whai wāhi ēnei tāngata ki te Paewhiri Tohtutohu 'kia

89. Ministry of Education, 'Appointments to the Independent Taskforce' (application for urgency, supporting documents (doc A6), p 437)

90. Kōrero taunaki a Rawiri Wright (doc B22), p 7

91. Kōrero taunaki a Jackson rāua ko Schöllmann (doc B28), p 7

92. Kōrero taunaki a Jackson rāua ko Schöllmann (doc B28), p 5

93. Kōrero taunaki a Jackson rāua ko Schöllmann (doc B28), p 6

94. Kara Isaac to Kiritina Johnstone and Sarah Asher, 5 April 2018 (Rōia Karauna, supporting documents (doc B30), pp 47–48)

95. Isaac to Johnstone and Asher, 5 April 2018 (Rōia Karauna, supporting documents (doc B30), p 48)

96. Tomorrow's Schools Independent Taskforce, 'Agendas for Tomorrow's Schools Independent Taskforce Meetings in 2018', 2018 (doc 6.2.1), p [5]

97. Kōrero taunaki a Jackson rāua ko Schöllmann (doc B28), p 6

98. Kōrero taunaki a Jackson rāua ko Schöllmann (doc B28), p 7

99. Independent Taskforce, 'Agendas for Tomorrow's Schools Independent Taskforce Meetings in 2018' (doc 6.2.1), p [5]

rangona ai te reo o te ara Kaupapa Māori me te ara Reo Māori.<sup>100</sup> Ko tā mātou hoki i kite ai, tokotoru anō ngā mema i kopoua e karangahia ana he mātanga mātauranga Māori, he mātanga tikanga Māori rānei.<sup>101</sup>

#### **4.2.3.5 He mātai i ngā whenu o te kahu – ka mahi te Rāngai Motuhake i tāna arotake**

Ka timata te Rāngai ki te whakatū hui ki te Paewhiri Tohutohu me ngā kiripānga e pā ana ki tana arotake i te Mei 2018. E rima ngā hui a te Rāngai ki te Paewhiri Tohutohu i te tau 2018 hei matapakaki i te arotake.<sup>102</sup> E ai ki ngā rārangi take o aua hui, he huhua tonu ngā kaupapa i matapakina. I te hui tuatahi, i tonu te Rāngai i ngā whakaaro o te Paewhiri Tohutohu e pā ana ki ngā panonitanga e mana taurite ai ngā putanga i roto i te pūnaha Ngā Kura mō Āpōpō, me ō rātou āwangawanga e pā ana ki te pūnaha o tērā wā.<sup>103</sup> I roto i ngā hui i whai ake, i whakamōhio te Rāngai ki te Paewhiri Tohutohu i te ahunga o te hātepe whakapāpā, i tonu hoki ki a rātou ki te tuku whakaaro e pā ana ki ngā mātāpono hoahoa i te pūrongo, me te tonu i ngā whakahokinga kōrero e pā ana ki ngā whakaaro o te Rāngai e hāngai ana ki te whakahouanga nō rātou e whakaaroaro ana.<sup>104</sup> Waihoki i tonoa ngā whakaaro o te Paewhiri Tohutohu e pā ana ki ngā whakaritenga e hāngai ana ki ngā Pokapū Mātauranga i tūtuhua ai.<sup>105</sup> E ai ki a Campbell, i tae atu ia ki ngā hui e whā i te tau 2018 i roto i tana tūranga hei mema ki te Paewhiri Tohutohu, i 'hikaka ia ki te rongo me te kite i ngā mātāpono o Te Tiriti o Waitangi e whakatinanahia ana e te Rāngai, tae atu ki te kaitiakitanga, te kōtuinga me te mana taurite.<sup>106</sup> Nā Campbell i whakapuaki ngā whakapātaritari i te aroaro o ngā Kura Kaupapa Māori, pēnei i:

- ▶ te pānga o ngā herenga tino whāiti kei te Ture Mātauranga 1989 ki te whānau whakahaere a ngā Kura Kaupapa Māori;
- ▶ te iti o te tautoko i a Te Rūnanga Nui i kore ai ia i āhei ki te tautoko i ngā whānau o ngā kura;
- ▶ te korekore o ngā kaupapa here ake hei whakatū Kura Kaupapa;
- ▶ te iti o ngā rauemi hei tautoko i ngā hōtaka ako a ngā Kura Kaupapa Māori.<sup>107</sup>

I whakatū hui hoki te Rāngai ki te huhua o ngā rōpū mātauranga ki te whakahiato i ngā tāpaetanga e pā ana ki te pūnaha Ngā Kura mō Āpōpō i mua i te whakaputanga o tana pūrongo hukihuki. I waenganui i te Mei me te Oketopa 2018, tata ki te 200 ngā hui i whakatūria e ngā mema o te Rāngai (takirōpū nei,

100. Kōrero taunaki a Jackson rāua ko Schöllmann (doc B28), p7

101. Independent Taskforce, 'Agendas for Tomorrow's Schools Independent Taskforce Meetings in 2018' (doc 6.2.1), p[5]

102. Kōrero taunaki a Jackson rāua ko Schöllmann (doc B28), p7

103. Independent Taskforce, 'Agendas for Tomorrow's Schools Independent Taskforce Meetings in 2018' (doc 6.2.1), p[4]

104. Independent Taskforce, 'Agendas for Tomorrow's Schools Independent Taskforce Meetings in 2018' (doc 6.2.1), pp [14], [27]–[28], [45]–[46], [68]

105. Independent Taskforce, 'Agendas for Tomorrow's Schools Independent Taskforce Meetings in 2018' (doc 6.2.1), pp [45]–[46]

106. Kōrero taunaki a Campbell (doc B12), p14

107. Kōrero taunaki a Campbell (doc B12), p15

takitahi rānei) huri noa i te motu ki ngā rōpū huhua – mai i ngā kaimahi me ngā ākonga o Silverstream Primary School i Otepoti tae atu ki te Aka Tokerau i Kaikohe.<sup>108</sup> He nui tonu ngā hui i tū ai hei whakapāpātanga ki ngā kaiako Māori, ngā ākonga Māori me ngā whānau Māori.<sup>109</sup> I te 25 o Hūrae 2018, i hui te Rāngai ki Te Rūnanga Nui me Ngā Kura ā-Iwi, ā, i te 6 o Hepetema 2018 i hui hoki te Rāngai ki Te Kura Kaupapa Māori o Te Whānau Tahī.<sup>110</sup> Hei āpiti ki ēnei hui, i tū hoki ngā whakapāpātanga ā-ipurangi i puare ai ki te katoa.<sup>111</sup>

I tae atu a Campbell rātou ko Rawiri Wright, ko Tākuta Dewes ki te hui ki te Rāngai i te 25 o Hūrae 2018.<sup>112</sup> I roto i ngā tuhinga o taua hui, ka whakahaukaha Te Rūnanga Nui i te korekore o ngā rauemi e tika ana mā ngā Kura Kaupapa Māori, he kōrero rūrua mō te āhua o te tahua pūtea me te kōpaka o ngā rauemi hei whakaako i te reo. I kōrero hoki rātou ki te Rāngai e pā ana ki tā rātou pūnaha whānau whakahaere i ngā kura, te hiranga o Te Aho Matua me tō rātou pōnānā nō te mea i ‘te pari o te rua’ ngā Kura Kaupapa Māori, kua tautētēngia te tino rangatiratanga o ngā kaikerēme. Nā Wright i whakapuaki te matea ki ngā waeture hei tautoko i te ara whakarara motuhake mō ngā Kura Kaupapa Māori. Ko te urupare a te Heatangata, a Bali Haque, i whaihua aua kōrero, me te pito mata o te whakaaro mā te Rāngai e whakamarohi te wāhi ki ngā Kura Kaupapa Māori i roto i te rāngai mātauranga.<sup>113</sup> Ki a Tākuta Dewes rāua ko Wright i whaihua te hui nei. I whakapono hoki rāua ka whaihua ngā Kura Kaupapa Māori i ngā mahi a te Rāngai.<sup>114</sup>

#### **4.2.3.6 Te hora a te Rāngai Motuhake i tāna pūrongo hukihuki**

I te 16 o Noema 2018, i tuku te Rāngai i tāna pūrongo hukihuki me ngā tūtuhunga ki a Minita Hipkins.<sup>115</sup> He mea whakahaukaha e te Rāngai, ko te pūtake o te arotake ko ‘Te Tiriti o Waitangi hei tūāpapa ā-matatika, ā-ritenga hoki i roto i te pūnaha kura.’ Ko tētahi mātāpono hoahoa o te pūrongo hukihuki ko te whakaaro me whakatinana te pūnaha mātauranga i ‘te mana taurite me te mahi tahi e pono ana’ i raro i te Tiriti.<sup>116</sup> I roto i te pūrongo, i tūtuhunga te manarite-kore o ngā putanga

108. Tomorrow’s Schools Independent Taskforce, ‘2018 Engagements’, 2018 (Rōia Karauna, supporting documents (doc B30), pp 3028–3029)

109. Independent Taskforce, ‘2018 Engagements’ (Rōia Karauna, supporting documents (doc B30), pp 3027–3031)

110. Independent Taskforce, ‘2018 Engagements’ (Rōia Karauna, supporting documents (doc B30), pp 3027, 3031)

111. Independent Taskforce, ‘Our Schooling Futures’, p9 (application for urgency, supporting documents (doc A6), p 452)

112. Independent Taskforce, ‘Agendas for Tomorrow’s Schools Independent Taskforce Meetings in 2018’ (doc 6.2.1), pp [31]–[32]

113. Tomorrow’s Schools Independent Taskforce, ‘Draft Secretariat Notes’, 25 July 2018 (Campbell, supporting documents (doc A5(b)), pp 2–3)

114. Kōrero taunaki a Rawiri Wright (doc B22), pp 7–8; Kōrero taunaki a Cathy Dewes, 12 April 2023 (doc B14), p 7

115. Office of the Minister of Education, ‘Tomorrow’s Schools Review: Report of the Independent Taskforce’, November 2018, p 1 (Rōia Karauna, supporting documents (doc B30), p 95)

116. Independent Taskforce, ‘Our Schooling Futures’, p 33 (application for urgency, supporting documents (doc A6), p 476)

ki ngā ākongā Māori kei ngā kura auraki, engari i meatia hoki te angitutanga o ngā ākongā kei ngā Kura Kaupapa Māori i roto i te mātauranga – i roto i ngā kupu ake a te Rāngai 'kei ngā mahi a ngā Kura Kaupapa Māori te tohu ki a tātou me aha rā ki te whakatika i aua manarite-kore'.<sup>117</sup>

Heoi anō, i meatia hoki i roto i te pūrongo kāore i rawaka tā te Karauna tautoko i whakaratonga o ngā kura Kaupapa Māori.<sup>118</sup> I roto i te aromātai a te Rāngai, kāore i rawaka te whakamatuatanga o te ara Reo Māori, o ngā Kura Kaupapa Māori rānei i roto i ngā tahuha pūtea ā-whare kura, ā-whakangungu kaiako hoki, me te aha kāore aua whiringa mātauranga i puare ki ngā tamariki nā te tawhiti, nā te korekore rānei.<sup>119</sup> Ko tā te Rāngai hoki, kāore a Ka Hikitia, te rautaki rāngai huhua a te Kāwanatanga e hua ai ngā putanga mana taurite ki ngā ākongā Māori me te 'whakatinana arorau' i te Tiriti o Waitangi ki te rāngai mātauranga, i whakatutuki i ngā panonitanga i wawatatia ai.<sup>120</sup> Ka mutu, i whakaae hoki te pūrongo ahakoa e whakahaeretia ana ngā Kura Kaupapa Māori i roto i te anga o ngā poari kura e whakaturengia ana, ko te hua o ngā tukanga whiriwhiri tahi i ngā whakaaro a ngā Kura Kaupapa Māori te huarahi e noho ai te mana whakahaere ki te whānau.<sup>121</sup>

Ahakoa te whānui me te huhua o ngā tūtohunga i whakapuakina ai i te pūrongo hukihuki, ka miramira mātou i ngā tūtohunga e rua e kōtuituia ana, ā, e ai ki a mātou he mātārere ērā mō te Tūtohunga 4(a) a te pūrongo whakamutunga, i tūtohu ai i te whakatūnga o tētahi ohu motuhake hei whakahaere i te ara Kaupapa Māori. Tuatahi, nā te Rāngai te tūtohunga ki te Tāhuhu ki te whakawhanake 'i tētahi rautaki nahanaha hei whakamahere i te whatunga kura tūmatanui, e ārahina ana e Te Tiriti o Waitangi, e aronui ana ki anamata' mā te uiui i ngā iwi, i ngā rūnanga me ngā kura (me ētahi rōpū anō). Tuarua, ko tētahi wāhanga o taua rautaki, ko te tūtohunga a te Rāngai e mea ana 'me whaiwhakaaro ki te whakatūrangā o tētahi Pokapū Mātauranga ā-motu motuhake mā te ara Kaupapa Māori e hua mai ai tētahi ara whakarara mārohirohi, arorau hoki i roto i te whānuitanga o te whatunga'.<sup>122</sup> Ko tā te Rāngai hoki, me hua mai te Pokapū Kaupapa Māori 'i ngā mahi hoahoa tahi, i ngā mahi whakatū tahi ki te taha o te iwi Māori' e pūmau ai 'te tūroatanga o te tautoko me te whakatairanga i ngā ākongā Kaupapa Māori'.<sup>123</sup>

117. Independent Taskforce, 'Our Schooling Futures', p 30 (application for urgency, supporting documents (doc A6), p 473)

118. Independent Taskforce, 'Our Schooling Futures', p 71 (application for urgency, supporting documents (doc A6), p 514)

119. Independent Taskforce, 'Our Schooling Futures', p 71 (application for urgency, supporting documents (doc A6), p 514)

120. Independent Taskforce, 'Our Schooling Futures', p 29 (application for urgency, supporting documents (doc A6), p 472); Ka Hikitia – Ka Hāpaitia | The Māori Education Strategy (English), Ministry of Education, <https://www.education.govt.nz/our-work/overall-strategies-and-policies/ka-hikitia-ka-hapaitia/ka-hikitia-ka-hapaitia-the-maori-education-strategy>, accessed 10 November 2023

121. Independent Taskforce, 'Our Schooling Futures', p 43 (application for urgency, supporting documents (doc A6), p 486)

122. Independent Taskforce, 'Our Schooling Futures', p 57 (application for urgency, supporting documents (doc A6), p 500)

123. Independent Taskforce, 'Our Schooling Futures', p 49 (application for urgency, supporting documents (doc A6), p 492)

I pai tonu ngā piropiro o ngā kaikerēme ki ngā tūtohunga hukihuki. I tumeke a Tākuta Dewes i ‘te haukaha o ngā whakahuatanga’ o te Tiriti i roto i te pūrongo, ā, ‘i rongo i te tupu haeretanga o te māramatanga o te Rāngai ki ngā uaratanga o ngā Kura Kaupapa Māori me ōna hua.’ Ki ōna whakaaro, i kite te Rāngai i ngā tāmitanga e pēhi iho nei i Kura Kaupapa Māori, tae atu ki ērā i hua mai ai i tā te Karauna whakahaere i ngā āhuatanga e hāngai ana ki ngā Kura Kaupapa, i ngā āhuatanga e mahi nei ngā Kura Kaupapa anō hoki.<sup>124</sup> Ki ō Campbell whakaaro, ka whakatītina te ngākau i te tūtohunga ki te whakatū i tētahi Pokapū Mātauranga motuhake mā te ara Kaupapa Māori me te ara whakarara, he kōkiritanga nui mehemea ka whakatauritea ki ngā mahi a te Tāhuhu i te whānuitanga o te ara Kaupapa Māori i taua wā.<sup>125</sup>

#### **4.2.3.7 He ringa tōnanawe – ka whakaroa te Karauna i te arotake a te Rāngai**

I roto i tētahi pepa nā te Kāhui Minita i tuku i te Noema 2018, ka whāki a Minita Hipkins i te pūrongo hukihuki ki te Kāhui Minita, me te tūtohunga e mea ana me whakatū te Karauna i tētahi Pokapū Mātauranga ā-motu mā te ara Kaupapa Māori.<sup>126</sup> Ko te tūtohunga a Minita Hipkins, me roa ake te wā ki te Rāngai ki te whakatutuki i tētahi rauna uiui anō e pā ana ki ngā tūtohunga tōmua, i mua i te whakaputanga o te pūrongo whakamutunga. Me mātua uiui anō, nā te hiranga o te pūrongo me ‘te whānui o ngā pānga whakaawe.’<sup>127</sup> Ko te kupu hoki a Minita Hipkins, ‘ka noho tahi te Tāhuhu o te Mātauranga ki te Rāngai i tēnei tūāreere uiui, e tika ai tana whakarongo ki ngā kōrero whakahoki e putaputa mai ana kia tika ai tā te Kāwanatanga urupare.’<sup>128</sup> Mārama ana te whakatau a te Karauna, e kore ia e waihanganga kaupapa here hei urupare ki ngā tūtohunga a te Rāngai kia whakaputaina rānōhia te pūrongo whakamutunga.<sup>129</sup>

I taua pepa Kāhui Minita tonu, ko te kupu a Minita Hipkins ka whakahaeretia ‘tētahi pūnaha āmiki hei tātari kaupapa here,’ kia haere tahi me te Rāngai i te tūāreere tuarua o tana uiui ki te aromātai i ngā whakaawenga Titiri ka hua mai i ngā tūtohunga hukihuki a te Rāngai.<sup>130</sup> Ka miramira mātou i ngā tātaritanga e rua e wātea ana ki a mātou nō taua takiwā. I te Maehe 2019, ka whakarite ngā kaimahi a te Tāhuhu i te pepa mā te Minita Tuarua o te Whanake Māori, mā Hōnore Mauroa Nanaia Mahuta, e matapaki ana i te pānga torohū o te arotake

124. Kōrero taunaki a Dewes (doc B14), p7

125. Kōrero taunaki a Campbell (doc B12), p16

126. Office of the Minister of Education, ‘Tomorrow’s Schools Review: Report of the Independent Taskforce’, p 4 (Rōia Karauna, supporting documents (doc B30), p98)

127. Office of the Minister of Education, ‘Tomorrow’s Schools Review: Report of the Independent Taskforce’, p 4 (Rōia Karauna, supporting documents (doc B30), p98)

128. Office of the Minister of Education, ‘Tomorrow’s Schools Review: Report of the Independent Taskforce’, p 4 (Rōia Karauna, supporting documents (doc B30), p98)

129. Office of the Minister of Education, ‘Tomorrow’s Schools Review: Report of the Independent Taskforce’, p 4 (Rōia Karauna, supporting documents (doc B30), p98)

130. Office of the Minister of Education, ‘Tomorrow’s Schools Review: Report of the Independent Taskforce’, p 5 (Rōia Karauna, supporting documents (doc B30), p99)

i Ngā Kura mō Āpōpō ki ngā Kura Kaupapa Māori me ngā Wharekura.<sup>131</sup> I āta whakamārama te pepa i te uiuinga nui i mahia ai e te Rāngai me te miramira i ngā kitenga a te Rāngai e ki ana, kāore anō kia tika te tautokona o ngā Kura Kaupapa Māori ka tahi; ka rua, kia whaiwhakaarotia tētahi Pokapū Mātauranga ā-motu motuhake mā te ara Kaupapa Māori; ka toru kia whakawhanaketia hoki tētahi rautaki whakamahere i te whatunga kura tūmatanui 'e ārahina ana e Te Titriti o Waitangi'.<sup>132</sup> I roto hoki i te pepa, i whakapuakina te āwangawanga o tētahi rōpū e kīia ana ko Community Schools Alliance i mea ai, mā ngā Pokapū Mātauranga ka mimiti te wāhi ki ngā poari kura nō konā 'ka riro te mana motuhake' o ngā kura, ka whakahaere horipūtia e te Karauna.<sup>133</sup> Arā hoki ngā mānukanuka nā ētahi rōpū ā-iwi i whakatakoto e pā ana ki ngā tūtuhunga hukihuki a te Rāngai. 'I kaha whakahē' tētahi rōpū e kīia ana ko The Mātauranga Iwi Leaders Group me ngā kanohi o Ngāpuhi me Ngāi Tahu i te whakaaro kia kotahi te pokapū mātauranga ā-motu mā te ara Kaupapa Māori – me te tohe ake, me mātua whai tautoko rawa taua momo pokapū i ētahi pokapū Kaupapa Māori ā-rohe.<sup>134</sup>

Ka hurahura hoki mātou i tētahi pepa nā te mātanga mōwaho, nā Guy Beatson, i tae atu ai ki te Tāhuhu i te 16 o Noema 2018.<sup>135</sup> Ko te take o te pepa, he whāngai kōrero ki te urupare a te Tāhuhu ki te arotakenga o Ngā Kura mō Āpōpō, ka mutu i tiro whānui ki ngā tātaritanga nā ngā mātanga me ngā kaiako Māori o ngā tau e 30 ki te hikaro ake i ngā mātāpono 10 e whakaahua ana i ngā tirohanga tikanga, tirohanga nō te ao Māori hoki e pā ana ki te pūnaha kura.<sup>136</sup> Nā Beatson i tuhi, mā roto mai i ēnei mātāpono ka whai wāhi te whānau whānui ki ngā mahi whakahaere, whakatau take katoa kei rō kura.<sup>137</sup> He anga whakahaere ahurei tēnei nā ngā Kura Kaupapa Māori, ko ngā tikanga tōna tūāpapa, ā, me whakamana tēnei anga ka tika, me ngāwari hoki ngā ture e hāngai ana ki te anga kia pai ai tana whakahaeretanga.<sup>138</sup> Nā te pepa hoki i marohi ngā panonitanga hei whakapakari ake i ngā Kura Kaupapa Māori me ngā Kura ā-Iwi mā te whakamana i ngā Kura Kaupapa hei momo kura tūhāhā i roto i ngā ture, he motuhake hoki i ērā atu kura ahurei; e āhei ai ngā Kura Kaupapa Māori ki te whiriwhiri i te hanga me te aronga

131. Ministry of Education, 'Impact of the review of Tomorrow's Schools on Kura Kaupapa Māori and Wharekura', 29 March 2019, pp 1–3 (Rōia Karauna, supporting documents (doc B30), pp 141–143)

132. Ministry of Education, 'Impact of the review of Tomorrow's Schools on Kura Kaupapa Māori and Wharekura', pp 1–3 (Rōia Karauna, supporting documents (doc B30), pp 141–143)

133. Ministry of Education, 'Impact of the review of Tomorrow's Schools on Kura Kaupapa Māori and Wharekura', 29 March 2019, p 2 (Rōia Karauna, supporting documents (doc B30), p 142)

134. Tomorrow's Schools Independent Taskforce, 'Summary report of submissions received from Kura Kaupapa Māori education providers and iwi organisations', August 2019 (Crown counsel, supporting documents (doc B30), pp 959–960)

135. Guy Beatson, 'Te Ao Māori and Tikanga Māori Perspectives and Schooling: A Think Piece', 16 November 2018 (Rōia Karauna, supporting documents (doc B30), pp 60–92)

136. Beatson, 'Te Ao Māori and Tikanga Māori Perspectives and Schooling', pp 1–17 (Rōia Karauna, supporting documents (doc B30), pp 63–81)

137. Beatson, 'Te Ao Māori and Tikanga Māori Perspectives and Schooling', p 11 (Rōia Karauna, supporting documents (doc B30), p 75)

138. Beatson, 'Te Ao Māori and Tikanga Māori Perspectives and Schooling', pp 10–11 (Rōia Karauna, supporting documents (doc B30), pp 74–75)

o te whānau whakahaere kei ngā poari, kei ngā rūnanga rānei; me te whakamana i Te Marautanga o Te Aho Matua hei hoa taurite ki te marautanga ā-motu.<sup>139</sup>

#### 4.2.3.8 Ka hora tūmatanuitia te pūrongo hukihuki

I te Tihema 2018, ka whakaputa te Tāhuhu i tana pūrongo hukihuki ki te hapori whānui.<sup>140</sup> I te putanga o te pūrongo hukihuki, i tuku reta hoki te Tāhuhu ki ngā Kura Kaupapa katoa, e whakarāpopoto ana i te pūrongo me te whakamārama i ngā huarahi uiui ki te reo Māori.<sup>141</sup> Kātahi ka mahi te Rāngai i te uiuinga tūmatanui e pā ana ki tana pūrongo i waenganui i te Hanuere me te Mei 2019.<sup>142</sup> I whakatairangahia te hātepe uiui mā te ipurangi, mā ngā niupepa, mā ngā reo irirangi anō hoki. Nā te Rāngai hoki tētahi uiui ā-ipurangi i whakarite hei whakahiato i ngā whakaaro e pā ana ki tana pūrongo hukihuki, i whakahiatotia ngā tuhinga tāpaetanga me ngā kōrero tāpae, ā, tōnā 100 ngā hui i whakatūria ki ngā kiripānga.<sup>143</sup> Ko te nuinga o ēnei he hui whānui i puare ai ki te hapori nui tonu, ā, i whakatūngia ki ngā tāone me ngā tāone nui puta noa i te motu.<sup>144</sup> Tuheni atu i te 3000 te nui o ngā urupare uiui, e 2000 hoki ngā tuhinga tāpaetanga e pā ana ki te pūrongo hukihuki i tae atu ki te Rāngai.<sup>145</sup>

I taua wā, e rua ngā hui a te Rāngai ki Te Rūnanga Nui ki te matapaki i te pūrongo hukihuki – i tū i te 18 o Hanuere 2019 me te 7 o Mei 2019, ā, i whakatakototia atu tētahi tuhinga tāpaetanga ōkawa nā Te Rūnanga ki te Rāngai.<sup>146</sup> Ka mutu i hui Te Rūnanga Nui ki te Rāngai i te taha o ētahi Māori Education Peak Bodies i te 28 o Maehe 2019.<sup>147</sup> Ko te aronga matua o ngā kōrero ki te Rāngai, ko te whakapakari i te Pokapū Mātauranga mā te ara Kaupapa Māori i roto i ngā tūtohunga, e mārohirohi ake ai te reo o Te Rūnanga Nui ki te whakahaere i te ara Kura Kaupapa Māori. I tautoko te nuinga noa atu o ngā mema o Te Rūnanga Nui – 73 ōrau tonu – i te tuhinga tāpaetanga, i whakahau i te waihanganga mai o tētahi

139. Beatson, 'Te Ao Māori and Tikanga Māori Perspectives and Schooling', pp19–20 (Rōia Karauna, supporting documents (doc B30), pp83–84)

140. Kōrero taunaki a Jackson rāua ko Schöllmann(doc B28), p7

141. Ministry of Education, 'Impact of the review of Tomorrow's Schools Kura Kaupapa Māori and Wharekura', p2 (Rōia Karauna, supporting documents (doc B30), p142)

142. Tomorrow's Schools Independent Taskforce, '2019 Consultation', 2019 (Rōia Karauna, supporting documents (doc B30), pp588–591)

143. Tomorrow's Schools Independent Taskforce, *Our Schooling Futures: Stronger Together: Whiria Ngā Kura Tūātititini* (Wellington: Ministry of Education, 2019), pp98–99 (application for urgency, supporting documents (doc A6), pp689–690)

144. Independent Taskforce, '2019 Consultation' (Rōia Karauna, supporting documents (doc B30), pp588–591)

145. Independent Taskforce, *Our Schooling Futures*, pp98–99 (application for urgency, supporting documents (doc A6), p687); Te Rūnanga Nui o Ngā Kura Kaupapa Māori o Aotearoa to Tomorrow's Schools Independent Taskforce, 13 April 2019 (application for urgency, supporting documents (doc A6), p246)

146. Kōrero taunaki a Dewes (doc B14), p6; Te Rūnanga Nui o Ngā Kura Kaupapa Māori o Aotearoa to Tomorrow's Schools Independent Taskforce, 13 April 2019 (application for urgency, supporting documents (doc A6), p246)

147. Minutes of Māori Education Peak Body Hui, 28 March 2019, p11 (Rōia Karauna, supporting documents (doc B30), p125)

ara whakarara mā ngā Kura Kaupapa Māori, e kīia ana ko ‘He Ara Motuhake’.<sup>148</sup> I roto i te tāpaetanga te tono kia whakatūria tētahi ‘Pokapū Mātauranga ā-Motu Ahurei mā ngā Kura Kaupapa Māori Aho Matua’ mā ngā Kura Kaupapa Māori, ki te whakawhanake i ngā waeture e mārāma kehokeho ana, e hāngai pū ana hoki, kia puāwai mai ai ngā Kura Kaupapa Māori. Ko te whakahaukaha a ngā kaikerēme, he mōtika nō te Tiriti tēnei ara whakarara.<sup>149</sup> Ka takoto hoki ki konei te tautoko a Ngā Kura ā-Iwi i te whakaaro kia whakatūria tētahi Pokapū Kaupapa Māori i roto i tāna tāpaetanga ake, engari ko tōna hiahia kia whai mana motuhake tonu ngā whānau me ngā hapori o ngā kura mehemea ka whakatūria.<sup>150</sup>

I muri mai i te taenga ake o tēnei tāpaetanga, ka matapaki te Rāngai rātou ko Te Rūnanga Nui, ko Ngā Kura ā-Iwi i ngā kōwhiringa ki te whakataikaha ake i te tūtuhunga e pā ana ki te pokapū mātauranga i te hui i te 7 o Mei 2019. Ko tā Te Rūnanga Nui, i tūtohu te pūrongo hukihuki ki te ‘tūhura’ noa iho i tētahi pokapū Kaupapa Māori, kua ko te whakatūringa o tētahi.<sup>151</sup> Ko te kōrero a Campbell ki te Rāngai, me whai wāhi ngā rōpū Kura Kaupapa ki ngā kōrero e pā ana ki te āhua o te pokapū, ā, ko te kōrero a te Pou Kōkiri o Ngā Kura ā-Iwi, a Watson Ohia, mātua ake te mana motuhake i roto i te ara whakarara – mā te Māori anō e whakatau te hanga me ngā pūnaha.<sup>152</sup> Ko te urupare a te Rāngai, i whakaae ki ngā kaikerēme – me kite, me rongō tō rātou mana motuhake i roto i te hanga me ngā mahi a te ohu whakahaere i te ara whakarara.<sup>153</sup> Ko tā mātou i kite ai, i tae atu a Tipene Chrisp, Kaiwhakahaere Matua o ngā Kaupapa Here Mātauranga Māori mō te Tāhuhu, ki tēnei hui.<sup>154</sup> I whakaaro a Tākuta Dewes i āta whakarongo te Rāngai ki te tāpaetanga a Te Rūnanga i tēnei hui, inā hoki i mihi te Rāngai ki ngā wawata o ngā kaikerēme, ā, ‘i mārāma pū’ ia ki te huarahi i takahia ai e ngā Kura Kaupapa Māori i roto i ngā tau.<sup>155</sup> ‘I manawareka’ Te Rūnanga Nui i te tūtuhunga i marohitia ai e te Rāngai kia waihangatia tētahi ara whakarara ka noho mtuhake i te pūnaha auraki.<sup>156</sup>

I waenganui i te putanga o te pūrongo hukihuki i te Noema 2018 me te taenga atu o te pūrongo whakamutunga i te Hurae 2019, kotahi anō te hui ā te Tāhuhu ki Te Rūnanga Nui ki te matapaki i te pūrongo hukihuki. I te 11 o Hune 2019, i

148. Te Rūnanga Nui of Ngā Kura Kaupapa Māori o Aotearoa to Tomorrow’s Schools Independent Taskforce, 13 April 2019, p1 (application for urgency, supporting documents (doc A6), p246)

149. Te Rūnanga Nui of Ngā Kura Kaupapa Māori o Aotearoa to Tomorrow’s Schools Independent Taskforce, 13 April 2019, p7 (application for urgency, supporting documents (doc A6), p252)

150. Ngā Kura ā Iwi o Aotearoa to Tomorrow’s Schools Independent Taskforce, p3 (Rōia Karauna, supporting documents (doc B30), p3035)

151. Tomorrow’s Schools Review Taskforce, ‘Draft Secretariat Notes’, 7 May 2019, p[7] (Rōia Karauna, supporting documents (doc B30), p584)

152. Tomorrow’s Schools Review Taskforce, ‘Draft Secretariat Notes’, p[6] (Rōia Karauna, supporting documents (doc B30), p583)

153. Tomorrow’s Schools Review Taskforce, ‘Draft Secretariat Notes’, pp[4]–[5] (Rōia Karauna, supporting documents (doc B30), pp581–582)

154. Tomorrow’s Schools Review Taskforce, ‘Draft Secretariat Notes’, p[2] (Rōia Karauna, supporting documents (doc B30), p579)

155. Kōrero taunaki a Dewes (doc B14), p9

156. Kōrero taunaki a Dewes (doc B14), p9



whakatakoto a Te Rūnanga Nui i tana tuhinga tāpaetanga e hāngai ana ki te pūrongo hukihuki ki a Minita Tuarua Davis.<sup>157</sup> I takoto tahi tētahi petihana i te taha o te tuhinga tāpaetanga, i waitohua ai e te 4,700 tāngata.<sup>158</sup> I mihi te Minita Tuarua ki te marohitanga kia waihangatia tētahi ara whakarara me te pōhiri i Te Rūnanga Nui ki te hui anō ki a ia i muri mai i te putanga o te pūrongo whakamutunga, 'ki te matapaki i ngā arawātea o muri ake mō ngā Kura Kaupapa Māori'.<sup>159</sup>

I te Hurae 2019, i whakatakotonga e te Rāngai ā rātou kitenga whakamutunga ki te Tāhuhu o te Mātauranga.<sup>160</sup> E hāngai ana te nuinga o ngā nawe o ngā kaikerēme o tēnei pakirehua ki tā te Karauna urupare ki te pūrongo whakamutunga a te Rāngai. Ka matapakina te kiko o tēnei pūrongo, me ngā huarahi i whāia ai e te Karauna ki te urupare i taua pūrongo, ki te wāhanga 4.3.

#### 4.2.4 I whiria rānei te aho Tiriti ki te whenu arotake?

I runga i te whaiwhakaaro ake ki ngā takunetanga e karapoti ana i te whakatūrangā me te whakatutukitanga o te arotake i a Ngā Kura mō Āpōpō, me huri ināiane ki te aromātai mehemea i ū ngā mahi a te Karauna ki te Tiriti i te roanga ake o taua hātepe. Inā rā, ka uia te pātai ki a mātou anō mehemea i rawaka te whai wāhitanga me te whaiwhakaarotanga o Te Rūnanga Nui me ngā Kura Kaupapa Māori e te Karauna i āna whakataunga ki te huataki i te arotake i a Ngā Kura mō Āpōpō, ki te whakatau i āna Tikanga Whakahaere, ki te kopou i ngā mema o te Rāngai anō hoki.

##### 4.2.4.1 Me tui te aho kaikerēme ki te takapau whakataunga?

Hei toai i ngā kōrero i whakahuatia ai i te wāhanga 4.2.3, kāore te Karauna i uiui i ngā kaikerēme i mua i tāna kōkiri ki te whakatū i te arotake i Ngā Kura mō Āpōpō. Kāore i tonoa ngā whakaaro o Te Rūnanga Nui mō te whaitake o te whakatū i tētahi arotake i mua i te whakaaetanga o te Hōtaka Mahi Mātauranga 2018 e Te Kāhui Minita, kāore hoki Te Rūnanga Nui i uiuia i mua i tā Te Kāhui Minita whakatū i ngā Tikanga Whakahaere mā te Rāngai. Kāore hoki te Karauna i kimi i ngā whakaaro o Te Rūnanga Nui e pā ana ki te hanga o te Rāngai. Kāore ngā kaikerēme i rongō kōrero e pā ana ki te arotake i marohitia ai i mua i te whakatau a Te Kāhui Minita me te whakapāhotanga tūmatanui.

Kei te hōkaitanga o ngā mana kāwanatanga o te Karauna te mana ki te whakatau i ngā kaupapa here mā te rāngai kura kua whakaturengia, ā, he pēnei tahi me te mana ki te whakatau arotake i ētahi kaupapa here o te wā. He meka tēnei e whakaaetia ana e ngā kaikerēme.<sup>161</sup> Heoi anō, pēnei i ngā matapakinga i te upoko 3, he tepenga ō te kāwanatanga o te Karauna. Ko tā te kōtuinga Tiriti, me tika te

157. Minutes of Meeting of Associate Minister of Education (Hon Davis) and Te Rūnanga Nui o Ngā Kura Kaupapa Māori, 11 June 2019 (Rōia Karauna, supporting documents (doc B30), pp 594–595)

158. Minutes of Meeting of Associate Minister of Education (Hon Davis) and Te Rūnanga Nui o Ngā Kura Kaupapa Māori (Rōia Karauna, supporting documents (doc B30), p 595)

159. Minutes of Meeting of Associate Minister of Education (Hon Davis) and Te Rūnanga Nui o Ngā Kura Kaupapa Māori (Rōia Karauna, supporting documents (doc B30), p 595)

160. Kōrero taunaki a Jackson rāua ko Schöllmann (doc B28), p 9

161. Ngā tāpaetanga whakakapi a ngā kaikerēme (paper 3.3.3), p 97

kawe a te Karauna i ōna mana hei whakaute i te rangatiratanga o te Māori – i tēnei horopaki, ko te rangatiratanga kei ngā hapori Kura Kaupapa Māori, e whakatinanatia ana mā roto mai i Te Rūnanga Nui. He rite tonu te whakapuakitanga o tēnei kōrero e te Taraipiunara i roto i te horopaki o te waihanga kaupapa here. Ka waihangatia ana he kaupapa here, he herenga ā-Tiriti tō te Karauna ki te uiui, ki te mahi tahi hoki i ōna wā, ki ngā rōpū Māori ka whaipānga i mua i te tatūnga o ngā whakataunga.<sup>162</sup>

Heoi anō, e hara i te mea ko ngā whakataunga whakamutunga e pā ana ki te kaupapa here te horopaki kotahi e kitea ai te mātāpono o te kōtuinga. Ka hāngai hoki ki ngā tūāreke matua ki te whakawhanake kaupapa here. E ai ki te Taraipiunara *Hauora*, he herenga tēnei ‘kia pono te uiui, ki te mahi tahi ki te iwi Māori i roto i ngā hoahoatanga me ngā ratonga ā-pāpori’.<sup>163</sup> Kei te whakapono mātou kua hiwaia tēnei herenga i roto i tēnei horopaki. Ahakoa kāore he here mauroa ō ngā tūhōhonga a te Rāngai, ko te whāinga tonu o te Karauna kia whakamahia ngā kitenga e oti ai te tūāpapa o te whakahouanga ka pā ki te katoa o te rāngai kura kua whakaturengia, tae atu ki ngā Kura Kaupapa Māori. Ko ngā kitenga nō te arotake tētahi o ngā huarahi matua (tērā pea, koinei te huarahi matua katoa) e rongō ai te Karauna i ngā mānatanatu o te hunga whaipānga nō te rāngai mātauranga e pā ana ki te pūnaha Ngā Kura mō Āpōpō. He kōkiritanga nui te arotake me tōna katoa i roto i te hātepe hoahoa kaupapa here. Nō reira, he utanga tō te Karauna, i te timatanga rā anō, ki te mahi tahi ki ngā Māori whaipānga nō te rāngai mātauranga, tae atu hoki ki ngā Māori whaipānga o te rāngai Kaupapa Māori pēnei i Te Rūnanga Nui, nōna e whiriwhiri whakaaro ana ki te whakatū i te arotake.

Ki a mātou, ka hua tonu mai tēnei utanga i te mātāpono kaitiakitanga. Pēnei ā mātou kōrero i whakataungia ai i te upoko 3, he herenga kaitiakitanga ō te Karauna ki ngā Kura Kaupapa Māori, hei whakatinanatanganga o te tikanga whānui o te kāinga. Ko tētahi wāhanga o taua herenga, ko te ū kia whaihua te tūranga a Te Rūnanga Nui, hei kanohi mō te whānau o ngā Kura Kaupapa Māori, ki te ahuhau i ngā kaupapa here ka whaipānga ki ngā kura. Ki ō mātou whakaaro, ka hīpoki tēnei i te whai wāhitanga o Te Rūnanga Nui ki ngā upane tōmua o te whanaketanga kaupapa here, pēnei i te huatakinga o te arotake i a Ngā Kura mō Āpōpō.

I konei, i kaha noa ake ngā herenga o te kōtuinga me te kaitiakitanga ki Te Rūnanga Nui i runga i ngā take e whā. Tuatahi, nā te Karauna te oati i roto i Te Tauākī Kawa 2012 ki te whakapāpā wawe ki ngā kaikerēme e pā ana ki ngā take e whaipānga ana ki ngā taha e rua, me te mahi tahi ki a rātou i roto i te wairua o ‘te whakaute tahi’ me ‘te ngākaupono’.<sup>164</sup> Tuarua, i whakatau te Ture Mātauranga 1989 ko Te Rūnanga Nui te kaitiaki o Te Aho Matua. Ki a mātou, he huakore tēnei whakamanatanga ā-ture ki te kore ngā mahi a te Karauna e whakaahei i Te Rūnanga Nui ki te whakatutuki i tēnei tūranga kaitiaki.

162. Te Rōpū Whakamana i te Tiriti o Waitangi, *He Pāharakeke, He Rito Whakakīkinga Whāruarua: Oranga Tamariki Urgent Inquiry* (Lower Hutt: Legislation Direct, 2021), pp 18–19; Te Rōpū Whakamana i te Tiriti o Waitangi, *Hauora: Report on Stage One of the Health and Outcomes Kaupapa Inquiry* (Lower Hutt: Legislation Direct, 2019) pp 28–29

163. Te Rōpū Whakamana i te Tiriti o Waitangi, *Hauora*, p 28

164. ‘Te Tauākī Kawa’ (Rōia Karauna, supporting documents (doc B30), p 2)

Tuatoru, i kaha noa ake ēnei herenga i runga i te whakaaetanga a te Karauna ki ngā whakapātaritari i te aroaro o ngā Kura Kaupapa Māori i te tau 2018, i taea ai e te arotake i Ngā Kura mō Āpōpō te whakatikatika. I whakaae ngā kaiwhakaatu a te Karauna, he nui ngā raru nā ngā kaikerēme i whakatakoto, he whakapātaritari nui tonu kei te aroaro o ngā Kura Kaupapa Māori, mai anō ki tēnei wā, ā, he nui tonu ngā mahi hei whakaoti e tupu matomato ai, e angitu ai ngā Kura Kaupapa (tirohia te wāhanga 4.2.2 (2) i mua). Me mihi ka tika, inā hoki i whai wāhi te nuinga o ēnei nawe ki te pūrongo a te Rāngai, i te korenga o ngā tohutohu ake a te Karauna. Aua atu, he herenga tonu i utaina ki te Karauna ki te āta whakahau i te Rāngai ki te whaiwhai i aua nawe, e nui ake ai te whaihua o tāna arotake me ngā hua ka taka iho mai. Ko tētahi o ēnei whakahau, ko te whai wāhitanga o Te Rūnanga Nui ki ngā matapaki e pā ana ki te whakataunga ki te whakatū i te arotake.

Tuawhā, i kaha noa ake ngā utanga i utaina ai ki te Karauna i runga i te whānuitanga o ngā tautika-kore kei te rāngai mātauranga (he mea whakaae tonu e ia). I kite hoki mātou, i te tau 2017, nā ngā āpiha o te Tāhuhu i whakahaukaha te take ki te ‘whakamōrahi’ i ngā putanga tiketike i roto i te ara Kaupapa Māori, me te whakapiki hoki i ngā putanga mō ngā tamariki Māori i roto i te mātauranga, mā te whakakore haere i ngā taipā kia taea ai ngā kura Reo Māori.<sup>165</sup> E ai ki ngā kupu ake o te pepa, ka kaha noa ake te angitu mātauranga nei o te iwi Māori mehemea ‘kua whakapūmautia te tuakiri Māori, te reo Māori me te ahurea Māori ki ngā āhuatanga whakahaere, āhuatanga hautū, āhuatanga whakaako anō hoki’ o te kura – ananā, ngā taiao mātauranga o te Kaupapa Māori.<sup>166</sup> Waihoki, i roto i te Hōtaka Mahi Mātauranga 2018, ka whakapuaki a Minita Hipkins i ‘ngā tautika-kore tūroa’ mō ngā ākonga Māori kei te ara auraki, manohi anō te ekenga angitu o ērā kei te ara Reo Māori.<sup>167</sup> Arā, i whakapuaki te Karauna, i te arotake ia i tētahi pūnaha kāore i whaihua ki te iwi Māori, me te aha, ko ngā Kura Kaupapa Māori tētahi oranga mō aua mate. Pēnei anō i tā te Taraipiunara *Hauora* i whakatau ai, nā ngā manarite-kore i roto i ngā putanga hauora mō te iwi Māori i kaha noa ake ai ngā utanga kōtuinga o te Karauna.<sup>168</sup> Nā te whakaae a te Karauna ake ki ngā manarite-kore ā-mātauranga nei i kaha noa ake ai ōna utanga kōtuinga ki a Te Rūnanga Nui.

E tutuki ai ōna utanga ā-Tiriti, me mātua uiui te Karauna i a Te Rūnanga Nui i mua i te whakataunga ki te mahi i te arotake. Ko te tou o te kāho, ko te whakamōhio noa a te Karauna i ngā rōpū i te marohitia tētahi arotake. Ki a mātou hoki, koinei tonu te momo whakapāpā wawe i oatingia ai e te Karauna i tana whakaae ki Te Tauākī Kawa 2012. Ka mutu, he tūtakitanga whaihua tēnei e pai ai tā te Karauna āta whakamārama ki ngā kaikerēme te here-koretanga o te arotake, me te mea nei e kore e taka iho mai ētahi panonitanga kaupapa here ka pā ki ngā kaikerēme. Ehara i te mea e kīia ana ko Te Rūnanga Nui anake te ohu me mātua uiui i mua

165. Ministry of Education, ‘Briefing to the Incoming Minister’, pp 4–5 (Hohepa Campbell and Mahinarangi Maika, supporting documents (doc B26(a)), pp 263–264)

166. Ministry of Education, ‘Briefing to the Incoming Minister’ (Campbell and Maika, supporting documents (doc B26(a)), p 263)

167. Cabinet Business Committee, ‘Education Work Programme’, p 5 (Campbell and Maika, supporting documents (doc B26(a)), p 32)

168. Te Rōpū Whakamana i te Tiriti o Waitangi, *Hauora*, p 29

i ngā whakatau a te Karauna ki te whakatū i te arotake. Heoi anō, ko Te Rūnanga Nui me ngā Kura Kaupapa Māori ngā kaikerēme kei ō mātou aroaro i tēnei wā, nō reira ka tika te whakawhāititanga o ō mātou kitenga ki ngā herenga ki a rātou.

E ea ai ēnei utanga o te kōtuinga me te kaitiakitanga, ko tō mātou kawatau kia tonu te Karauna ki Te Rūnanga Nui i ōna whakaaro e pā ana ki ngā Tikanga Whakahaere me te hanga o te Rāngai, tae atu hoki ki ngā pūkenga e tika ana mō taua paewhiri. Ko tō mātou kawatau hoki, me tonu te Karauna ki Te Rūnanga Nui i ōna whakaaro e pā ana ki ngā āhuatanga hei aronga matua i roto i te arotake e mārama ai te kitea o ngā whakapātaritari kei te aroaro o ngā Kura Kaupapa Māori, mātua rā kia āhei ai rātou ki te whakamōrahi i ngā putanga angitu mō ngā ākongā Kura Kaupapa. Mā tēnei pae kōrero hoki e āhei ai a Te Rūnanga Nui ki te whakatakoto i ngā aronga whāiti mō roto i te arotake e pā ana ki ngā rauemi me te tautoko mā Te Marautanga o Te Aho Matua e matea ana – e taea ai e rātou te whakatinana tōna tūranga hei kaitiaki. Ko te tuku horipū a Te Rūnanga Nui i ōna whakaaro e pā ana ki ngā aronga matua o te arotake te huarahi tika katoa i taea ai e te Karauna, mā reira ngā uiuinga me ngā tātaritanga a te Rāngai e hāngai pū ai ki ngā māharahara o ngā Kura Kaupapa Māori. I runga i aua take anō rā, e whakapono ana mātou, he tika te uiui i Te Rūnanga Nui mō ōna whakaaro e pā ana ki te hunga e tika ana kia whai tūranga ki te paewhiri o te Rāngai Motuhake, mā rātou e whakapuaki whakaaro e pā ana ki te ara Kaupapa Māori, me te whakarite i tētahi pūrongo e whakaahua tōtika ana i ngā whakapātaritari kei te aroaro o ngā Kura Kaupapa Māori ka hua mai rā i te pūnaha Ngā Kura mō Āpōpō.

Nō reira, ko tā mātou e whakatau nei, i te korenga o te Karauna i uiui i Te Rūnanga Nui i mua

- ▶ i tāna whakatau ki te huataki i te arotake i a Ngā Kura mō Āpōpō i roto i te Hōtaka Mahi Mātauranga 2018;
- ▶ i tāna whakaū i ngā Tikanga Whakahaere mā te Rāngai Motuhake;
- ▶ i tāna kopou i ngā mema o te Rāngai Motuhake

kua takahia ngā mātāpono kōtuinga me te kaitiakitanga o Te Tiriti.

#### **4.2.4.2 Me whatu rawa Te Rūnanga Nui, ngā Kura Kaupapa Māori ake ki te Hōtaka Mahi Mātauranga 2018, ki ngā Tikanga Whakahaere rānei?**

I pāmamae ngā kaikerēme i te korenga o te whakahuatanga o ngā kupu ake e hāngai ana ki ngā Kura Kaupapa Māori, ki Te Rūnanga Nui rānei i roto i ngā Tikanga Whakahaere me te pepa Kāhui Minita i whakarewa ai i te Hōtaka Mahi Mātauranga 2018. Heoi anō, i whakamahi kētia te karangatanga ‘ara Reo Māori’ i roto i ngā tuhinga e rua rā. Ko te tohe a te Karauna, ko te whāinga o taua karangatanga he whakakapi i ngā Kura Kaupapa Māori me ētahi momo kura auraki, he nui ake i te 50 ōrau te nui o te rumakina ki te reo. Ko tāna anō tohe, i tika te whakamahinga o aua kupu ake i runga i te aronga o te arotake i a Ngā Kura mō Āpōpō. Kāore mātou e whakaae, inā rā ngā Tikanga Whakahaere mā te Rāngai.

Kia toaitia tā mātou i kī ai i te upoko 3, ko te here kei roto o ngā mātāpono kōtuinga me te kaitiakitanga e mea ana, me whakakaupapa te Karauna i ngā kaupapa here ake e hāngai ana ki ngā matea o ngā Kura Kaupapa Māori, ka kawea ana ia i tōna kāwanatanga. I roto i ngā kupu ake o te Taraiipiunara *Ko Aotearoa*

*Tēnei*, he herenga kāwanatanga tō te Karauna ki te iwi Māori ki te waihanga i ngā kaupapa here e ‘aro pū ana, e tino whaihua ana anō hoki.<sup>169</sup> Ahakoa ehara te Rāngai ake i te Karauna, i te Karauna tonu te haepapa ā-Tiriti ki te whakahau i te Rāngai e aro ai tāna arotake ki ngā whakapātaritari kei te aroaro o ngā Kura Kaupapa Māori, hei matapakitanga māna. E tutuki ai tērā, me whai pūnaha tiaki tūtahi, me whai tikanga whakamaru tūtahi hoki kia ū ai te aronga ki ngā matea o ngā Kura Kaupapa Māori. Ka mahue te tohutohu tōtika a te Karauna i te Rāngai ki te aro atu mehemea rānei i rawaka tā te pūnaha tautoko i ngā ākongā Māori kei te ara Kaupapa Māori (tae atu ki ngā Kura Kaupapa Māori), ā, mehemea rānei i tika te whakararanga o tētahi ara Kaupapa Māori. Ka mahue hoki tā te Karauna āta whakarārangi i te hunga whaipānga e tika ana nō te rāngai Kaupapa Māori hei uiui mā te Rāngai, ka mutu me mātua noho a Te Rūnanga Nui ki taua rārangi ka tika.

I runga i ēnei take, ko tā mātou e whakatau nei i te korenga o te Karauna i āta whakahua ake i Te Rūnanga Nui, i ngā Kura Kaupapa Māori rānei i roto i āna Tikanga Whakahaere, kua takahia ngā mātāpono kōtuinga me te kaitiakitanga, me te herenga rawa o te Karauna ki te kawē i tōna kāwanatanga i runga i te tika me te pono.

I tika ngā whakaaro o te Karauna i tana whakauru i te hāngaitanga ki te Tiriti hei aronga mā te arotake a te Rāngai, me te aro hoki ki ngā matea o ngā ākongā ara Reo Māori, me te āheinga o te pūnaha ki te whakatairanga i ngā putanga tautika mō ngā ākongā katoa. Heoi anō, he kauwhiti nui te korenga o tētahi aronga whāiti ki ngā whakapātaritari kei te aroaro o ngā Kura Kaupapa Māori. I kite hoki mātou, i whakahau te Karauna i te Rāngai kia whakapāpā i te iwi Māori whānui tonu, engari me kaha ake tāna āta tautuhi e tika ai e ai ki te Tiriti.

#### **4.2.4.3 Me whatu rānei e te Karauna Te Rūnanga Nui ki te Rāngai?**

E mea ana ngā kaikerēme, kāore rātou i pōhiritia ki te Rāngai. Ki a mātou, ehara i te mea me pērā rawa e tika ai, e ai ki te Tiriti. He mātāpono kāwanatanga tonu kia arotake motuhakengia ngā kaupapa Kāwanatanga e te hunga kāore e whaipānga ake ki taua arotake. Me kua ngā mema o Te Rūnanga Nui e kopoua, ka kore ai rātou e āhei ki te hapahapai i ngā Kura Kaupapa Māori.

Ahakoa kāore ō te Karauna here ki te kopou i tētahi mema o Te Rūnanga Nui ake ki te Rāngai, ko te here kē me whai pūkenga, me whai wheako hoki tētahi o ngā mema o te paewhiri e hāngai ana ki te ara Kaupapa Māori. E hua mai ai ngā tātaritanga tino whitake i roto i te arotake a te Rāngai i te pūnaha Ngā Kura mō Āpōpō hei painga mō aua ākongā, me whai pūkenga, me whai wheako pēnei tētahi mema o te Rāngai. Ehara te Paewhiri Tohutohu, me ōna mema nō Ngā Kura ā-Iwi me Te Rūnanga Nui, i te kaiwhakakapi mō tētahi mema ake o te Rāngai me aua pūkenga, wheako hoki. Ahakoa e kōrero pēnei nei, kei takahi mātou i te mōhio me te mātau o ngā mema tokorima nā rātou tonu te arotake i a Ngā Kura mō Āpōpō i whakahaere. Ki ō mātou whakaaro, ko rātou te hunga e tika ana ki te whakapuea ake i ngā māharahara o te whānuitanga o te rāngai kura kua whakaturengia. Ko tā

169. Te Rōpū Whakamana i te Tiriti o Waitangi, *Ko Aotearoa Tēnei: Te Taumata Tuatahi* (Wellington: Legislation Direct, 2011), p 450

mātou noa, ka mahue te āpitihanga o tētahi reo mō te ara Kaupapa Māori ki taua paewhiri.

Ko tā mātou i kite ai, nā te āhua piritata o tēnei rāngai, ahakoa te mātanga e tika ana ki te whakapuaki i ngā whakaaro o taua rāngai, kāore e kore kua piri ia ki Te Rūnanga Nui, ki Ngā Kura ā-Iwi rānei i mua, e whaipānga tonu ana i tēnei wā rānei. Heoi anō, ki ō mātou whakaaro ehara i te mea me noho tēnei hei take e kore ai e kopoua tētahi mātanga pērā. I oti kē i te Karauna te kopou ngā tumuaki, kaiako rānei o mua e toru, me tētahi tumuaki o tēnei wā, ka mutu i aroturuki i te tukinga whaipānga i whakapuakina ai e tētahi mema, nō reira kāore mātou i te kite i te take i kore ai e whāia tētahi huarahi pēnei e āhei ai tētahi mātanga ara Kaupapa Māori ki te paewhiri.<sup>170</sup> He tino whakahirahira te whai wāhitanga o tētahi mātanga mātauranga Māori ki te paewhiri, ki ngā utanga kōtuinga o te Karauna hoki, e kore ai tētahi mātanga e kopoua i runga i aua māharahara noa iho.

Pēnei i te kore whakahua i ngā Kura Kaupapa Māori me Te Rūnanga Nui ake i roto i ngā Tikanga Whakahaere, ko tā mātou e whakatau nei kāore i hāngai te kore kopoutanga o tētahi mātanga, me ōna mōhiotanga hāngai, ki ngā utanga o te Karauna ki te kawē i tana kāwanatanga i runga i te tika me te pono, nō reira he takahitanga tēnei i te mātāpono kōtuinga.

#### 4.2.4.4 *Te tākeka o te whatu*

Arā te here o te Karauna e mea nei me uiui ia i ngā kaikerēme i a ia e whakarite ana ki te huataki i te arotake i a Ngā Kura mō Āpōpō – pēnei i te whakaetanga o te Hōtaka Mahi Mātauranga 2018, i ngā whakataunga e pā ana ki Ngā Tikanga Whakahaere mā te arotake, i ngā kopounga o ngā mema o te Rāngai mā rātou e mahi te arotake. He here anō tō te Karauna i raro i te Tiriti ki te āki i te Rāngai ki te aro ki te ara Kaupapa Māori me ngā whakapātāritari kei te aroaro o ngā Kura Kaupapa Māori, i roto i ngā Tikanga Whakahaere. Ka mahue hoki te kopou i tētahi mātanga ara Kaupapa Māori ki te Rāngai. Kāore te Karauna i pēnei, nā reira te Tiriti i takahia ai. Ahakoa kāore ēnei āhuatanga i tutuki i te Karauna, i te mutunga iho i mahi tonu te Rāngai i tāna arotake, ka miharo te whānui mārika o te uiui me te āta whaiwhakaaro hoki ki ngā matea o ngā ākongā Māori – whānui nei ki ērā kei te ara Reo Māori, ka hāngai ake hoki ki ērā kei ngā Kura Kaupapa Māori anō hoki. Kei te kitea hoki tēnei i roto i ngā wheako o ngā kaikerēme – ko tā rātou i rongo ai, i rangona ō rātou whakaaro, i mārama hoki te Rāngai ki a rātou i te roanga ake o te hātepe, tae atu hoki ki ngā pūrongo a te Rāngai. Nā reira, ko tā mātou e whakatau nei, nā tērā i māmā ake ai te whakatoihara i hua mai ai i ēnei takahitanga, nā te āhua o tā te Rāngai kawē i tāna arotake. Engari tonu, nā te angitu o te arotake, nā te tika rawa atu o te hātepe uiui a te Rāngai, ka kaha kē atu te māharahara i tā te Karauna whakatau ki te whakarere i ngā tūhonga a te Rāngai. Ka matapakina tēnei whakataunga i roto i te wāhanga e whai mai nei.

I tā mātou aromātai ake, i whakatoihara tonutia ngā kaikerēme i roto i ētahi āhuatanga, inā te korenga o tētahi mātanga ara Kaupapa Māori i kopoua ki te

170. Office of the Minister of Education, 'Appointments to the Independent Taskforce', pp [2]–[3] (application for urgency, supporting documents (doc A6), pp 437–438)

Rāngai hei reo mō rātou. Nā te tamōhanga o tēnei reo, ka taumaha noa ake te wāhi ki ngā rōpū i uiuia ai tae atu ana ki Te Rūnanga Nui me ētahi atu i whakakanohi i te ara Kaupapa Māori. Mā rātou e whakatakoto ngā whakaaro kāore e kitea ana, e rangona ana nō roto i te Rāngai. Me whaiwhakaaro hoki rā te hēmanawa me te ahotea i rangona ai e ngā kaikerēme i te whakapāhotanga o te Rāngai, me te aha, kāore anō rātou i mōhio, i rongo rānei – me tō rātou māharahara i te mana o te Rāngai ki te whakatau kaupapa e hāngai pū ana ki ngā Kura Kaupapa Māori engari kāore rātou i whai wāhi ki ngā whiriwhiringa kōrero. He hua tonu tēnei i puta mai ai i te korenga o te Karauna i whakapāpā wawe ki ngā kaikerēme e pā ana ki te hanga o te arotake. Nā te mea kāore hoki te Karauna i whakapāpā atu, i heke te mana o Te Rūnanga Nui me tana tūranga, e whai nei ki te whakatinana i te rangatiratanga o ngā hapori kura. Ko te mamae te hua i puta mai ai i tēnei pānga o te whakatohihara, ā, kāore i tika kia pēnei nā te mana o Te Rūnanga Nui hei kanohi ā-motu mō ngā whānau o ngā kura. Nā te koretake o tēnei whakapāpā i kaha ake ai te whakaaro o ngā kaikerēme, kua kōrapa te piringa i waenganui i Te Rūnanga Nui me te Karauna ahakoa Te Tauākī Kawa, ka āta tūhurahia ki te upoko 6.

### 4.3 TUIA TE KUPU

Ki tēnei wāhanga, ka aromātai mātou mehemea i rawaka te whaiwhakaaro a te Karauna ki Te Rūnanga Nui, te whai wāhitanga rānei o Te Rūnanga Nui me ngā Kura Kaupapa Māori i roto i tāna urupare ki te pūrongo a te Rāngai – arā, tāna whakatau i kore ai ia e whai i te Tūtōhunga 4(a). Ko te whakahau kei te Tūtōhunga 4(a), me hua mai he ohu whakahaere motuhake hei tautoko i ngā Kura Kaupapa Māori me te huawaere i tētahi ara whakarara mō te ara Kaupapa Māori. E rua ngā takunetanga nui o tēnei takiwā ka whakawhāiti i tā mātou tātari: te urupare tūmatanui a te Karauna ki te pūrongo, i whakaputaina ai i te 12 o Noema 2019, me te Ture Mātauranga me te Whakangungu 2020 i pāhingia ai i te 31 o Hurae 2020.

I kite mātou, he huhua tonu ngā nawe nā ngā kaikerēme i whakatakoto e pā ana ki te Ture Mātauranga me te Whakangungu 2020, i kō ake i te korenga o tērā i hāngai ki ngā tūtōhunga a te Rāngai. Ka āta whakahuatia te whānuitanga o ētahi o aua nawe ki te wāhanga 4.3.3.7. Heoi anō, kei te whāiti te aronga o tēnei pakirehua ki te urupare a te Karauna ki te pūrongo a te Rāngai – kua ki te whānuitanga o ngā ture e takoto nei hei tūāpapa mō te pūnaha mātauranga.<sup>171</sup> Ko te kauwaka hāngai ake hei kawē i ngā āhuatanga o ēnei kerēme, ko te pakirehua o te Education Services and Outcomes pea.

Ki tēnei wāhanga ka aromātai mātou i te hāngaitanga o te Tiriti ki te hātepe i whakamahia ai e te Karauna i tana whakatau, kāore ia mō te whai i te Tūtōhunga 4(a) i tana urupare i te Noema 2019, me tana whakakakau i taua whakatau ki ngā kaikerēme. Inā rā, ko ngā kaupapa ka whaiwhakaaro mātou, ko ēnei:

- ▶ mehemea rānei i tika te nui o te mana i utaina ai ki te pūrongo a te Rāngai i mua i tana whakatau kāore ia e whai i te Tūtōhunga 4(a);

171. Tauākī whakataunga take (paper 1.4.1), pp [1]–[2]

- ▶ mehemea rānei he take tō te uiui i ngā kaikerēme i mua i tāna whakataua kāore ia e whai i Tūtuhunga 4(a);
- ▶ mehemea rānei i tika te whakakakau a te Karauna i tāna whakataua ki ngā kaikēre, kāore ia e whai i te Tūtuhunga 4(a).

### 4.3.1 Ngā Aho Whakaaro o ngā rōpū e rua

#### 4.3.1.1 Ngā aho whakaaro o ngā kaikerēme

Ko te tohe a ngā kaikerēme, 'kāore i whai tikanga, kāore i tika te whakapāpā' a te Karauna ki Te Rūnanga Nui i te roanga ake o te hātepe arotake i a Ngā Kura mō Āpōpō, i reira i takahia te mana o Te Tauāki Kawa.<sup>172</sup> Ki ō rātou whakaaro, i takahi te Karauna i te Tiriti i te korenga o rātou i uiui i Te Rūnanga Nui i mua i tāna whakataua, kāore ia mō te kōkiri i te Tūtuhunga 4(a) i te Noema 2019, me tā rātou kī ake 'i tautauāmoa te whakarereanga' o te tūtuhunga e te Karauna.<sup>173</sup> Ko tā rātou whakapae i huri kē te Karauna ki te 'mahi-whakahou' i ngā kaupapa here kua hāpono kētia i mua, he kaupapa here whakararu kē i te pitomata o te ara Kaupapa Māori.<sup>174</sup> Kāore hoki i tika te uiui a te Karauna i ngā kaikerēme i mua i tāna whakakapi i te Ture Mātauranga 1989.<sup>175</sup> Ko te tohe a ngā kaikerēme, kāore i mārāma, kāore hoki i pai te whakakakautanga o te urupare a te Karauna ki ngā tūtuhunga a te Rāngai, i reira kua takahia anō te utanga ā-Tiriti kia kawea tana kāwanatanga i runga i te tika me te pono.<sup>176</sup>

E ai ki ngā kaikerēme, he 'pāpaku noa iho' te whaiwhakaaro a te Karauna ki a Te Rūnanga Nui me ngā Kura Kaupapa Māori i a ia e whakataua ana i ēnei take.<sup>177</sup> I pāmamae ngā kaikerēme i te korenga o te whakahuatanga o ngā Kura Kaupapa Māori ake i roto i te urupare tūmatanui a te Karauna ki te pūrongo a te Rāngai, ki ngā pepa Kāhui Minita e hāngai ana rānei.<sup>178</sup> Ahakoa te mārāma o te whakahau kei te Tūtuhunga 4(a) e mea ana me hua mai ētahi panonitanga, ko te urupare tuatahi a te Karauna, ko te aro ki te rāngai kura auraki kē.<sup>179</sup> Ko te tohe a ngā kaikerēme, 'i huri tuarā' kē te Karauna i ngā take whakaharahara kei te aroaro o ngā Kura Kaupapa Māori i roto i tāna urupare ki te Rāngai.<sup>180</sup>

#### 4.3.1.2 Ngā aho whakaaro o te Karauna

Ahakoa kei te whakaae te Karauna, tērā ētahi wāhanga o tana hātepe whakapāpā 'kāore i eke ki te taumata e tika ana' i te wā o ngā whakahouanga i a Ngā Kura mō Āpōpō, ko tāna tohe ia, kāore ia i takahi i te Tiriti.<sup>181</sup> I roto i te aromātai a te Karauna, i hāngai tonu tāna urupare i te Noema 2019 ki te koronga o te Tūtuhunga

172. Ngā tāpaetanga whakataki a ngā kaikerēme (paper 3.3.1), pp 32–33

173. Ngā tāpaetanga whakakapi a ngā kaikerēme (paper 3.3.3), pp 12, 107

174. Ngā tāpaetanga whakakapi a ngā kaikerēme (paper 3.3.3), p 12

175. Ngā tāpaetanga whakakapi a ngā kaikerēme (paper 3.3.3), p 107

176. Ngā tāpaetanga whakakapi a ngā kaikerēme (paper 3.3.3), p 107

177. Ngā tāpaetanga whakakapi a ngā kaikerēme (paper 3.3.3), p 106

178. Ngā tāpaetanga whakataki a ngā kaikerēme (paper 3.3.1), p 32

179. Ngā tāpaetanga whakataki a ngā kaikerēme (paper 3.3.1), p 32

180. Ngā tāpaetanga whakataki a ngā kaikerēme (paper 3.3.1), p 32

181. Ngā tāpaetanga whakakapi a te Karauna (paper 3.3.4), p 15



4(a), kia nui ake ai te mana whakahaere me te mana motuhake ka whakawhiwhia ki te ara Kaupapa Māori. Engari, i whakatau kē te Karauna ki te whakatutuki i tēnei whāinga mā huarahi kē atu, mā mahi kē atu i tērā i marohitia ai e te Rāngai.<sup>182</sup> Tēnā i te whakaae ki te marohitanga a te Rāngai kia whakatūria he ohu whakahaere motuhake, ka whiriwhiri kē te Karauna ki te kōkiri i ngā mahi 'e mārohirohi ake ai te ara Kaupapa Māori, ara Reo Māori anō hoki' i roto i tētahi hātepe i arahina ai e ngā māngai o aua ara e rua.<sup>183</sup>

Ko tā te Karauna, i roto i te pepa Kāhui Minita o te Hepetena 2019 e hāngai ana ki te urupare, i 'tika', i 'āta whakaarotia' hoki te ahunga i runga i te whānui o ngā panonitanga i whakapuakina ai, me te whakamahuki i te take i whāia ai te huarahi ki te whakamārohirohi i te ara Reo Māori.<sup>184</sup> Engari, kāore i takoto i te Karauna te taunakitanga hei whakaatu i tana uiui i ngā kaikerēme i mua i tana urupare tūmatanui ki te Rāngai. Nā te Karauna hoki i whakaū, kāore 'tētahi uiui tūtahi' i tū ki ngā kaikerēme i mua i te whakakapinga o te Ture Mātauranga 1989, engari nā ētahi atu huarahi whakapāpā ki te iwi Māori (tae atu ki Kōrero Mātauranga, ngā Toi Rangapū Kaupapa Māori, me te hātepe uiui a te Rāngai) i whāngai kōrero ki ngā whiringa whakaaro a te Karauna.<sup>185</sup> Hei tā te Karauna, ehara i te mea i whai ia kia noho ko te whakahouanga o te Ture Mātauranga te urupare ā-ture whakamutunga ki ngā tūtohunga a te Rāngai.<sup>186</sup>

#### 4.3.2 Te whenu urupare a te Karauna

##### 4.3.2.1 Te takapaunga kōrero whakamutunga a te Rāngai

I te 2 o Hūrae 2019, i tae atu te pūrongo whakamutunga a te Rāngai e pā ana ki a Ngā Kura mō Āpōpō ki te Minita o te Mātauranga.<sup>187</sup> I te hiku o taua marama tonu, i tae atu hoki tētahi kape ki te Minita Tuarua o te Mātauranga.<sup>188</sup> Pērā tonu i te pūrongo hukihuki, i whakahaukaha te Rāngai i te hiranga o te Tiriti i roto i āna tūtohunga<sup>189</sup>, me te whakahau tonu, me mātua noho ko te Tiriti hei tūāpapa ā-whakahaere, ā-hautū, ā-whakariterite hoki.<sup>190</sup> Nā te Rāngai anō i whakapuaki, me whakatinana e te pūnaha kura e wawata nuitia nei te wairua mahi tahi o te Tiriti, tae atu ki ngā utanga ka hua mai i te kāwanatanga, i te kōtuinga, i te tauutuutu, i te kaitiakitanga anō hoki.<sup>191</sup> I meatia hoki i roto i te pūrongo, kua kore te

182. Ngā tāpaetanga whakakapi a te Karauna (paper 3.3.4), pp 61–62

183. Ngā tāpaetanga whakakapi a te Karauna (paper 3.3.4), pp 61–62

184. Ngā tāpaetanga whakakapi a te Karauna (paper 3.3.4), p 64

185. Ngā tāpaetanga whakakapi a te Karauna (paper 3.3.4), p 70

186. Ngā tāpaetanga whakakapi a te Karauna (paper 3.3.4), p 67

187. Ministry of Education, 'Supporting all schools to succeed: Reform of the Tomorrow's Schools system', 12 November 2019, p 9 (application for urgency, supporting documents (doc A6), p 708)

188. Ministry of Education, 'Briefing Note: Tomorrow's Schools Independent Taskforce final report', 24 July 2019 (Rōia Karauna, supporting documents (doc B30), p 628)

189. Independent Taskforce, *Our Schooling Futures*, p 4 (application for urgency, supporting documents (doc A6), p 595)

190. Independent Taskforce, *Our Schooling Futures*, pp 4, 18 (application for urgency, supporting documents (doc A6), pp 595, 609)

191. Independent Taskforce, *Our Schooling Futures*, p 8 (application for urgency, supporting documents (doc A6), p 599)

whakapono i waenganui i ngā kura me ngā tari mātauranga.<sup>192</sup> E ai ki te Rāngai, e kore e taea tēnei mea te angitu mehemea kāore he whakapono – me tānekaha ake te muka here tangata i waenganui i ngā kura me ngā tari kāwanatanga.<sup>193</sup> Ki a mātou, i rangona te hāngai o tēnei kōrero mō te whakapono i te roanga ake o tēnei pakirehua ohorere. Ko tā te Karauna, mai rā ānō tae noa mai ki tēnei wā, ko te whāinga o te Karauna, ko te whakatupu i te whakapono i waenganui i te Tāhuhu me ngā ratonga ara Kaupapa Māori.<sup>194</sup> Ko tā ngā kaikerēme ki a mātou, kua pākorehā tō rātou whakapono.<sup>195</sup> Ki te upoko 6 o raro iho nei, ka whaiwhakaarotia mehemea rānei i whaihua ngā mahi a te Karauna hei whakatupu i tētahi hononga piri pono.

Ko tā te Rāngai i kite ai i tana pūrongo, kua kore e rite te taumata o te tautoko kua whakawhiwhia ki ngā ara Kaupapa Māori ki tērā o ngā ara Reo Pākehā.<sup>196</sup> E tika ai tēnei take, i tūtohu te Rāngai kia waihangatia tētahi ohu whakahaere motuhake ki te whakapakari i te ara Kaupapa Māori, ā, ko ētahi o Te Rūnanga Nui me Ngā Kura ā-Iwi hei kanohi mō rātou (Tūtohunga 4(a)).<sup>197</sup> Ko te koronga pū o taua ohu, ko te mahi tahi ki te Karauna ki te tautoko i tētahi ara whakarara mātauranga mō te ara Kaupapa Māori.<sup>198</sup> E ai ki te Rāngai, 'korekore rawa atu ngā utanga o te Karauna i raro i Te Tiriti o Waitangi e ea, ki te kore tētahi ara whakarara mātauranga mō te ara Kaupapa Māori e huawaeretia.'<sup>199</sup> E ai anō ki te Rāngai, 'mā konei e whakatōririki haere ngā tautika-kore taketake kei te aroaro o ngā Kura Kaupapa Māori', ā, 'ka puta tētahi ahunga arorau ake' e puāwai ai te pitomata o ngā kura Kaupapa Māori.<sup>200</sup>

I te taha ki te mana me ngā haepapa, ko tā te Rāngai i kite ai, ka mahi tahi te ohu whakahaere motuhake ki te Karauna i ngā whakaritenga rauemi me ngā hātepe ki te whakawhanake i ngā whatunga ā-rohe mō ngā Kura Kaupapa Māori; ā, ko te pae tawhiti, tērā pea ka whai haepapa ki te tohutohu i te marautanga, i ngā mahi whakaako, i ngā aromatawai, i ngā kaupapa here, tae atu hoki ki ngā rauemi mā ngā rōpū ka noho mema ki a ia.<sup>201</sup> Ka whakawhiwhia ki te ohu whakahaere motuhake 'te mana ōrite ki tō te Umanga Mātauranga Motuhake, ka mahi whakarara

192. Independent Taskforce, *Our Schooling Futures*, p 4 (application for urgency, supporting documents (doc A6), p 595)

193. Tomorrow's Schools Independent Taskforce, *Our Schooling Futures*, p 4 (application for urgency, supporting documents (doc A6), p 595)

194. Kōrero taunaki a Iona Holsted, 12 November 2021 (doc A7), pp 6–7

195. Kōrero taunaki a Cathy Dewes, 23 December 2021 (doc A8(a)), p 10

196. Independent Taskforce, *Our Schooling Futures*, p 50 (application for urgency, supporting documents (doc A6), p 641)

197. Independent Taskforce, *Our Schooling Futures*, p 53 (application for urgency, supporting documents (doc A6), p 644)

198. Independent Taskforce, *Our Schooling Futures*, p 53 (application for urgency, supporting documents (doc A6), p 644)

199. Independent Taskforce, *Our Schooling Futures*, p 53 (application for urgency, supporting documents (doc A6), p 644)

200. Independent Taskforce, *Our Schooling Futures*, p 53 (application for urgency, supporting documents (doc A6), p 644)

201. Independent Taskforce, *Our Schooling Futures*, p 53 (application for urgency, supporting documents (doc A6), p 644)

hoki ki a ia.<sup>202</sup> I runga i ngā tūtohunga a te Rāngai, ka whakatōririkīngia te mana whakatau take o ngā tari ā-rohe o te Umanga Mātauranga Motuhake, me te aha, ‘ka whakamōrahitia te tahua pūtea kōwhiti ki te taumata e taea ana’ e tika ai te tautokona o te hoahoa i te marautanga, te tautoko ā-umanga (i roto i ngā kaupapa hautū, pūmanawa tangata, ratonga whiwhinga pūtea hoki) i ngā kura ka tonu, te whakakite i ngā hātepe whakamahere, te whakatau i ngā take e pā ana ki te whatunga kura o ō rātou rohe.<sup>203</sup>

Ki te whakatairitēngia te Tūtohunga 4(a) ki te tūtohunga tuatahi a te Rāngai i te pūrongo hukihuki i whakahaua ai tētahi Pokapū Mātauranga, he tino āmiki ake, ka mutu he nui ake te mana whakahaere i whakawhiwhia ai ki Te Rūnanga Nui me Ngā Kura ā-Iwi. Tēnā i te tūtohu i te Karauna kia ‘whaiwhakaaro’ ki te whakatū i tētahi Pokapū Mātauranga motuhake mā te ara Kaupapa Māori ki te taha o ngā iwi Māori, ka āta tūtohu kē te Rāngai kia whakatūria tētahi ohu motuhake nō ngā ohu ara Kaupapa Māori ā-motu e rua kei te rāngai kura e whakaturengia ana. Ko tā mātou i kite ai, e hāngai pū ana ēnei panonitanga ki ngā whakawhitinga kōrero i waenganui i te Rāngai rātou ko Te Rūnanga Nui, ko Ngā Kura ā-Iwi (i kōrerohia i mua rā, i te wāhanga 4.2.3.8).

Ko tā mātou hoki i kite ai, tērā anō ngā tūtohunga a te Rāngai, he whānui ake e pā atu ana ki te katoa o te rāngai kura kua whakaturengia, me te aha, ka pā atu ki ngā Kura Kaupapa Māori – tae atu ana ki ngā tūtohunga e pā ana ki te whakapaipai ake me te whakatautika i ngā rauemi me ngā rawa mā te rāngai kura nui tonu.<sup>204</sup> Heoi anō, pēnei i tā mātou i kī ai i te wāhanga 4.2.2.2, kei tua o te aronga whāiti o tēnei pakirehua ohore aua kōrero e pā ana ki te rawaka o te tahua pūtea me ngā rauemi mā ngā Kura Kaupapa.

I te Hepetema 2019, ka whakaputaina te pūrongo whakamutunga a te Rāngai ki te haporī whānui. E ai ki ngā kaikerēme, ‘i manawareka katoa’ rātou ki te Tūtohunga 4(a). I tana pānuitanga i te pūrongo, ‘ka whakaaro a Tākuta Dewes, te mārohirohi, te ngākau titikaha hoki o te Rāngai ki te kōkiri i tētahi ara whakarara’ mō ngā Kura Kaupapa Māori. Ko tāna i whakatau ai, i āta whakarongo te Rāngai ki a rātou, ā, i mārāma hoki rātou.<sup>205</sup> Tōna rite hoki ki a Rawiri Wright me ōna whakaaro ki te tūtohunga, ‘i hāngai rā ki tā Te Rūnanga Nui i kōkiri ai – he ara whakarara mō ngā Kura Kaupapa Māori.’<sup>206</sup>

#### **4.3.2.2 Ka whakarite te Karauna i tana takapau urupare**

I muri mai i te taenga ake o te pūrongo whakamutunga a te Rāngai ki te Tāhuhu, ka tīmata rātou ki te whakakaupapa i te urupare a te Karauna. I waenganui i te Hūrae me te Hepetema 2019, i whakamōhītia ngā Minita e whaipānga ana,

202. Independent Taskforce, *Our Schooling Futures*, p 53 (application for urgency, supporting documents (doc A6), p 644)

203. Independent Taskforce, *Our Schooling Futures*, pp 79–81 (application for urgency, supporting documents (doc A6), pp 670–672)

204. Independent Taskforce, *Our Schooling Futures*, p 70 (application for urgency, supporting documents (doc A6), p 661)

205. Kōrero taunaki a Cathy Dewes (doc A1), p 22

206. Kōrero taunaki a Rawiri Wright (doc B22), p 8

ā, he huhua tonu ngā ritenga o te pepa Kāhui Minita i whakawhanakehia ai, e whakamahuki ana i te urupare marohi a te Karauna ki te Rāngai. Kāore mātou e mōhio ki ia kōiriiri i hua mai ai i tēnei hātepe, engari ka huri kē ki te miramira i ngā takunetanga whakahirahira o tā te Karauna whaiwhakaaro ki tēnei tūtohunga.

I te 12 o Hūrae 2019, nā ngā āpiha i tuku ā rātou tātaritanga tuatahi i ngā tūtohunga a te Rāngai ki a Minita Hipkins.<sup>207</sup> Rokohanga, i hanga puare ngā whakaaro o te Minita ki te Tūtohunga 4(a) – e marohi nei ‘kia whakaae te Kāwanatanga ki te whāinga, kia whaiwhakaaro tonu, ā, kia whaiwhakaaro hoki ki ētahi kōwhiringa atu anō ki te taha.’<sup>208</sup> Ko tā rātou, ‘ki te whakatūria te ohu motuhake, he wāhi whakahirahira ki a ia hei āwhina ki te whakapiki i ngā putanga mātauranga mō te iwi Māori, me te whakatōririki i ngā tautika-kore ā-mātāwaka.’ Mā te whakatinana i te Tūtohunga 4(a), ka puta mai ‘he matatiki hei whakamana i te tangata, hei tautoko hoki i te ara Kaupapa Māori me te ara Reo Māori, e toka ai ērā ki te pūnaha kura.’ Māna hoki ‘e tute, e whakakite’ i runga i tōna mana hei ohu motuhake, ā, ka whakatupu ‘i te mātauranga, i te raukaha me te āheinga hoki.’<sup>209</sup> Heoi anō, ko tā ngā āpiha hoki me nui ake ngā tātaritanga e tino mārāma ai te āhua o tōna whakatinanatanga mai.<sup>210</sup> Ko ngā mōreareatanga me ngā utu o te pūnaha marohi nei i kitea ai, kei whakaarotia ‘e uruhi ana te tūtohunga i tētahi huarahi ki ngā iwi, ki te iwi Māori nui tonu rānei’, tēnā i tētahi huarahi ka hua mai i te mahi ngātahi; te tāima me ngā rauemi ki te whakatū i te ohu; te ‘pānga whānui ki ngā huarahi kua whāia kētia i rāngai kē (pēnei i te hauora, i te ture hoki). Koinei katoa ngā take me whaiwhakaaro.’<sup>211</sup>

I te 24 o Hūrae 2019, nā te Tāhuhu tētahi pepa whakamārama ki a Minita Tuarua Davis rāua ko Minita Hipkins e miramira ana i ngā tūtohunga a te Rāngai, me ngā tongi mahi e hirahira ana ki ngā ākonga Māori me ngā whānau Māori, tae atu ki te Tūtohunga 4(a).<sup>212</sup> Nā ngā āpiha o te Tāhuhu te kī, ko te Tūtohunga 4(a) he tūtohunga ‘e whai ana ki te whakahōnora i Te Tiriti o Waitangi, me te tautoko tōtika i ngā putanga tautika mō ngā ākonga Māori me ngā whānau Māori’, ā, ko tā rātou whakamārama, e whai ana (te Tūtohunga 4(a)) ‘ki te tautoko i ngā ara kaupapa Māori, i ngā iwi, i ngā whakahaere Māori i roto i te rāngai mātauranga.’<sup>213</sup>

207. Grace Darkins, ‘Government Response to Final Report of Tomorrow’s Schools Independent Taskforce’, 12 July 2019, pp 1–3 (Rōia Karauna, supporting documents (doc B30), pp 596–598)

208. Ministry of Education, ‘Annex One: Tomorrow’s Schools Taskforce – Final Report Recommendations and Action Points’ (Rōia Karauna, supporting documents (doc B30), p 614)

209. Ministry of Education, ‘Annex One: Tomorrow’s Schools Taskforce’ (Rōia Karauna, supporting documents (doc B30), p 614)

210. ‘Ministry of Education, ‘Annex One: Tomorrow’s Schools Taskforce’ (Rōia Karauna, supporting documents (doc B30), p 614)

211. Ministry of Education, ‘Annex One: Tomorrow’s Schools Taskforce’ (Rōia Karauna, supporting documents (doc B30), p 614)

212. Sohini Smith, ‘Tomorrow’s Schools Independent Taskforce final report’, 24 July 2019, pp [1]–[7] (Rōia Karauna, supporting documents (doc B30), pp 627–634)

213. Smith, ‘Tomorrow’s Schools Independent Taskforce final report’ (Rōia Karauna, supporting documents (doc B30), p 631)

I āpitihia hoki ki te pepa whakamārama te tātari tuatahi a te Tāhuhu i ngā tūtohunga me ngā tongi mahi.<sup>214</sup>

I te 31 o Hūrae 2019, i tukuna e te Tāhuhu ki a Minita Hipkins te kape hukihuki tuatahi o te pepa Kāhui Minita e whakamahere ana i te urupare a te Karauna ki te pūrongo a te Rāngai.<sup>215</sup> I kīia ake i roto i te puku o te tuhinga, ‘e kaikaha ana te Minita i te tūtohunga a te Rāngai ki te waihanga i tētahi ohu Kaupapa Māori, māna e whakahaere, māna e hautū te ara Kaupapa Māori’, me tana ki ake kia mahia ngā mahi e hāngai ana ki taua kaupapa i runga i te ‘pūmau o te mahi tahi ki ngā iwi, ki te iwi Māori hoki.’<sup>216</sup> Ko te urupare ki te Tūtohunga 4(a) i marohitia ai i te pepa hukihuki, kia ‘whakaae ki te raru i tautuhia ai e te Rāngai’ me te ‘whakahau i ngā āpiha ki te tuku whakaaro atu anō i mua i te Akuhata 2020’, he tūmahi tēnei nō te hōtaka mahi mātāmua hei whakawhanake i te ‘Mātauranga Māori.’<sup>217</sup>

I te 7 o Akuhata 2019, i hui ngā āpiha o te Tāhuhu ki a Minita Tuarua Davis ki te kōrero i te āhua o tā te Tāhuhu kōkiri i ngā tūtohunga o te pūrongo a te Rāngai e hāngai ana ki te iwi Māori, tae atu ki Tūtohunga 4(a).<sup>218</sup> I roto i tētahi manatu ‘whakaaro tōmua’ i whakaritea ai mā te hui, ko tā ngā kaimahi a te Tāhuhu whakamārama i te tūtohunga, he ‘whakaarotau’, he ‘wāhi e āhei ai mātou te tūhura i ngā huarahi hei tautoko i ngā iwi ki te kawē i tō rātou tino rangatiratanga i roto i te pūnaha mātauranga’. Ko te mea mīharo hoki, e ai ki ngā āpiha, i te tātari te Tāhuhu i ngā mahi kaupapa here e pā ana ki te tongi mahi, me te hiahia ki te whakapāpā wawe ki ngā rōpū mātauranga Kaupapa Māori me ngā iwi ki te whakawhanake tonu atu i te kaupapa.<sup>219</sup>

I te 15 o Akuhata 2019, i tukuna e te Tāhuhu tētahi anō kape hukihuki o te pepa Kāhui Minita ki a Minita Hipkins, ā, ki a mātou i kitea te whanokē o te ahunga o te Karauna e pā ana ki te tūtohunga.<sup>220</sup> I te kape hukihuki, i te puku o ngā tuhinga te Tūtohunga 4(a), engari i tēnei kape hukihuki kāore i whakahua tonuhia me te

214. Smith, Annex 3 to ‘Tomorrow’s Schools Independent Taskforce final report’, pp1–7 (Rōia Karauna, supporting documents (doc B30), p 635)

215. Angela Parker, ‘Government response to final report of the Tomorrow’s Schools Independent Taskforce – Update on Cabinet paper drafting’, 31 July 2019, pp1–3 (Rōia Karauna, supporting documents (doc B30), pp 663–665); Andy Jackson and Andrea Schöllmann, ‘Appendix 1: Further detail on the government response Cabinet paper to the Taskforce’s recommendation 4a’, 5 May 2023 (doc B28(a)), pp1–2

216. Office of the Minister of Education, ‘Government response to the Final report of the Tomorrow’s Schools Review Independent Taskforce’, 1 August 2019, p [13] (Rōia Karauna, supporting documents (doc B30), p 678)

217. Office of the Minister of Education, ‘Government response to the final report’, p [34] (Rōia Karauna, supporting documents (doc B30), p 699)

218. Kara Isaac to Andrea Schöllmann, ‘Tomorrow’s Schools Independent Taskforce Report: Information for agency meeting with Hon Kelvin Davis’, 7 August 2019 (Rōia Karauna, supporting documents (doc B30), p 710)

219. Isaac to Schöllmann, ‘Information for agency meeting with Hon Kelvin Davis’ (Rōia Karauna, supporting documents (doc B30), pp 710–713)

220. Samantha Young, ‘Government response to the final report of the Tomorrow’s Schools Independent Taskforce – Second update on Cabinet paper drafting’, 15 August 2019, pp1–3 (Rōia Karauna, supporting documents (doc B30), pp 816–818)

aha, kāore te ara Kaupapa Māori i whakahuatia i roto i te tuhinga matua – engari ia ka whakahua kētia ko te ara Reo Māori, me te aha he whānui ake taua kupu. Ko tā te kape hukihuki i whakatakoto ai, ka mahi tahi te pūnaha mātauranga ki te iwi Māori, hei āwhina ki te ‘whakatau i te āhua me te hanga o te pūnaha mātauranga’, me te tautoko ‘i tētahi ara whakarara Reo Māori.’<sup>221</sup> Ko tā te kape hukihuki, mā ēnei mahi ‘ka ararau te whakatinana’ i te Tiriti.<sup>222</sup> I te wāhanga hou i āpitingia ai e kīia ana, ‘Treaty of Waitangi Implications’ (he puriwāhi i ngā kape hukihuki o mua), i rīkoatanga te urupare a te Kāwanatanga ki te pūrongo a te Rāngai. Hei tā te kape hukihuki, ‘e whakaahua ana te urupare i te manawanui ki te whakahōnore, ki te whakatinana ararau hoki i Te Tiriti o Waitangi’ i roto i te horopaki o ngā kura kua whakaturengia. ‘Ko te tikanga o tēnei, me tautoko i ngā ākongā Māori me ngā whānau ki te kawē i te mana whakahaere me te mana motuhake ki tētahi taumata e tika ana ki ō rātou ake horopaki, ki ngā horopaki ā-rohe anō hoki. Me tautoko hoki ki te whakatau i te āhua me te hanga o te pūnaha mātauranga.’<sup>223</sup> E ai ki ngā whakamārama i tēnei wāhanga, ko tētahi wāhanga o tēnei urupare nā te Karauna, ko te tautoko i tētahi ara whakarara Reo Māori i roto i te whānuitanga o te hōtaka mahi ki te whakawhanake, ki te āwhina hoki i te ara Māori hei mahi mātāmua.<sup>224</sup> I roto i te āpitianga, i ū tonu te urupare i marohia ai i te Tūtohunga 4(a) i mua, arā ‘kia whakaae ki te koronga o te tūtohunga me te whaiwhakaaro hoki ki ētahi kōwhiringa kē atu i te taha’, engari ko te kōrero kē, ‘e kaikaha ana te Minita ki te tautoko i tētahi ara whakarara Reo Māori.’<sup>225</sup>

I konei, kāore e tino rerekē ake ngā ritenga o te pepa Kāhui Minita, kāore rānei i whakatakotohia he huarahi tino rerekē ki tō te Tūtohunga 4(a), atu i te kape whakamutunga o te pepa Kāhui Minita (ka matapakina ki te wāhanga e whai ake nei). Heoi anō, ko tā mātou i kite ai, i te Akuhata 2019, nā Te Arawhiti ētahi whakahokinga kōrero e hāngai ana ki tētahi o ngā tuhinga whakamutunga o te pepa Kāhui Minita, ā, ‘i tonu whakamārama e pā ana ki tā te Tāhuhu mahi tahi ki te iwi Māori ki te whakapiki i ngā putanga mō ngā ākongā Māori’, ā, ka tūtohu i te Tāhuhu ki te whakapāpā ki ‘te iwi Māori nui tonu, kia wawe hoki e pā ana ki ngā kōwhiringa’ e hāngai ana ki te Tūtohunga 4(a), inā ngā pānga nui ki te iwi Māori.’<sup>226</sup>

He mea hirahira anō, kāore tētahi o ngā kape hukihuki o ngā pepa Kāhui Minita, kāore hoki tētahi o ngā pepa whakamārama i kite ai mātou i miramira, i

---

221. Office of the Minister of Education, ‘Government Response to the Tomorrow’s Schools Independent Taskforce Final Report’, 15 August 2019, p[7] (Rōia Karauna, supporting documents (doc B30), p 825)

222. Office of the Minister of Education, ‘Government Response to the Tomorrow’s Schools Independent Taskforce Final Report’, p[7] (Rōia Karauna, supporting documents (doc B30), p 825)

223. Office of the Minister of Education, ‘Government Response to the Tomorrow’s Schools Independent Taskforce Final Report’, p[11] (Rōia Karauna, supporting documents (doc B30), p 829)

224. Office of the Minister of Education, ‘Government Response to the Tomorrow’s Schools Independent Taskforce Final Report’, p[11] (Rōia Karauna, supporting documents (doc B30), p 829)

225. Office of the Minister of Education, ‘Government Response to the Tomorrow’s Schools Independent Taskforce Final Report’, p[30] (Rōia Karauna, supporting documents (doc B30), p 848)

226. Samantha Young, ‘Government response to the final report of the Tomorrow’s Schools Review Independent Taskforce – Update on Cabinet paper drafting and Agency Consultation’, 29 August 2019, p[5] (Rōia Karauna, supporting documents (doc B30), p 973)

whakahaukaha rānei i te kī a te Rāngai, 'korekore rawa atu ngā utanga o te Karauna i raro i Te Tiriti o Waitangi e ea, ki te kore tētahi ara whakarara mātauranga mō te ara Kaupapa Māori e huawaeretia.'<sup>227</sup>

#### 4.3.2.3 *Te takapaunga o te urupare ōkawa*

I te Hepetema me te Oketopa 2019, i whakaaengia e te Kāhui Minita ngā pepa e rua e pā ana ki te urupare a te Kāwanatanga ki ngā tūtohunga a te Rāngai.<sup>228</sup> I te pepa Kāhui Minita tuatahi, i whakatakotohia te whānuitanga o te urupare ā-kaupapa here a te Karauna ki te pūrongo a te Rāngai, ā, i whakaaengia i te 16 o Hepetema 2019.<sup>229</sup> Pēnei i ngā kape hukihuki o mua, kāore te ohu motuhake Kaupapa Māori, kāore hoki te Tūtohunga 4(a) i whakahuatia i te puku o te pepa. Engari kē ia, i kitea te tūtohunga i te āpitihanga i rikoata ai i te urupare a te Karauna e mea ana 'me kōkiri tonu atu', i roto i te wātaka 'whakaarotau A', kia 12 ki te 18 marama te roa.<sup>230</sup> Ko te tikanga o te 'kōkiri tonu atu', e ai ki te āpitihanga, koinei tā te marohitanga a te Rāngai: 'ka whakaū rānei i ngā mahi e mahia kētia ana; ka kōkiri kētia rānei i roto i tētahi hōtaka mahi kē atu; ka taea rānei te whakauru ki tētahi hōtaka mahi e mahia ana i tēnei wā.'<sup>231</sup> Ko te kī horipūtanga kei te Tūtohunga 4(a) i te āpitihanga te whakahuatanga kotahi anake nei o Te Rūnanga Nui, o te ara Kaupapa Māori i te pepa katoa.

I te puku o te tuinga, i ngā tūtohunga hoki, i whakahuatia te mahere a Minita Hipkins ki te tohutohu i ngā āpiha o te Tāhuhu ki te whakahoki kōrero i mua i te Hune 2020, me te 'whai mahere ki te kōkiri i ngā mahi e mārohirohi ake ai te ara Reo Māori, tae atu ki tētahi hātepe whakapāpā ki te iwi Māori.'<sup>232</sup> Ko te tohe a te pepa, he whakahirahira hoki te whakapakari i te ara e hāngai ai te pūnaha mātauranga o āpōpō ki 'ngā matea me ngā wawata o ngā ākonga Māori me ō rātau whānau', ā, 'kia mahia ēnei mahi ki te taha o te iwi Māori', ka mutu, kia mahia hoki i roto i te horopaki o tā te Tāhuhu whakahou i a Ka Hikitia, i a Tau Mai Te Reo.<sup>233</sup>

I roto i te wāhanga 'Treaty of Waitangi Implications' o te pepa, i matapakina hoki te ara Reo Māori, i mea ai:

227. Independent Taskforce, *Our Schooling Futures*, p 53 (application for urgency, supporting documents (doc A6), p 644)

228. Office of the Minister of Education, 'Reform of the Tomorrow's Schools system: Paper two – legislative provisions', 16 October 2019, pp 1–23 (application for urgency, supporting documents (doc A6), pp 802–824); Office of the Minister of Education, 'Reform of the Tomorrow's Schools system – Paper 1 – proposed Government position', 11 September 2019, pp [1]–[51] (Rōia Karauna, supporting documents (doc B30), pp 1049–1099)

229. Office of the Minister of Education, 'Reform of the Tomorrow's Schools system – Paper 1', p [1] (Rōia Karauna, supporting documents (doc B30), p 1049); Kōrero taunaki a Jackson rāua ko Schöllmann (doc B28), p 10

230. Office of the Minister of Education, 'Reform of the Tomorrow's Schools system – Paper 1', p [40] (Rōia Karauna, supporting documents (doc B30), p 1089)

231. Office of the Minister of Education, 'Reform of the Tomorrow's Schools system – Paper 1', p [28] (Rōia Karauna, supporting documents (doc B30), p 1077)

232. Office of the Minister of Education, 'Reform of the Tomorrow's Schools system – Paper 1', p [26] (Rōia Karauna, supporting documents (doc B30), p 1075)

233. Office of the Minister of Education 'Reform of the Tomorrow's Schools system – Paper 1', p [19] (Rōia Karauna, supporting documents (doc B30), p 1068)

The proposed Government position on the reform of the Tomorrow's Schools system reflects a commitment to honouring and giving practical effect to Te Tiriti o Waitangi in the context of the compulsory schooling system. This means supporting Māori learners/ākonga and whānau to exercise appropriate levels of agency and authority in their own and local contexts, as well as in helping to determine the look and feel of the education system. It also means advancing the Education Work Programme through genuine engagement and partnership with Māori.<sup>234</sup>

Ko tētahi āhuatanga hirahira i kite ai mātou, i tēnei wāhanga kāore i whaka-huatia te tauākī a te Rāngai e mea ana 'korekore rawa atu ngā utanga o te Karauna i raro i Te Tiriti o Waitangi e ea, ki te kore tētahi ara whakarara mātauranga mō te ara Kaupapa Māori e huawaeretia'.<sup>235</sup> Kia toaitia te kōrero, ko te tūtohunga a te Rāngai kia whakatūria tētahi ohu whakahaere motuhake, ka hua mai i Te Rūnanga Nui me Ngā Kura ā-Iwi, māna e mahi tahi ki te Karauna ki te huawaere i tērā ara.

Ko te wāhanga tuarua o te urupare a te Kāwanatanga ki te pūrongo a te Rāngai, ko te whakahou i ētahi wāhanga o te Ture Mātauranga 1989 mā roto i te Ture Mātauranga me te Whakangungu 2020. I roto kē i te rārangi ture a te Kāwanatanga te whakahouanga o te Ture Mātauranga, engari i te Oketopa 2019 i whakaaetia e te Kāhui Minita te takahurihuringa o ētahi āhuatanga whāiti o te Ture Mātauranga me te Whakangungu i runga anō i te pūrongo a te Rāngai.<sup>236</sup> Ko tā mātou i kite ai, i hāngai kē ēnei panonitanga ki te whānuitanga o te rāngai kura kua whakaturengia, kaua ki ngā Kura Kaupapa Māori ake, ā, kāore hoki ngā Kura Kaupapa Māori me Te Rūnanga Nui i whakahuatia i te pepa a te Kāhui Minita e hāngai ana.<sup>237</sup> Kāore te Karauna i whakaae ki ngā panonitanga ā-ture e tautokona ai te whakatutukitanga o te Tūtohunga 4(a). Engari kē ia, i whakamana te Kāhui Minita i te whakaturenga o tētahi Aratohu Tikanga Whanonga mā ngā poari kura me te waihanga i tētahi whāinga whakature mā ngā poari e ū ai ngā kura ki te 'whakatinana i Te Tiriti'.<sup>238</sup> I tāpirihia tētahi whiti e pā ana ki te Tiriti ki te Ture i whakarārangi ai i ngā āheinga kē atu i roto i te Ture me 'ngā mahi, ngā herenga me ngā mana' e hāngai ana ki te Tiriti.<sup>239</sup> Ko tā mātou hoki i kite ai, kāore hoki he marohitanga ki te whakahoki i te kiko o te wāhanga 155 o te Ture Mātauranga 1989 (i whakamārama kētia i te

234. Office of the Minister of Education, 'Reform of the Tomorrow's Schools system – Paper 1', p[21] (Rōia Karauna, supporting documents (doc B30), p1070)

235. Independent Taskforce, *Our Schooling Futures*, p53 (application for urgency, supporting documents (doc A6), p644)

236. Office of the Minister of Education, 'Reform of the Tomorrow's Schools system: Paper two', pp1–23 (application for urgency, supporting documents (doc A6), pp802–824); 'Reform of the Tomorrow's Schools System: Part Two', Minute of Decision, Cabinet Social Wellbeing Committee, pp1–6 (application for urgency, supporting documents (doc A6), pp825–830)

237. Office of the Minister of Education, 'Reform of the Tomorrow's Schools system: Paper two', pp1–23 (application for urgency, supporting documents (doc A6), pp802–824)

238. Office of the Minister of Education, 'Reform of the Tomorrow's Schools system: Paper two', pp17–18 (application for urgency, supporting documents (doc A6), pp818–819)

239. Office of the Minister of Education, 'Reform of the Tomorrow's Schools system: Paper two', p19 (application for urgency, supporting documents (doc A6), p820)



wāhanga 4.2.2.1. Heoi anō, ka noho tonu tēnei take ki tua o tā mātou e aro whāiti nei.

#### **4.3.2.4 Te horanga o te takapau urupare a te Karauna ki te hapori whānui**

I te 12 o Noema 2019, i whakaputa te Karauna i te pepa e whakamārama ana i tana urupare ki ngā tūtohunga a te Rāngai o Ngā Kura mō Āpōpō, e kīia ana ‘Supporting all schools to succeed’.<sup>240</sup> I taua rangi tonu, i whakaputa hoki te Karauna i āna pepa Kāhui Minita o te Hepetema me te Oketopa 2019 e pā ana ki te urupare – i hāngai te tuatahi ki te urupare whānui ā-kaupapa here a te Karauna, ā, i hāngai te tuarua ki ngā panonitanga ture e marohitia ana hei whakatutuki i tērā urupare ā-kaupapa here (i matapakina ēnei e rua i te wāhanga i mua).<sup>241</sup> Ko te kupu kaupare i te timatanga o te pepa ‘Supporting all schools’, he whakamōhio i te kaupānui ka kitea ‘te whānuitanga o te rārangi whakataunga’ e pā ana ki te pūrongo a te Rāngai i ēnei pepa Kāhui Minita e rua, me te tuatoru e hāngai ana ki te Kaunihera Kaiako o Aotearoa engari kāore tēnei i te hāngai ki tēnei pakirehua.<sup>242</sup> Nō reira, ki a mātou ka noho ko te pepa ‘Supporting all schools’ me ngā pepa Kāhui Minita hei urupare ōkawa, hei urupare i whakakakau tūmatanuitia e pā ana ki te pūrongo a te Rāngai, nō te Noema 2019.

Kāore i nui ake ngā pārongo hou i hua mai ai i te pepa ‘Supporting all schools’ e pā ana ki te urupare a te Karauna ki te Tūtohunga 4(a), i kō ake i ērā kei te pepa Kāhui Minita hei urupare ā-kaupapa here. He tukuruua noa iho i ngā kōrero rangirua o mua i roto i te pepa Kāhui Minita. Kāore i whakahuatia ngā Kura Kaupapa Māori, Te Rūnanga Nui, te ara Kaupapa Māori rānei i roto i te puku o te tuhinga, engari ia ka whakamahia te kupu ‘ara Reo Māori’ hei karangatanga whānui ake. I roto i te puku o te tuhinga te kōrero ‘tērā tētahi matea ake ki te whakawhanake tonu, ki te whakapakari tonu i te ara Reo Māori’,<sup>243</sup> me tana mahere ki te whakatu-tuki i tērā:

We need to ensure our future education system is more responsive to meeting the needs and aspirations of Māori learners/ākonga and their whānau. Work in this area must be undertaken in partnership with Māori and considered in the wider context of work by the Ministry of Education to refresh Ka Hikitia (the Māori Education Strategy) and Tau Mai Te Reo (the Māori Language in Education Strategy). The Ministry of Education will develop a plan for taking this work forward, including the process for engagement with Māori.<sup>244</sup>

240. Ministry of Education, ‘Supporting all schools to succeed: Reform of the Tomorrow’s Schools system’, 12 November 2019 (application for urgency, supporting documents (doc A6), p 752)

241. Ministry of Education, ‘Supporting all schools to succeed’, pp 1–49 (application for urgency, supporting documents (doc A6), pp 700–748)

242. Ministry of Education, ‘Supporting all schools to succeed’, p 2 (application for urgency, supporting documents (doc A6), p 701)

243. Ministry of Education, ‘Supporting all schools to succeed’, p 21 (application for urgency, supporting documents (doc A6), p 720)

244. Ministry of Education, ‘Supporting all schools to succeed’, p 33 (application for urgency, supporting documents (doc A6), p 732)

Pēnei i te pepa kaupapa here i whakaaetia ai e te Kāhui Minita, kotahi anake te whakahuatanga ake o te ara Kaupapa Māori, o Te Rūnanga Nui, o te Tūtohunga 4(a) rānei, ā, i te āpitihanga, te wāhi i whakarārangitia ai ngā tūtohunga katoa a te Rāngai.<sup>245</sup> Ko te urupare a te Kāwanatanga ki te tūtohunga, he whakahau ki te 'kōkiri tonu atu'. Ko te tikanga o tēnei, mā te Karauna

[e]ither endorse or agree with the intent of the Taskforce proposal as it reaffirms existing practice, is already being progressed within an existing work programme, or there is scope to include in a work programme that is currently underway. Legislative changes will be progressed as appropriate in the Education and Training Bill (due to be introduced in November 2019).<sup>246</sup>

Ko te kōrero a ngā kaikerēme, kāore rātou i uiuia, kāore rānei i tonoa ō rātou whakaaro e pā ana ki te urupare a te Karauna ki te pūrongo a te Rāngai i mua i te whakaputanga ki te hāpori whānui i te Noema 2019.<sup>247</sup> Ki ngā whakaaro o Campbell, i 'whakatau tautauāmoa' te Karauna ki te whakarere atu i te Tūtohunga 4(a), me te kore hoki e uiui i Te Rūnanga Nui.<sup>248</sup> Nā Jackson rāua ko Tākuta Schöllmann i whakaū, kāore te Karauna i mahi tahi ki ngā kaikerēme i a ia e whakakaupapa ana i tana urupare. Kāore hoki te Tāhuhu i kawē i ētahi uiui motuhake, i ētahi whakapāpā motuhake rānei ki te hunga whaipānga nō te mātauranga, pēnei i Te Rūnanga Nui. Ko te kupu a Jackson rāua ko Tākuta Schöllmann, i a te Tāhuhu ngā taunakitanga e whakaahua ana i ngā whakaaro o te iwi Māori – ko te nuinga i hua mai ai i te hātepe uiui a te Rāngai, i ngā hui a ngā Toi Rangapū Kaupapa Māori, i ngā hui taumata Kōrero Mātauranga Education.<sup>249</sup> Ko tā mātou i kite ai, i tū tētahi hui Toi Rangapū Kaupapa Māori i te 6 o Hepetema 2019, ā, i tae atu a Te Rūnanga Nui me ētahi rōpū mātauranga Māori atu anō – engari i tū tēnei hui i mua kē i te whakaputanga o te pūrongo whakamutunga a te Rāngai ki te hāpori whānui, i pērā hoki ngā hui taumata Kōrero Mātauranga Education.<sup>250</sup> Nō reira, kāore te Karauna i toro atu ki te kimi taunakitanga hou i te iwi Māori hei urupare ki te Tūtohunga 4(a), i te wā tonu rā i te whakawhanake ia i tana urupare.

#### **4.3.2.5 Ka horaina te takapau e hui tahi ai a Te Rūnanga Nui me te Karauna i te Noema me te Tihema 2019**

I kōrero mai ngā kaikerēme i te tukunga o te pukapuka 'Supporting all schools' me ngā pepa Kāhui Minita whaipānga i te Noema 2019, i whakapono rātou i takune

245. Ministry of Education, 'Supporting all schools to succeed', p 44 (application for urgency, supporting documents (doc A6), p 743)

246. Ministry of Education, 'Supporting all schools to succeed', p 38 (application for urgency, supporting documents (doc A6), p 737)

247. Kōrero taunaki a Campbell rāua ko Maika (doc B26), p [5]

248. Kōrero taunaki a Campbell (doc A9), pp [6]–[7]

249. Kōrero taunaki a Jackson rāua ko Schöllmann (doc B28), p 10

250. Jeff Gibson 'Education Report: Education Summit Programme, Auckland 12–13 May', 10 May 2018, p 3, <https://assets.education.govt.nz/public/Documents/Ministry/Information-releases/2018-releases/Document-10-1124779.pdf>, accessed 16 November 2023

te Karauna ki te whai i te Tūtohunga 4(a) me te whakatū i tētahi ohu whakahaere motuhake mō te ara Kaupapa Māori.<sup>251</sup> I tūmanako ngā kaikerēme ka noho mai a Te Rūnanga Nui hei Umanga Ratonga Mātauranga mō te Kura Kaupapa ake.<sup>252</sup> E kite ana mātou i pēhea te maramatanga o ngā kaikerēme i te tuatahi, ka whai te Tāhuhu i te Tūtohunga 4(a) nā runga i ngā kōrero taunaki i waenga i a Campbell rāua ko Minita Hipkins i te hui whakamōhio ki ngā Toi Rangapū Kaupapa Māori i te Nōema 2019 i muri i te tukunga o te urupare a te Karauna. Ka whakamārama mai a Campbell i whakamōhio a Minita Hipkins e ngākau titikaha ana te Kāwanatanga ki te whakatiketike ake i te tino rangatiratanga o ngā kura i āna whakahouanga i a Ngā Kura mō Āpōpō.<sup>253</sup>

He mea whakapūmau tēnei urupare tuatahi i tētahi reta i tukuna e Te Rūnanga Nui ki a Minita Hipkins i te 16 o Noema 2019.<sup>254</sup> I mihia te Kāwanatanga e Te Rūnanga Nui i tana mahere ki te whakakaha ake i te ara reo Māori mō ngā whānau me ngā ākongā i pīrangī ai ki taua ara. I ‘manawarū’ ngā kaitono i te Tūtohunga 4(a), ā, ka tuhi atu ki a Minita Hipkins me te mea atu ‘te āhua nei kua rongo koe i ngā reo o ngā kaitautoko 4700 [o Te Rūnanga Nui] i tono ai ki te whakawhānaketanga o tētahi ara whakarara mō te [Kura Kaupapa Māori] Aho Matua’. I āta kī rātou e pūnganangana ana kia mahi tahi ki te Tāhuhu me ngā kōiriiri mō te whakatinanatanga.<sup>255</sup> Kāore i whakatakotonga tētahi whakahoki a Minita Hipkins i roto i ngā taunakitanga.

I te 5 o Tihema 2019, ka hui a Te Rūnanga Nui ki a Minita Tuarua Davis. I mua o tēnei hui, ka tuku Te Rūnanga Nui i tētahi reta ki a Minita Tuarua Davis e whaka-raupapa ana i ngā take i hiahia ai rātou te whiriwhiri.<sup>256</sup> Ko tētahi hirahiratanga, ko te whakakakau atu i tō rātou hiahia kia whakatūngia tētahi ohu whakahaere motuhake e āhei ai Te Rūnanga Nui te whakahaere tētahi ara whakarara mō ngā Kura Kaupapa. I marama hoki i a rātou tō rātou whakapono i te hiahia te Karauna ki te whai i tēnei kōwhiringa mā te whakatū i tētahi Umanga Whakarato Mātauranga Kaupapa Māori. I kī atu ngā kaitono i ‘manawa reka’ rātou i te whai wāhitanga o te ara whakarara me te ohu whakahaere motuhake ki roto i ngā whakamahere a te Tāhuhu o te Mātauranga.<sup>257</sup>

I mua i te hui, ka tukuna e ngā āpiha o te Tāhuhu tētahi pepa whakamārama ki te Minita Tuarua, e whakamārama ana i tā te Kāhui Minita whakatau kia kaua e whai i te Tūtohunga 4(a). Ki ā rātou kupu ake ‘i whiriwhiri te Kāhui Minita i ngā tūtohunga a te Rāngai, ā, atu i te whakatū “ara whakarara”, i whakaetia te “*whakakaha ake* i te ara reo Māori” (kei te tuhinga taketake tēnei

251. Kōrero taunaki a Campbell rāua ko Maika (doc B26), pp [7]–[8]

252. Kōrero taunaki a Campbell (doc A5), p16

253. Kōrero taunaki a Campbell (doc A5), p15

254. Cathy Dewes to Christopher Hipkins, 14 November 2019 (Rawiri Wright, supporting documents (doc B22(a)), p1)

255. Dewes to Hipkins, 14 November 2019 (Rawiri Wright, supporting documents (doc B22(a)), p1)

256. Dewes to Kelvin Davis, 1 December 2019 (Rōia Karauna, supporting documents (doc B30), pp 1110–1111)

257. Dewes to Davis, 1 December 2019 (Rōia Karauna, supporting documents (doc B30), p1110)

whakahaukahatanga).<sup>258</sup> I tae mai ki a mātou ētahi taunakitanga e taupatupatu ana ki tēnei mai i ngā kaiwhakaatu o te Karauna i tēnei pakirehua, mēnā rānei i wātea i te pepa a te Karauna o te Hepetema 2019 tētahi āheinga kia tirohia e te Tāhuhu te ara whakarara i manakotia ai e te Rāngai. I kōrero mai a Holsted i whiriwhiri te Karauna i te rautaki whānui atu o te whakakaha ake i te ara reo Māori nā runga i te mea ‘he mahi atu anō me mahi hei whakamārama mehemea rānei mō [Te Rūnanga Nui me Ngā Kura ā Iwi] tēnei ara whakarara, he whai rānei i tētahi mea whānui atu.’<sup>259</sup> E mea nei āna taunakitanga, i whakatau te Karauna kia whāia tonutia te whakaaro o tētahi ara whakarara mō te ara Kaupapa Māori me te ohu whakahaere whaipānga i huaina rā i te Tūtohunga 4(a).

Heoi anō, i mārāma anō i te pepa whakamārama ki a Minita Tuarua Davis, kāore te Karauna i whakatau ki te whakatū i tētahi ara whakarara mō te ara Kaupapa Māori, i tētahi ohu motuhake rānei hei whakakite i taua ara. E tūtohu ana hoki mātou i ngā whakaaro whānui a te Karauna i tēnei pakirehua, koia hoki he hāngai tonu tā te Karauna urupare ki te Rāngai ki te tikanga o te Tūtohunga 4(a), engari i whiriwhiri te Karauna ki te whai i tēnei whāinga mā ‘ngā mahi rerekē i whakatakotonga e te Rāngai.’<sup>260</sup> Kia whakawhāititia te titiro ki ngā kōrero taunaki a Tākuta Schöllmann rāua ko Jackson me te ‘pānga tūturu’ o te whakatau a te Kāhui Minita Oketopa 2019 ‘i tonoa ngā āpiha kia mahia atu he mahi hei whakawhānui atu i te ara reo Māori (te whānuitanga mai), atu i te whakakoke i tētahi ara whakarara i whakamāramatia ai i te tūtohunga 4a.’<sup>261</sup> Nā runga i te wānanga i tēnei taunakitanga, mārāma ana te kitea, ko te urupare a te Kāwanatanga i ngā mārāma o Oketopa me te Noema 2019, he whakakore kē i te Tūtohunga 4(a).

I konei, ka miramiratia te tawhiti o te mārāmatanga o ngā kaikerēme me te urupare a te Karauna, me te mārāmatanga ā-roto o te Karauna ki tāna anō whakatau. I mārāma tonu i tēnei pepa whakamārama, kāore e whāia tā te Tūtohunga 4(a) karanga kia whakatūngia tētahi ohu whakahaere motuhake.<sup>262</sup> E whakaae ana tēnei ki tā ngā kaiwhakaatu Karauna i kōrero ai e pā ana ki te urupare a te Karauna ki te pūrongo a te Rāngai i tā mātou pakirehua. I whakamārama a Jackson rāua ko Tākuta Schöllmann ‘arā ētahi rerekētanga hirahira i whāia e te Kāhui Minita me te Tūtohunga 4(a) a te Rāngai.’<sup>263</sup> I kite rāua ‘kāore te Kāwanatanga i whakaae kia whakatūngia tētahi ohu whakahaere ka hua mai i ngā toi rangapū kaupapa Māori e rua’ – engari kē ka whakawhāiti kē i te titiro ki te ‘whakakaha ake i te katoa o te ara reo Māori, tae noa ki te ara kaupapa Māori.’<sup>264</sup> Kia ara ake te pātai: mehemea i mārāma ēnei ‘rerekētanga hirahira’ ki te Karauna i taua wā, he aha hoki aua rerekētanga i kore ai e mārāma te whakakakau atu ki ngā kaikerēme?

258. Eileen Paulin, ‘Meeting with Te Rūnanga Nui o Ngā Kura Kaupapa Māori, 5 December 2019’, 3 December 2019, p [4] (Rōia Karauna, supporting documents (doc B30), p 1117)

259. Kōreo taunaki a Holsted (doc B29), p 17

260. Ngā tāpaetanga whakakapi a te Karauna (paper 3.3.4), pp 61–62

261. Kōrero taunaki a Jackson rāua ko Schöllmann, 5 May 2023 (doc B28), p 12

262. Paulin, ‘Meeting with Te Rūnanga Nui o Ngā Kura Kaupapa Māori’, p [4] (Rōia Karauna, supporting documents (doc B30), p 1117)

263. Kōrero taunaki a Jackson rāua ko Schöllmann (doc B28), p 12

264. Kōrero taunaki a Jackson rāua ko Schöllmann (doc B28), p 12

Kua rekoatatia i runga i te kōnae taipitopito i whakaritea e Chrisp mō te hui i tū i te 5 o Tihema 2019, he ‘iti’ ngā whiriwhiringa e pā ana ki te urupare a te Karauna ki te Rāngai. Engari, i whakaaranga e Te Rūnanga Nui tētahi ara whakarara mō ngā Kura Kaupapa me te whakaaro anō ka taea pea e Te Rūnanga Nui tētahi Umanga Mātauranga Motuhake te whakatū. Ahakoa tēnei, kihai a Minita Davis i whakamōhio atu ki ngā kaikerēme, i whakatau te Kāhui Minita kia kaua e whai i tētahi ara whakarara mō te ara Kaupapa Māori. Kua kī anō ngā kaikerēme, ki tā rātou, kāore rātou i te rangona e ngā āpiha Tāhuhu, kāore hoki i te whai wāhi atu ki ngā kaupapa mahi hirahira.<sup>265</sup> I kī atu ngā kaimahi Tāhuhu i tae atu ai ki taua hui ki a Minita Tuarua Davis, i hui rātou ki Te Rūnanga Nui i ia rua wiki ki te kōrero ake i ngā ‘take nui o te wā’, ā, i whai wāhi Te Rūnanga Nui ki te rōpū Rāngai Māori me te wānanga o ngā Toi Rangapū Kaupapa Māori.<sup>266</sup> I kite te Minita Tuarua he wehenga i waenga i te tirohanga a te Tāhuhu ki te whai wāhitanga o Te Rūnanga Nui, me te tirohanga a ngā kaikerēme ki taua whai wāhitanga – ā, ka tohu atu i pīrangi ia kia nui atu te huihui tahi ki Te Rūnanga Nui.<sup>267</sup> I tūtohu anō te Minita Tuarua kia whakaara Te Rūnanga Nui i ana māharahara mā tētahi tāpaetanga ki te Komiti whiriwhiri e whiriwhiri ana i te Ture Mātauranga me te Whakangungu. Ka kī mai a Rawiri Wright ki a mātou, tērā a Te Rūnanga Nui i ‘parea ki te taha’ i taua hui.<sup>268</sup>

I whakamārama ngā kaikerēme i muri o taua hui, nō rātou e whai ana i te tukanganga a te Komiti whiriwhiri i te haurua tuatahi o 2020, i whakapono tonu rātou ka whai te Kāwanatanga i te Tūtohunga 4(a), nā runga i te takoto o ngā kupu i te āpitihanga o te pukapuka ‘Supporting all schools’. Ka aro i a rātou, ahakoa he hārakiraki te reo o te urupare a te Kāwanatanga, tērā te whakapono mā roto i te āpitihanga e puta ai he hua ngākau pai mō ngā Kura Kaupapa Māori, ā, he mahi atu anō ka mahia ki te ara whakarara mō te ara Kaupapa Māori.<sup>269</sup> I te pātaitia o tēnei taupatupatunga, ka kī mai a Tākuta Schöllmann ko te kore tautika o te tūhinga matua ki te āpitihanga tūtohunga i te pepa Kāhui Minita, ehara i te mea rerekē. Engari, e whakaae ana ia ko te whakakupu i te pānga tūturu o te urupare a te Kāwanatanga ki ngā kaikerēme, he ngoikore.<sup>270</sup> E kite ana hoki mātou, i waenga i ngā marama o Noema 2019 me Hūrae 2020, kāore he taunakitanga o te Tāhuhu e āta whakamārama ana ki ngā kaikerēme kāore tētahi ohu whakahaere motuhake e whakatūngia. Inā koa, i kī mai ngā kaikerēme kāore rātou i marama tē whāia te tūtohunga kia tae rawa te reta a Holsted e whakaū ana i tēnei i te marama o Āperira 2021.<sup>271</sup> Ka whakaahuatia e Campbell, ‘hanepī’ ana te whakatau a te Karauna kia

265. Tipene Chrisp to Kiritina Johnstone and Māhina Melbourne, 5 December 2019 (Rōia Karauna, supporting documents (doc B30), p 1122)

266. Chrisp to Johnstone and Melbourne (Rōia Karauna, supporting documents (doc B30), p 1122)

267. Chrisp to Johnstone and Melbourne, 5 December 2019 (Rōia Karauna, supporting documents (doc B30), p 1122)

268. Kōrero taunaki a Rawiri Wright (doc B22), p 10

269. Kōrero taunaki a Campbell (doc A5), p 16

270. Tūhinga kape kōrero 4.1.6, p 132

271. Kōrero taunaki a Campbell (doc A5), pp 17–18

whakarērea te Tūtohunga 4(a) me te kore i whakapūmau ōkawa i taua whakatau.<sup>272</sup> Ka āta whiriwhiria e mātou ngā mahi o ngā tau 2021 me 2022 i te upoko 5.

#### 4.3.2.6 *Te whakahouanga o ngā whenu o Te Tauāki Kawa*

I te 20 o Tihema 2019 i waitohungia te whakahouanga o Te Tauāki Kawa (2019–2024). Nā runga i ngā kōrero i kōrerotia i te upoko tuarua, he kawa Te Tauāki Kawa i waenga i Te Rūnanga Nui me te Tāhuhu o te Mātauranga, i waitohungia tuatahitia ai i te tau 1994. E tūtohu ana te kawa i te tūranga o ia rōpū e pā ana ki ngā Kura Kaupapa Māori, ā, e whai ana hoki ki te whakatū i tētahi anga e whaka-haere ana i tētahi rangapūtanga whaihua o ngā rōpū.<sup>273</sup> Nō reira te whāinga aro tahi e takoto iho nei:

The Parties agree that they share the objectives of supporting the revitalisation of te reo Māori and tikanga Māori and raising education outcomes for Māori and record their acknowledgement of the role of identity, language and culture in raising education outcomes for Māori learners of all ages.<sup>274</sup>

I raro i ngā ritenga o Te Tauāki Kawa, e whakahaerehia ana te rangapūtanga o Te Rūnanga Nui me te Tāhuhu i runga i ēnei mātāpono e takoto iho nei:

The Parties agree to work together:

- (a) In a spirit of co-operation, good faith and mutual respect,
- (b) To ensure early engagement on issues of known mutual interest,
- (c) To respect the independence of each party and their respective roles, responsibilities and accountabilities<sup>275</sup>

Nā Te Tauāki Kawa ka tū he anga rangapū me tētahi mahere whakapāpā, tētahi mahere mahi hoki kua whakaaetia.<sup>276</sup> Mā te mahere whakapāpā, ka huihui ngā rōpū ia hauwhā, ia haurua hoki o te tau.

Ko te mea hirahira, i roto i Te Tauāki Kawa tētahi whakaritenga whakatau wēra e noho ana. E ai ki tēnei whakaritenga:

If one party considers the other is not complying with this agreement, then that party may give written notice to the other party that there is an issue to be resolved.

If the issue relates to this agreement and has not been resolved within 20 working days of receiving notice, the Tumuaki of Te Rūnanga Nui and the Secretary for Education will meet to work in good faith to resolve the issue.<sup>277</sup>

272. Kōrero taunaki a Campbell (doc A9), p [6]

273. 'Te Tauāki Kawa', p 1 (Rōia Karauna, supporting documents (doc B30), p 1145)

274. 'Te Tauāki Kawa', p 1 (Rōia Karauna, supporting documents (doc B30), p 1145)

275. 'Te Tauāki Kawa', p 1 (Rōia Karauna, supporting documents (doc B30), p 1145)

276. 'Te Tauāki Kawa', p 2 (Rōia Karauna, supporting documents (doc B30), p 1146)

277. 'Te Tauāki Kawa', p 3 (Rōia Karauna, supporting documents (doc B30), p 1147)

E tautuhi ana mātou, he mea nui i te takanga o te wā e whakatata atu ana ki tēnei ‘whakahouanga’, nā te orua ki te whakakokenga o te tuhinga hukihukitanga o te pepa Kāhui Minita mō te urupare a te Karauna ki te Rāngai, me te hui anō a Te Rūnanga Nui ki a Minita Tuarua Davis whai muri mai (i whiriwhirihia i te wāhanga 4.3.2.5 i runga ake nei).

I kī mai a Holsted he whakamātau Te Tauākī Kawa kia tupu ai te akoranga mai i ngā kitenga o *Matua Rautia*, te pūrongo nā Te Rōpū Whakamana i Te Tiriti o Waitangi e pā ana ki te kerēme a ngā Kōhanga Reo, i whakaputaina ai i te tau 2013.<sup>278</sup> Inā koa, ka tautuhi ia ko te whakatūnga o Nathan hei kaiwhakahaere matua o te rangapū o te Tāhuhu ki Te Rūnanga Nui, he ‘akoranga’ tērā.<sup>279</sup> Ka whakaaro ake ia he huarahi whakapāpā kotahi tēnei, e āhei ai te Tāhuhu te tīmata āna mahi mai i ngā whakaarotau o Te Rūnanga Nui.

I kōrero a Tākuta Bean ki te takune o Te Tauākī Kawa me te tautuhi anō, ehara i te mea i whāia tērā kia tutuki i ngā wā katoa, ko te kiriweti me te mamae te otinga iho.<sup>280</sup> Ka kī a Tākuta Bean, he whakamātau te whakahouanga o Te Tauākī Kawa hei ‘whakakaha ake, hei herehere anō i te taura here tāngata.’<sup>281</sup> Ka tautuhi ia, ko tēnei whakaetanga e āta aro ana ki tētahi whāinga aro tahi, ā, ka mahi te Tāhuhu me Te Rūnanga Nui i ngā marama 18 ki te whakawhanake i ngā wāhi matua o te Bilateral Outcomes Agreement i āpitihia ai ki Te Tauākī Kawa, i waitohungia anō hoki i te 20 o Tihema 2019. E kite ana mātou i whakaaro a Tākuta Bean he mea hirahira Te Tauākī Kawa ki te hononga tonutanga ki Te Rūnanga Nui.<sup>282</sup> Heoi anō, i tā mātou uiui i a Tākuta Bean e pā ana ki ngā akoranga o te Tāhuhu mai i *Matua Rautia* i whakaahuatia rā e Holsted, mārakerake ana tā mātou kite kāore a Tākuta Bean i mātau ki tēnei pūrongo.<sup>283</sup>

Ka kī mai a Campbell rāua ko Maika ki a mātou, ko te rangapūtanga i mua i Te Tauākī Kawa he ‘tāwekeweko’. I tautuhi ētahi kaikerēme he pai te rangapūtanga ki ētahi tāngata takitahi i te Tāhuhu. Engari ka whakaahua mai anō rātou, he uuaa kia mau tonu ēnei rangapūtanga nā te nui o ngā whakahounga tūranga i te Tāhuhu.<sup>284</sup> He tūmanako i puta i Te Rūnanga Nui, i tēnei wā, ka hua mai i te Tauākī Kawa he ‘panonitanga whaitake i te āhua o te mahi tahi a te Karauna’ ki a ia.<sup>285</sup> Heoi anō, ki tā ngā kaikerēme, kāore i whakatutukihia te pūmau o te Karauna ki Te Tauākī Kawa i te wā o te rongonga i te tau 2023.<sup>286</sup> Ka whānui atu te whiriwhiritia o te āhua o te rangapūtanga hei te upoko 6.

278. Kōrero taunaki a Holsted (doc B29), p 23

279. Kōrero taunaki a Holsted (doc B29), p 23

280. Kōrero taunaki a Bean rāua ko Nathan (doc B31), p 9

281. Kōrero taunaki a Bean rāua ko Nathan (doc B31), p 9

282. Kōrero taunaki a Bean rāua ko Nathan (doc B31), p 10

283. Tuhinga kape kōrero 4.1.6, p 270

284. Ngā tāpaetanga whakataki a ngā kaikerēme (paper 3.3.1), p 63

285. Kōrero taunaki a Rawiri Wright (doc A2), p 33

286. Kōrero taunaki a Campbell rāua ko Maika (doc B26), pp [3]–[4]

#### 4.3.2.7 *Te whāriki a Te Rūnanga Nui i tāna tāpaetanga ki te Ture Mātauranga me te Whakangungu*

I te 14 o Pēpuere 2020, ka tuku tāpaetanga ā-tuhi a Tākuta Dewes rāua ko Campbell ki te Komiti whiriwhiri Take Mātauranga, Take Hunga Mahi mō Te Rūnanga Nui. Ko te horopaki hirahira ki tā rātou tāpaetanga ko te panonitanga ā-ture i mua rā, arā i 2017, ka tapeke mai ko te wāhanga 155 o te Ture (e pā ana ki ngā Kura Kaupapa Māori) i roto i te wāhanga 156 o te Ture me te kore uiui i a Te Rūnanga Nui, i whiriwhirihia i runga ake nei, i te wāhanga 4.2.2.1. Te hanga nei, he āhuatanga tēnei i whakaaweawe i te rangapūtanga i kitea rā e mātou i te takiwā e hāngai ana ki tā mātou pakirehua.

I tāna tāpaetanga i 2020, ka kī a Te Rūnanga Nui i ‘whakaae te Karauna ki tētahi ara whakarara’ mō ngā Kura Kaupapa Māori i te whakahoki ki tā te Rāngai pūrongo mō Ngā Kura mō Āpōpō, engari he ngoikore ‘ngā kī taurangi, te pūahoaho rānei’ i te Pire anō hei manaaki i a Te Rūnanga Nui me ngā Kura Kaupapa Māori.<sup>287</sup> Ko tētahi o ngā māharahara o Te Rūnanga Nui, hei tauira, e pā ana ki te ngoikore o te puna whakarato mō ‘te tūranga mahi, ngā haepapa me te pūtea’ o Te Rūnanga Nui hei ‘tautoko mārīre’ i ngā Kura Kaupapa Māori Te Aho Matua.<sup>288</sup> Nā te tika, ka tūtohu ki te Kāwanatanga kia whakatūngia tētahi ara whakarara mō ngā Kura Kaupapa Māori Te Aho Matua, ka mōhiohia ko Poutiria Te Reo Mauriora, ā, ka tono kia whakatūngia he ‘pūnaha tiaki’ mō Te Rūnanga Nui hei whakatutuki i āna mahi ā-ture me te tautoko, te whakakaha hoki i ngā Kura Kaupapa Māori Te Aho Matua.<sup>289</sup>

Kura Kaupapa Māori has never had the opportunity to design and manage its own, fit for purpose indigenous schooling model as defined within Te Aho Matua. Establishment of a parallel pathway would represent the realisation of a Tiriti o Waitangi right for Māori in the KKM Aho Matua space.

Recognition of KKM Aho Matua as a unique, indigenous education option distinct from Māori Medium would lay the foundation for the establishment of an autonomous, KKM Aho Matua specific Service Centre (or whatever they be named in subsequent iterations) to cater for all KKM Aho Matua needs.<sup>290</sup>

I tū a Tākuta Dewes rāua ko Campbell i mua i te Komiti whiriwhiri i te 29 o Aperira 2020 ki te tuku i te tāpaetanga a Te Rūnanga Nui. Tekau mā rima meneti te roa o te tāpaetanga, ā, ka miramira i ō rātou māharahara i te tamō i te Pire te

287. The Submission of Te Rūnanga Nui o ngā Kura Kaupapa Māori o Aotearoa, 14 February 2020, p[7] (application for urgency, supporting documents (doc A6), p 260)

288. The Submission of Te Rūnanga Nui o ngā Kura Kaupapa Māori o Aotearoa, p[7] (application for urgency, supporting documents (doc A6), p 260)

289. The Submission of Te Rūnanga Nui o ngā Kura Kaupapa Māori o Aotearoa, p[2] (application for urgency, supporting documents (doc A6), p 255)

290. The Submission of Te Rūnanga Nui o ngā Kura Kaupapa Māori o Aotearoa, p[3] (application for urgency, supporting documents (doc A6), p 256)



tūtohu a te Rāngai mō tētahi ara whakarara.<sup>291</sup> Ka tono kia whakakahangia te pire ki ngā āhuatanga hei tiaki i ‘ngā mōtika tangata whenua o te Māori me ō rātou hapori ki te whakatū, ki te whakahaere me te whakatutuki i ngā wawata o ā rātou tamariki mā tētahi anga mātauranga tangata whenua e whakataurititia nei ki te Kura Kaupapa Māori Aho Matua.<sup>292</sup> Ko te tohe kei te tāpaetanga, ki te kore he pūnaha tiaki, kāore he kupu taurangi o te mana ōrite me te tuari rawa.<sup>293</sup> Ka tūtohu te tāpaetanga, te āhua nei kāore he taunakitanga i te Pire e pai ake ai te whakahaere a te Karauna i ngā Kura Kaupapa Māori, ā, ka tūtohu anō, kāore anō te Tāhuhu kia hui ki a Te Rūnanga Nui ki te whiriwhiri i te whakawhanaketanga o tētahi ara whakarara. Ka whakakapia mā te ki atu ki te Komiti whiriwhiri, ki te kore ō rātou māharahara e arohia i roto i te Pire, ‘kāore e riro i ngā KKM te āheinga ki te hoahoa, ki te hautū, ki te whakahaere hoki i te whanaketanga tonutanga o tāna anō kōwhiringa mātauranga.’<sup>294</sup>

I ki mai a Tākuta Dewes ki a mātou kāore tētahi o ngā mema o te Komiti whiriwhiri i pātai, i kōrero rānei hei tautoko i tā rātou tāpaetanga, ā, he mea pōrauraha tērā ki a ia. Ko te kore tuku pātai e mea nei ki a ia, kāore i tino aro i a rātou tā rātou kaupapa, kāore rānei i hiahia kia aro i a rātou.<sup>295</sup> I ki mai a Rawiri Wright ki a mātou kāore tā te Tāhuhu pūrongo ā-tari, kāore hoki tā te komiti whiriwhiri ake pūrongo i aro pū ki ngā take i whakaarangia ake ai e Te Rūnanga Nui i tā rātou tāpaetanga.<sup>296</sup> Ka whakamōhio mai ‘ka hēmanawa kau i tēnei’ nā te ngana a Te Rūnanga Nui kia ‘mahi tahi i runga i te ngākaupono i ngā huarahi katoa, tae atu hoki ki ērā i tūtohia mai ai e te Minita, ā, kāore tonu atu mātou i arohia mai.’<sup>297</sup>

Ka whakahaukahangia e ngā kaikēreme te whakaturetia o te Ture Mātauranga me te Whakangungu 2020, he āheinga tēnei ki te whakatika i ngā whakahouanga o te tau 2017 ki (i taua wā) ngā wāhanga 155, 156 hoki o te Ture.<sup>298</sup> Heoi anō, kāore te Karauna i pērā. I whakaurua tētahi whakaritenga e hāngai ana ki ngā Kura Kaupapa Māori, e rite ana ki te wāhanga 155 taketake, ki te Ture mā te Whakahouanga o te Ture Mātauranga me te Whakangungu 2023, i pāhingia ai i te Ākuhata 2023. I te wā o ngā rongoa, i te aroaro o te Paremata te Pire ki te whakahou i te Ture.<sup>299</sup> E kore e takoto i a mātou ētahi kitenga e pā ana ki te tautukutanga, ki te takahitanga rānei o te Tiriti i tēnei wā, inā hoki ko te kiko o te Pire i whakahuatia rā, kei tua atu i tā mātou e aro nei i tēnei pakirehua. Heoi anō,

291. Cathy Dewes and Hohepa Campbell, oral submission on the TRN Education and Training Amendment Bill, 29 April 2020, p [1] (application for urgency, supporting documents (doc A6), p 262)

292. Dewes and Campbell, oral submission on the TRN Education and Training Amendment Bill, p [1] (application for urgency, supporting documents (doc A6), p 262)

293. Dewes and Campbell, oral submission on the TRN Education and Training Amendment Bill, p [1] (application for urgency, supporting documents (doc A6), p 262)

294. Dewes and Campbell, oral submission on the TRN Education and Training Amendment Bill, p [3] (application for urgency, supporting documents (doc A6), p 264)

295. Kōrero taunaki a Dewes (doc A1), p 23

296. Kōrero taunaki a Rawiri Wright (doc B22), pp12–13

297. Kōrero taunaki a Rawiri Wright (doc B22), p 13

298. Kōrero taunaki a Rawiri Wright (doc B22), p 10

299. Ngā tāpaetanga whakakapia a te Karauna (paper 3.3.4), p 81

e tūtohu kē ana mātou i te papatoieketanga i tau ki runga i te rangapūtanga o ngā rōpū i hua mai ai i te panonitanga a te Karauna i te tau 2019, me te papatoiake anō i hua mai ai i te korenga o te Karauna i uiui i ngā kaikerēme i mua i te whakataui ki te whakahou i te Ture i te tau 2023.<sup>300</sup> I whakamōhio atu ki te Karauna, mā ngā tāpaetanga a Te Rūnanga Nui ki te komiti whiriwhiri, te mamea o Te Rūnanga Nui i ngā whakahouanga. Kāore e kore, i mōhio tonu te Karauna ka pā anō tēnei ki tō rāua rangapūtanga.

### 4.3.3 I tuia rānei te aho Tiriti ki te takapau urupare a te Karauna?

#### 4.3.3.1 I ū rānei tā te Karauna whatu i tana takapau ki ngā aho kōrero o te Rāngai? I whiria rānei te aho Tiriti?

E tika ai te whakataui mehemea i tautukuna te Tiriti i te urupare a te Karauna i te Noema 2019, me aromātai mātou mēnā rānei i rawaka tā te Karauna whaiwhakaaro ki ngā Kura Kaupapa Māori, ki Te Rūnanga Nui rānei i te whakarereanga o te Tūtohunga 4(a).<sup>301</sup> Ko tētahi inenga whaitake o tēnei whakaaro ko ngā taunakitanga e mea nei i aro māriri te Karauna ki te Tūtohunga 4(a) me ōna pānga ki ngā kaikerēme i mua i tāna whakataui. E whakataui nei mātou, e toru ngā wāhanga i hē i te Karauna, ā, ka whakaraupapatia ērā hei muri ake nei.

Tuatahi rā, kia whakaarotia ake te korenga o te urupare a te Karauna i aro pū ki te whāinga o te Tūtohunga 4(a). Mārama ana te kitea i ngā taunakitanga i te 16 o Hepetema 2019, i whakataui te Karauna kia kaua e whāia ngā kupu motuhake o te Tūtohunga 4(a). E tūtohu ana mātou, mārama ana hoki te kitea o tērā tūnga i te pepa hukihuki a te Kāhui Minita i te 15 o Ākuhata 2019. I whakataui te Karauna kia whakakahangia ake te ara Kaupapa Māori, ka mahue te whakatū i tētahi ohu whakahaere motuhake i hangā mai i Te Rūnanga Nui me Ngā Kura ā-Iwi hei whakahaere i tētahi ara whakarara mō te ara Kaupapa Māori. Heoi anō, e whaiwhakaaro nei mātou i hawhathi te urupare a te Karauna i te whāinga o te Tūtohunga 4(a). Ko tā te Karauna (i tēnei pakirehua, i te marama hoki o Noema 2019), i whakaae ia ki te whāinga o te Tūtohunga 4(a), engari i whakataui noa kia whāia mā tētahi tukanga rerekē, kāore nei e tū mana mehemea ka matawaitia.

Ko te kiko o te Tūtohunga 4(a) ko te whakatūnga o tētahi ohu whakahaere motuhake mō te ara Kaupapa Māori. Ko te ara Kaupapa Māori te *aronga kau* o Tūtohunga 4(a). Ko te tapeke i taua tūtohunga ki roto i tētahi urupare whānui, arā 'te whakakaha i te ara reo Māori' me te whakahua tonu e whakakoke tonu ana i te Tūtohunga 4(a) (pērā i te āpitihanga o te pepa Kāhui Minita)<sup>302</sup> he mahi whakapōhēhē kei runga, he mahi rūpahu kei raro. He tohu tērā i te korenga i aro i te Karauna te tūhāhā o ngā Kura Kaupapa Māori me te whai tikanga o Te Aho Matua hei tuhinga tūāpapa mā rātou. Nā reira, ko te urupare a te Karauna i te marama o Noema 2019, he kaupare tonu i te whāia ponotia o te Tūtohunga 4(a). Ko te tūnga o te Karauna i tēnei wā, ko te whakakoke tonu i te whāinga o

300. Tuhinga kape kōrero 4.1.6, p78; Kōrero taunaki a Bean rāua ko Nathan (doc B31), p19

301. Tauākī whakataunga take (paper 1.4.1), p[1]

302. Office of the Minister of Education, 'Reform of the Tomorrow's Schools system – Paper 1', p[40] (Rōia Karauna, supporting documents (doc B30), p1089)

te Tūtohunga 4(a) mā tana hōtaka mahi whānui ki te whakatupu i te ara Reo Māori (ara Kaupapa Māori mai).<sup>303</sup> E whakahē ana mātou. Mehemea te Karauna e whakapono tūturu ana kei te whakakokea te whāinga o te Tūtohunga 4(a), he tohu tērā he rangiruatanga ki te tūtohunga, ā, kāore i tika te aronga atu.

I kite mātou i te wāhanga 4.2.4, ko tā te Karauna me āta tautuhi i te ara Kaupapa Māori hei aronga mō tana arotake i ngā Tikanga Whakahaere, ā, ko te tohu anō i tētahi mema Rāngai me ōna tohungatanga ki te ara Kaupapa Māori. Ka whakamahi hoki mātou i taua whakaaro ki te ururpare a te Karauna ki te Tūtohunga 4(a). I konei, me āta tautuhi. Kāore e taea e te Karauna te tohe, e whakaae ana ia ki tētahi tūtohunga e hāngai pū ana ki te ara Kaupapa Māori me Te Rūnanga Nui, mā roto mai i tāna oati whānui kia whakapakaritia te ara Reo Māori. E tūtohu ana hoki mātou, i tua atu i te mea he takahi tēnei i te tūtohunga a te Rāngai, he takahi anō i ētahi atu kupu tohutohu i whiwhi ai te Karauna i taua wā pū anō. I mea te pepa a Beatson i tētahi panonitanga ā-kaupapa here tūtahi ki te ara Kaupapa Māori hei whakakaha i ngā Kura ā-Iwi me ngā Kura Kaupapa Māori. Nā reira, i whiwhi te Karauna i ngā kupu tohutohu tū motuhake mai i ngā mātāpuna e rua e whakakipipi ana kia whāia tētahi kaupapa here i roto i ngā whakahouanga ki Ngā Kura mō Āpōpō, kua whakahāngaihia kia aro pū ki te ara Kaupapa Māori.

E mārāma ana mātou kei te Karauna te kōwhiringa kia kaua e whai i ngā kupu tohutohu e whiwhi ai ia, ā, i tēnei horopaki ko ngā tūtohunga a te Rāngai. Engari, me whakamahi kau aua mana kāwanatanga i roto i te wairua e hāngai ana ki ngā utanga o te rangapūtanga ā-Tiriti, tae noa hoki ki ngā whakatau i runga i te mōhio, ngā mahi kāwanatanga pai me ngā herenga o te kaitiakitanga. Nō tātou i whiriwhiri ai i te upoko 3, me mārāma pū atu te Karauna ki ngā pānga o te kaupapa here ka tūpono mai ki te Māori, me te whakakakau i tāna tātaritanga i taua kaupapa here i runga i te whakaaro whānui me te mārāmatanga.

I tēnei āhuatanga, ka hoatu te Rāngai i tētahi tūtohunga whāiti ki te Karauna hei tiroiro i te kore tautoko i te ara Kaupapa Māori, i hua mai i te uiuinga o te hunga i pāngia. Ki te hiahia te Karauna ki te whakahē i taua tūtohunga (pēnei anō i tēnei), me pūahoaho te whakakakau atu. Me kaua ia e mea atu i tana urupare tūmatanui e whāia ana te tūtohunga, i a ia e whai ana i tētahi huarahi rerekē noa atu.

Nā konei, e kite ana mātou ko te urupare a te Karauna i te mārāma o Noema 2019 i takahi i te Tiriti i tana kore aro pū ki ngā tohutohu whāiti o te Tūtohunga 4(a) a te Rāngai, ā, kāore i pūahoaho tana whakakakau atu ko tana urupare whānui kāore i kawae ake i tēnei āhuatanga o ngā kupu tohutohu a te Rāngai. I takahi ēnei wāhanga o te urupare a te Karauna i ōna herenga kāwanatanga o te kāwanatanga pai me te whakatau i runga i te mōhio. Nā runga i tēnei, i takahi te Karauna i ngā mātāpono Tiriti o te kōtuinga me te kaitiakitanga.

Ka rua, kāore mātou e whakaaro ana i manawa ū te urupare a te Karauna i te Noema 2019 ki ngā whakatūpato i takoto ai i te Rāngai e pā ana ki te tautukunga o te Tiriti i te pūnaha Ngā Kura mō Āpōpō. I te hanganga o te Rāngai (i kōrerotia rā i te wāhanga 4.2) ka whakapā atu te Karauna ki ētahi mema whai tohu ki te arotake i te pūnaha kura kua whakaturengia – me te tamō o tētahi mema e tautōhito pū nei

303. Ngā tāpaetanga whakakapī a te Karauna (paper 3.3.4), pp 61–62

ki te ara Kaupapa Māori. I huataki te Karauna i te kokenga e whakawhiti kōrero whānui ai, e whakawhiti kōrero hōhonu ai te Rāngai ki ngā kiripānga i te pūnaha mātauranga whānui. I tohutohu hoki te Karauna kia noho mai ko te tautukunga o te Tiriti e te pūnaha mātauranga hei aronga matua i ā te Rāngai mahi.

Kātahi ka whakamōhio atu taua Rāngai ki te Karauna, nā runga i āna mahi uiui, kāore e taea e ia ōna utanga ā-Tiriti te whakatutuki ki te kore e whakahaerehia tētahi ara whakarara mō te ara Kaupapa Māori. Ahakoa tā te Karauna tātari i te Tūtohunga 4(a), me tana tūtohu tērā ētahi Māori kei tū ātete ki tana ohu whakahaere, me te tautohu anō i te tūtohunga ‘e whai nei ki te whakahōnore’ i te Tiriti mā te tautoko i ngā putanga mana taurite mō ngā ākonga Māori, kāore anō mātou kia kite i ētahi taunakitanga o te āta aro atu ki tā te Rāngai kōrero e pā ana ki te tautuku ā-Tiriti.<sup>304</sup> Inā koa, ka takoto kau i te Karauna te kōrero i tana pepa Kāhui Mīnita whakamutunga ko tana urupare he whakaata o te ‘ngākau titikaha ki te whakahōnore, ki te hoatu hoki he whakamana ā-mahinga ki Te Tiriti o Waitangi’, me te kore e whakawhāiti i te titiro ki te whakatūpatō a te Rāngai ki te tautuku ā-Tiriti.<sup>305</sup> Ki tā mātou titiro, i āta tonu te Karauna kia arohaehae te Rāngai i ngā putanga ā-Tiriti mō te pūnaha mātauranga whakature, ā, ka tahuri ki te tanu i ngā kupu tohutohu i whiwhi ai ia.

Me whakahaukaha mātou i konei, ehara te Rāngai i te anga i whakamanatia hei whakatau mēnā rānei e hāngai ana te kaupapa here a te Karauna ki te Tiriti. Engari, ina tohua e te Karauna tētahi anga e whai pūkenga ana ki tētahi pūnaha kaupapa here ki te tohutohu mēnā rānei e tautuku ana taua pūnaha ki te Tiriti, ā, ka whiwhi kupu tohutohu e mea ana te āhua nei e takahia ana te Tiriti, me āta tātari te Karauna i te whānuitanga o aua kupu tohutohu. Ki te whakahē te Karauna i aua kupu tohutohu, me mārāma te kitea o tāna whakahē, ā, me takoto i a ia ngā take e whakahē nei ia. Ko te korenga o te Karauna i pēnei i konei, he takahi i ngā mātāpono o te kōtuinga, o te kaitiakitanga hoki me te herenga whaipānga o te whakatau i runga i te mārāmatanga i roto i te mahi kāwanatanga.

Ka toru, e whakaaro ana mātou i mūhore tā te Karauna aro pū ki te Tūtohunga 4(a) me ōna pānga ki ngā kaikerēme, nā te mea kāore ia i whakawhitiwhiti kōrero tahi me Te Rūnanga Nui i mua i tāna whakatau ki te whakarere atu i te tūtohunga. Nā runga i ngā whiriwhiringa i te upoko 3, i roto i te rangapū ā-Tiriti, me kawe te Karauna i tōna mana hanga-kaupapa here e kore ai e takahia te āhuatanga whānui o te rangatiratanga. Ki te takahi te whakatau a te Karauna i te āhuatanga whānui o te rangatiratanga o ngā kaikerēme, he utanga kei runga i te Karauna ki te whakapā atu ki tōna hoa mahi tahi. Inā koa, ki te ‘whakaaweawe pū’ te whakatau o tēnei take i taua āhuatanga whānui, me uru ngā hoa Tiriti ki tētahi mahi-whakatau takirua,

304. Darkins, ‘Government Response to Final Report of Tomorrow’s Schools Independent Taskforce’, pp [1]–[3] (Rōia Karauna, supporting documents (doc B30), pp 596–598); Sohini Smith, Kara Isaac to Andrea Schillmann, ‘Tomorrow’s Schools Independent Taskforce final report’, pp [1]–[7] (Rōia Karauna, supporting documents (doc B30), pp 627–634); ‘Information for agency meeting with Hon Kelvin Davis’ (Rōia Karauna, supporting documents (doc B30), p 710)

305. Office of the Minister of Education, ‘Reform of the Tomorrow’s Schools system – Paper 1’, p [21] (Rōia Karauna, supporting documents (doc B30), p 1070)

kōrerorero hoki e whakakitea ana i roto i te rangapū ā-Tiriti.<sup>306</sup> E whakapono ana mātou, e whakaara ana te kiko o te Tūtohunga 4(a) i tēnei utanga. I te ohu whakahaere i raro i te Tūtohunga 4(a) tētahi āheinga mō ngā kaikerēme ki te uhi anō i tō rātou mana ki te whakahaerenga o ngā Kura Kaupapa Māori kua roa nei rātou e whaiwhai ana. Inā rā, e tūtohu ana mātou i ngā tūtohunga e hāngai tahi ana ki te kaupapa o He Ara Motuhake i kōrerorerotia rā i runga ake nei, i te wāhanga 4.2.3.8. E whakaaro ana mātou he whakatinanatanga mārama tēnei o te rangatiratanga, ā, he mea tautoko e te petihana 4,700 o ngā whānau Kura Kaupapa Māori. Me tūtohu ake anō i te Rāngai, i te whiwhinga o taua tāpaetanga, i whakatau ki te whakakaha ake i tana tūtohunga hukihuki ki te whakaatu i te rangatiratanga o ngā kaikerēme, ā, ko te Tūtohunga 4(a) te huanga mai. Nā reira, ka tākirikiri te Tūtohunga 4(a) i ngā tauwharewharenga o te ngākau o te rangatiratanga o ngā kaikerēme – ā, nā konā ka mahue tā te Karauna whakatau ki te whakahē i mua i te kōrerorero tahi me ngā kaikerēme. Me mātua uiui i ngā kaikerēme i raro i te mātāpono o te kaitiakitanga, e whai tikanga ai te tūranga o ngā kaikerēme i roto i te whanaketanga o ngā kaupapa here ka pā ki ngā Kura Kaupapa Māori. Nō reira, e whakatau ana mātou, he takahi tēnei hapa i ngā mātāpono Tiriti o te kōtuinga me te kaitiakitanga. Ko te whakatoihara i pā ki ngā kaikerēme i tēnei mūhore a te Karauna ka aromatawaitia kia whaiwhakaaro ki te kaupapa here i hua mai ai i te tau 2022, ki te upoko 5.

Hei whakarāpopoto, ko tā mātou i kite ai kua takahi te Karauna i ngā mātāpono Tiriti o te kōtuinga me te kaitiakitanga, i te korenga ōna i aro pū ki te Tūtohunga 4(a) i mua i tana whakatau ki te whakarere i taua tūtohunga i te kapinga o te tau 2019, tae atu ana ki te korenga ōna i

- ▶ aro pū ki ngā kōiriiri o te Tūtohunga 4(a) i tana urupare tūmatanui ki te pūrongo a te Rāngai;
- ▶ aro pū ki ngā whakatūpatō a te Rāngai e pā ana ki te tautuku ā-Tiriti;
- ▶ whakapāpā i ngā kaikerēme i mua i tāna whakatau ki te whakarere i te Tūtohunga 4(a).

#### **4.3.3.2 I mārama rānei te tauira o te takapau whakaaro o te Karauna ki ngā kaikerēme?**

Mārama ana tā mātou kite ko tētahi o ngā mātāpuna o te whakahēmanawatanga ki ngā kaikerēme i roto i tēnei pakirehua, ko te whakararoatanga i muri mai i te tuku a te Karauna i tāna urupare ki te pūrongo a te Rāngai, i whakapono rātou i takune te Kāwanatanga ki te whakatū i tētahi momo ohu whakahaere motuhake e whakahaere ai Te Rūnanga Nui i tētahi ara whakarara mō ngā Kura Kaupapa Māori. Pēnei i ngā whiringa kōrero i te wāhanga 4.3.3.4, he matatika tonu tēnei whakamāramatanga ki ngā pepa urupare a te Karauna i te tau 2019. Kāore he kōrero i takoto i te Karauna i roto i puku o te pepa ‘Supporting all schools’, i ngā pepa Kāhui Minita whaipānga rānei e mea noa nei kāore e whāia tēnei ohu whakahaere (ahakoa rā koinei te tū ā-whare a te Karauna i taua wā). Koia hoki, i roto o te

<sup>306</sup> Te Rōpū Whakamana i te Tiriti o Waitangi, *He Pāharakeke, He Rito Whakakīkinga Whāruarua*, pp18–19

Tūtuhunga 4(a) te ohu whakahaere, i whakanohongia ki te rārangi mahi kia 'koke tonu atu' i roto i ngā āpitihianga e hāngai ana.

E tūtuhu ana mātou he rite tonu te whakapā atu a ngā kaikerēme mai i te Noema 2019 ki te Hūrae 2020 me te whakamōhio atu e whakapono tonu ana rātou ka whāia tonutia e te Kāwanatanga tētahi ara whakarara mō te ara Kaupapa Māori, i raro i te whakahaere a Te Rūnanga Nui. Kōrerotia whānuitia ana ēnei taura i te wāhanga 4.3.2 i runga ake nei, engari kei roto ko:

- ▶ te reta a Te Rūnanga Nui ki a Minita Hipkins i te Noema o 2019;
- ▶ te hui a Te Rūnanga Nui ki a Minita Tuarua Davis i te Tihema o 2019; me
- ▶ te tāpaetanga a Te Rūnanga Nui e pā ana ki te Ture Mātauranga me te Whakangungu i te Pēpuere me te Āperira o 2020, i whakawāteatia atu ki te Tāhuhu.

Manawapā katoa ana mātou i te kore mārāma o te whakakakau ki Te Rūnanga Nui, ahakoa ngā utanga nā te Karauna i whiriwhiri ki te kawē ake i tāna whakahou i whakaaetanga o Te Tauāki Kawa i te Tihema 2019. Ki a mātou, ko te kawē a te Karauna i a ia anō i roto i tēnei āhuatanga, he takahi i tana oati kia tōmua te whakapāpā ki Te Rūnanga Nui i ngā take e mōhio nei rāua tahi e whaitake ana ki a rāua.

I raro i te rangapū ā-Tiriti, me mahi tahi te Karauna me te Māori i roto i te ngākaupono. Ko tētahi wāhanga nui o tēnei, ko te whakakakau pūahoaho. I tā mātou mātai i te upoko 3, he rite tonu te whakamaumahara i te Karauna ki tēnei utanga i roto i te horopaki o te mātauranga. Ko ētahi atu pakirehua pēnei i te *Wananga Capital Establishment Report: The Report on the Aotearoa Institute Claim concerning Te Wananga o Aotearoa*, me te *Matua Rautia Report* i whakaara ake i ngā taupā e pā ana ki te ara rumaki Māori, me te kī anō nā ēnei taupā me rangatira ake te kawē a te Karauna i tōna mana kāwanatanga i roto i te rangapū ā-Tiriti. Ko te mea aroha, he auau tonu tā mātou kite i aua taupā i roto i te pūnaha mātauranga whakature (nā te kite a te Rāngai, me te whakaputa anō a te Kāwanatanga i te tīmatanga o tana wā kāwanatanga i 2017 – tirohia ngā wāhanga 4.2.2.3, 4.2.3.6 hoki i runga ake nei). Kei te kite tonu mātou i te kore i tutuki i te Karauna ōna utanga kāwanatanga i tēnei rāngai.

I meatia i roto i te Taraipiunara *Te Wānanga o Aotearoa*, ko te whakawhitiwhiti kōrero te mea hirahira katoa e angitu ai te rangapū ā-Tiriti.<sup>307</sup> Mātua rā, me mārāma, me tika hoki te wā e whakamōhio atu ai a te Karauna i tōna hoa Tiriti ki ngā whakatau e pā nei ki a rātou. I hapa te Karauna i konei i tāna urupare ki te Tūtuhunga 4(a). E whakapono ana mātou, ehara i te mea he kōrerorero noa tēnei, ā, kāore tētahi i te aro ki tētahi. Hei taura, i whakamōhiohia atu a Minita Tuarua Davis ki te whakapono o ngā kaikerēme e whāia ana te Tūtuhunga 4(a). I mōhio hoki ia kāore te Karauna i takune ki te whakatū i tētahi ara whakarara Kaupapa Māori, i tētahi ohu whakahaere motuhake Kaupapa Māori rānei. I hapa anō tana whakatika i te whakapono o ngā kaikerēme i tētahi hui whai mai, i te 5 o Tihema

---

307. Te Rōpū Whakamana i te Tiriti o Waitangi, *The Report on the Aotearoa Institute Claim Concerning Te Wananga o Aotearoa* (Wellington: Legislation Direct, 2005) p 35

2019. Ko tā mātou, he hakune tēnei nā te Karauna kia kaua e whakakakau atu i ōna takunetanga tūturu e pā ana ki te Tūtohunga 4(a) ki Te Rūnanga Nui.

I runga i ngā take i rārangitia ai i runga nei, e whakatau ana mātou i takahi te Karauna i ngā mātāpono o te kaitiakitanga me te kōtuinga, i te korenga ōna i whakakakau pūahoaho nei i tā rātou whakatau ki te whakarere i te Tūtohunga 4(a) i te kapinga o te tau 2019.

Nā te kūare tonu o ngā kaikerēme ki te whakatau a te Karauna me tana kore whai i tētahi ohu whakahaere motuhake i tūtohia ai e te Rāngai, tae noa ki te Aperira 2021, ka anganui whānuitia e mātou te whakatoihara i hua ake nā te ngoikore o te whakakakau ki te upoko 5, i muri mai i te kōrerotia o ngā mahi o te tau 2021, 2022 hoki.





## UPOKO 5

### TE AHO TUAMAKA

#### 5.1 KUPU WHAKATAKI

I te upoko o mua mai, i kitea e mātou i te whakahaerenga o te arotake Kura mō Āpōpō ētahi whanonga o te Karauna i takahi rā i ngā mātāpono o Te Tiriti. I kitea rā hoki i tā te Karauna hātepe ki te whakatau kia whakanautia ai te Tūtohunga 4(a) i tāna urupare tūmatawhānui i te Noema 2019 ki te Rōpū Mahi Motuhake he takahi i ngā mātāpono Tiriti. I konei, ka aromātai mātau i ngā mahi a te Karauna i te korenga ōna i whai i te Tūtohunga 4(a) – arā, ko tāna whakawhanake i te mātauranga Ara Reo Māori me te mātauranga Kaupapa Māori i te tau 2021 me te tau 2022.

I te Hepetema 2021, ka whakaaetia e te Kāhui Minita ngā mahi whakawhanake mahere mahi ki te whakawhanake i te mātauranga Ara Reo Māori me te mātauranga Ara Kaupapa Māori (te Pepa Kāhui Minita o Hepetema 2021).<sup>1</sup> I whakaae te Kāhui Minita ki ētahi whāinga huhua mō te mahere mahi engari i tohutohua rā ngā kaimahi Tāhuhu ki te whakawhanake i ngā kōiriiri o te hanganga me te whakatinanatanga mai o ēnei whāinga mā tētahi rōpū Māori Medium Oversight Group (nō muri mai ka tapaina ko ‘Te Pae Roa’), i whakanau ai te kaitono kia whai wāhi atu.<sup>2</sup> Kua āta whakaritea te Rōpū Whakamana kia whakatau mehemea i whakaarohia tikatia rānei, i whai wāhi tika rānei hoki te Kura Kaupapa Māori me Te Rūnanga Nui i te whanaketanga o te Pepa Kāhui Minita o Hepetema 2021, otirā ia i ngā kōwhiringa kaupapa here e tinana mai ai he mahere mahi i te tau 2022.<sup>3</sup>

Ko tētahi o ngā wero ā-ariā o te pūrongo i tēnei take ko te mea rā, i waenganui i te Hepetema me te whakaaetanga o tēnei mahi hukihuki i te Tihema 2022, kāore anō kia whakaritea mai he kaupapa here whaitake ki te tautoko i ngā whāinga i whakatakotoria rā i te Pepa Kāhui Minita o Hepetema 2021. Ko te huinga katoatanga o ngā mahi kaupapa here ki te whakawhanake i ngā kōiriiri o te mahere mahi, ko tētahi pūrongo mātauranga o Akuhata 2022 e whakatakoto ana ngā i huarahi e

---

1. Cabinet Social Wellbeing Committee, ‘Work Programme to Grow Māori Medium and Kaupapa Māori Education’, Minute of Decision, 29 September 2021, pp1–2 (Rōia Karauna, supporting documents (doc B30), p1707)

2. Cabinet Social Wellbeing Committee, ‘Work Programme to Grow Māori Medium and Kaupapa Māori Education’, Minute of Decision, pp1–2 (Rōia Karauna, supporting documents (doc B30), pp1707–1708)

3. Tauāki whakataunga take (paper 1.4.1), p[2]

whā ki a Minita Hipkins rāua ko Minita Tuarua Davis ki te whakawhanake i te mātauranga Ara Reo Māori me te mātauranga Ara Kaupapa Māori. I whiriwhiri ngā Minita i tētahi kōwhiringa hei kauneke, engari me whakaae te Kāhui Minita i mua mai e riwha ai he mahi whakawhanake whaitake. I te wā i whakatakina tēnei pakirehua kōhukihuki, kāore anō kia whakaaetia e te Kāhui Minita (otirā, kāore anō kia whakaaetia ā-tuhi nei).<sup>4</sup> Kua tohu mai te Karauna ka whai whakaaro iho ngā whakatau Kāhui Minita o te anamata ki te pūrongo a te Rōpū Whakamana.<sup>5</sup> Ahakoa rā, ko tā te Karauna tohu i ngā momo kaupahere anamata e hiahia ana ia ki te tūhura i te haeretanga ake o tā mātou pakirehua, e whakapae nei mātou he tohu pai. Ka whakawhānuhia ēnei tauākī i te wāhanga 5.6.3 kei raro iho nei. Heoi anō, nō te otinga o ngā whakawākanga mō tēnei pakirehua, kua ara he Kāwanatanga hou – nō reirā ka riro mā te Kāhui Minita hou hei tohu te ara mō tēnei mahi.

Ko te iti hoki o te kaupapa here whaitake hei aromatawai mā mātou he hua nō te hātepe kōhukihuki tonu – i whakaaetia te kōhukihukitanga i runga i te huranga mai o ngā āhuatanga e pareā ai te pitomata o te whakatoihara tūturu, hokinga kore hoki, ki te kōkiritia tonutia ake ngā mahi nei.<sup>6</sup> Koia rā, i tohutohu rā te Heamana Tuarua kia aro te pakirehua nei ki te hāngaitanga o te tukanga arotake me te hātepe whakahou i a Kura mō Āpōpō, i runga i te mōhio i te haere tonu ngā mahi whanake kaupapa here.<sup>7</sup> Nā runga i tēnei, i tēnei upoko ka aromatawaia e mātou ngā wāhanga matua e rua o te hātepe whanake i tēnei kaupapa here: arā, ko te Pepa Kāhui Minita o Hepetema 2021 me te pūrongo mātauranga o Akuhata 2022. E whakatauria ai mehemea i rawaka te whakaarohia, te whai wāhitanga atu o te Kura Kaupapa Māori me Te Rūnanga Nui i te whakawhanaketanga o te kaupapa here i te tau 2021 me te tau 2022, ka whakaarohia e mātou ngā take maha, tae atu ki:

- ▶ te whanaketanga me ngā take o roto i te Pepa Kāhui Minita o Hepetema 2021;
- ▶ te whanaketanga o te pūrongo mātauranga o Akuhata 2022; me
- ▶ te tūranga o te kaupapa here a te Karauna i te putanga o te pūrongo mātauranga o Akuhata 2022.

Hei whakatepe, ka aro i a mātou ka whakapuaki nui tēnei upoko i Te Rūnanga Nui, me te rangapū mātauranga Kaupapa Māori, me Te Matakahuki. Ka whakamahara mātou i te kaipānuī ko Te Matakahuki, i whakatūria rā i te tau 2020, ka whakakanohi i ngā kaiwhakarato mātauranga Kaupapa Māori ā-motu, i Te Kōhanga Reo, Te Rūnanga Nui, Ngā Kura ā Iwi o Aotearoa, me Te Tauihu o Ngā Wānanga.

---

4. Kōrero taunaki a Andy Jackson rāua ko Andrea Schöllmann, 5 May 2023 (doc B28), pp 30–31; Kōrero taunaki a Andy Jackson rāua ko Andrea Schöllmann, appendix, 5 May 2023 (doc B28(b)), app 2, pp [1]–[2]

5. Ngā tāpaetanga whakakapi a te Karauna, 19 June 2023 (paper 3.3.4), p19

6. Te whakataunga ā Tiamana Tuarua Kaiwhakawā Sarah Reeves, 14 December 2022 (paper 2.5.15), p17

7. Te whakataunga ā Tiamana Tuarua Kaiwhakawā Reeves (paper 2.5.15), p18

## 5.2 TE TŪRANGA O NGĀ PĀTI

### 5.2.1 Te tūranga o te kaitono

E ai ki te kaitono, nā ngā whakawhanaketanga kaupapa here a te Karauna i ngā tau e rima kua hori e noho mātāmuri mai nei te Kura Kaupapa Māori i ngā whakaar-oarotanga.<sup>8</sup> E āta tohe ana te kaitono i te whanonga o te Karauna i te whanaketanga mai o te Pepa Kāhui Minita o Hepetema 2021 me ētahi kaupapa here taunaki nei i te roanga o te tau 2022 i takahi rā i ngā mātāpono o te mahi tahi, te whakaaro pai, te tiaki, me ngā kōwhiri me te tōkeketanga.<sup>9</sup>

Mō te wāhi ki te hātepe a te Karauna ki te whakawhanake i te Pepa Kāhui Minita o Hepetema 2021, ka kī te kaitono kāore a Te Matakahuki i whakaarotia, i whai wāhi hoki ki ngā tautuhinga o ngā take, ngā tawhā, me te horanga hoki o te hōtaka mahi.<sup>10</sup> Ka kī te kaitono kāore i rawaka te hui tōmuri mai a te Karauna ki Te Rūnanga Nui mō ngā tūtuhunga i te pepa Kāhui Minita i te Akuhata me te Hepetema o 2021, ka mutu, i hē rā i te korenga o ngā pārongo.<sup>11</sup>

E tohe ana hoki te kaitono i ngā whāinga i whakatakotoria ai ki te Pepa Kāhui Minita o Hepetema 2021, e tohe ana i waihanga takarepatia e te Karauna tētahi mahere mahi i runga i te whāwhai me te whakaaro kore ki te pānga ki te kaitono.<sup>12</sup> E āta tohe nei te kaitono ko te Pepa Kāhui Minita o Hepetema 2021:

- ▶ i takea mai i tētahi whāinga Rāngai Māori i waihanga takarepa i te tikitanga ake i tētahi whakakitenga i whakatakotoria tuatahitia ai e te Te Rūnanga Nui me ngā Ngā Kura ā Iwi;<sup>13</sup>
- ▶ kāore i whai wāhi mai tētahi rōpū kāwana motuhake ki te tautoko i te mātauranga Ara Kaupapa Māori;<sup>14</sup>
- ▶ i āki kia kōkirihiā tētahi mahere ture me tētahi mahere kaupapa here kotahi mā te katoa mō te rāngai Reo Māori whānui i whenumi rā i ngā hiahia motuhake o te mātauranga Ara Kaupapa Māori;<sup>15</sup> ā,
- ▶ i tuku wāhi ki Te Pae Roa kāore i kapi tika te horanga o ngā take e ai ki tā te kaitono whakatinana i te rangatiratanga, kāore i aro pū atu rānei ki te mātauranga Ara Kaupapa Māori – koia i wehe ai ia i te Noema 2021.<sup>16</sup>

I whakapuaki hoki te kaitono i tōna āwangawanga ki tā te Karauna hātepe ki te whakawhanake kaupapa here kē atu i te tau 2022 ki te taunaki i ngā whāinga i whakatakotoria ai ki te Pepa Kāhui Minita o Hepetema 2021. Ka kī te kaitono nō muri mai i tā Te Rūnanga Nui – hei wāhanga o Te Matakahuki – wehe i Te Pae Roa, kāore ia i whai wāhi atu anō ki te mahere mahi, i whakamōhitia rānei ki te kauneketanga o te mahi kaupapa here, i tukuna rānei he mana i tāna anō

8. Ngā tāpaetanga whakakapi a ngā kaikereme, 12 June 2023 (paper 3.3.3), p 9

9. Ngā tāpaetanga whakakapi a ngā kaikereme (paper 3.3.3), pp 137, 140, 151

10. Ngā tāpaetanga whakakapi a ngā kaikereme (paper 3.3.3), p 127

11. Ngā tāpaetanga whakakapi a ngā kaikereme (paper 3.3.3), p 121

12. Ngā tāpaetanga whakakapi a ngā kaikereme (paper 3.3.3), p 137

13. Ngā tāpaetanga whakakapi a ngā kaikereme (paper 3.3.3), p 19

14. Ngā tāpaetanga whakakapi a ngā kaikereme (paper 3.3.3), p 130

15. Ngā tāpaetanga whakakapi a ngā kaikereme (paper 3.3.3), p 137

16. Ngā tāpaetanga whakakapi a ngā kaikereme (paper 3.3.3), pp 128–129

kaupapa.<sup>17</sup> Ka kī te kaitono i kōkiri tonu te Karauna i te mahere mahi me te korenga o Te Matakahuki, ā, he takahi tēnei i te mana me te rangatiratanga o Te Rūnanga Nui.<sup>18</sup> Ka whakaū hoki te kaitono i parea e te Karauna ōna haepapa Tiriti ki te Ohu Mātanga Hāpai me Te Pae Roa i te whanaketanga o ēnei kōwhiringa kaupapa here.<sup>19</sup>

E whakaaro nei te kaitono he takahanga tonu te whanonga o te Karauna i te Tiriti nō muri mai i te hainatanga a ngā pāti i tētahi whakaaetanga takawaenga i te Mei 2022.<sup>20</sup> Ko tētahi o ngā putanga i whakaaetia nō te whakaaetanga takawaenga mō Te Rūnanga Nui, i tōna kotahi rānei, hei wāhanga rānei o Te Matakahuki, ko te whakarite i tētahi pūrongo mō te anamata o te mātāuranga Ara Kaupapa Māori, hei whakaawe i ngā mahi o te mahere a te Karauna.<sup>21</sup> I tukuna hoki ki a Te Matakahuki e 48 hāora ki te whakahoki kōrero mō ngā tohutohu kaupapa here o Akuhata 2022 i tukuna ki ngā Minita.<sup>22</sup> Ka tohe te kaitono kāore he rerekētanga whaitake o tēnei arawātea ki te whanaketanga kaupapa here a te Karauna, me te aha, kua kore i whaihua tā rātou whakapaunga kaha ki te whakahuihui rōpū.<sup>23</sup> E ai ki te kaitono ko ngā mahi kaupapa here i āta waihangatia ki te whakatutuki i ngā whakaarotau me ngā takune o te Karauna, kua ko ērā o Te Rūnanga Nui me te Kura Kaupapa Māori.<sup>24</sup>

### 5.2.2 Te tūranga o te Karauna

Ko te tūranga o te Karauna, kāore ōna whanonga whakawhanake i te Pepa Kāhui Minita o Hepetema 2021 me tāna kauneke i ngā mahi kaupapa here ki te tautoko i te mahere mahi i te tau 2022 i takahi i te Tiriti. Ka tohe te Karauna i aro kē tēnei mahi ki te whakapai ake i te tōkeketanga me te kounga, ki te whakamānawa i ngā haepapa Tiriti o te Karauna, me te kōkiri hoki i ngā whāinga takirua kei roto i Te Tauākī Kawa.<sup>25</sup> Ko te tirohanga o te Karauna he arawātea te mahere mahi ki whakawhanake i te mātāuranga Ara Reo Māori me te mātāuranga Ara Kaupapa Māori kia pai ake te tautokona o te Kura Kaupapa Māori, me te tuku mana nui ake ki Te Rūnanga Nui ki te whakahaere i te mātāuranga Ara Kaupapa Māori.<sup>26</sup> Ka tohe hoki te Karauna kāore i toka te mahere mahi Pepa Kāhui Minita o Hepetema 2021, engari kē ia he whakatakinga o ngā mahi ka kapi herekoretia.<sup>27</sup>

Ka whakaae te Karauna kāore i he whakaaetanga tūtahi mō ngā take o te Pepa Kāhui Minita o Hepetema 2021.<sup>28</sup> Heoi anō, ka tāpae te Karauna ko ngā hātepe i whai i te arotake Kura mō Āpōpō (ko te matapae ia e kapi mai

17. Ngā tāpaetanga whakakapi a ngā kaikereme (paper 3.3.3), pp 139–140

18. Ngā tāpaetanga whakakapi a ngā kaikereme (paper 3.3.3), p 141

19. Ngā tāpaetanga whakakapi a ngā kaikereme (paper 3.3.3), p 141

20. Ngā tāpaetanga whakakapi a ngā kaikereme (paper 3.3.3), p 143

21. Ngā tāpaetanga whakakapi a ngā kaikereme (paper 3.3.3), p 141

22. Ngā tāpaetanga whakakapi a ngā kaikereme (paper 3.3.3), p 144

23. Ngā tāpaetanga whakakapi a ngā kaikereme (paper 3.3.3), p 142

24. Ngā tāpaetanga whakakapi a ngā kaikereme (paper 3.3.3), p 164

25. Ngā tāpaetanga whakakapi a te Karauna (paper 3.3.4), pp 11–12

26. Ngā tāpaetanga whakakapi a te Karauna (paper 3.3.4), p 13

27. Ngā tāpaetanga whakakapi a te Karauna (paper 3.3.4), p 17

28. Ngā tāpaetanga whakakapi a te Karauna (paper 3.3.4), p 57

ana ko te whakawhanaketanga o te Pepa Kāhui Minita o Hepetema 2021) i āta whakahāngaitia ki ngā tirohanga o Te Rūnanga Nui, nā runga i ngā huinga tahitanga i tū, tae atu rā ki ngā mahi i whakahaerehia e te Rōpū Mahi Motuhake.<sup>29</sup> Ka aro hoki i te Karauna ngā herenga o te hātepe Kāhui Minita – arā, kāore ngā āpiha e wātea ana ki te whāki i ngā take o ngā pepa Kāhui Minita ki te kore e whai whakaetanga ā-Minita. Ka kī te Karauna ko te whakaū i te matataputanga o ngā hātepe a te Kāhui Minita tētahi āhuatanga nui o te whakahaere kāwanatanga.<sup>30</sup>

E ai ki te Karauna e hāngai ana te whāinga a te Rāngai Māori, e noho nei hei tūāpapa mō te mahere mahi, ki ngā mahi e tika ana ki te tiaki i te reo Māori, otirā ia, ki te hanga whenumi i tinana mai ai i te mutunga iho.<sup>31</sup> E ai ki te Karauna, i hāngai mō te horanga o ngā mahi o te mahere mahi i marohitia (tae atu rā ki ngā kaupapa here taunaki me ngā marohitanga ture) ki te taumata e kapia whānuitia ai te rāngai mātauranga Ara Reo Māori.<sup>32</sup> Ka tohe Karauna i takune rā ia kia whakautea, kia whakaratoa tikahia hoki ngā rerekētanga i waenganui i ngā ara nei i roto i te mahere mahi, otirā, kāore i whakatauria tōmuatia ngā kikokiko o te mahere mahi – mā ērā i te Te Pae Roa hei tautuhi ngā ara me te hunga ka whai wāhi atu ki ngā ara nei.<sup>33</sup> Heoi anō, ka whakaae te Karauna ko te whakamahinga o te kupu ‘Ara Reo Māori’ mō te kaitono me te Ara Kura Ara Kaupapa Māori he tūkinō, he whakahāwea.<sup>34</sup>

Ka tāpae hoki te Karauna i tika, i āhei hoki a Te Pae Roa ki te whakarato ki ngā rerekētanga i waenganui i ngā ara [mātauranga Ara Reo Māori].<sup>35</sup> He tohu te whai wāhitanga mai o te rōpū nei o tētahi pitomata ki te ahua i te whanaketanga tonutanga o ngā kaupapa here, otirā, e ai ki te Karauna, me ‘hāpai ake te pene’ mō tētahi wāhanga o te hātepe.<sup>36</sup> Heoi anō, ka whakaae te Karauna ko tētahi take i wehe ai te kaitono i Te Pae Roa i te Noema 2021, ko te horopaki whakapono iti i waenganui i ngā rōpū.<sup>37</sup> Ka whakapono hoki te Karauna e mārama ana ia ki te tūpato me te anipā o te kaitono ki te Te Pae Roa i te horopaki o te iti o te pārongo i tukuna ki te kaitono i te Akuhata me te Hepetema 2021.<sup>38</sup> Heoi anō, ka tohe te Karauna i tika kia haere tonu te Te Pae Roa i te korenga o Te Matakahuki, inā rā mā te aukati e raruraru ai te whai wāhitanga ki te whakatinana i ngā panonitanga ā-ture i te huringa pōti. Ka whakaū te Karauna i whakawātea tonu ia i ētahi tūru mō Te Matakahuki.<sup>39</sup>

Ka tohe te Karauna kāore ia i takahi i te Tiriti i roto i āna hātepe ki te whakawhanake i te pūrongo mātauranga o Akuhata 2022 ki a Minita Hipkins me

29. Ngā tāpaetanga whakakapi a te Karauna (paper 3.3.4), p 58

30. Ngā tāpaetanga whakakapi a te Karauna (paper 3.3.4), p 11

31. Ngā tāpaetanga whakakapi a te Karauna (paper 3.3.4), p 73

32. Ngā tāpaetanga whakakapi a te Karauna (paper 3.3.4), p 20

33. Ngā tāpaetanga whakakapi a te Karauna (paper 3.3.4), pp 17, 22

34. Ngā tāpaetanga whakakapi a te Karauna (paper 3.3.4), p 11

35. Ngā tāpaetanga whakakapi a te Karauna (paper 3.3.4), p 18

36. Ngā tāpaetanga whakakapi a te Karauna (paper 3.3.4), pp 11, 26

37. Ngā tāpaetanga whakakapi a te Karauna (paper 3.3.4), p 18

38. Ngā tāpaetanga whakakapi a te Karauna (paper 3.3.4), p 74

39. Ngā tāpaetanga whakakapi a te Karauna (paper 3.3.4), p 18

Minita Tuarua Davis. Ka tohe te Karauna kāore ia i pare atu i ōna haepapa Tiriti, inā rā, i mau tonu ia ki te mana whakatau kaupapa here mātauranga.<sup>40</sup> Ka tūtohu te Karauna i whakaritea rā te pūrongo Te Matakahuki i roto i te wā poto engari ka tohe ko ngā pūrongo i whakaritea ai e Te Matakahuki me Te Pae Roa i rite te whakahaerehia i ngā tohutohu o te Akuhata 2022.<sup>41</sup> Heoi anō, ka aro i te Karauna ko te whanaungatanga i waenganui i ngā Minita me Te Pae Roa i rerekē i tērā ki a Te Matakahuki, i te mea rā i kōupua ā-turehia te rōpū tuatahi rā.<sup>42</sup> Ahakoa tēnei, ka tohe te Karauna he mea whakaawe, he mea whaitake hoki te pūrongo Te Matakahuki i te hanganga mai o te pūrongo mātauranga me ngā Pepa Kāhui Minita hukihuki nō muri mai.<sup>43</sup>

Ka tāpae hoki te Karauna he mea whanake tonu te mahi kaupapa here, me te aha, he tōmua rawa kia aromatawaia te hāngaitanga o ngā whakahounga a te Karauna ki te Tiriti. E whakaū ana te Karauna ka hua he putanga whaihua ki te katoa mā te mahinga tahitanga a Te Rūnanga Nui ki te Karauna.<sup>44</sup> Nō te wā i kati ai ngā tāpaenga whakatepe, i tūtohu te Karauna kia whakawehea te mātauranga Ara Kaupapa Māori i te mahi mātauranga Ara Reo Māori hei ara motuhake ka arahina e Te Rūnanga Nui rānei, e Te Matakahuki rānei.<sup>45</sup> Ko te tūranga o Minita Hipkins, i whakaahuatia rā e te rōia Karauna, ko tōna hiahia kia tohu i te kauneketanga o te whakaaranga o tētahi whakahaerenga motuhake ahakoa te whakakorenga o tēnei i mua mai.<sup>46</sup>

### 5.3 NGĀ TŪMANAKO O TE RŪNANGA NUI MŌ TE ANAMATA O TE KURA KAUPAPA MĀORI

E taea ai tā mātou arotake mehemea i rawaka tā te Karauna whakaaroaro i a Te Rūnanga Nui me te Kura Kaupapa Māori i āna whakataunga kaupapa here 2021 me 2022 ki te whakawhanake i te Ara Reo Māori me te Mātauranga Ara Kaupapa Māori, me mātua whakatakoto i ngā tūmanako o te kaitono mō te whanaketanga o Kura Kaupapa Māori, me te take e mau nei rātou ki ēnei tūmanako.

#### 5.3.1 He ara whakarara mō te mātauranga Ara Kaupapa Māori

E pīrangi ana Te Rūnanga Nui ki tētahi pou-tarāwaho kaupapa here motuhake, tūtahi hoki mō te mātauranga Kaupapa Māori, kua rā ko tētahi e noho ai te Kura Ara Kaupapa Māori hei wāhanga o tētahi urupare kaupapa here i waihangatia rā mō te mātauranga Ara Reo Māori whānui. I whakamōhio mai a Tākuta Dewes, i ngā tau kua hori, kāore anō te Karauna kia whakarite mai i tētahi rautaki tautoko mā te Ara Kaupapa Māori, i tōna kotahi rānei, tahi ki te Te Rūnanga Nui rānei, ahakoa ngā whakapaunga kaha a te kaitono ki te whakaputa rautaki, pūrongo,

40. Ngā tāpaetanga whakakapi a te Karauna (paper 3.3.4), p 21

41. Ngā tāpaetanga whakakapi a te Karauna (paper 3.3.4), pp 75, 76

42. Ngā tāpaetanga whakakapi a te Karauna (paper 3.3.4), p 76

43. Ngā tāpaetanga whakakapi a te Karauna (paper 3.3.4), p 75

44. Ngā tāpaetanga whakakapi a te Karauna (paper 3.3.4), p 22

45. Ngā tāpaetanga whakakapi a te Karauna (paper 3.3.4), p 21

46. Ngā tāpaetanga whakakapi a te Karauna (paper 3.3.4), p 76

mahere hoki.<sup>47</sup> I whakamārama mai a Campbell e hiahia ana a Te Rūnanga Nui ki tētahi mahere mō te whakatūnga me te whakawhanaketanga o ngā kura, engari kāore anō kia tautokona mai e te Tāhuhu – ā, i tohe hoki nā tēnei āhuatanga kua whakatoiharatia te Kura Kaupapa Māori.<sup>48</sup> Ko tētahi o ngā whakahēmanawatanga nui mō te kaitono ko te korenga o tētahi rautaki tūtahi mō te pūtea me te tautoko i Te Marautanga o Te Aho Matua, te whakatūnga mai o ētahi Kura Kaupapa Māori hou, me ngā rawa e hiahiatia ana e te Kura Kaupapa Māori.<sup>49</sup>

I aro i ngā kaiwhāki Karauna te whakapuaki tonutanga mō tētahi urupare kaupapa here tūtahi ki te Kura Kaupapa Māori. I kōrero mai a Tākuta Daryn Bean (Tumu Whakarāe Tuarua mō te Mātauranga Māori) rāua ko Darren Nathan (Kaitohutohu Matua, Whanaungatanga me te Mātauranga Māori ki Te Tāhuhu) he rite tonu te kōrero a Te Rūnanga Nui, i tōna whakatūnga i te tau 1993, mō ngā tūraru e kite nei ia i te whenumitanga ā-hanganga nei o te mātauranga Ara Kaupapa Māori ki te mātauranga Ara Reo Māori, Ara Reo Pākehā hoki.<sup>50</sup> I tuari mai hoki ēnei kaiwhāki Karauna i ētahi pārongo mō ngā momo kura e whā ka taka mai i raro i te tautuhinga whānui o te ‘mātauranga Ara Reo Māori’ ka whaka-haerehia e te Tāhuhu, arā, he kupu ka whakaahua i ngā taumata o te rumakitanga ki te reo Māori. Kei paku raro iho i te haurua o ngā taura i te rumaki Taumata 1 me te Taumata 2 e whai pānga atu ki tētahi o ngā whakahaerenga mātauranga Ara Kaupapa Māori ā-motu e rua – ko Te Rūnanga Nui me ngā Ngā Kura ā Iwi. Ko tōna 2,000 taura ka whakaakona ki Kura Motuhake – he kura ka arahina e te Māori kāore e whai pānga ana ki ngā whakahaerenga mātauranga Kaupapa Māori ā-motu e rua. Mātuatua rā, ko tōna 10,000 taura mātauranga Ara Reo Māori kei te whakaakona ki ngā whare Rumaki Reo Rua – arā, ko ngā whare rumaki reo Māori kei ngā kura ara reo Pākehā auraki.<sup>51</sup>

Ka ātete te kaitono ki te whakakotahitanga o ngā Kura Kaupapa Māori me ngā kaiwhakarato mātauranga Ara Kaupapa Māori i roto i ngā taiao kura auraki. I kī mai a Mihi Maika ko te rautaki whakataumata rumaki ka whāia e te Tāhuhu kāore e whakarerekē i te wairua o te kura kaupapa Māori, tōna aronga motuhake o Te Aho Matua, tāna marautanga motuhake (Te Marautanga o Te Aho Matua) i te whānuitanga o te rāngai auraki.<sup>52</sup> E ai ki a Dianne Pomare, Tumuaki o Te Kura Kaupapa Māori o Ngā Maungārongo, ko te tūāpapa o te Kura Kaupapa Māori ko te tikanga, ko te oranga tonutanga o te Reo Māori, ko ngā tikanga Māori hoki kia tōnui ai ko ngā whānau, ngā hapū me ngā iwi katoa.<sup>53</sup> E ai ki a Tākuta Dewes, ka whakaū te Kura Kaupapa Māori i ngā ‘tino pūmanawa’ e ora ai, e mau tonu ai hoki ko te reo Māori me ngā mātāpono, ā, e kapi mai ana i te:

47. Kōrero taunaki a Cathy Dewes, 12 October 2021 (doc A1), pp 9–10

48. Kōrero taunaki a Hohepa Campbell, 12 October 2021 (doc A5), p 20

49. Kōrero taunaki a Mahanga Pihama, 14 April 2023 (doc B18(b)), p 2; Kōrero taunaki a Dewes (doc A1), p 15; Kōrero taunaki a Sandra Walker rāua ko Renee Wright, 12 October 2021 (doc A3), p 6

50. Kōrero taunaki a Daryn Bean rāua ko Darren Nathan, 5 May 2023 (doc B31), p 5

51. Kōrero taunaki a Bean rāua ko Nathan (doc B31), p 7

52. Kōrero taunaki a Mahinarangi Maika, 12 October 2021 (doc A4), p 7

53. Kōrero taunaki a Dianne Pōmare, 3 April 2023 (doc B9(a)), p 7

Momo kura	Nama tauira		
	Kei te taumata 1 me te taumata 2	I te taumata 1 (81–100%)	I te taumata 2 (51–80%)
Kura kaupapa Māori (Te Runanga Nui)	6,888	6,878	10
Ngā Kura ā iwi	4,445	4,261	184
Kura motuhake	2,156	1,420	736
Rumaki reo rua	10,877	5,062	5,815
Nama tapeke	24,366	17,621	6,745

**Whika Whakarātonga o te rumaki reo Māori i te Taumata 1 me 2 nō te Hūrae 2022**

Pūtake: Kōrero taunaki a Daryn Bean rāua ko Darren Nathan, 5 May 2023 (doc B31), p 7

- ▶ kauawhitanga o ngā whānau katoa i Te Aho Matua, arā, ko tētahi o ngā mātua i ia whare me tauira reo Māori rānei, me matatau rānei;
- ▶ taenga ki ngā hui ā-iwi. He wāhanga matua tēnei o te marautanga;
- ▶ ūnga ki te tokoiti o te ōwehenga kaiako ki te tauira e kapo tikahia ai te reo Māori;
- ▶ tūnga o te kura ki te marae e ū ai te mana motuhake me te whakapūmau anō i ngā tikanga Māori; me
- ▶ ngā mea katoa ka ako te tamaiti ka hua mai i te mātāpuna mātauranga Māori, otirā, ko Te Aho Matua hei tūāpapa.<sup>54</sup>

Ko tētahi atu rerekētanga nui i waenganui i te Kura Kaupapa Māori me ngā kōwhiringa kura auraki ko te whakahaerenga kāwanatanga – i ngā kura, ko te mana nui kei ngā whānau, tēnā i ngā Poari Tarahati. Hei ta Tākuta Dewes he rite ngā whakahaerenga ki te marae, arā, ka whai wāhi te katoa ki te whakatau.<sup>55</sup> Hei āpiti, ko te whakatūnga mai o ngā kura hou kei te āhua o ngā tūmanako o te whānau, kua i te tupu haeretanga o te taupori.<sup>56</sup>

Hei whakakōpani ake, i whakatakoto mai te kaitono i tētahi horanga take e whāngai nei i tō rātou tūmanako ki tētahi ara tūtahi mō te Kura Kaupapa Māori. I āta whakamārama mai hoki rātou he aha e whakapono nei rātou kia kua tēnei hātepe akoako motuhake e whenumitia atu ki ētahi atu momo mātauranga Ara Reo Māori kei te pou-tarāwaho auraki i tēnei wā tonu nei. Kia tikina ake ngā kupu a Ahorangi Graham Smith, ‘Kura Kaupapa Māori have been successful because of their unique characteristics and aspirations, and as an intervention by Māori,

54. Kōrero taunaki a Cathy Dewes, 3 April 2023 (doc B1(a)), pp 8–9

55. Kōrero taunaki a Cathy Dewes rātou ko Rawiri Wright ko Renee Wright, 3 April 2023 (doc B10(a)), p 3

56. Kōrero taunaki a Renee Wright, 13 April 2023 (doc B21), p 5



for Māori, in a Māori way.<sup>57</sup> Me tiaki te ahurei o te kōwhiringa akoako me tōna angitutanga anō hoki.<sup>58</sup>

### 5.3.2 He ara whakarara ka whakahaeretia motuhaketia

Kua mārama mai hoki tā te kaitono kī me whakatinana te tino rangatiratanga o te Kura Kaupapa Māori mā ngā whakaritenga whakahaerenga kāwanatanga mō te ara mātauranga Ara Kaupapa Māori, mā te whakatū rānei i tētahi whakahaere motuhake i Ngā Kura ā-Iwi me Te Rūnanga Nui hei Rōpū Mahi Motuhake i whakakitea rā, te whakamanatanga rānei o Te Rūnanga Nui hei Umanga Ratonga Mātauranga, mā hanganga kē atu rānei. Hei tā Campbell ki a mātou ko tā te kaitono he kimi ki te whakatau i tōna anō anamata, me te tautoko a te Karauna.<sup>59</sup> Kia tikina ake ngā kupu a Tākuta Dewes, 'Kura Kaupapa Māori is a tino rangatiratanga model of education.'<sup>60</sup> Hei tā Rawiri Wright he whakatinanatanga te Kura Kaupapa Māori o te mana motuhake – he urupare ā-pāpori, ā-tōrangapū nā te Māori, ki te pakanga, ki te wero, ki te huri anō hoki i ngā pānga o te pēhitanga.<sup>61</sup> Ko te kaupapa nei, he mea āta whakatawhiti i a ia anō i te pūnaha mātauranga a te Kāwana me te ākiri i te pūnaha mātauranga e takarepa ana te whakaratoa o te Māori.<sup>62</sup> E ai ki a Tākuta Dewes kua roa rawa te tohe a te Kura Kaupapa Māori mō tētahi ara whakarara.<sup>63</sup> E motuhake ana te Kura Kaupapa Māori i te pūnaha auraki, ā, e kimi ana i tētahi mana whakahaere mātauranga Ara Kaupapa Māori motuhake hei whakaata i te mana motuhake me te tuku i a rātou kia tiaki i ngā whānau me ngā tamariki Kura Kaupapa Māori.<sup>64</sup>

## 5.4 TE WHAKAWHANAKETANGA O TE PEPA KĀHUI MINITA O HEPETEMA 2021

I tēnei wāhanga, ka aromātai mātou i te nui o te whai wāhitanga atu o Te Rūnanga Nui me te whakaarohia ōna i te whanaketanga o te Pepa Kāhui Minita o Hepetema 2021. Ka whakarārangi mai mātou i ngā āhuatanga i mōhio kē Te Tāhuhu mō ngā tūmanako o te kaitono e pā ana ki ngā kaupapa here anamata mō te Kura Kaupapa Māori. Kātahi ka whakaaroarohia e mātou te whānui o te pānga o ngā tūmanako nei ki ngā take, te horanga, me ngā roherohenga o te Pepa Kāhui Minita o Hepetema 2021, me te aro anō ki:

- ▶ te whāinga Rāngai Māori ka noho hei tūāpapa mō te hōtaka;

57. Kōrero taunaki a Graham Smith, 13 April 2023 (doc B19), p5

58. Kōrero taunaki a Smith (doc B19), p14

59. Kōrero taunaki a Hohepa Campbell, 17 December 2021 (doc A9), p[15]

60. Kōrero taunaki a Dewes (doc A1), pp 3, 17

61. Kōrero taunaki a Rawiri Wright, 30 March 2023 (doc B8), p7

62. Kōrero taunaki a Rawiri Wright, 12 October 2021 (doc A2), p31; Kōrero taunaki a Smith (doc B19), p3

63. Kōrero taunaki a Dewes (doc A1), p24

64. Kōrero taunaki a Dewes rātou ko Rawiri Wright ko Renee Wright (doc B10(a)), p9

- ▶ te whakapae ko tā te Pepa Kāhui Minita o Hepetema 2021 he whakawhenumi i te mātauranga Ara Reo Māori me te Ara Kaupapa Māori; me
- ▶ te korenga o tētahi tūtuhunga mō tētahi whakahaerenga mana motuhake mō te mātauranga Ara Kaupapa Māori i te Pepa Kāhui Minita o Hepetema 2021.

Kātahi ka whakarāpopotohia e mātou ngā take o te Pepa Kāhui Minita o Hepetema 2021. Ka whakatakoto mātou i te āhua o tā te Karauna mahi tahi ki Te Rūnanga Nui tōmua mai i te whakaputanga o te pepa Kāhui Minita i te tau 2021, ā, ka matapaki hoki i ngā āhuatanga i tae ai ia ki tāna whakatau kia kaua e whai wāhi ki te Te Pae Roa e hua ai i te Pepa Kāhui Minita o Hepetema 2021.

Ka aro i a mātou ko te take matua o te Pepa Kāhui Minita o Hepetema 2021 ko te whakatakoto i ētahi whāinga kaupapa here whānui mō te whakamāherehere pae-tawhiti i te rāngai mātauranga Ara Reo Māori, ka whakatakotoria hoki e te pepa Kāhui Minita he take mātuatua hei urupare – tae atu rā ki te arotakenga me te whakahounga o ngā tautuhinga tahua mātauranga Ara Reo Māori me te whakangao ki te Toi Rangapū Kaupapa Māori Ara Reo Māori mā tahua kē atu anō i te Tahua 2022.<sup>65</sup> Ka tūtuhu mātou i ngā tauākī a te Karauna mō te āhua ki te kauneketanga o ngā mahi tahua. I whakamarama mai a Jackson me Tākuta Schöllmann ko te rite i ngā kaitohutohu whakahaere e rima te nui o te tahua pūtea kua tukuna ki Te Rūnanga Nui me Ngā Kura ā-Iwi.<sup>66</sup> I te tau 2022, e 50 ōrau te pikinga o te tahua tōkeke mā te Kura Kaupapa Māori.<sup>67</sup> Ko te tahua hanganga whare mō te mātauranga Ara Reo Māori me te tahua Ara Kaupapa Māori i whakapikihia hoki i te \$77 miriona ki te \$105 miriona i waenganui i ngā tau tahua 2021 me 2022.<sup>68</sup> Heoi anō, ko ngā nawe o te kaitono mō te rauemi, te tahua putea, me te hanganga whare kua eke ki tua o te horanga o tēnei pakirehua – koia hoki ko te āheinga o te Karauna ki te whakatika i aua take rā. E hāngai ake ana te uruparetia o aua take ki te pakirehua Putanga me ngā Ratonga Mātauranga e kainamu mai ana te puta.

#### 5.4.1 He aha ngā pārongo a te Karauna mō ngā tūmanako o Te Rūnanga Nui?

Ahakoia e tohe nei te kaitono i aukatia i te waihanganga o te Pepa Kāhui Minita o Hepetema 2021, e ai ki a Andy Jackson (Hautū, Te Pou Kaupapa here ki Te Tāhuhu) rāua ko Tākuta Andrea Schöllmann (Kaitohu, Kaupapa here ki Te Tāhuhu) i marama rā ngā take matua o te pepa Kāhui Minita nā ngā huinga tahitanga o mua ki te Māori. I kapi mai i tēnei mahinga tahitanga ko tērā i rangona ai i te Kōrero Mātauranga, i ngā huinga Kura mō Āpōpō me ngā kōrero tahitanga ki ngā kiripānga Ara Reo Māori, Ara Kaupapa Māori hoki i hōtaka mahi kē atu.<sup>69</sup> I whaakae ēnei kaiwhāki Karauna kāore he tohutohu tūtahi tōmua mai i te whakaetanga

65. Cabinet Social Wellbeing Committee, 'A Work Programme to Grow Māori Medium and Kaupapa Māori Education', 23 September 2021, p 3 (Rōia Karauna, supporting documents (doc B30), p1696)

66. Kōrero taunaki a Jackson rāua ko Schöllmann (doc B28), p13

67. Kōrero taunaki a Bean rāua ko Nathan (doc B31), p13

68. Kōrero taunaki a Bean rāua ko Nathan (doc B31), p16

69. Kōrero taunaki a Jackson rāua ko Schöllmann (doc B28), p22

o te pepa Kāhui Minita, engari i tohe ko te take ia ko te rahi o ngā raraunga me ngā taunakitanga i kohia kētia i te Māori i te haerenga ake o ngā mahi EWB, Rāngai Māori hoki.<sup>70</sup> E ai ki a Iona Holsted (Tumu Whakararae kāore te Karauna i whai kia uru ki tētahi hātepe kōrero tahi anō, nā te mea i uia kētia te pātai.<sup>71</sup>

#### **5.4.1.1 Te hiahia ki tētahi ara whakarara ka whakahaerehia motuhaketia**

Kua matapakitia tōmuatia e mātou te āhua ki tā Te Rūnanga Nui, āta whakapuaki, e hia kē nei wā, i tōna tūmanako ki tētahi mahere kaupapa here tūtahi (‘ara whakarara’ rānei) me te whakatūnga mai o tētahi kāhui whakahaere motuhake ki te Tāhuhu i waenganui i te tau 2018 me te tau 2020. Ko ētahi o ngā mahi e kapi mai ana ko tā te kaitono tūtohunga, ‘He Ara Motuhake’ (ka matapakihia i te wāhanga 4.2.3.8), tāna tono kia tū hei Umanga Ratonga Mātauranga (ka matapakihia i te wāhanga 4.3.2.5), me tāna tāpaenga ki te komiti whiriwhiri take mō te Education and Training Bill (ka matapakihia i te wāhanga 4.3.2.7). Pērā i tērā i whakatakatoria ai i te wāhanga 5.3, ko tā Te Rūnanga Nui he wāhanga nui tō te ara whakarara me te kāhui whakahaere motuhake ki te whanaketanga o te Kura Kaupapa Māori.

#### **5.4.1.2 Te whai wāhitanga o Te Rūnanga Nui ki ngā taketakenga mai o te whāinga a te Rāngai Māori**

Ko tētahi o ngā momo mahinga tahitanga o mua i tautuhia e te Karauna hei āhuatanga whāngai i te Pepa Kāhui Minita o Hepetema 2021 ko te Rāngai Māori Workforce Group (RMWG), arā, ko tāna whāinga mō ngā taumata whai wāhitanga i te mātauranga Ara Reo Māori i urutaua, i whakamahia hoki hei punga mō te hōtaka mahi.<sup>72</sup>

I te Hepetema 2018, i whakatūria te RMWG hei waihanga i tētahi rautaki ahumahi mā te rāngai Ara Reo Māori. I kapi mai i te rōpū nei ētahi māngai nō Te Rūnanga Nui me Ngā Kura ā-Iwi, engari i whai wāhi mai hoki ko tētahi horanga kiripānga kē atu nō waho atu o te taiao mātauranga Ara Kaupapa Māori, pēnei i a Te Akatea me te Kaunihera Kaiako o Aotearoa. I kōwhiri te RMWG kia aro tāna rautaki ki ngā kaiwhakarato mātauranga rumaki mō te Taumata 1. I te Noema 2019, i whakauru atu te RMWG i tētahi whāinga rongohua i tāna rautaki ahumahi kia eke ki te 30 ōrau te nui o ngā ākonga Māori e whai ana i te rumaki Taumata 1 hei te tau 2032.<sup>73</sup> Ka aro i a mātou ahakoa i whai wāhi atu te kaitono i te wāhanga tuatahi o te waihanganga mai o tēnei whāinga mō te rautaki ahumahi, e kaha ana rātou ki te kī ake ehara i te mea mā tēnei whai wāhitanga e pai ai a Te Rūnanga Nui ki tēnei whāinga hei tūāpapa mō te mahere kaupapa here i whakatakatoria ai i te Pepa Kāhui Minita o Hepetema 2021 (tirohia te wāhanga 5.2.1 kei runga ake).

70. Kōrero taunaki a Jackson rāua ko Schöllmann (doc B28), p 22

71. Kōrero taunaki a Iona Holsted, 5 May 2023 (doc B29), p 22

72. Kōrero taunaki a Jackson rāua ko Schöllmann (doc B28), p 22

73. Ministry of Education, ‘Briefing Note: Rāngai Māori Workforce Group aspirational goal’, 21 February 2020 (Rōia Karauna, supporting documents (doc B30), p 1230); Kōrero taunaki a Jackson rāua ko Schöllmann (doc B28), pp 15–16

### 5.4.2 Ngā mahi kaupapa here i oti tōmua mai ki te whakapakari i te mātauranga Māori i te tau 2020 ki te Hūrae 2021

I te wāhanga 4.3.2.4, i matapakī mātou i te āhua o tā te Karauna urupare ki te pūrongo a te Rōpū Mahi Motuhake mā te whakapuaki i tōna takune ki te whakapakari i te huarahi Ara Reo Māori i te Noema 2019. I tohutohu te Kāhui Minita i ngā kaimahi Tāhuhu kia whakahoki kōrero mai i te Hune 2020 me tētahi mahere ki te kōkiri, ki te whakapakari hoki i te huarahi Ara Reo Māori, tae atu rā ki te hātepe hui tahi ki te Māori.<sup>74</sup> E ai ki ngā kaiwhāki Karauna nā te horanga o te urutā Kōwheori i te tau 2020 i tika rā tā te Tāhuhu tauri i tāna aro ki ngā take e hāngai ana ki te urupare Kōwheori.<sup>75</sup> Kāore te Tāhuhu i tuku i te mahere i te Hune 2020. Aua atu rā, i kōkiritia ngā mahi kaupapa here auau i roto i te Tāhuhu i te roanga o te tau 2020 me te haurua tuatahi o te tau 2021 i whai wāhi atu rā ki te Pepa Kāhui Minita o Hepetema 2021 i te mutunga iho. I tēnei wāhanga, ka whai mātou i ēnei mahi tōmua nei, ā, ka whakarārangi hoki i ngā āhuatanga i whakamōhiotia ai e te Tāhuhu ki Te Rūnanga Nui i tēnei wā.

#### 5.4.2.1 Pēpuere ki te Hūrae 2020: Te tikitanga atu me te whakawhānuitanga ake o te whāinga Rāngai Māori

Nō muri mai i te otinga o te Rāngai Māori Workforce Strategy i te Noema 2019, i tīmata ngā āpiha o te Tāhuhu i ā rātou mahi tātari i te whāinga me te whakatau i ngā pānga ka hua pea ki ngā putanga kaupapa here, ki te whakaaetia.<sup>76</sup> I te 21 Pēpuere 2020, i whakatakoto ngā āpiha Tāhuhu i tētahi pepa ki a Minita Tuarua Davis, e tātari ana i te āheinga o te whāinga.<sup>77</sup> I marohi te Tāhuhu kia whakawhānuihia te whāinga kia uru mai te rumaki reo Taumata 2 e ngāwari ake ai te whakatutuki i te whāinga, engari i tohutohu ka whakamōreatia pea te taumata o ngā tikanga Māori me te reo Māori ka whakaakona.<sup>78</sup> I te 24 Pēpuere 2020, i marohi te Minita Tuarua kia whakatewhatewhangia ngā hiraunga o te whakawhānui i te whāinga mai i te 2032 ki te 2040, engari kāore i whakaae kia uru mai te rumaki reo ki te whāinga.<sup>79</sup>

I whakamōhio ngā āpiha i te Minita Tuarua ki ngā mahi whakawhānake i tētahi mahere whatunga ā-motu mā te mātauranga Ara Reo Māori, ka tautoko i te āheinga o te whāinga Rāngai Māori.<sup>80</sup> He mahi kaupapa here whakarara te Mahere

74. Office of the Minister of Education, 'Reform of the Tomorrow's Schools system – Paper 1 – proposed Government position', 11 September 2019, p [26] (Rōia Karauna, supporting documents (doc B30), p1075)

75. Kōrero taunaki a Bean rāua ko Nathan (doc B31), p19

76. Kōrero taunaki a Jackson rāua ko Schöllmann (doc B28), pp15–16

77. Ministry of Education, 'Rāngai Māori Workforce Group aspirational goal' (Rōia Karauna, supporting documents (doc B30), p1227)

78. Ministry of Education, 'Rāngai Māori Workforce Group aspirational goal' (Rōia Karauna, supporting documents (doc B30), p1227)

79. Kōrero taunaki a Jackson rāua ko Schöllmann (doc B28), pp16–17; Ministry of Education, 'Education Report: Work programme to strengthen the Māori medium education pathway', 28 July 2020 (Rōia Karauna, supporting documents (doc B30), pp1338–1339)

80. Ministry of Education, 'Rāngai Māori Workforce Group aspirational goal' (Rōia Karauna, supporting documents (doc B30), p1234)

Whatunga Ara Reo Māori ki te Pepa Kāhui Minita o Hepetema 2021 i hua rā i te mutunga iho hei putunga pārongo e kīia ana ko ‘Te Tira Hou’ i whakaputaina i te Āperira 2021 e whakaatu ana i te rerekētanga i waenganui i te raukaha whatunga ara reo Māori me whai e kōkiritia ai te whāinga Rāngai Māori.<sup>81</sup> Kāore mātou e āta matapaki i tēnei huarahi kaupapa here i tēnei upoko, hāunga ia te whakapuaki i ētahi horopaki i mahi tahi ai a Te Rūnanga Nui ki te Tāhuhu mō ōna anō whāinga whakamahere whatunga mā te Kura Kaupapa Māori. Heoi anō, e whakapae nei mātou me āta whakapuaki i tētahi horopaki hirahira o te pōhēhē i pahure ake mō tēnei huarahi kaupapa here – inā rā, kāore e kore i whai pānga atu ki te tupu haeretanga o te whakapono iti i waenganui i te kaitono me te Tāhuhu i tēnei wā. I te 29 Āperira 2020, i tuhi a Campbell ki a Tākuta Bean ki te whakamōhio atu i te kohuki nui o Te Rūnanga Nui ki te ako i te whai te Tāhuhu kia whakahaerehia he arotake whatunga o ngā kura katoa, i whakapono rā ia ka hua pea ko te whenumitanga rānei, ko te katinga rānei o ngā kura.<sup>82</sup> I kī rā a Tākuta Bean ki a Campbell i te pōhehe ia, kāore te Tāhuhu i te whakahaere i tētahi arotake whatunga – engari kē i te whai kia whakawhanakehia te Mahere Whatunga Ara Reo Māori.<sup>83</sup> I kī a Tākuta Bean ka āwhina tēnei mahere ki te whakamōhio i ngā mahi mō te whāinga Rāngai Māori – otirā, i takune rā te Tāhuhu kia āta mahi tahi ki Te Rūnanga Nui i ēnei mahi. Heoi anō, kāore a Tākuta Bean i whakamōhio atu ki Campbell i tēnei wā i te whakaaro te Tāhuhu kia nekehia te whāinga Rāngai Māori i te tau 2032 ki te tau 2040.<sup>84</sup>

I te 28 Hūrae 2020, i kōrero ngā āpiha Tāhuhu ki a Minita Tuarua Davis mō ngā mahi i oti mō te hōtaka ki te whakapakari i te ara mātauranga reo Māori. I tātaritia anō e ngā āpiha te whāinga Rāngai Māori, ā, i tohutohu rā ka ngāwari ake ki te whakatutuki i te whāinga 2040 engari ka mate tonu ki te whakangao nui ki te hanganga. I whakaae a Minita Tuarua Davis me haere tonu ngā mahi a ngā kaimahi Tāhuhu ki te whakawhanake i tētahi mahere ōhanga e tutuki ai te whāinga 2040.<sup>85</sup> Mātuatua rā, i mau i te pepa i te mahi tahi te Tāhuhu mā te kōrero tonu ki te Toi Rangapū Kaupapa Māori Ara Reo Māori (tae atu rā ki Te Rūnanga Nui) mō te whakapakaritanga o te ara reo Māori.<sup>86</sup> He mea nui hoki tā te pepa āta whakatakoto i te kanorautanga i roto i te tautuhinga mātauranga Ara Reo Māori a te Tāhuhu:

---

81. Kōrero taunaki a Bean rāua ko Nathan (doc B31), p18; Ministry of Education, ‘Te Tira Hou – Māori Medium Education Network Information Pack: Level 1 Te Reo Māori Provision to 2040’, 1 April 2021 (Rōia Karauna, supporting documents (doc B30), pp1487–1573); Kōrero taunaki a Campbell (doc A5), p21

82. Hohepa Campbell to Daryn Bean, 29 April 2020, p2 (Rōia Karauna, supporting documents (doc B30), p1273)

83. Daryn Bean to Hohepa Campbell, 30 April 2020, pp1–2 (Rōia Karauna, supporting documents (doc B30), pp1272–1273)

84. Bean to Campbell, pp1–2 (Rōia Karauna, supporting documents (doc B30), pp1272–1273)

85. Ministry of Education, ‘Work programme to strengthen the Māori medium education pathway’ (Rōia Karauna, supporting documents (doc B30), pp1336–1337, 1339)

86. Ministry of Education, ‘Work programme to strengthen the Māori medium education pathway’ (Rōia Karauna, supporting documents (doc B30), p1339)

[t]here is significant diversity of Māori Medium delivery, from kura kaupapa Māori affiliated to Te Rūnanga Nui, kura affiliated to Ngā Kura-a-Iwi, kura motuhake that don't affiliate to any peak bodies, to where Māori Medium provision is carried out in a different setting, such as rumaki units in English medium schools. This reinforces the importance of getting the MME Network Plan right to inform appropriate investment and resourcing in this area.<sup>87</sup>

#### 5.4.2.2 *Ka whakarite a Te Rūnanga Nui i tāna anō mahere whatunga 30-tau*

I te 16 me te 17 Hepetema 2020, i whakahaerehia e Te Rūnanga Nui he hui e rua rā te roa ki a Nathan me ētahi atu āpiha Tāhuhu tokorima ki te matapaki i te pitomata o tētahi mahere whanake 30-tau mā te Kura Kaupapa Māori. I whakapuaki a Te Rūnanga Nui i tōna hiahia ki te kōrero tahi ki te Tāhuhu nō te oroko tīmatanga o tētahi kaupapa, hei hoa Tiriti, otirā ia kia noho mai ko te Tiriti tonu hei tūāpapa.<sup>88</sup> Ko te āhua ia i whakamōhio atu te Tāhuhu ki a Te Rūnanga Nui i whanake ia i tētahi Mahere Matapae Umanga mō te whanaketanga o te mātauranga Ara Reo Māori (e whakapae ana ko te mahere ōhanga i tohutohua rā e Minita Tuarua Davis i te Hūrae 2020).<sup>89</sup> I whakamōhio hoki pea te Tāhuhu i a Te Rūnanga Nui i te whai ia i tētahi rangi ā te tau 2040 mō te whāinga Rāngai Māori, engari kāore tēnei i āta whakatakotoria i ngā taunakitanga.<sup>90</sup>

Mō te wāhi ki te mahere whatunga, i tohutohu a Te Rūnanga Nui i tōna anō hiahia ki te whakawhanake i tāna anō mahere whatunga 30-tau mō te Kura Kaupapa.<sup>91</sup> I roto i te Tāhuhu, i reira te tautoko mō Te Rūnanga Nui ki te whakawhanake i tētahi mahere whanake 30-tau e hāngai pū ana ki te Kura Kaupapa Māori. I whakarite ngā āpiha i tētahi manatu e whakarārangi mai ana i ētahi kauneketanga tōmua ka taea e rātou ki te tautoko i te whakawhanaketanga o tētahi mahere ōhanga mō te mahere, ā, i whakatakoto hoki i ētahi mahi kaupapa here i whakapaetia rā e hāngai ana.<sup>92</sup> I te haerenga o te hui, i aro i ngā āpiha i te whai rā kia whakatawhiti anō te Tāhuhu i te kupu mātauranga Ara Reo Māori ki ētahi tautuhinga ka whakaata i te kanorautanga i roto i te rāngai mā tāna Mahere Whatunga Ara Reo Māori.<sup>93</sup> I te 10 Tihema 2020, i kōrero anō ngā kaimahi Tāhuhu ki a Minita Tuarua Davis mō ngā kōrero hou e pā ana ki ngā mahi o te Mahere Whatunga Ara Reo Māori, me

87. Ministry of Education, 'Work programme to strengthen the Māori medium education pathway' (Rōia Karauna, supporting documents (doc B30), p1341)

88. Meeting Minutes for the Te Rūnanga Nui o ngā Kura Kaupapa Māori Rautaki Hui 16 & 17 Mahuru 2020, 16 September 2020 (Rōia Karauna, supporting documents (doc B30), p1383)

89. Meeting Minutes for the Te Rūnanga Nui Hui (Rōia Karauna, supporting documents (doc B30), p1379)

90. Ministry of Education, 'Briefing Note: Meetings with Māori Medium Education Peak Bodies on Growing the Educational Pathway for Māori', 28 July 2020 (Rōia Karauna, supporting documents (doc B30), p1322)

91. Meeting Minutes for the Te Rūnanga Nui Hui (Rōia Karauna, supporting documents (doc B30), p1383)

92. Meeting Minutes for the Te Rūnanga Nui Hui (Rōia Karauna, supporting documents (doc B30), pp1385–1386)

93. Meeting Minutes for the Te Rūnanga Nui Hui (Rōia Karauna, supporting documents (doc B30), p1383)

te whakamōhio anō i tohutohu Te Rūnanga Nui ki te Tāhuhu ka hinga kē ia ki te whakawhanake i tāna anō rautaki whatunga 30-tau, tēnā i te aronga ki ngā tau tekau tuatahi o te Mahere Whatunga Ara Reo Māori ā-Motu. I aro hoki i te pepa i tū he hui e aro ki ngā putanga e rua.<sup>94</sup>

I te haerenga o ā mātou whakawākanga, i kōrero mai te kaitono ki a mātou mō ō rātou wheako i te hui i tū i te 16 me te 17 Hepetema 2020. E ai ki a Campbell i wehe pōnānā atu a Te Rūnanga Nui i te korenga o ngā āpiha i tae atu i mārāma ki te kaupapa o Te Rūnanga Nui.<sup>95</sup> Ko tōna wheako o taua hui, ko te matenui o te Tāhuhu ki te whenumi i a rātou ki tāna anō mahere mahi o nāianeī<sup>96</sup> ahakoa te takune o Te Rūnanga Nui ki te aro ki te Tauākī Kawa me te Tāhuhu, tae atu rā ki te whakawhanaketanga o tētahi mahere pae-tawhiti. Ka haere ngā mahi a Te Rūnanga Nui ki te whakawhanake i ngā mahi mō tāna rautaki 30-tau tae rawa ki te Maehe 2022.<sup>97</sup>

I muri i tēnei huinga, ka tuhi a Maika ki te Tāhuhu mō ngā taupā ā-kaupapa here ki tētahi mahere whatunga pai mā te Kura Kaupapa Māori, tae atu rā ki te hiahia ki tētahi kaupapa here me tētahi hātepe tōkeke ki te whakatū kura hou mō te kura kaupapa Māori me te mea nei hoki kāore ngā mahere auraki mohoa pēnei i te National Education Growth Plan 2030 me te School Property Strategy 2030 e whakaaro ki ngā tūmanako o ngā whanau o te Kura Kaupapa Māori ki te whakatū kura.<sup>98</sup> I te mutunga iho, kāore he taunakitanga o ētahi mahi kaupapa here hirahira ki te whakatinana i te rautaki 30-tau a Te Rūnanga Nui. E ai ki a Campbell, i muri i te hui i whai tonu a Te Rūnanga Nui kia kimi arawātea ki te kōrero i te mahere whatunga ki te Tāhuhu engari kāore i tautokona, kāore hoki i tuku pārongo whai take ki a rātou.<sup>99</sup> Heoi anō, i tohu te Karauna ki te Rōpū Whakamana, nō te wā o ngā whakawākanga, i tae te rautaki ki a ia, otirā ia i te kōkiri tonu i tēnei wāhanga o te mahi ka whai ake.<sup>100</sup>

### 5.4.2.3 Te tātaritanga a te Tāhuhu o ngā tūmanako a Te Rūnanga Nui

I te 25 Noema 2020, i whakaritea he manatu mā te Poari Kāwana Ara Reo Māori (he rōpū o ngā āpiha Tāhuhu e whakahaere ana i ngā mahi kaupapa here i te taiao mātauranga Ara Reo Māori), hei tātari i ngā tūmanako o te kaitono ki te panonitanga. I whakatakotoria i te pepa e kimi ana a Te Rūnanga Nui i tētahi ara

94. Ministry of Education, 'Briefing Note: Update on Māori Medium Network Plan', 10 December 2020, p 4 (Rōia Karauna, supporting documents (doc B30), p 1415); 'MoE and TRN Hui – Oral Report 2021', 31 May 2021 (Rōia Karauna, supporting documents (doc B30), p 1608)

95. Kōrero taunaki a Campbell (doc A5), p 20

96. Kōrero taunaki a Hohepa Campbell, 26 April 2023 (doc B12), p 21

97. Te Rūnanga Nui to Ministry of Education, 'Outcome Agreement Report 4 -Te Rūnanga Nui o Ngā Kura Kaupapa Māori Annual Report for the period ending 31 December 2020', 31 January 2021, p 6 (Rōia Karauna, supporting documents (doc B30), p 1454); Te Rūnanga Nui to Ministry of Education, 'Te Rūnanga Nui o Ngā Kura Kaupapa Māori Annual Report for the period ending 31 December 2022' (Rōia Karauna, supporting documents (doc B30), p 1896)

98. Te Rūnanga Nui o ngā Kura Kaupapa Māori o Aotearoa 15 & 16 September 2020 meeting with Ministry of Education (Rōia Karauna, supporting documents (doc B30), p 1387)

99. Kōrero taunaki a Campbell (doc B12), p 22

100. Kōrero taunaki a Bean rāua ko Nathan (doc B31), p 19

whakarara mō ngā Kura Kaupapa Māori Te Aho Matua hei kōwhiringa ako motuhake. Kāore kē i te kimi i tētahi ara whakarara mātauranga rumaki reo whānui.<sup>101</sup> I aro rā he horanga kōwhiringa hei hōrapatanga e hua ai he ara whakarara, me ētahi taumata huhua o te tuku i te mana whakatau, engari mā te whakarite i tētahi ara whakarara e hua ai pea ētahi tonono ōrite a rōpū kē atu, pēnei i ngā iwi.<sup>102</sup> I tohutohu te pepa mā te tuku mana whakatau e nui ake ai te tino rangatiratanga, e taunaki ana i te Karauna ki te hiki i ōna haepapa Tiriti, me te whakapakari hoki i te whanaungatanga i waenganui i te Karauna me te Māori.<sup>103</sup> I aro rā hoki, i te āhua o tā ngā whakatau me ngā taumahi tuku mahi, ka panoni nuitia te hanganga o te hātepe mātauranga e tētahi ara whakarara, me te wheako o te rāngai hauora ki te whakatinana i te tūtohunga o te pūrongo *Hauora* ki tētahi Manatū Hauora Māori ki te whakatauiria i ngā mahi anamata i te taiaro mātauranga Māori.<sup>104</sup> I whakatakoto rā hoki i whakatau a te Kāhui Minita 2019 ki te whakapakari i ngā huarahi Ara Reo Māori whānui, tēnā i te whai kōwhiringa ara whakarara.<sup>105</sup> I tūtohu te pepa kia oti i te Poari Kāwana ētahi mahi hurahura ki te whakamātau i te ariā o tētahi ara whakarara ki te Minita me te Minita Tuarua.<sup>106</sup>

I kōrero hoki te pepa mō ngā māharahara e pā ana ki te whakaurunga o te Kura Kaupapa Māori ki te tautuhinga mātauranga Ara Reo Māori hei take tapanga kupu. I aro i te pepa kāore a Te Rūnanga Nui i pīrangī kia whakawhenumitia atu te Kura Kaupapa Māori ki ētahi atu kaiwhakarato i te mātauranga rumaki reo Māori hei wāhanga o te tautuhinga mohoa o te “Ara Reo Māori” engari kē ia i tonono kia whakamanahia hei kōwhiringa mātauranga taketake motuhake.<sup>107</sup> I kōrero ngā āpiha Tāhuhu mō te hāngai o tēnei hiahia ki ngā putanga e manakohia ana i whakatakotoria ki Ka Hikitia. I ō rātou anō kupu, mā te panonitanga nei e taea ai e te Tāhuhu ngā hiahia ā-pūtea motuhake mō te Kura Kaupapa Māori, me te tautoko hoki i te rangatiratanga mā te tuku i Te Rūnanga Nui ki te whakatau i te whakapuakanga o te Karauna i tō rātou kōwhiringa kura.<sup>108</sup> I tohutohu hoki te pepa:

---

101. Ministry of Education, ‘Analysis of Te Rūnanga Nui o Ngā Kura Kaupapa Māori aspirations for change in our schooling system using the Ka Hikitia framework’, 25 November 2020 (Rōia Karauna, supporting documents (doc B30), pp 1391–1392)

102. Ministry of Education, ‘Analysis of Te Rūnanga Nui aspirations for change’ (Rōia Karauna, supporting documents (doc B30), p 1392)

103. Ministry of Education, ‘Analysis of Te Rūnanga Nui aspirations for change’ (Rōia Karauna, supporting documents (doc B30), p 1392)

104. Ministry of Education, ‘Analysis of Te Rūnanga Nui aspirations for change’ (Rōia Karauna, supporting documents (doc B30), pp 1392, 1403)

105. Ministry of Education, ‘Analysis of Te Rūnanga Nui aspirations for change’ (Rōia Karauna, supporting documents (doc B30), p 1392)

106. Ministry of Education, ‘Analysis of Te Rūnanga Nui aspirations for change’ (Rōia Karauna, supporting documents (doc B30), p 1392)

107. Ministry of Education, ‘Analysis of Te Rūnanga Nui aspirations for change’ (Rōia Karauna, supporting documents (doc B30), p 1392)

108. Ministry of Education, ‘Analysis of Te Rūnanga Nui aspirations for change’ (Rōia Karauna, supporting documents (doc B30), p 1392)



[m]oving away from the umbrella term ‘Māori Medium’ will help our education system to better respond to the needs of different Māori groups in the contexts of their preferred learning approaches and philosophies (for example it will help us to better differentiate between the needs of Kura Kaupapa Māori Te Aho Matua, Kura ā Iwi, other iwi affiliated Kura, Rumaki units etc).<sup>109</sup>

I kitea hoki i te pepa kua toka kē te kupu i ngā kaupapa pūtea, pūrongo, kohi rauranga me te whanaketanga kaupapa here a te Tāhuhu, me te aha, ki te panonihia me panoni rawa atu, otirā ka nui te utu, ka nui hoki te wā ka whakapaua.<sup>110</sup> Ko tētahi tūtohunga e whai pānga ana ko te mahi whakaroherohe e marama ai ki ngā pānga o te whakahou i te tautuhinga o te “Ara Reo Māori” me whai hei wāhanga o ngā mahi whakaroherohe mātāmua e pā ana ki tētahi ara whakarara, ki ētahi ara rānei mō te mātauranga rumaki reo Māori.<sup>111</sup>

Nā te hātepe taunakitanga o tēnei pakirehua, i kite ai te kaitono i te manatu nei. I whakamōhio mai rātou kāore rātou i mōhio ki ētahi mahi i oti ki te whakatātare rānei, ki te hurahura rānei i ētahi kōwhiringa mō te tūmanako o Te Rūnanga Nui ki tētahi ara whakarara, i tūtohua rā e te manatu.<sup>112</sup> E ai ki tō mātou mōhio, kāore ēnei mahi hurahura i kōkirihiā ponotia e ai ki ngā taunakitanga kei mua i a mātou – ko te take pea, ko te mea, i te upoko o te tau 2021, i āta whakapuaki te Minita Tuarua i tōna hiahia kia noho whānui tonu te horanga o te hotaka mahi, ā, kia uru mai ko ngā ākongā Ara Reo Māori katoa, arā, ka matapakihia tērā i te wāhanga 5.4.2.6.<sup>113</sup>

I te 15 Tihema 2020, i tuku reta te Tāhuhu ki Te Rūnanga Nui e whakarārangi mai ana i tā te Tāhuhu mō ōna tūmanako, e ai ki te tātaritanga kei roto i te manatu o 25 Noema 2020. He pepa tēnei i tonoa e te kaitono i te Hepetema 2020.<sup>114</sup> Mātuaatua rā, i whāki atu te Tāhuhu i te hiahia o te kaitono ki tētahi ara whakarara mana motuhake mō te Kura Kaupapa Māori ake:

The Te Rūnanga Nui submissions on both the Tomorrow’s Schools Review and the Education and Training Bill consultation focussed on creating a parallel pathway for Kura Kaupapa Māori Te Aho Matua as a unique indigenous schooling option. We understand that you wish for more autonomy, self-determination and

109. Ministry of Education, ‘Analysis of Te Rūnanga Nui aspirations for change’ (Rōia Karauna, supporting documents (doc B30), pp 1392–1393)

110. Ministry of Education, ‘Analysis of Te Rūnanga Nui aspirations for change’ (Rōia Karauna, supporting documents (doc B30), p 1393)

111. Ministry of Education, ‘Analysis of Te Rūnanga Nui aspirations for change’ (Rōia Karauna, supporting documents (doc B30), p 1394)

112. Kōrero taunaki a Hohepa Campbell rāua ko Mahinarangi Maika, 17 April 2023 (doc B26), pp [17]–[18]

113. Māori Medium Governance Board Hui Notes, 3 March 2021 (Rōia Karauna, supporting documents (doc B30), p 1475)

114. Ben O’Meara to Hohepa Campbell, 15 December 2020 (Rōia Karauna, supporting documents (doc B30), p 1436)

decision-making powers so that Kura Kaupapa Māori Te Aho Matua can grow and flourish in its own right.<sup>115</sup>

I whakarārangi kē atu te manatu i ngā momo mana whakatau i te tono a Te Rūnanga Nui ki te whakahaere i tēnei ara whakarara, tae atu rā ki ngā whaka-haerenga kāwana mō te Kura Kaupapa Māori, ngā hātepe whakatū kura, te whakangungutanga me te tautoko kaiako, te whakawhanake marautanga, me te whakawhanake rauemi, puna tahua anō hoki.<sup>116</sup>

E mārāma ana te kite i tēnei reta i mōhio te Tāhuhu i te whai tonu te kaitono i tētahi ara whakarara mana motuhake mō te Kura Kaupapa Māori e rite ana ki tērā i tūtohua rā e te Rōpū Mahi Motuhake, engari kāore i whakaū i te whakatau i whakatauria kētia ai e te Karauna kia kaua e whāia tā te Tūtohunga 4(a) marohitanga mō tētahi rōpū kāwana mana motuhake. E kite nei mātou he take whakaharahara tēnei i ngā whakawhitinga i waenganui i te Karauna me te kaitono, ā, ka matapakihia whānuitia tērā i te wāhanga 5.6.1.1 kei raro iho.

#### **5.4.2.4 Ngā tono pārongo a Te Rūnanga Nui mō te ara whakarara**

Ka whakamahara mātou i te kaupānui mai i te tau 2020 ki te Hūrae 2021, i whakaponu Te Rūnanga Nui i takune rā te Karauna ki te whai i tētahi whakahaerenga motuhake mō te mātauranga Ara Kaupapa Māori.<sup>117</sup> I kī a Campbell i whirinaki a Te Rūnanga Nui ki te urupare o Noema 2019 me te whakaūnga o roto ki te whakatū i tētahi kāhui whakahaere mana motuhake i tēnei wā, and i hokihoki tonu ki te whakapuaki i te Tūtohunga 4(a) i ngā tāpaetanga me ngā horopaki huhua.<sup>118</sup> E ai ki a ia, i mahue noa a Te Rūnanga Nui ki te pōuriuri mō ngā marama e 18.<sup>119</sup> I tēnei wā, i mahara rā te kaitono ka whakatūria pea he Umanga Ratonga Mātauranga mō te mātauranga Ara Kaupapa Māori.<sup>120</sup> Heoi anō, i kī rā te kaitono he iti noa iho te kōrero i tae ki a rātou mō te mahi hei waihanga i tētahi Umanga Ratonga Mātauranga, ahakoa i tohu a Te Rūnanga Nui i tōna hiahia kia whai wāhi atu.<sup>121</sup> Pērā i tā mātou i matapaki ai i te wāhanga 4.3.2.5, i tuari te kaitono i tēnei tūmanako ki a Minita Tuarua Davis i te Tihema 2019.

I te Mei 2020, i hui a Holsted rāua ko Tākuta Bean ki te Toi Rangapū Kaupapa Māori mā te Huiata, ā, i tae atu hoki a Te Rūnanga Nui. E tika ana, he nui te kōrero e pā ana ki te urutā Kōwhēori. Heoi anō, i whakamārāma a Tākuta Dewes i ngā mōhiohio me ngā tūmanako o ērā i roto i te rāngai mātauranga Ara Reo Māori, otirā, kāore i mārāma, kāore i te Tāhuhu i whakarongo, i te whakatahangia kētia tō rātou tirohanga Kaupapa Māori, tō rātou tino rangatiratanga, ā, kāore tonu i

115. O'Meara to Campbell (Rōia Karauna, supporting documents (doc B30), pp 1437–1438)

116. O'Meara to Campbell (Rōia Karauna, supporting documents (doc B30), pp 1437–1438)

117. Kōrero taunaki a Cathy Dewes, 24 January 2022 (doc A8(a)), p 6

118. Kōrero taunaki a Campbell (doc A9), p [6]

119. Kōrero taunaki a Campbell (doc A9), p [15]

120. Kōrero taunaki a Maika (doc A4), p 9

121. Kōrero taunaki a Rawiri Wright (doc A2), p 7; Kōrero taunaki a Maika (doc A4), p 3

hua mai he hātepe e tiaki ana i te Kaupapa Māori.<sup>122</sup> I tētahi hui nō muri mai, i te hui a te Toi Rangapū Kaupapa Māori i te 9 Hūrae 2020, i uia a Tipene Chrisp (Kaiwhakahaere Matua mō te Mātauranga Māori ki Te Tāhuhu) mehemea ka noho mai ngā ara whakarara mō tētahi kaupapa whānui mā ngā rautaki mātauranga katoa. I whakautu a Chrisp ko Ka Hikitia me Tau Mai Te Reo ētahi rautaki ka wānanga i te whakapakaritanga o ngā Ara Reo Māori, engari kāore ia i tuku pārongo motuhake mō te urupare kaupapa here a te Karauna.<sup>123</sup>

I te hui o Hepetema 2020 e pā ana ki te rautaki 30-tau a Te Rūnanga Nui (i matapakihia i runga ake nei i te wāhanga 5.4.2.2), i pōhiri te kaitono i te Tāhuhu kia tuari i tā rātou mahere ki te whakatinana i te ara whakarara mā te Kura Kaupapa Māori, otirā, i tono pārongo mō te wāhi e noho ai a Te Rūnanga Nui i roto i te hanganga Umanga Ratonga Mātauranga.<sup>124</sup> Hei urupare, i whakamōhio atu ngā āpiha nō muri mai i te pūrongo a te Rōpū Mahi Motuhake, i tohutohua kia whakaarohia tētahi ara whakarara mō te mātauranga ara reo Māori. I pātai a Te Rūnanga Nui mehemea ka whai wāhi ētahi o ngā kiripānga mātauranga Māori matua ki te whakariterite i te ara whakarara mā te Kura Kaupapa Māori, otirā, i tono i ngā kōrero hou mō tērā mahi. I whakamōhio ngā āpiha nā te kainamutanga o te pōti nui i te tau 2020, i taua wā, kāore i te whāia ngā whakatau mō tēnei take pēnei i tētahi ara whakarara.<sup>125</sup> I tohutohu anō ngā āpiha Tāhuhu ka hui anō rātou ki te Māori ā tōna wā mō tēnei mahi, engari kāore anō tēnei kia whakatutukihia.<sup>126</sup>

I te hui Māori Toi Rangapū Kaupapa Māori i tū i te 3 Tihema 2020, i tono anō a Te Rūnanga Nui i ētahi pārongo mō te whakatinanatanga o te ara whakarara – i aro rā hoki ko ngā mahi kaupapa here i oti i auraki te āhua. E ai ki ngā tuhinga o te hui i tukuna mai, kāore ngā āpiha Tāhuhu i tae atu ki te hui i whakahoki kōrero ki tēnei tono.<sup>127</sup> I te hui o 10 Tihema 2020 i waenganui i te Tāhuhu me Te Rūnanga Nui, kāore hoki ngā āpiha i tuku pārongo anō mō te whanaketanga o te ara whakarara i mahara tonu rā te kaitono i te kōkiri tonutia e te Tāhuhu.<sup>128</sup> I te 31 Hanuere 2021, i tono anō a Te Rūnanga Nui ki te Tāhuhu kia whai wahi ki ngā mahi a ngā Umanga Ratonga Mātauranga, e kī ana kāore he pārongo i tukuna mō

---

122. Heather Maletino to Iona Holsted and Daryn Bean, 20 May 2020 (Rōia Karauna, supporting documents (doc B30), p1285)

123. Māori Education Peak Bodies Forum Zui Thursday 9 July 2020 draft summary notes, 9 July 2020 (Rōia Karauna, supporting documents (doc B30), p1317)

124. Meeting Minutes for the Te Rūnanga Nui Hui (Rōia Karauna, supporting documents (doc B30), pp1381, 1384)

125. Meeting Minutes for the Te Rūnanga Nui Hui (Rōia Karauna, supporting documents (doc B30), p1381)

126. Meeting Minutes for the Te Rūnanga Nui Hui (Rōia Karauna, supporting documents (doc B30), p1381)

127. Māori Education Peak Bodies Forum Hui 3 December 2020 summary notes, 3 December 2020 (Rōia Karauna, supporting documents (doc B30), p1410)

128. Minutes: Te Rūnanga Nui o Ngā Kura Kaupapa Māori & Te Tāhuhu Hui, 10 December 2020 (Rōia Karauna, supporting documents (doc B30), p1433)

te āhua ki te mahinga tahitanga a ngā Umanga Ratonga Mātauranga ki te Kura Kaupapa Māori.<sup>129</sup>

#### **5.4.2.5 Ka pātai te Rōpū Mahi Motuhake mō te urupare kaupapa here a te Kāwanatanga**

Ehara i te mea ko Te Rūnanga Nui anake i te tonono pārongo mō te mahi a te Tāhuhu ki te whakatinana i ngā whakaritenga mō tētahi ara mātauranga Ara Kaupapa Māori mana motuhake. I te 3 Pēpuere 2021, i tuhi te Rōpū Mahi Motuhake tonu ki a Minita Hipkins. I kī rā ki te Minita:

[o]ur recommendation for the establishment of an autonomous governance body to support Kaupapa Māori was identified in the government's response as a priority to be progressed in the next 18–24 months. We have no information about how this recommendation is being progressed and are keen to know more.<sup>130</sup>

He take mātuatua i whakapono rā te Rōpū Mahi Motuhake, nō muri i te pānuitanga o te urupare o Noema 2019 a te Karauna ki tāna pūrongo, i takune te Karauna ki te whai i tētahi whakahaere mana motuhake i tūtuhia rā i te Tūtuhunga 4(a). Ko te huanga tonu o tēnei whakaaro i a ia mō te urupare a te Karauna he kōrero nui mō te takarepa o tā te Karauna whakawhitiwhiti kōrero mō tōna takune tūturu e pā ana ki te whakahounga o Ngā Kura mō Āpōpō, ā, ka kitea tērā i te wāhanga 4.2.3 i runga ake hei takahanga o ngā mātāpono o Te Tiriti.

Nō muri mai i tētahi hui i te 11 Pēpuere 2021 ki a Minita Hipkins i ako anō rā ngā mema o te Rōpū Mahi Motuhake mō te urupare kaupapa here a te Karauna, i whakapuaki te Rōpū Mahi Motuhake i ōna mānakanaka ki tā Karauna mahi mō te Tūtuhunga 4(a). E ai ki te Rōpū Mahi Motuhake he 'ad hoc' te āhua o ngā mahi whakahou i Ngā Kura mō Āpōpō, otirā, i te whakararuraru i te whakapono o te rāngai i reira tētahi huarahi ki te whakatinana i ngā panonitanga i kī taurangitia ai i tā te Karauna urupare o Noema 2019. I kī atu te Rōpū Mahi Motuhake ki te Minita i te mānakanaka ia ki te iti, ki te korenga rānei o te kauneketanga ki te whakatū i tētahi whakahaerenga mana motuhake. I aro i te Rōpū Mahi Motuhake ahakoa ko ōna takune i kaphia e te Ara Reo Māori i roto i te wairua pai, kia kaua tērā e āki i te tupu haeretanga o ngā horopaki Kaupapa Māori, otirā, me whakatinana mai te kāhui whakahaere a mana motuhake.<sup>131</sup>

I te 6 Āperira 2021, i whakautu a Minita Hipkins i te reta a Haque. I kī rā ia i te ngākau titikaha te Karauna ki te whakatinana i ngā whakahounga i whakaetia rā i te pepa Urupare Kāwanatanga 2019.<sup>132</sup> Ko tētahi wāhanga o tēnei urupare ko

129. Te Rūnanga Nui to Ministry of Education, 'Outcome Agreement Report 4 – Te Rūnanga Nui o Ngā Kura Kaupapa Māori Annual Report' (Rōia Karauna, supporting documents (doc B30), p 1454)

130. Correspondence Between the Tomorrow's Schools Independent Taskforce and the Minister of Education, 2021 (doc 6.2.2), p [2]

131. Correspondence Between the Tomorrow's Schools Independent Taskforce and the Minister of Education (doc 6.2.2), pp [5]–[6]

132. Chris Hipkins to Bali Haque, 6 April 2021 (Rōia Karauna, supporting documents (doc B30), p1574)

te whai wāhitanga o te whakatūnga mai o tētahi Umanga Ratonga Mātauranga, i whakatakina i te 8 Maehe 2021.<sup>133</sup> Kia huri ki te Tūtohunga 4(a), i whakamārama te Minita i tā te Kāhui Minita whakatau mō te urupare Karauna ki te aro ki te whakapakaritanga o te Ara Reo Māori.<sup>134</sup> Kāore te Minita i āta ki i te whakatangia te tūtohunga kia whakaaranga he whakahaerenga mātauranga mātauranga Ara Kaupapa Māori mana motuhake i roto i te Tūtohunga 4(a), engari kē ia i waiho kē kia hīkarotia te hīraunga. Ka kitea anō rā, te korenga o te Karauna i āta whakamārama i tāna whakatau kia kaua e whakatinanahia te Tūtohunga 4(a), i tēnei horopaki, ki te Rōpū Mahi Motuhake tonu.

#### **5.4.2.6 Ka whakaū te Tāhuhu i tōna tūranga mō Tūtohunga 4(a) ki te kaitono**

E ai ki ngā pepa i mua i mātou, ko te āhua ia i akiaki pea te whakawhitinga kōrero o te Pēpuere 2021 nō te Rōpū Mahi Motuhake i te Tāhuhu ki te whakaaroaro i te āhua o tāna mahi tahi ki Te Rūnanga Nui mō te urupare kaupapa here ki te Tūtohunga 4(a). I te 4 Maehe 2021, i whakarite ngā kaimahi Tāhuhu i tētahi imēra rāroto e whakarārangi ana i te urupare a te Karauna, e mau ana i ngā kupu 'kaunake kē atu' i whakamahia rā i te pepa Kāhui Minita o Hepetema 2019 (tirohia tā mātou matapakinga mō tēnei pepa Kāhui Minita i te wāhanga 4.3.2.3).<sup>135</sup> I whakahoki a Chrisp i tino mārāma a Te Rūnanga Nui – ko te tikanga o tōna tūmanako mō tētahi ara whakarara Kaupapa Māori he whakaahuatanga o tētahi momo whakahaerenga mana motuhake. I whakamōhio mai ia i te urupare a te Karauna ki te whakapakari i tētahi ara Ara Reo Māori ka whakaurua atu ētahi o ēnei hanga kupu engari kāore i mau ko te tikanga kei muri o tētahi whakahaerenga mana motuhake.<sup>136</sup> E aro nei i a mātou e hāngai ana tēnei ki tā mātou tātaritanga o te urupare a te Karauna (tirohia te wāhanga 4.3.3.2 i runga ake).

I whakawhānui a Chrisp i tāna imēra i te tau me te hāwhe nō te urupare tūmatawhānui a te Karauna ki te pūrongo a te Rōpū Mahi Motuhake, i whakamāoritia e Te Rūnanga Nui te tikanga o te rerenga kōrero kia hua mai ko te whakahaerenga mana motuhake, ahakoa rā hei momo Umanga Ratonga Mātauranga rānei, hei momo whakahaerenga anō rānei.<sup>137</sup> I konei, ko te āhua ia i āta whakatoka ngā kaimahi Tāhuhu i te tauira o te whakawhitiwhiti kōrero i waenganui i te Karauna me te kaitono mō te tau me te hāwhe i whai i te urupare tūmatanui a te Karauna ki te pūrongo a te Rōpū Mahi Motuhake. I whakapono te kaitono he āheinga, otirā, he wāhanga te whakahaerenga mana motuhake o te kaupapa a Karauna, ahakoa he whakahaerenga Umanga Ratonga Mātauranga te āhua, he momo whakahaerenga anō rānei. I matekiri hoki te kaitono i te pānuitanga o ngā whakawhitinga imēra nei i te wā i whakawāteahia ki a ia mā te hātepe taunakitanga a tēnei Rōpū Whakamana – ki a rātou, i āta whakakitea atu

133. Hipkins to Haque (Rōia Karauna, supporting documents (doc B30), p1574)

134. Hipkins to Haque (Rōia Karauna, supporting documents (doc B30), pp 1574–1575)

135. Jolanda Meijer to Andrea Schöllmann, 4 March 2021 (Campbell, supporting documents (doc A11(a)), p18)

136. Tipene Chrisp to Jolanda Meijer and Andrea Schöllmann, 4 March 2021 (Campbell, supporting documents (doc A11(a)), p17)

137. Chrisp to Meijer and Schöllmann (Campbell, supporting documents (doc A11(a)), p17)

te takarepa o te maramatanga kei roto i te urupare a te Karauna ki te Rōpū Mahi Motuhake Kura mō Āpōpō.<sup>138</sup>

I te 12 Maehe 2021, i imēra a Holsted i Te Rūnanga Nui ki te whakamōhio atu kua timata ngā mahi tohutohu ki te Tāhuhu mō te whakatūnga o tētahi whakahaerenga ā-motu e kiia nei ko te Umanga Ratonga Mātauranga (ESA), hei urupare ki tētahi atu o ngā tūtohunga whānui a te Rōpū Mahi Motuhake, kāore e āta mata-pakina i tā mātou pūrongo.<sup>139</sup> He pānga tō tēnei tūtohunga ki ngā ākonga katoa – ehara i te whakahaerenga tūtahi mō te mātauranga mātauranga Ara Kaupapa Māori pērā i tērā i tūtohua rā i te Tūtohunga 4(a). I āta whakamārama a Holsted ehara te tūtohunga nei i te tauira o te ESA, ka mutu, i takune rā te Tāhuhu ki te mahi tahi ki Te Rūnanga Nui mō te kaupapa nei.<sup>140</sup> I te 15 Maehe 2021, i whakautu a Te Rūnanga Nui i te imēra a Holsted, e aro ana ki te whakapuakanga a te Rōpū Mahi Motuhake, kua kore i taea ngā haepapa o te Kāwanatanga te whakatutuki i raro i te Tiriti o Waitangi me te kore i whakarite ara whakarara Kaupapa Māori.<sup>141</sup> I whakahē a Te Rūnanga Nui i te tūtohu hukihuki a te ESA, ka mutu, i whakaū ia i te korenga ōna i whakauru i tētahi whai wāhitanga mō tētahi ara whakarara mana motuhake i auau te taunakitia e ia mā ngā whakahounga Kura mō Āpōpō. I kī atu te kaitono ki a Holsted i whai tonu te tūtohunga a te ESA kia noho puku, i whakaiti i te Kura Kaupapa Māori, waihoki, i rongo i te tino korenga ōna i roto.<sup>142</sup> I whakamārama mai a Rawiri Wright ki a mātou tōna āhua ki te reta a Holsted, ka tuari mai hoki kāore Te Rūnanga Nui i matapaki i te tūtohunga ESA ki te Tāhuhu, ka mutu, ko taua mahi rā ko taua āhuatanga anō rā – kāore a ia i kite i ētahi whanaketanga pai mō te Kura Kaupapa Māori e ara ana i te tūtohunga nei.<sup>143</sup>

I te 8 Āperira 2021, i whakautu a Holsted i te Te Rūnanga Nui mō ōna mōhiohio ki te tūtohunga ESA. I whakamōhio atu ia kāore i whakaaetia e te Kāwanatanga ngā tūtohunga a te Rōpū Mahi Motuhake, waihoki, mō ētahi, i kōwhiri ki te whakatutuki i ngā takune e noho ana hei tūāpapa mō ētahi mahi kē tēnā i ērā i tūtohua e te Rōpū Mahi Motuhake.<sup>144</sup> I whakamārama ia ko te urupare a te Karauna ki te Tūtohunga 4(a), i whakaaetia e te Kāhui Minita i te tau 2019, ko te aro ki te whakapakari i te ara reo Māori me te tautoko i te urunga mai o te

138. Kōrero taunaki a Hohepa Campbell rāua ko Mahinarangi Maika, 17 April 2023 (doc B26), pp [17]–[18]

139. Ministry of Education, 'Establishing an Education Service Agency [working title only] within a Redesigned Ministry of Education: Overview of the Proposed Design', pp 1–4 (Campbell, supporting documents (doc A5(b)), pp 44–47)

140. Iona Holsted to Te Ururoa Flavell, Nepia Winiata, Angus Hartley, Hohepa Campbell, Rawiri Wright, Cathy Dewes, Watson Ohia and Arihia Stirling, 12 March 2021, pp 1–2 (Campbell, supporting documents (doc A5(b)), pp 42–43)

141. Cathy Dewes to Iona Holsted, 15 March 2021 (Campbell, supporting documents (doc A5(b)), p 37)

142. Dewes to Holsted (Campbell, supporting documents (doc A5(b)), p 38)

143. Kōrero taunaki a Rawiri Wright (doc A2), p 8

144. Iona Holsted to Cathy Dewes, 8 April 2021 (Rōia Karauna, supporting documents (doc B30), p 1595)

Māori/iwi ki te kāwanatanga ā-kura.<sup>145</sup> I whakapuaki ia i te pūrongo mātauranga o Hūrae 2020, ā, ka kī, i mārama tā Minita Davis kī me whai mana te Māori i te Mātauranga Māori me te mātauranga Ara Reo Māori.<sup>146</sup> I whakapuaki hoki ia i te hui e kainamu ana ki ngā mema o Te Matakahuki mō te reo Māori me ngā ara mātauranga mātauranga Māori/Taketake, ka mutu, i whakamōhio atu hoki i te hikaka ia ki te whakarongo me te kōrero tahi i te wā e tika ana mō tā te Tāhuhu tautoko i te mana o te Māori me te whāinga o tētahi whakakitenga mō te katoa.<sup>147</sup> I whakamārama ia he tūtuhunga te ESA mō te hanganga o tētahi tari kāwanatanga nō reira ka pai ake tāna whakatutuki i tōna tūranga kāwantanga, otirā, i pīrangī ia ki te mahi tahi ki Te Rūnanga Nui hei te whakanake haeretanga o ngā kōiriiri o te tūtuhunga ESA.<sup>148</sup>

I whakamōhio mai a Campbell ki a mātou ko tēnei reta a Holsted te tauāki mārama kotahi i tae ki Te Rūnanga Nui, tae rawa ki te Āperira 2021, e kī ana ko ngā tūtuhunga a te Rōpū Mahi Motuhake kāore e whai wāhi mai ahakoa tōna hanga.<sup>149</sup> Kāore hoki Te Rūnanga Nui i mōhio mō te pūrongo i tukuna ki te Minita i te Hūrae 2020 i whakapuakina e Ms Holsted, waihoki, kāore rā i paku mōhio ki ngā mahi a te Tāhuhu.<sup>150</sup> I te matekiri ia i tukuna te pūrongo ki te Minita me te korenga o Te Rūnanga Nui i whai wāhi atu, ahakoa ngā tono pārongo a te kaitono mō ngā mahi kaupapa here i te roanga o te tau 2020.<sup>151</sup> I kī a Tākuta Dewes he rongou hou ki Te Rūnanga Nui i te kōkiri Te Tāhuhu i ngā mahi kaupapa here ki te whakapakari i te ara whakarara Ara Reo Māori whānui, tēnā i te whai i te Tūtuhunga 4(a), ā, i ngā marama i whai ake i tēnei whakawhitinga kōrero, i rite tonu te korenga o Te Rūnanga Nui i mōhio ki ngā mahi e kōkiritia ana e te Karauna.<sup>152</sup>

#### **5.4.2.7 Ngā mahi a te Karauna i te hāwhe tuatahi o te tau 2021 ki te whanake i tētahi mahere mahi whānui mō te Ara Reo Māori**

I te 3 Maehe 2021, i whakatū hui te Poari Kāwana Ara Reo Māori ki te kōrero i te ‘2021 MME Work Programme’. I ngā miniti o te hui i tohu rā a Minita Tuarua Davis he rohenga matapae o ngā taurira katoa i te ara, ahakoa te horopaki.<sup>153</sup> I whakapuaki ngā miniti o te hui i te hiahia ki te whakamārama i ngā tautuhinga o te mātauranga Ara Reo Māori, ā, ko te whakaaro mohoa kei te rumaki Taumata 1 me te Taumata 2. Ka tohu hoki ngā miniti i kōrero te Poari mō te whānuitanga o te hiahia o te Tāhuhu ki te tuku mana whakahaere i roto i te mahere mahi.<sup>154</sup> I mau

145. Holsted to Dewes (Rōia Karauna, supporting documents (doc B30), p1595)

146. Holsted to Dewes (Rōia Karauna, supporting documents (doc B30), p1595)

147. Holsted to Dewes (Rōia Karauna, supporting documents (doc B30), p1596)

148. Holsted to Dewes (Rōia Karauna, supporting documents (doc B30), p1596)

149. Kōrero taunaki a Campbell (doc B12), p 23

150. Kōrero taunaki a Campbell (doc B12), p 23

151. Kōrero taunaki a Mahinarangi Maika rāua ko Hohepa Campbell, 17 May 2023 (doc B34), p 6

152. Kōrero taunaki a Cathy Dewes, 13 April 2023 (doc B14), p13

153. Māori Medium Governance Board Hui Notes, 3 March 2021 (Rōia Karauna, supporting documents (doc B30), p1475)

154. Māori Medium Governance Board Hui Notes (Rōia Karauna, supporting documents (doc B30), pp1475–1476)

i ngā miniti te hiahia ki te tautoko i te Māori e whakawhanake ana i tā rātou ake mahere whatunga.<sup>155</sup>

I te 7 Āperira 2021, i hui anō te Poari Kāwana ki te kōrero mō te hōtaka mahi, me te aro hoki i tautohua ētahi pātai kaupapa here tūmau e whā ki te whakakikokiko i te hōtaka. I whakapuaki rā te Poari Kāwana ki te kore te Tāhuhu e whakatika i ngā take mō te horanga, ngā tūmanako mō tētahi ara Ara Reo Māori, te hoatanga whaihua, me te tāhonotanga i waenganui i te rangatiratanga me te kāwanatanga, ka rite tonu te puta i te horopaki o te kore i whakatutuki i ngā herenga o te Tiriti o Waitangi.<sup>156</sup> I mau hoki i te hui he rite tonu te kī a ngā whānau me ngā hapū ko te noho a te kaupapa Māori (mā te Māori, nā te Māori) i te mātauranga me te rangatiratanga tētahi take nui kia whai kōwhiringa pai ki te whakatutuki i ā rātou whāinga me ō rātou tūmanako, waihoki, mā te whai tonu i te mahi mā ara kē, e kore e hua te whanaketanga e tika ana.<sup>157</sup> I kī hoki te Poari me aro ia ki te mau-roatanga o te whanaungatanga me te mārakeraketanga ka hua mai i te whakaaro kotahi ki ngā putanga.<sup>158</sup>

I mau hoki i ngā miniti te aro a te Toi Rangapū Kaupapa Māori Ara Reo Māori ki te ‘whakawhanake i tō rātou anō ara’ mō te mātauranga mātauranga Ara Kaupapa Māori. Hei whakamārama ake, i te 3 Hune 2021 i whakatau te Toi Rangapū Kaupapa Māori ko te ‘whakapakari i te “kaupapa” Ara Reo Māori me noho mātāmua mai i roto i ā rātou mahi. I tautohu te Toi Rangapū i a Te Matakahuki hei kaiārahi mō te ara Kaupapa Maori.<sup>159</sup> I kī rā te Poari Kāwana i te kimi tautoko te Toi Rangapū Kaupapa Ara Reo Māori i roto i tēnei mahi, engari me tautoko hoki i ngā whare reorua me ngā whare rumaki, ā, me tautoko i ngā taurira me ngā whānau ki te whakatau ake.<sup>160</sup> I mau i te Poari Kāwana me whakamana te rohenga me ngā tautuhinga te kanorautanga o te reo Māori i ia horopaki me ngā tūmanako motuhake i ngā horopaki rerekē.<sup>161</sup> E ai ki te Poari, ko te whakamahi-nga o ngā kupu mātauranga Ara Reo Māori kua noho mai hei whakaahuatanga whakararuraru.<sup>162</sup> I aro hoki i te hui i te tono te Poari kia whakawhanakehia tētahi

---

155. Māori Medium Governance Board Hui Notes (Rōia Karauna, supporting documents (doc B30), p1476)

156. Agenda for the Māori Medium Governance Board: Discussions on the development of Te Ara Reo Māori – Māori Language Learning Pathways, 7 April 2021 (Rōia Karauna, supporting documents (doc B30), p1578)

157. Agenda for the Māori Medium Governance Board (Rōia Karauna, supporting documents (doc B30), p1582)

158. Agenda for the Māori Medium Governance Board (Rōia Karauna, supporting documents (doc B30), p1582)

159. Ministry of Education, ‘Briefing Note: Outcomes of Māori Education Peak Bodies Meeting 3 June 2021’, 21 June 2021 (Rōia Karauna, supporting documents (doc B30), p1612)

160. Agenda for the Māori Medium Governance Board (Rōia Karauna, supporting documents (doc B30), p1581)

161. Agenda for the Māori Medium Governance Board (Rōia Karauna, supporting documents (doc B30), p1579)

162. Agenda for the Māori Medium Governance Board (Rōia Karauna, supporting documents (doc B30), p1581)



puna kupu hei whakamahinga mā te Tāhuhu me te rāngai mātauranga whānui.<sup>163</sup> I whakarōpūtia tēnei tūtuhunga, i roto i ngā tāpirihanga ki te rārangi take, i te Kura Kaupapa Māori hei wāhanga o te ara ‘Tau Mai’ (arā, e 50 ōrau ki te rumaki reo Māori o runga ake nei), i te mutunga iho e whai tonu ana kia kaua e whakarerekē i te Kura Kaupapa Māori me ngā kaiwhakarato reo rumaki Māori pēnei i ngā whare reo rua i roto i ngā kura auraki.<sup>164</sup>

I tohu rā ētahi o ngā whakahokinga kōrero a ngā mema Poari me mau tonu ngā Toi Rangapū Kaupapa Māori i te mana tuhi o ēnei kupu – me whai wāhi mai ngā hoa takirua ki te āhua o tētahi reo whiu, ka waihangā takiruatia ki te Māori.<sup>165</sup> Ahakoa i whakaarāngia e ngā whakahokinga kōrero a te Poari te pitomata ki ētahi ara e rua – tētahi mō ngā kura Ara Reo Māori e whakakanohihia ana e ngā Toi Rangapū me tētahi mō ngā whare rumaki reo rua i ngā kura auraki – i aro hoki i roto i ngā ture ahunga whānui mō tētahi mahere mahi anamata, ko taua whakataua ehara mā te Karauna.<sup>166</sup>

I kōrero mai te kaitono ki a mātou mō tōna wheako o te whakawhitinga kōrero takarepa ki te Karauna i tēnei wā. I kī a Maika kāore te Tāhuhu i tuari tika i ngā pārongo whaitake me ngā whakataua kaupapa here e hāngai pū ana ki te Kura Kaupapa Māori ki Te Rūnanga Nui. E ai ki a ia i tino uaua ki Te Rūnanga Nui te whakataua he aha tā te Tāhuhu mahi, ngā mahi i te tūtuhua rānei e ia i te haeretanga ake o āna whakahounga Kura mō Āpōpō. I whakamōhio mai ia he rite tonu tā Te Rūnanga Nui mate ki te tono pārongo i raro i te Official Information Act 1981.<sup>167</sup> Ka aro i a mātou i tuku tonu te kaitono i te Hūrae 2021 mō tētahi kape o te pūrongo mātauranga o Hūrae 2020, me te aha, kāore i tae atu ki a ia.<sup>168</sup> E ai ki a Campbell ko te wheako o Te Rūnanga Nui i te roanga o te hātepe whakahou i Ngā Kura mō Āpōpō ko wairua whakataua tōmua ahakoa ngā tāpaetanga maha a te kaitono me te tūtuhunga a te Rōpū Mahi Motuhake mō tētahi ara whakarara mana motuhake mō te mātauranga mātauranga Ara Kaupapa Māori.<sup>169</sup>

### 5.4.3 Te whanaketanga o te Pepa Kāhui Minita o Hepetema 2021 nō te Hūrae 2021, haere ake

#### 5.4.3.1 Ka tono a Minita Tuarua Davis kia whakaritea he pepa Kāhui Minita

I te pito o 2021, i timata tā ngā āpiha o te Tāhuhu whakawhanake rauemi hei whakakikokiko i tētahi hui rautaki ā-Minita i te 7 Hūrae 2021 ki a Minita Tuarua Davis me Minita Hipkins. I kī a Jackson rāua ko Tākuta Schöllmann i aro ēnei

163. Agenda for the Māori Medium Governance Board (Rōia Karauna, supporting documents (doc B30), p1581)

164. Ministerial Strategy Session: Te Ara Reo Māori – Māori Language Learning Pathways, Appendix B to Māori Medium Governance Board Agenda (Rōia Karauna, supporting documents (doc B30), p1587)

165. Minutes of Māori Medium Governance Board Hui, 7 April 2021 (Rōia Karauna, supporting documents (doc B30), p1592)

166. Minutes of Māori Medium Governance Board Hui (Rōia Karauna, supporting documents (doc B30), pp1592–1593)

167. Kōrero taunaki a Maika (doc A4), p8

168. Kōrero taunaki a Campbell (doc A9), p[8]

169. Kōrero taunaki a Campbell (doc A5), p22

rauemi ki te whakawhanake i tētahi mahere mō te whakatupu i ngā kōwhiringa mātauranga Ara Reo Māori, mātauranga mātauranga Ara Kaupapa Māori i te huranga o ngā herenga pūtea o te urutā Kōwhēori.<sup>170</sup>

I whakaritea tētahi pūrango pārongo mō te hui rautaki mātauranga Māori ki a Minita Hipkins rāua ko Minita Tuarua Davis i te 7 Hūrae 2021 hei tuku pārongo kē atu mō te tautohunga a te Poari Kāwana ki te whakawhanake i te mātauranga Ara Reo Māori. Ko te tautohunga hāngai rawa atu o ēnei ko tērā e pā ana ki te 'Ara Reo Māori i te korenga o tētahi Manatū Mātauranga Māori, mā te whakatakinga o tētahi Pire e aro ana ki te mātauranga Ara Reo Māori.<sup>171</sup> I whakarārangi mai te ataneke i te ture e whai ana kia whakatutuki i tētahi horanga putanga, tae atu rā ki te hauora o te ākongā, te matatautanga ki te reo Māori me te mātauranga Māori, ā, mātuatua rā hoki, te tino rangatiratanga, i whakaahutia rā e te Poari tā te Māori mana ki te whakatinana i ngā taumata o te whakahaere me te mana i te whanaketanga me te whakahaerenga o te Ara Reo Māori i tōna hoatanga ki te Karauna.<sup>172</sup> I aro hoki i te ataneke ētahi waehanga huhua me whakaara, tae atu ki te tautuhi i te horanga o te mātauranga Ara Reo Māori, te whakamahere whatunga me te whakahaerenga, ngā tauira pūtea, me te rāngai mātauranga. I whakamōhio mai hoki ngā ataneke rautaki me whakaaroaro ngā kaihangā ture te pitomata o ngā kura kia huri hei 'momo whakahaere' hou i waho o te pou-tarāwaho Karauna.<sup>173</sup> I kī te Poari me para te Māori i tōna anō huarahi o ngā panonitanga ā-ture ka puta pea.<sup>174</sup> I kī mai a Jackson rāua ko Tākuta Schöllmann i whakapuaki tēnei hui rautaki i te matenui ki te mahi tonu e pā ana ki ngā tautuhinga matua, ā, me te mahi rā ki te Māori.<sup>175</sup>

Nō muri i tētahi hui rautaki ā-Minita e whakaaroarohia ana ēnei ataneke, i tohutohu a Minita Tuarua Davis i ngā kaimahi ki te tuhi i tētahi pepa Kāhui Minita hukihuki mō te hōtaka mahi Ara Reo Māori.<sup>176</sup> I mārāma te kī a te Minita Tuarua kāore ia i tautoko i tētahi Manatū Mātauranga Ara Reo Māori – ā, i tohu rā a Minita Hipkins i te āmaimai ia ki te whakatū i tētahi momo whakahaerenga hou.<sup>177</sup> I whakamārāma mai a Jackson rāua ko Tāluta Schöllmann, i te haeretanga ake o tēnei hui, i whakapuaki ngā Minita i te tirohanga kia kaua e tahuri te aro i te whakatupu i te Ara Reo Māori me te ako ki te whakarite pou-tarāwaho hou mō te

170. Kōrero taunaki a Jackson rāua ko Schöllmann (doc B28), p 20

171. Annotated Agenda for Māori Education Strategy Session, 5 July 2021 (Rōia Karauna, supporting documents (doc B30), p 1633); Māori Education Strategy Slides, 'Slide 3: Legislative and funding settings for Māori medium education (Working title)', 5 July 2021 (Rōia Karauna, supporting documents (doc B30), p 1636); Kōrero taunaki a Jackson rāua ko Schöllmann (doc B28), p 20

172. Māori Education Strategy Slides, 'Legislative and funding settings for Māori medium education (Working title)' (Rōia Karauna, supporting documents (doc B30), p 1636)

173. Māori Education Strategy Slides, 'Legislative and funding settings for Māori medium education (Working title)' (Rōia Karauna, supporting documents (doc B30), p 1636)

174. Annotated Agenda for Māori Education Strategy Session, 5 July 2021 (Rōia Karauna, supporting documents (doc B30), p 1633)

175. Kōrero taunaki a Jackson rāua ko Schöllmann (doc B28), p 4

176. Tipene Chrisp to Andrea Schöllmann and Megan Somerville, 7 July 2021 (supplementary Crown disclosure (doc B40), p 10)

177. Chrisp to Schöllmann and Somerville (supplementary Crown disclosure (doc B40), p 10)

kāwanatanga.<sup>178</sup> I te mutunga o tēnei hui, i tuari a Chrisp i āna whakapae o ētahi atu kaimahi Tāhuhu i rongo rā ia i rite tonu te rongo i te Māori mō te tūmanako ka whai mana i te mātauranga Ara Reo Māori. Kāore ia i mōhio mēnā ka rawaka te ārahi i te tangata ki ngā mahere Whakahaere Karauna me te urupare i ngā pōnānātanga.<sup>179</sup> I aro i a Chrisp he mana whakatau i ēnei mahi ki te whakawhiti-whiti kōrero ki tētahi horanga kiripānga, tae atu rā ki ngā Toi Rangapū Kaupapa Māori Ara Reo Māori.<sup>180</sup>

#### **5.4.3.2 I tīmata ngā kaimahi a Te Tāhuhu ki te tuhi i te Pepa a Te Kāhui Minita o te Hepetema 2021**

I te Hūrae 2021, i tīmata a Te Tāhuhu o Te Mātauranga i ngā mahi e hāngai ana ki te tuhi i te pepa a Te Kāhui Minita o te Hepetema 2021. I tēnei wā hoki, i kitea tērā ētahi o ngā kaimahi o Te Tāhuhu i hiahia rā ki te whakaatu i ngā wawata motuhake o ngā kaikerēme mō te panonitanga ture i roto i te pepa a Te Kāhui Minita. I te 4 o Ākuhata 2021, i ui te mema o Te Ohu Hautū o Ngā Kura Reo Māori, a Ben O'Meara, i ōna hoa mahi mehemea ka kapi i te pepa he tuhinga mō:

- ▶ te pānuitanga atu o Te Marautanga o Te Aho Matua;
- ▶ te wāhi ki ngā Poari Kura hei ohu whakahaere mō ngā kura;
- ▶ te rerekē pea o ngā tikanga whanonga mō ngā kura;
- ▶ te whakaae a te ture ki ngā rōpū, pēnei i Te Rūnanga Nui, kia riro i a rātou te mana kaitiriwā o Te Tāhuhu; ā
- ▶ te āhei rānei o ngā rōpū, pēnei i Te Rūnanga Nui, ki te whakatau i ngā pae-arau māaurau mātāmua.<sup>181</sup>

I te 12 o Ākuhata 2021, i whakapuaki a Crisp i te matea kia āta anganui te pepa a Te Kāhui Minita i te urupare a te Karauna ki te Tūtohunga 4(a). Nā O'Meara te whakahoki, ko tōna mōhio ki te Rāngai he ohu whakahaere motuhake tēnei, 'māna e whakarite ngā rawa me ngā kaupapa here o ngā take whakahaere' – e rerekē ana tēnei ki tā te pepa a Te Kāhui Minita marohi i te whakatūnga mai o tētahi Ohu Whakakite i Ngā Kura Reo Māori, ā, ko āna tāpaetanga ka taea e te Minita te whakahē.<sup>182</sup>

E wātea ana ki a mātou tētahi hukihuki o te pepa a Te Kāhui Minita, nō te 17 o Ākuhata 2021, i ahu mai ai i ngā imēra a ngā kaimahi o Te Tāhuhu. E whakaaturia ana i ngā imēra, he huhua tonu ngā ritenga o te pepa.<sup>183</sup> I tēnei hukihuki anō i rite tonu tōna whānui ki te pepa whakamutunga a Te Kāhui Minita. I arohia i ngā matapaki mō ngā take i te rāngai kura e whakaturea ana, ko te 'Kura Reo Māori'

178. Kōrero taunaki a Jackson rāua ko Schöllmann (doc B28), p 21

179. Chrisp to Schöllmann and Somerville (supplementary Crown disclosure (doc B40), p10)

180. Chrisp to Schöllmann and Somerville (supplementary Crown disclosure (doc B40), p10)

181. Ben O'Meara to Andrea Schöllmann, Megan Somerville, and Tipene Chrisp, 4 August 2021 (supplementary Crown disclosure (doc B40), p12)

182. Ben O'Meara to Andrea Schöllmann, Tipene Chrisp, and Megan Somerville, 12 August 2021 (supplementary Crown disclosure (doc B40), p17)

183. Megan Somerville to Heather Maletino and Belinda Watt, 10 August 2021, p 1 (supplementary Crown disclosure (doc B40), p 44); Tipene Chrisp to Andrea Schöllmann and Daryn Bean, 17 August 2021, pp 2–3 (supplementary Crown disclosure (doc B40), pp 52–53)

– i tautuhia i te pepa nei he ara mātauranga tēnei e 80 ōrau o ngā tohutohu i roto katoa i te reo, ā, e whirinaki atu ana te pepa ki te whāinga hou o Rāngai Māori.<sup>184</sup> Ko ngā whakahuatanga hāngai mō ngā ara mātauranga Reo Māori i whakahua noa i te horopaki o te whareako paetoru.<sup>185</sup> Tērā anō ngā take e rārangitia ana i tēnei hukihuki me anganui e te hōtaka mahi me ngā ture marohi kei roto i te pepa whakamutunga (ka kōrerohia ā te wāhanga 5.4.3.4).

Ko tētahi rerekētanga hirahira i tēnei hukihuki tōmua, e mea nei, kāore te Ohu Whakakite i hoahoa i te hōtaka whakapāpā. Engari kē ka tūtuhia te hōtaka e Te Tāhuhu, ka riro mā te Ohu Whakakite e whakahaere.<sup>186</sup> Nō muri mai ka panoni Te Tāhuhu i tēnei hōtaka nā runga i te kupu tohutohu a Te Arawhiti (ka kōrerohia ā muri nei). Ko tā te hukihuki anō, mēnā ka whakatūria he ohu whakahaere motuhake ā-ture nei, ka ‘kino rawa te aparau’ i te mahi matua o te whakaako me te ako.<sup>187</sup>

Hei take aronui, e rua ngā wāhanga o tēnei hukihuki e whakahahaki (matahuna nei, mataaho nei anō hoki) ana i Te Rūnanga Nui engari i tangohia i te pepa whakamutunga a Te Kāhui Minita. Tuatahi, ka whakahahaki te pepa i ‘ngā hononga tautētete me ngā hononga uaua’ ki ētahi Toi Rangapū Kaupapa Māori. I kiia rā e ū ana Te Tāhuhu ki te ‘whakakaha i te whānuitanga me te hōhonutanga o ēnei hononga’. Ahakoa kāore tonu ētahi kiripānga e whakaae ki te ahunga o te mahi, ‘me kua tērā e whakahōtaetae i te kōkiritanga.’<sup>188</sup> Tuarua, tērā anō ētahi taipitopito āpiti i roto i te marohitanga o te whakature i ngā whakaritenga o te whakatū, inā hoki me whakapūmau i te wāhi ki Te Rūnanga Nui i tēnei tukanga, pēnei i te tohua ōna hei kaitiaki o Te Aho Matua i raro i te Ture Whakaako me te Whakangungu 2020.<sup>189</sup>

I te 1 o Hepetema 2021, i tae te whakahoki kōrero ki a Te Tāhuhu i a Child Wellbeing Unit (DPMC) e pā ana ki te pepa hukihuki a Te Kāhui Minita. Nā rātou i kī atu me tautuhi i te take i kore ai e whakatū i tētahi Te Pae Mātauranga Māori. I kitea ‘te tauaro o ngā whakaaro i roto i te whakatau a te Kāwanatanga ki te whakatū i Te Aka Whaiora, ā, me whaiwhakaaro ki te whakamārama i te take i kore ai e whakatū i Te Pae Mātauranga Māori.’<sup>190</sup> E mōhio ana mātou, kāore i āta whakamahukitia i te pepa a Te Kāhui Minita o te Hepetema 2021 te take e tangongi nei te huarahi o te rāngai ako i tērā o Te Aka Whaiora. Engari, i te mutunga iho, i

184. ‘Work Programme to Grow Māori Medium and Kaupapa Māori Education’, draft Cabinet Paper, 17 August 2021, pp 1–2 (supplementary Crown disclosure (doc B40), pp 54–55)

185. ‘Work Programme to Grow Māori Medium and Kaupapa Māori Education’, draft Cabinet Paper, p 1 (supplementary Crown disclosure (doc B40), p 54)

186. ‘Work Programme to Grow Māori Medium and Kaupapa Māori Education’, draft Cabinet Paper, pp 3, 9 (supplementary Crown disclosure (doc B40), pp 56, 62)

187. ‘Work Programme to Grow Māori Medium and Kaupapa Māori Education’, draft Cabinet Paper, p 10 (supplementary Crown disclosure (doc B40), p 63)

188. ‘Work Programme to Grow Māori Medium and Kaupapa Māori Education’, draft Cabinet Paper, p 10 (supplementary Crown disclosure (doc B40), p 63)

189. ‘Work Programme to Grow Māori Medium and Kaupapa Māori Education’, draft Cabinet Paper, p 8 (supplementary Crown disclosure (doc B40), p 61)

190. Child Wellbeing Unit (DPMC) to Lynette Tamarapa, 1 September 2021, p 1 (Cross-examination bundle for hearing three (doc B32), p 121)

tangohia ngā kupu ake a te Minita Tuarua mō tētahi ohu 'kino rawa te aparau' i te mahi.

I te 2 o Hepetema 2021, i whakahoki kōrero a Te Arawhiti mō tētahi pepa huki-huki a Te Kāhui Minita. Ko tā Te Arawhiti, 'e tino whakahaukaha ana' i Te Tāhuhu kia hoki anō rātou ki te pepa 'e ū ai te ora o te hononga i waenganui i te Karauna me te Māori i roto i ngā whakanaketanga kaupapa here', ā, kia mārāma te kohuki o te hoahoa tahi i te tukanga, o te ārahi a te Māori i te tukanga (ka nui te haukaha i te kōrero mātāpuna).<sup>191</sup> Ko te tohutohu e mea ana me tōmua noa atu te whai wāhi a Te Tāhuhu ki te Māori:

We strongly feel that the Māori voice needs to come through in this paper and engagement approach. Māori Medium Education (MME) is a kaupapa Māori social movement with heightened risk associated with a lack of early engagement. The paper raises a number of challenges facing MME, but the paper would benefit from being clearer about what the key problem is. Because the problem definition is not clear and crucially, not rooted in what MOE has heard from Māori learners, providers and leaders - parts of the paper read too paternalistic and not in the spirit of partnership. Grounding the problem definition in what Māori are telling us would significantly strengthen the paper and deliver on our kāwanatanga role.<sup>192</sup>

E mōhio ana a Te Arawhiti i roto i te hukihuki tētahi hōtaka whakapāpā ki te Māori, engari 'me waihangā motuhake ngātahi nei me te Māori i tētahi rautaki whakapāpā'.<sup>193</sup> I te mutunga iho, nā Minita Tuarua Davis i tohutohu kia waihangatia tētahi hōtaka whakapāpā e te Ohu Whakakite i Ngā Kura Reo Māori ngātahi nei me Te Tāhuhu. Ka matapakina te rārangi kaupapa o te pepa a Te Kāhui Minita hei te wāhanga e whai nei.

### **5.4.3.3 Ka whai wāhi ngā āpiha o Te Tāhuhu ki a Te Matakahuki i te Ākuhata me te Hepetema 2021 e pā ana ki Te Pepa a Te Kāhui Minita o te Hepetema 2021**

I te 9 o Ākuhata 2021, i tūtaki tuatahi atu a Te Tāhuhu ki a Te Matakahuki ki te matapaki i ngā mahi i whakaarotia i Te Pepa a Te Kāhui Minita o te Hepetema 2021. I kī mai a Campbell ki a mātou, i roto i te hui, i whakarārangi a Te Tāhuhu i te tukanga whai wāhi hei whakawhanake i ngā ture mō ngā Kura Reo Māori.<sup>194</sup> I konei, i hiahia rā kia tīmata i te uiui arowhāiti hei te Nōema 2021 ki te whakawhanake i te hōtaka mahi. Nā ngā kaimahi anō a Te Matakahuki i tohutohu me kaua e kapi i tēnei mahi te whakatūnga mai o Te Pae Mātauranga Māori. I tahuri a Te Matakahuki ki te kimi i ētahi anō pārongo, ā, i kōrerohia ō rātou āwangawanga mō te nohonga atu pea i raro i te maru o te Kura Reo Māori, hāunga tērā, i te hiahia kia kōrero tonu.<sup>195</sup>

191. Te Arawhiti to Lynette Tamarapa, 2 September 2021, p 1 (Cross-examination bundle for hearing three (doc B32), p 123)

192. Te Arawhiti to Tamarapa, p 1 (Cross-examination bundle for hearing three (doc B32), p 123)

193. Te Arawhiti to Tamarapa, p 1 (Cross-examination bundle for hearing three (doc B32), p 123)

194. Kōrero taunaki a Campbell (doc A9), p [19]

195. Kōrero taunaki a Campbell (doc A9), p [19]

I tēnei wā anō, i whakaarotia e ngā kaimahi o Te Tāhuhu te rahi o ngā pārongo hei tuku atu ki ngā kaikerēme e pā ana ki te pepa a Te Kāhui Minita kainamu ka puta. I te 1 o Hepetema 2021, i tono a Tākuta Bean kia tukua te puka A3 e āpiti ana ki te pepa hukihuki a Te Kāhui Minita ki a Te Matakahuki.<sup>196</sup> E mōhio ana mātou, e tohua ana i te puka A3 te rārangi wā me te tukanga o te whakature.<sup>197</sup> I whakahoki te tari o Minita Tuarua Davis, e kore e tukua, i te mea ‘kāore anō a Te Kāhui Minita kia whakatau i te pepa’. I mōhio hoki ngā kaimahi, ‘me tūpato ki te whakaputanga anamata’ nā te mea ‘ka nui ake ngā kawatau o ngā toi rangapū mō te wāhi ki a rātou i roto i te kāwanatanga’. I tuhia e tētahi kaimahi mō te Minita, ‘e kitea ana te matea mō te kauwhanganui me te mahi tahi, ā, ko tētahi wāhi nui o roto i tērā, ko te whakamārama i te wāhi ki ngā rangatira i roto i ngā tukanga a te Karauna.<sup>198</sup> I taua rangi anō, i tūtaki atu ngā kaimahi o Te Tāhuhu ki a Te Matakahuki. I tohu atu ngā āpiha i ngā angawā whāwhai i mua tonu i te whakaaetanga o te hōtaka mahi, engari kāore e whakaaetia ana te kōrero mō te hōtaka rā. Ka āwangawanga tonu a Te Matakahuki ki te iti o ngā pārongo, ki te ara o te Kura Reo Māori anō hoki, ko tā rātou, me whai i ‘te ara o te Mana Motuhake mō ngā Kaupapa Māori.’<sup>199</sup> I kōrero atu hoki ki Te Tāhuhu, kāore rātou i pai atu ki te ‘wairua āhiki’ o te whai wāhitanga.<sup>200</sup>

I te 13 o Hepetema 2021, i tūtaki a Tākuta Bean ki a Te Matakahuki kia kōrerohia tuatahitia te take o te Ohu Whakakite i Ngā Kura Reo Māori pēnei i tā Te Kāhui Minita i wawata ai. I maharatia e Campbell i ngana rā ngā āpiha kia tere te whakaae atu ki te whai wāhi mai o Te Matakahuki – me te aha, i whakatauria kia kaua rātou e whai wāhi atu he āwangawanga nō rātou ka tōia atu rātou ki roto i te rāngai ‘auraki’ o te mātauranga Kura Reo Māori, ka mutu, kāore i taea tētahi whakatau mātau nā runga i te iti o ngā pārongo.<sup>201</sup> I rikoata a Tākuta Bean i ngā āwangawanga o Te Matakahuki i puea ake i te hui, ā, ko tāna, ‘e mārāma ana’ te hiahia o Te Matakahuki ki tētahi ‘ara kaupapa Māori motuhake.’<sup>202</sup> I tētahi atu imēra i te 15 o Hepetema 2021, i mihi a Tākuta Bean i te tūranga waitara o Te Matakahuki, me tana kī atu, ko Te Tāhuhu ‘e whai ana ki te whakatutuki i tētahi kaupapa mutunga mai nei o te uaua mā te tono i a koe kia whai wāhi mai me te iti o te pārongo, me te iti o te wā.’<sup>203</sup>

196. Daryn Bean to Andrea Schöllmann, 1 September 2021 (supplementary Crown disclosure (doc B40), p 21)

197. ‘Māori Medium – Kaupapa Māori Pathways Legislation Engagement’ (supplementary Crown disclosure (doc B40), p 68)

198. Morgan Watkins to Tipene Chrisp, 1 September 2021 (supplementary Crown disclosure (doc B40), p 20)

199. Kōrero taunaki a Campbell rāua ko Maika (doc B26), p [31]

200. Kōrero taunaki a Campbell rāua ko Maika (doc B26), p [31]

201. Kōrero taunaki a Campbell rāua ko Maika (doc B26), p [31]

202. Daryn Bean to Raniera Procter, Angus Hartley, Watson Ohia, Hohepa Campbell, Cathy Dewes, and Rawiri Wright, 15 September 2021 (Procter, supporting documents (doc B24(a)), p 1)

203. Bean to Procter, Hartley, Ohia, Campbell, Dewes, and Rawiri Wright (Procter, supporting documents (doc B24(a)), p 1)

I te 24 o Hepetema 2021, i tūtaki a Te Matakahuki ki a Minita Tuarua Davis rāua ko Tākuta Bean. E mōhio ana te Minita Tuarua, ahakoa ko te aronga o te hōtaka mahi e pā ana ki te Kura Reo Māori, he arawātea tērā hei whakataui i te ara mātauranga reo Māori. I tohu atu hoki ētahi mema o Te Matakahuki e ‘matareka’ ana rātou ki te arawātea hei tautoko i te ara mātauranga Kaupapa Māori, engari e āwangawanga tonu ana ka ngaro atu pea tērā ki roto i te Kura Reo Māori.<sup>204</sup> E kī nei i roto i ngā tuhinga ā-whare a Te Tāhuhu nō te hui i te 24 o Hepetema 2021, ka tāpaea atu te pepa a Te Kāhui Minita hei te 29 o Hepetema 2021, ā, ākuanei pea ‘ka kore e paingia’. I mōhio ngā āpiha ka whakapau kaha rātou ki te tautoko i ngā wawata o te rōpū, engari ko ngā tono ‘ka whai kiko’ ērā ka whakaaetia e Te Kāhui Minita, me te kī ake, ‘kāore e whānui ana te aronga ki te rārangī hiahia me te tahua pūtea mutunga kore.’<sup>205</sup>

I te 29 o Hepetema 2021, i tuhia atu e Te Matakahuki ki a Minita Tuarua Davis hei urupare i ngā take i ara ake i te hui i te 24 o Hepetema 2021. Ko tā te reta, ‘e tupu haere ana te āwangawanga i runga i te iti o ngā tikanga whakamaru i tā mātou kaupapa, e kōkiritia nei e te rōpū nei, e Te Matakahuki. Ka whakaratohia ki te marohitanga a te Kāwanatanga mō ngā ara mātauranga Kura Reo Māori, me te marohitanga ā-ture.’<sup>206</sup> Ko tā te reta anō ki te Minita, ko te ture e marohitia ana ‘kāore e whakaahei ana i ō mātou ara whakarara mana motuhake nei, kāore hoki rānei e āhukahuka ana i tō mātou ara mātauranga motuhake o te kaupapa Māori.’<sup>207</sup> I puea ake ngā āwangawanga i te hui, engari kāore i tau.<sup>208</sup> I kī a Te Matakahuki kāore e pai te whakapau atu i ā rātou rawa itiiti noa nei ki tētahi rōpū a Te Tāhuhu e piri kē ana ki te rāngai auraki – ā, me whai kau āna takoha katoa ki te ara mātauranga Kaupapa Māori, e kōkiritia nei e Te Matakahuki.<sup>209</sup> I kī rā a Te Matakahuki ki te Karauna, ‘me aro e ia ana utanga ki te tautoko i te ara whakarara ki te kaupapa auraki me te Kaupapa Māori.’ Ko tā rātou anō i tuhi ai, ‘e rehurehu tonu ana ngā āhuatanga matua o te marohitanga a te Kāwanatanga, ā, ka māharahara rātou mēnā ka tuku i ngā whakataui nui mō te kaupapa ki Te Kāhui Minita, kāore nei i aro ki ā rātou whaikupu.’<sup>210</sup>

I whakaaetia te pepa a Te Kāhui Minita i taua rangi anō, i te 29 o Hepetema 2021. Ahakoa te whakaae o ngā māngai mō te Karauna kāore i eke ā rātau tauutuutu ki te hiahia o Te Rūnanga Nui, i tohea e rātou tō rātou āheinga ki te tuku i te pepa Kāhui Minita me te whakahipa i Te Rūnanga Nui.<sup>211</sup> Nā Tākuta Schöllmann

204. Kōrero taunaki a Campbell rāua ko Maika (doc B26), p [32]

205. ‘Associate Minister of Education (Māori Education) Meeting with Education Officials’, 27 September 2021 (supplementary Crown disclosure (doc B40), p 27)

206. Raniera Procter to Kelvin Davis, 29 September 2021 (Rōia Karauna, supporting documents (doc B30), p 1691)

207. Procter to Davis (Rōia Karauna, supporting documents (doc B30), p 1691)

208. Procter to Davis (Rōia Karauna, supporting documents (doc B30), p 1691)

209. Procter to Davis (Rōia Karauna, supporting documents (doc B30), p 1691)

210. Procter to Davis (Rōia Karauna, supporting documents (doc B30), p 1692)

211. Kōrero taunaki a Holsted (doc B29), pp 18, 23; Kōrero taunaki a Bean rāua ko Nathan (doc B31), p 26

rāua ko Jackson te kōrero, ‘me whakatū e ngā āpiha tētahi tūranga tīmatatanga mō te Karauna ki ngā Minita e āhei ai mātou, inā koa, te Māori, ki te mahi atu i roto i te rāngai. Me whai whakaaetanga e ngā Minita i ō rātou hoa o Te Kāhui Minita e huataki ai te tukanga i mua noa i te tīmatatanga. I te kimi te Pepa a Te Kāhui Minita o te Hepetema 2021 i tērā whakaaetanga.’<sup>212</sup> E ai ki a Holsted, ‘E noho haepapa ana ngā Minita a te Karauna ki te āta kōrero tahi me ō rātou hoa o Te Kāhui Minita i mua noa i tā rātou huataki i tētahi hōtaka mahi nui.’<sup>213</sup> Ko tā Tākuta Bean rāua ko Nathan, i ngā whakawhitinga kōrero ki Te Rūnanga Nui, ‘kāore e kore i rangona te taumaha o ngā mahi, engari anō ngā taipitopito.’<sup>214</sup> I tukia tēnei tohe e ngā kaikerēme i tā rātou kī mai ki a mātou, e taea ana te whakauru kupu ki te pepa a Te Kāhui Minita – mēnā i reira te hiahia tōrangapū. Nā runga i ngā wheako o mua o Campbell rāua ko Maika i ētahi atu hinonga Karauna, i mōhio rāua, ‘ka mātua kōrero tahi, engari anō pea te whakaae, ngā hoa rangapū matua i roto i te tukanga.’<sup>215</sup> Ka whakaputa kōrero mātou e pā ana ki te pono o te tohe a te Karauna mō te tukanga a Te Kāhui Minita me te ū ki Te Tiriti, i te wāhanga 5.6.1.1 i muri nei.

#### **5.4.3.4 Ka whakaaetia te Pepa a Te Kāhui Minita o te Hepetema 2021 e Te Kāhui Minita**

I tāpae atu a Minita Tuarua Davis i tana ritenga whakamutunga o te Pepa a Te Kāhui Minita i te 23 o Hepetema 2021.<sup>216</sup> I whakaaetia e Te Kāhui Minita i te 29 o Hepetema 2021.<sup>217</sup> Ko te whāinga o te pepa ko te kimi i te whakaaetanga a Te Kāhui Minita ki te whakawhanake i tētahi hōtaka mahi ‘kia tupu ai te Mātauranga Reo Māori’ me ‘ngā ara mātauranga Kaupapa Māori i ngā whareako paetoru.’<sup>218</sup> Mō tēnei pepa, i tautuhia te tikanga o te ‘mātauranga Reo Māori’ i te rāngai ako o te whare kōhungahunga, e 80 ōrau o ngā tohutohu kei te reo Māori (Taumata 1 o te rumaki reo Māori).<sup>219</sup> Ko ngā whakahuatanga o te ara mātauranga Kaupapa Māori i whāiti noa ki te rāngai whareako paetoru.<sup>220</sup> I whānui te arohia o ngā tāpaetanga i

212. Kōrero taunaki a Jackson rāua ko Schöllmann (doc B28), p 22

213. Kōrero taunaki a Holsted (doc B29), p 23

214. Kōrero taunaki a Bean rāua ko Nathan (doc B31), p 23

215. Kōrero taunaki a Maika rāua ko Campbell (doc B34), p 8

216. Cabinet Social Wellbeing Committee, ‘Work Programme to Grow Māori Medium and Kaupapa Māori Education’, Cabinet Paper, 23 September 2021, p 13 (Rōia Karauna, supporting documents (doc B30), pp 1705–1706)

217. Cabinet Social Wellbeing Committee, ‘Work Programme to Grow Māori Medium and Kaupapa Māori Education’, Minute of Decision, 29 September 2021, p 1 (Rōia Karauna, supporting documents (doc B30), p 1707)

218. Cabinet Social Wellbeing Committee, ‘Work Programme to Grow Māori Medium and Kaupapa Māori Education’, Cabinet Paper, p 1 (Rōia Karauna, supporting documents (doc B30), p 1694)

219. Cabinet Social Wellbeing Committee, ‘Work Programme to Grow Māori Medium and Kaupapa Māori Education’, Cabinet Paper, p 1 (Rōia Karauna, supporting documents (doc B30), p 1694)

220. Cabinet Social Wellbeing Committee, ‘Work Programme to Grow Māori Medium and Kaupapa Māori Education’, Cabinet Paper, pp 1, 3 (Rōia Karauna, supporting documents (doc B30), pp 1694, 1696)



te pepa a Te Kāhui Minita e pā ana ki te rāngai o ngā kura e whakaturea ana (arā, te rāngai e hāngai ana ki ngā Kura Kaupapa Māori), kia kapi tahi te ara mātauranga Kaupapa Māori me ētahi atu ara rumaki reo Māori.

Ko tā Minita Tuarua Davis i te pepa, he pai ake ngā ara mātauranga Reo Māori ki te ākongā Māori – mō te angitu ā-mātauranga, mō te reo Māori, me te hauora whānui.<sup>221</sup> Heoi anō, ko tā Minita Tuarua Davis hoki, ‘he rētō, he mau roa ngā whakapātāritari’ ki te ara mātauranga Reo Māori, pēnei i ‘te popono kāore i ea, me te noho hukihuki tonu o ngā ara’, ka mutu, ‘he iti tonu te whakamahere ā-motu’. Ko te tohe a te Minita Tuarua me anganui ēnei take ki tētahi ‘rautaki e whai pūnaha ana, e arorau ana.’<sup>222</sup>

Hei whakatū i te whāinga o te whakatupu i te ara mātauranga Reo Māori, i tāpae a Minita Tuarua Davis i te ‘whāinga paetawhiti’<sup>223</sup> kia 30 ōrau o ngā ākongā Māori ka whai wāhi atu ki te ara mātauranga Reo Māori i ngā whare kōhungahunga hei te tau 2040, ‘e rite tonu ai te whakaratohia o ngā whakatauirā, te matapaehia hoki o ngā mahi me ngā whakapaunga tahua e tika ana ki te whakatupu i te ara mātauranga Reo Māori.’<sup>224</sup> E whakahuatia ana tēnei whāinga i tēnei upoko ko ‘te whāinga o Rāngai Māori’. I matapaetia i te pepa nei ‘me nui te whakapau kaha, me roa hoki te whakapau kaha’ e tutuki ai tēnei ‘whāinga o te Rāngai Māori’ i te roanga o te wā.<sup>225</sup> I tohutohuria e te Minita Tuarua e ono ngā wāhanga me aro i roto i te hōtaka mahi e tutuki ai te whāinga, arā:

- ▶ me āta whakamahere i te tukanga kia tupu ai ngā kura o te ara mātauranga Reo Māori;
- ▶ me whakawhanake i te rāngaimahi o te ara mātauranga Reo Māori kia tokomaha ake ai ngā kaiako;
- ▶ me whakawhanake i te marautanga, arā, kia whakahouhia a Te Marautanga o Aotearoa, ā, kia waihanga i tētahi whakaritenga mō Te Aho Matua i te ara mātauranga Reo Māori;
- ▶ me nui ake te whakaritenga mō ngā kaiako me ngā rauemi ako;
- ▶ me arotake te whakapaunga tahua mō ngā tauira ara mātauranga Reo Māori; ā

221. Cabinet Social Wellbeing Committee, ‘Work Programme to Grow Māori Medium and Kaupapa Māori Education’, Cabinet Paper, pp 1, 3 (Rōia Karauna, supporting documents (doc B30), pp1694, 1696)

222. Cabinet Social Wellbeing Committee, ‘Work Programme to Grow Māori Medium and Kaupapa Māori Education’, Cabinet Paper, p1 (Rōia Karauna, supporting documents (doc B30), p1694)

223. Cabinet Social Wellbeing Committee, ‘Work Programme to Grow Māori Medium and Kaupapa Māori Education’, Cabinet Paper, p1 (Rōia Karauna, supporting documents (doc B30), p1694)

224. Cabinet Social Wellbeing Committee, ‘Work Programme to Grow Māori Medium and Kaupapa Māori Education’, Cabinet Paper, p5 (Rōia Karauna, supporting documents (doc B30), p1698)

225. Cabinet Social Wellbeing Committee, ‘Work Programme to Grow Māori Medium and Kaupapa Māori Education’, Cabinet Paper, p1 (Rōia Karauna, supporting documents (doc B30), p1694)

- ▶ me whakarerekē ngā whakaritenga hautū kia hāngai ake ai te tautoko i ngā hapori Māori ki te whakahaere i ā rātou ake ratonga o te ara mātauranga Reo Māori mā te tikanga Māori.<sup>226</sup>

E waihangatia ai tētahi anga ture ki te tautoko i te whanaketanga o te ara mātauranga Reo Māori, i tahuri a Minita Tuarua Davis ki te whakataki ture e hāngai motuhake ana ki te ara mātauranga Reo Māori e pā nei ēnei take, arā:

- ▶ ko te ara mātauranga Reo Māori me ngā tautuhinga Kaupapa Māori – ko te whakawhanake i ngā tautuhinga o ngā momo ratonga rerekē o te ara mātauranga Reo Māori, me ngā huatau e rite ana ki ngā kaupapa Māori me te mātauranga Māori. Ā, e ū ana ki te whakaatu i te mārama a te Māori ki te huatau Māori me ngā wawata mō ēnei ratonga;
- ▶ ko ngā mātāpono o te ara mātauranga Reo Māori – ko te whakatakoto i ngā mātāpono o te ara mātauranga Reo Māori i te ture, hei whakapūmau i tā te Karauna ū ki ana utanga Tiriti, me ētahi anō take, ki te tiaki i te reo Māori me te wāhi ki ngā iwi me te Māori;
- ▶ ko ngā whakaritenga o te whakatū i te ara mātauranga Reo Māori – pēnei i ngā whakaritenga o te whakatū i te ara mātauranga reo Māori ki roto i ngā ture o te ara mātauranga Reo Māori, me te whakaū i te wāhi ki ngā Toi Rangapū Kaupapa Māori me ngā iwi i te tukanga o te whakatū; ā
- ▶ ko te hautūtanga o te ara mātauranga Reo Māori me te Kaupapa Māori – ka arotakengia te whakaritenga hautū o ngā ratonga a te ara mātauranga Reo Māori, ā, ka whakatewhatewhangia te whanaketanga o te tikanga whanonga mō ngā hautūtanga o te ara mātauranga Reo Māori nā runga i te tikanga Māori. Waihoki, ka whakamārama i te wāhi, ā-hautūtanga nei, ki ngā Toi Rangapū Kaupapa Māori me ngā iwi i roto i te whakakite i ngā ara mātauranga Reo Māori.<sup>227</sup>

Nāna hoki te tohutohu, ka whakahaeretia ngā whanaketanga o te hōtaka mahi (mā roto hoki i te tāpaetanga whakature) e Te Tāhuhu rātou tahi ko te Ohu Whakakite i Ngā Kura Reo Māori, ko ētahi kaiarataki nō ngā Toi Rangapū Kaupapa Māori, ko ngā iwi, ko ngā mātanga motuhake anō hoki. Mā rātou ‘ē ārahi te hōtaka whakapāpā, e whakakite hoki te whanaketanga me te whakatutukitanga o te hōtaka mahi.’<sup>228</sup> Ko tā te Ohu Whakakite he whai i tētahi ‘ara whakapāpā’ hei whāngai kōrero auau ki a Minita Davis, hei pae tohutohu motuhake hoki mō ngā

226. Cabinet Social Wellbeing Committee, ‘Work Programme to Grow Māori Medium and Kaupapa Māori Education’, Cabinet Paper, Cabinet Social Wellbeing Committee, pp 5–6 (Rōia Karauna, supporting documents (doc B30), pp 1698–1699)

227. Cabinet Social Wellbeing Committee, ‘Work Programme to Grow Māori Medium and Kaupapa Māori Education’, Cabinet Paper, p 7 (Rōia Karauna, supporting documents (doc B30), p 1700)

228. Cabinet Social Wellbeing Committee, ‘Work Programme to Grow Māori Medium and Kaupapa Māori Education’, Cabinet Paper, p 8 (Rōia Karauna, supporting documents (doc B30), p 1701); Cabinet Social Wellbeing Committee, ‘Work Programme to Grow Māori Medium and Kaupapa Māori Education’, Minute of Decision, p 1 (Rōia Karauna, supporting documents (doc B30), p 1707)

kaupapa huhua.<sup>229</sup> Ki te whakatauritea ki te hukihuki o te 17 o Ākuhata 2021, ko te wāhi ki te Ohu Whakakite kāore i whāiti ki te whakahaere whakapāpā noa.

Ka tautoko te Ohu Mātanga Hāpai i te Ohu Whakakite mā te whakawhiwhi ringa mahi ki te whakahaere i ngā whakapāpā ki ngā taumata ā-hapori, ki ngā taumata ā-rohe, me ngā taumata ā-motu; mā te ruku anō hoki ki ngā hononga mataua.<sup>230</sup> I tonoa te Ohu Whakakite kia mahi tahi ki a Te Tāhuhu i tētahi hōtaka whakapāpā ki te hunga Māori whaipānga, pēnei i a Te Rūnanga Nui, i a Ngā Kura ā Iwi, me ētahi atu whareako o te ara mātauranga Reo Māori, ahakoa tonu he rōpū whakakanohi ā-motu tō rātou, kāore rānei.<sup>231</sup> I kite hoki te Minita Tuarua i te 'matea kia taurite te wāhi ki te Ohu Whakakite me ngā utanga kāwanatanga o te Karauna' – tērā hoki ētahi tukanga o te tuku pārongo ki Te Kāhui Minita, o te whakawhanake i te ture, o te tono tahua pūtea hoki, ka 'noho kau ki raro i te maru o te Karauna'.<sup>232</sup>

I te pepa, ko tā Minita Tuarua Davis mō te Māori, 'i whakapuakitia te wawata nui kia whakatinana i te mana whakahaere me te mana motuhake i roto i te whakamahere me te whakatutuki i te' ara mātauranga Reo Māori.<sup>233</sup> Nā konā i hirahira ai te 'āta whakataurite i te tino rangatiratanga o te iwi me te Māori i ngā take o te reo Māori me te ara mātauranga o te ākongā Māori', waihoki, te ū te Karauna ki 'ngā utanga kāwanatanga ki te whakarato i te mātauranga e kounga ana me te manaaki i ngā tahua pūtea tūmatanu'.<sup>234</sup> I te pepa a Te Kāhui Minita, i kiia ake e Minita Tuarua Davis ko tana hiahia ko 'te āta tautuhi i te wāhi ki te hautūtanga ā-motu' o ngā Toi Rangapū Kaupapa Māori me te iwi 'i ngā take whakakite o' te ara mātauranga Reo Māori.<sup>235</sup>

E ai ki te pepa, he mutunga tō te mana o ngā Toi Rangapū Kaupapa Māori – e kore te Karauna e whakatū i tētahi ohu whakahaere motuhake ā-motu mō te ara

---

229. Cabinet Social Wellbeing Committee, 'Work Programme to Grow Māori Medium and Kaupapa Māori Education', Cabinet Paper, p8 (Rōia Karauna, supporting documents (doc B30), p1701)

230. Cabinet Social Wellbeing Committee, 'Work Programme to Grow Māori Medium and Kaupapa Māori Education', Cabinet Paper, p8 (Rōia Karauna, supporting documents (doc B30), p1701)

231. Cabinet Social Wellbeing Committee, 'Work Programme to Grow Māori Medium and Kaupapa Māori Education', Cabinet Paper, p9 (Rōia Karauna, supporting documents (doc B30), p1702)

232. Cabinet Social Wellbeing Committee, 'Work Programme to Grow Māori Medium and Kaupapa Māori Education', Cabinet Paper, p9 (Rōia Karauna, supporting documents (doc B30), p1701)

233. Cabinet Social Wellbeing Committee, 'Work Programme to Grow Māori Medium and Kaupapa Māori Education', Cabinet Paper, p4 (Rōia Karauna, supporting documents (doc B30), p1697)

234. Cabinet Social Wellbeing Committee, 'Work Programme to Grow Māori Medium and Kaupapa Māori Education', Cabinet Paper, pp 4–5 (Rōia Karauna, supporting documents (doc B30), pp1697–1698)

235. Cabinet Social Wellbeing Committee, 'Work Programme to Grow Māori Medium and Kaupapa Māori Education', Cabinet Paper, p7 (Rōia Karauna, supporting documents (doc B30), p1700)

mātauranga Reo Māori (inā koa, ko te ara mātauranga Kaupapa Māori).<sup>236</sup> I kī te Minita Tuarua e kore ia e whai i te whakawhanaketanga o tētahi.<sup>237</sup> Ki tāna titiro, ki te pēnei, ka kotiti noa i 'te tino rangatiratanga o te whānau, o te hapū, o te iwi, ka mutu, i te kaupapa motuhake me te whakapapa o ngā ratonga ara mātauranga Reo Māori huhua'.<sup>238</sup> I kitea hoki i te pepa, i reira anō 'te ngāwari me te āheinga i roto i ngā anga hinonga Karauna o tēnei wā mō ngā ratonga mātauranga ki te whakaahei i te mana whakahaere me te mana motuhake', ā, kei reira anō te 'tautoko i te tupu haere o' te ara mātauranga Reo Māori. Waihoki, he mea 'hirahira' anō te whakamārama atu he aha kau ngā mea 'ka kore e whakaarotia' e rata ai ngā kiripānga me ō rātou kawatau.<sup>239</sup>

**5.4.3.5 Ka whai wāhi Te Tāhuhu ki Te Rūnanga Nui i muri i te whakaaetanga o te Pepa a Te Kāhui Minita o te Hepetema 2021**

I te 4 o Oketopa 2021, i hui ngā āpiha o Te Tāhuhu e pā ana ki te whakapāpā ki Te Rūnanga Nui i muri i te whakaaetanga o te pepa a Te Kāhui Minita. Kāore ngā āpiha i hiahia ki te 'whakahōtaetae i te tukanga' mā te whakaputa tōmua rawa i te pepa a Te Kāhui Minita, i runga i te mōhio kāore anō Te Kāhui Minita i whakatau i ngā take pūtea. Ko tā ngā āpiha anō hoki, e 'hoto' ana a Te Matakahuki, ā, kāore anō a Te Matakahuki i kite i te pepa a Te Kāhui Minita, ahakoa ko te mahi a Te Tāhuhu, 'he āwhina i Te Matakahuki kia mārama ai ki ngā whakatau a te Kāwanatanga'.<sup>240</sup> I mōhio ngā kaimahi, 'ka pai noa' a Te Matakahuki ka kite ana rātou i te pepa, ā, ko tā te Minita 'e koa ana ka whaikupu mai rātou ki ngā pepa whai muri mai'.<sup>241</sup>

I taua rangi anō, i tuku ngā mema o Te Rūnanga Nui i ā rātou pepa pārongo mō ngā taunakitanga ki Te Rōpū Whakamana hei tautoko i tā rātou tonu kia tirohia wawetia ai. E whakaaturia ana tēnei pepa pārongo te korekore o ngā pārongo e pā ana ki te āhua o ngā mahi kaupapa here i ngā kaikerēme i taua wā. Ko tā te taunakitanga a Tākuta Dewes, 'i tēnei wā tonu nei, e kaiponutia ana e Te Tāhuhu ana rautaki, ana mahere, e pā ana ki a mātou, ki ngā Kura Kaupapa Māori. Ahakoa ā mātou tonu i ngā pārongo, kāore rātou i te whakaae kia tukuna mai'. I te roanga

236. Kōrero taunaki a Iona Holsted, 12 November 2021 (doc A7), pp 5–6

237. Cabinet Social Wellbeing Committee, 'Work Programme to Grow Māori Medium and Kaupapa Māori Education', Cabinet Paper, p 3 (Rōia Karauna, supporting documents (doc B30), p1696)

238. Cabinet Social Wellbeing Committee, 'Work Programme to Grow Māori Medium and Kaupapa Māori Education', Cabinet Paper, pp 3, 9 (Rōia Karauna, supporting documents (doc B30), pp1696, 1702)

239. Cabinet Social Wellbeing Committee, 'Work Programme to Grow Māori Medium and Kaupapa Māori Education', Cabinet Paper, pp 3, 9 (Rōia Karauna, supporting documents (doc B30), pp1696, 1702)

240. Associate Minister of Education (Māori Education) meeting with Education officials, 4 October 2021 (supplementary Crown disclosure (doc B40), p 30)

241. Associate Minister of Education (Māori Education) meeting with Education officials (supplementary Crown disclosure (doc B40), p 31)

atu o ana kōrero ka mea ia, kua ‘memeha katoa atu’ te whakapono ki te Karauna i runga i tēnei mahi.<sup>242</sup> He mea whakaū e Maika tā Te Rūnanga Nui i mea ai, ‘kāore rātou i te mōhio e ahatia ana,’ ahakoa e hāngai pū ana, e pā kau ana ēnei whakatau ki Te Rūnanga Nui me ngā Kura Kaupapa Māori.<sup>243</sup>

I te 11 o Oketopa 2021, i tuhi atu Te Rūnanga Nui ki a Minita Hipkins rāua ko Minita Tuarua Davis, ki te whakamōhio i a rāua ki te pakirehua ohorere i tukuna rā ki Te Rōpū Whakamana, ko tētahi wāhanga e hāngai ana ki te whakatoihara i ara ake ai i te whakahouanga o Ngā Kura mō Āpōpō.<sup>244</sup> I whakamahukitia i te reta te ngana a Te Rūnanga Nui ki te kōrero tahi ki Te Tāhuhu, auare ake, ā, ‘e kaha tonu ana te āta kaiponuhia’ o ngā pārongo waiwai i Te Rūnanga Nui e pā ana ki ngā tūtohunga o ngā kaupapa mahi o te ara mātauranga Reo Māori.<sup>245</sup> Ahakoa ngā matapakinga a ngā kaikerēme me Te Tāhuhu nō nā tata rā, ko tā rātou tohutohu tonu, ‘i te korenga o tētahi kupu taurangi i puta i te Kāwanatanga me te tautoko mai mā te tuku i ngā pārongo hāngai, me te mahi tahi ki a mātou’ me pēhea e kore ai e whāia te pakirehua ohorere.<sup>246</sup>

I te rā o muri iho, i te 12 o Oketopa 2021, i urupare a Minita Tuarua Davis i ngā āwangawanga o Te Matakahuki. I tīmata te Minita Tuarua ki te whakatau i te hiahia mō te ‘ara whakarara mana motuhake.’<sup>247</sup> I whakamahukitia e ia tana ū ki te waihanga i tētahi pūnaha e pai ake ana ki te ara mātauranga Reo Māori, Kaupapa Māori anō hoki. Ka ea tērā mā te ‘whakatupu i ngā ara whakarara motuhake mō te ara mātauranga Reo Māori, Kaupapa Māori hoki.’ I ki rā ia, ‘ehara mā te Karauna e tautuhi te tikanga o ēnei ara, ko wai mā rānei e whaipānga ana ki ēnei ara.’ Koia tērā mahi hei tūāpapa mō te hōtaka mahi, ā, mā Te Matakahuki anake e mahi. I mihi ia ki te tono a Te Matakahuki ki te ‘whai wāhi, ki te arataki hoki i te tāpaetanga ture e hāngai ana ki a Te Matakahuki.’<sup>248</sup> I te hiahia ia ki te whakangāwari i ngā āwangawanga e pā ana ki ngā whakatau a Te Kāhui Minita, kāore nei i aro ki a Te Matakahuki. I mate hoki ia ki te kimi whakaaetanga i a Te Kāhui Minita mō te hōtaka mahi me te panonitanga ture, ā, i whakamōhio hoki ia i a Te Matakahuki kāore anō kia whakatauria te āhua o te hōtaka mahi, o te ture rānei. I ki a Minita Tuarua Davis ki a Te Matakahuki, ‘kāore e taea ēnei whakatau me te kore e mahi tahi ki te rāngai ara mātauranga Reo Māori, Kaupapa Māori

242. Kōrero taunaki a Dewes, 12 October 2021 (doc A1), p 26

243. Kōrero taunaki a Maika (doc A4), p 10

244. Cathy Dewes and Rawiri Wright to Chris Hipkins and Kelvin Davis, 11 October 2021 (Rōia Karauna, supporting documents (doc B30), p 1711)

245. Dewes and Rawiri Wright to Hipkins and Davis (Rōia Karauna, supporting documents (doc B30), p 1712)

246. Dewes and Rawiri Wright to Hipkins and Davis (Rōia Karauna, supporting documents (doc B30), p 1712)

247. Kelvin Davis to Raniera Procter, Appendix 1 to Ministry of Education, ‘Education Report: Māori Medium/Kaupapa Māori Engagement – Next Steps’, 14 October 2021 (Rōia Karauna, supporting documents (doc B30), p 1715)

248. Davis to Procter, appendix 1 to Ministry of Education, ‘Education Report: Māori Medium/Kaupapa Māori Engagement – Next Steps’ (Rōia Karauna, supporting documents (doc B30), p 1715)

rānei, ka mutu, i pōwhiritia a Te Matakahuki ki te mahi tahi ki Te Tāhuhu ki te whakawhanake i te rārangi kaupapa – engari kāore i āta tautuhia te āhua.<sup>249</sup>

Nō muri i te whakaaetanga o te pepa a Te Kāhui Minita, i hui atu a Te Matakahuki ki a Minita Tuarua Davis i te 18 o Oketopa 2021. Ko tā Tākuta Bean ko te whāinga o te hui ‘kia hanga tūmatawhānui te kōrero’ e pā ana ki te wāhi ki a Te Matakahuki ‘i roto i te kōkiritanga o te hōtaka mahi, e aro nei ki te ara mātauranga Māori.’<sup>250</sup> Ko tāna, ‘i tino mārama’ ngā āpiha ko te hiahia o Te Tāhuhu mā Te Matakahuki ‘e arataki ēnei mahi, me te whanaketanga o te ture.’<sup>251</sup> E ai ki a Tākuta Bean, ko te whāinga o Minita Tuarua Davis ‘kia whakautea a Te Matakahuki mā te waiho mā rātou e arataki te hōtaka mahi katoa nei; engari mēnā kāore rātou i hiahia ki te pērā, ka tautoko ia i a rātou ki te arataki i ā rātou ake kaupapa, ā, ko te toenga ka waiho mā ētahi atu.’<sup>252</sup>

I mahara ake a Campbell, i tohua e Te Matakahuki i te hui tō rātou ‘hiahia ki te arataki i te kaupapa kia whakahouhia te pūnaha whaitake ki te Kaupapa Māori.’<sup>253</sup> Heoi anō, i kī rā a Tākuta Dewes, ‘kāore au e whakaponu’ e rite ana tā te Karauna i tāpae ai ki ‘tā Te Matakahuki i hiahia ai, me te ki ake ‘e hanga āhiki ana’ te whai wāhitanga, ‘ā, kāore i āta whakaarotia’ e ai ki ngā wawata o Te Rūnanga Nui.<sup>254</sup> Ahakoa i tuaritua atu he pārongo anō ki ngā kaikerēme i tēnei hui e ngā āpiha, kāore tonu i tukuna te pepa a Te Kāhui Minita ki a rātou, ā, ko tā rātou ‘kāore i taea tētahi whakatau’ e pā ana ki te whai wāhitanga.<sup>255</sup> I ‘āta tohua’ e ngā kaikerēme tō rātou āhei ki te whai wāhi atu ki te hōtaka mahi, engari me hāngai kē ki tā Te Matakahuki titiro, kaupapa anō hoki.<sup>256</sup> I taua wā anō, ko tā ngā āpiha o te Karauna, rātou tahi ko te Minita Tuarua, he whakaaetanga tērā nā Te Rūnanga Nui mō te whai wāhitanga ki te hōtaka mahi.<sup>257</sup>

I roto i tētahi ripoata o te 22 o Oketopa 2021 mō te kōkiritanga o te hōtaka mahi o te ara mātauranga Reo Māori, ko tā ngā kaimahi o Te Tāhuhu e pā ana ki ngā whakapāpā o ngā rā kei mua ki Te Rūnanga Nui, ‘he mea nui te whakahaukaha i te anganui a te hōtaka mahi o nāianei mō te ara mātauranga Reo Māori i ngā āwangawanga i whakapuakina ai e Te Rūnanga Nui,’ ā, ‘ko te ara whakarara tētahi kōwhiringa o te aronga whānui o tēnei hōtaka mahi.’<sup>258</sup>

I te 4 o Noema 2021, i hui atu a Te Rūnanga Nui ki a Minita Tuarua Davis ki te matapaki i te pakirehua ohorere me ngā āwangawanga e pā ana ki te korekore o

249. Davis to Procter, Appendix 1 to Ministry of Education, ‘Education Report: Māori Medium/ Kaupapa Māori Engagement – Next Steps’ (Rōia Karauna, supporting documents (doc B30), p 1716

250. Kōrero taunaki a Bean rāua ko Nathan (doc B31), pp 23, 24

251. Kōrero taunaki a Bean rāua ko Nathan (doc B31), pp 23–24

252. Kōrero taunaki a Bean rāua ko Nathan (doc B31), p 26

253. Kōrero taunaki a Campbell (doc A9), p [20]

254. Kōrero taunaki a Dewes (doc B14), p 13

255. Kōrero taunaki a Dewes (doc B14), p 15

256. Kōrero taunaki a Dewes (doc B14), p 15

257. Kelvin Davis to Cathy Dewes and Rawiri Wright, 28 October 2021 (Rōia Karauna, supporting documents (doc B30), p 1719); Kōrero taunaki a Holsted (doc A7), p 7

258. MME Weekly Status report, 22 October 2021, p 5 (supplementary Crown disclosure bundle (doc B39), p 100)

ngā pārongo.<sup>259</sup> I te 5 o Nōema 2021, i tuhi anō te Minita Tuarua ki Te Rūnanga Nui, engari i tēnei wā i tukuna tētahi kape o te pepa a te Kāhui Minita. I takarure ia i te whanaketanga o te hōtaka mahi e ai ki te pepa a Te Kāhui Minita me te whakaū i ngā horopaki e hāngai ana ki ngā ara Kaupapa Māori, ā, i kitea te hōtaka mahi Reo Māori hei arawātea ki te anganui i ngā raru i whakarārangitia ai i te pakirehua ohore.<sup>260</sup> Ka matapakina ā ngā kaikerēme urupare i te whiwhinga o te pepa a Te Kāhui Minita i te wāhanga 5.4.3.7 ā muri nei.

#### **5.4.3.6 Ngā whakaaro o ngā kaiwhakaatu mō te Pepa a Te Kāhui Minita o te Hepetema 2021**

I kōrero mai ngā kaiwhakaatu o te Karauna he ‘tūranga tīmatanga’ te pepa a Te Kāhui Minita o te Hepetema 2021 ki ngā mahi o muri ake ki te whakawhanake i ngā kaupapa here pūmau.<sup>261</sup> I tohutohu mai a Holsted, hei tā te Pepa a Te Kāhui Minita o te Hepetema 2021, ‘i whakarārangitia ētahi wāhanga me mahi’, ka puta ko te whakatūnga mai o te Ohu Whakakite i ngā Kura Reo Māori hei uiui i te Māori me te mahi tahi ki te Karauna i roto i te whakawhanaketanga o ngā aronga whāiti o te hōtaka mahi.<sup>262</sup> Ko tana kī mai anō, ko tā te pepa ‘he whakamātau motuhenga’ tēnei ki te whakahou anō i te pūnaha e kitea ai te wawata o te Māori.<sup>263</sup> Ko tā Tākuta Schöllmann rāua ko Jackson, ‘kua roa e pēnei ana, kia aratakina e Te Matakahuki ngā wāhanga o te mahi a te Ohu Whakakite e hiahia nā ia (ērā e hāngai ana ki te ara mātauranga Kaupapa Māori) – ko te āhua o te hōtaka mahi he mea whakatau e te Ohu Whakakite. Ko tā rātou e ‘āwhitu’ ana kua pēnei ngā kaikerēme mō te aronga o te hōtaka, arā, he ‘mea whakatau noa tēnei nā te Karauna i mua’, ā, mēnā i pai ake te whakakakau nā te Karauna kua anganuitia pea tēnei take.<sup>264</sup>

I kī a Jackson rāua ko Tākuta Schöllmann ehara i te mea i whakamahia ngā kupu ake o te ara mātauranga Reo Māori i te pepa a Te Kāhui Minita hei tāwai, hei whakaiti rānei i te Kura Kaupapa Māori. E mōhio ana rātou ki tā ngā kaikerēme e tohe nei, arā, ko te momo o te tuhi i ngā kupu, kāore e ‘āhukahuka ana i te tūranga motuhake o te kura kaupapa Māori hei kōwhiringa iwi taketake i roto i ngā kōwhiringa mātauranga.<sup>265</sup> Hei tā Tākuta Bean rāua ko Nathan, ‘ko te reo tētahi whaitohu kotahi noa iho, ā, he nui noa ake ngā rerekētanga o te ako i roto i tētahi taiao tikanga Māori.’<sup>266</sup> I whakahaukaha a Jackson rāua ko Tākuta Schöllmann i te wāhanga o te pepa a Te Kāhui Minita ‘e whakahua ana i te mate nui kia āta tautuhia ngā kupu matua, me mahi tahi hoki ki te iwi Māori.’<sup>267</sup>

259. Kōrero taunaki a Campbell rāua ko Maika (doc B26), p [32]

260. Kelvin Davis to Cathy Dewes and Rawiri Wright, 5 November 2021 (Iona Holsted, supporting documents (doc A7(a)), p 22)

261. Kōrero taunaki a Jackson rāua ko Schöllmann (doc B28), p 22

262. Kōrero taunaki a Holsted (doc B29), p 20

263. Kōrero taunaki a Holsted (doc B29), p 20

264. Kōrero taunaki a Jackson rāua ko Schöllmann (doc B28), p 34

265. Kōrero taunaki a Jackson rāua ko Schöllmann (doc B28), p 3

266. Kōrero taunaki a Bean rāua ko Nathan (doc B31), p 7

267. Kōrero taunaki a Jackson rāua ko Schöllmann (doc B28), p 4

Ahakoia ngā raru, i whakaae tonu ngā kaiwhakaaatu o te Karauna ki ngā kupu taketake o roto i te mātauranga Reo Māori, e ū tonu ana rātou ki tā rātou e mea nei, kāore e raru ana te aro whānui o te Pepa a Te Kāhui Minita o te Hepetema 2021. E ai ki a Holsted, 'ko te tautoko i ngā Māori katoa i te rāngai mātauranga, i ngā āhuatanga katoa o te ara mātauranga Reo Māori hoki, te horopaki me te taiao e whakatau ai te Karauna i ngā take.'<sup>268</sup> Nā runga anō i te whāinga o te Rāngai Māori, e kōrero nei mō te Taumata 1 rumaki reo, e noho nei hei te punga o te pepa, ka kī mai ia:

The aspiration is 30% Māori ākonga in immersion settings by 2040. That is a 300% increase on the current levels and requires concerted effort to achieve. The Minister and Cabinet have tasked the Ministry to do this with a lens on the whole of the system, including options that support the whole of the network of te reo and tikanga Māori education. Clearly, this cannot be done without kura kaupapa Māori. But it can also not be done without the Māori language and Māori medium elements in other parts of the education system. Neither should come at the expense of the other.<sup>269</sup>

#### **5.4.3.7 Te urupare a ngā kaikerēme ki te Pepa a Te Kāhui Minita o te Hepetema 2021**

I whiwhi Te Rūnanga Nui i tētahi kape o te pepa a Te Kāhui minita i te 5 o Noema 2021. I ā mātou nohoanga, i kōrerotia e ngā kaikerēme ā rātou urupare i te whiwhinga o te pepa. I ohorere ngā kaikerēme ki ngā tūtohunga o roto i te pepa a Te Kāhui Minita i te mea e tino whaipānga ana ki te Kura Kaupapa Māori, engari kāore i tuhia me ngā whaikupu a Te Rūnanga Nui. E ai ki ngā kupu a Campbell, 'i whakatau takitahi te Karauna i ngā whāinga, i te koronga, i te whānui, me ngā tawhā [o te hōtaka mahi] engari kāore tahi i kōrero ki Te Rūnanga Nui mō ēnei take.'<sup>270</sup> Ko tāna, ko te hōtaka mahi he 'takahitanga o te Tauākī Kawa' koia hoki 'kāore nei e arohia ana' te wawata motuhake o te Kura Kaupapa Māori.<sup>271</sup>

Nā Campbell te kōrero, mō Te Rūnanga Nui ko te āhuatanga nui katoa o te pepa a Te Kāhui Minita ko tana arokore ki te whakatū i Te Pae Mātauranga Māori (inā koa, te Manatū Mātauranga Ara Kaupapa Māori). I whakamahukitia e ia tā te Karauna mahi ki te huringa kōaro' me te 'ngākau whakamoho.'<sup>272</sup> Ehara tēnei urupare i te mea ohorere, nā runga i te kino o te whakapāpā a te Karauna i roto i te puka 'Supporting all schools' (e matapakitia nei i 4.3.2.3 i mua noa nei) i te mea i whakapono ngā kaikerēme ka ū te Karauna ki te Tūtohunga 4(a) tae noa ki te Āperira 2021. Nā ngā kaikerēme te kōrero ki a mātou, i 'iti rawa' tā te Karauna whakamahuki i tēnei āhua i te pepa a Te Kāhui Minita, nā, he tāwai hoki tēnei i a Te Rūnanga Nui.<sup>273</sup>

268. Kōrero taunaki a Holsted (doc B29), p 4

269. Kōrero taunaki a Holsted (doc B29), p 3

270. Kōrero taunaki a Campbell (doc A9), p [8]

271. Kōrero taunaki a Campbell (doc A9), p [15]

272. Kōrero taunaki a Campbell (doc A9), pp [14]-[15]

273. Kōrero taunaki a Campbell (doc A9), p [7]



Nā Tākuta Dewes te kōrero ki Te Rōpū Whakamana, kāore ia e ‘tohe i tō te Kāwanatanga hiahia ki te waihanga i te hōtaka mahi mō ngā kura Reo Māori’ engari kē ko tāna, i roa Te Rūnanga Nui e whai ana i ‘te ara motuhake e tautoko ai i te Kura Kaupapa Māori.’<sup>274</sup> Nōna anō te whakaaro, ko te ū tonu a te Karauna kia kapi te Kura Kaupapa Māori i raro i tētahi urupare kaupapa here mō te ara mātauranga Reo Māori, ka pēpēhi i te mana o te Kura Kaupapa Māori.<sup>275</sup> Nā Maika rāua ko Campbell i whakapuaki mai, he mea urutau te whāinga i te RMWG, ā, ‘kāore tahi e arohia ana ngā whakaaro me ngā whakapātaritari o nāianei o te hunga e mahi nei ki ngā Kura Kaupapa Māori, rātou e ngana ana ki te pupuri i te mana o te Kaupapa.’<sup>276</sup> Ko tā Ahorangi Smith, ahakoa he paku āwhina o roto i te whāinga mō ngā kaupapa whakarauora i te reo Māori, kei te takahia kētia e tēnei ngā kaupapa kura, pēnei i te Kura Kaupapa Māori, he whānui kē noa atu ana patanga i tērā o te whakarauora reo noa iho.<sup>277</sup>

### 5.4.3.8 Ka whakatahi a Te Matakahuki i te hōtaka mahi

I te 15 o Noema 2021, nō muri i te arotakenga o te pepa a Te Kāhui Minita, i tuhi a Te Matakahuki ki a Minita Tuarua Davis me tana whakamārama atu i tāna whakatahi ki te whakatahi i te hōtaka mahi. I kī atu a Te Matakahuki ki a Minita Tuarua Davis:

I wawe tā mātou kite atu kei reira tonu ngā take, ngā nawe i kōrerotia i ā tātou hui. Te āhua nei kāore i ea. Ehara mātou i tērā momo. Kāore hoki mātou i te hiahia kia waimehatia a Te Matakahuki ki tā te pākehā, he hoki whakamuri tērā. Ko tā mātou i hiahia ai kia tangohia a Te Matakahuki i te kohinga o ngā kura ka noho ki raro i te whakamāramatanga o te rūmaki reo 80% nui atu. Kua roa mātou e noho tuakoha ana i ngā whakatuanui, ā, mārakerake ana te kite me whai ara motuhake mātou. Ko tā mātou hiahia kia kōkirihia te wāhanga e pā ana ki Te Matakahuki, ā, mā mātou anake tērā e koke. Heoi anō, he rereke rawa atu tā te pepa whakamarama mō tērā. Kāti, kua whakatau mātou e tika ana kia puta ake, kei raruraru tō kaupapa i a mātou.<sup>278</sup>

Nā Tākuta Dewes i kōrero mai, i whakatau a Te Matakahuki ki te whakatahi i te hōtaka mahi nā runga i te ‘korenga o mātou i whai wāhi ki te arataki i ngā matapakinga mō te ara mātauranga o te Kaupapa Māori, i runga anō i te mōhio ko te waihanganga mai o te Pepa a Te Kāhui Minita i aro whāiti noa ki tā te Karauna whāinga hou kia 30 ōrau o ngā tamariki Māori ka kuhu atu ki te mātauranga ‘Reo Māori’ hei te 2024.’<sup>279</sup> Tārake ana te kite atu a Te Matakahuki, i whakatauria ngā

274. Kōrero taunaki a Dewes (doc A8(a)), p 3

275. Kōrero taunaki a Dewes (doc B14), pp 15–16

276. Kōrero taunaki a Maika rāua ko Campbell (doc B34), p 6

277. Kōrero taunaki a Smith (doc B19), p 10

278. Raniera Procter to Kelvin Davis, 15 November 2021, pp 1–2 (Rōia Karauna supporting documents (doc B30), pp 1739–1740)

279. Kōrero taunaki a Dewes (doc B14), p 18

whakatau nui e pā ana ki te whānui me ngā tawhā o te hōtaka mahi me tō rātou korenga e whai wāhi.<sup>280</sup>

I kitea e Campbell, i te mutunga iho ko te whānui o te pepa a Te Kāhui Minita i whakaahua i te ‘rerekētanga nui’ ki tā rātou i rongo ai i te hui ki a Te Tāhuhu i te Ākuhata 2021, ā ahu ake.<sup>281</sup> I kōrero a Mereana Selby, tētahi mema o Te Matakahuki, mō te tukanga i whakarārangitia ai i te pepa a Te Kāhui Minita, ‘kāore e paku arohia ana ngā matapaki [a Te Matakahuki] ki te Karauna mō te arataki i te mahi i te wāhanga Kaupapa Māori’, ā, ko taua hōtaka mahi anō i aratakina e te Karauna, e tauaro ana ki ā ngā āpiha o Te Tāhuhu kupu taurangi.<sup>282</sup> I whakamahukitia e Selby te whakahē a Te Matakahuki i te whai wāhitanga atu, ‘e tiakina ai te mana o tā mātou Kaupapa.’<sup>283</sup>

Hei tā Tākuta Bean, nā te mea kāore ngā āpiha i tuari i te pepa a Te Kāhui Minita ki ngā kaikerēme, koia pea te take i whakataha ai rātou i te hōtaka mahi. Ko tāna anō, nā te pepa a Te Kāhui Minita, ‘i hokirua ai [ngā kaikerēme], ā, i iti ai hoki te whakapono, nā runga i te wheako o mua ki a Te Tāhuhu.’<sup>284</sup>

### **5.5 TE WHAKAWHANAKETANGA O NGĀ KŌWHIRINGA KAUPAPA HERE ‘E TUPU AI TE ARA MĀTAURANGA REO MĀORI, KAUPAPA MĀORI ANŌ HOKI’ I TE TAU 2022**

I te wāhanga 5.4.3.4, i matapaki mātou i tā Te Kāhui Minita whakaae ki te hōtaka mahi e tupu ai te ara mātauranga Reo Māori, Kaupapa Māori anō hoki i te Hepetema 2021. I tēnei wāhanga, e whaiwhakaarotia ana te whanaketanga o ngā kowhiringa kaupapa here me ngā whakataunga a te Karauna e pā ana ki te hōtaka mahi i te 2022, inā hoki tā Te Tāhuhu rīpoata mātauranga o te Ākuhata 2022.<sup>285</sup>

Ko tētahi kaupapa he rite tonu te kitea i tēnei wāhanga, ko te taumata o te mana ki ngā whakaritenga mātauranga Kaupapa Māori me whai wāhi atu te Māori. Ahakoa ehara i te mea nō te Karauna te mana rangatira, me noho rānei te mana rangatira o te Karauna ki te mātauranga Māori, ki te mātauranga Kaupapa Māori rānei, kei te Karauna te mana whakahaere ki ngā whakaritenga tukanga e whakaaweawe nei i te tūtanga. E rua ngā rīpoata motuhake i kōrero rā i tēnei take, ā, i āpititia ki te rīpoata mātauranga o te Ākuhata 2022: ko te tuatahi nā Te Pae Roa, te Ohu Whakakite i ngā Kura Reo Māori a te Karauna, i tuhi, ā, ko te tuarua nā Te Matakahuki i tuhi. E mārāma ai te horopaki waiwai o te rīpoata mātauranga o te Ākuhata 2022, ka tīmata mātou ki te whakarārangi i te pūtakenga mai o ngā rīpoata motuhake e rua. Kātahi mātou ka whakarāpopoto i ngā rārangi kaupapa o te rīpoata mātauranga o te Ākuhata 2022 ki te wāhanga 5.5.3.2 me te titiro atu mēnā a Te Rūnanga Nui me ngā Kura Kaupapa Māori i whai wāhi atu, i whaiwhakaarotia rānei i te rīpoata.

280. Kōrero taunaki a Campbell (doc A9), p [11]

281. Kōrero taunaki a Hohepa Campbell, 17 December 2021 (doc A9), p [11]

282. Kōrero taunaki a Mereana Selby, 13 April 2023 (doc B23), p 9

283. Kōrero taunaki a Selby (doc B23), p 10

284. Kōrero taunaki a Bean rāua ko Nathan (doc B31), p 26

285. Tauākī whakataunga take (paper 1.4.1), p [2]

I muri mai, i te wāhanga 5.5.4, ka tahuri mātou ki ngā whanaketanga o ngā pepa a Te Kāhui Minita i waenga i te Hepetema me te Noema 2022, pēnei i ā te Karauna taunekeneke atu ki ngā kaikerēme i tēnei wā hoki me te tau o te Karauna ki tana tūranga whakamutunga i ngā kaupapa here i te wā i whakamanatia ai te pakirehua ohorere i te Tihema 2022.

### 5.5.1 Te Rīpoata a Te Pae Roa

#### 5.5.1.1 *Te whakataua a te Karauna ki te kōkiri me te kore i aro ki a Te Matakahuki*

Nō muri i te kōrerotanga a Te Matakahuki i tana whāinga ki te whakataha, i whakataua te Minita Tuarua ki te kōkiri tonu i te hōtaka mahi. Ka whakatū tahi mai ia i te Ohu Whakakite i ngā Kura Reo Māori, me te kore i aro ki a Te Matakahuki. Nā Tākuta Bean rāua ko Nathan i kōrero mai, ‘i whaiwhakaarotia te whakatārewatanga o te hōtaka mahi nā runga i te whakataua a Te Rūnanga Nui ki te whakataha, me te whai i tana pakirehua ohorere ki Te Rōpū Whakamana.’<sup>286</sup> I roto i tētahi imēra ki a Tākuta Bean me ētahi atu, i tohutohu a Deborah Mahuta-Coyle (nō muri ka kopoua ia ki te Ohu Mātanga Hāpai o te Ohu Whakakite) nā runga i te urupare kiripiro a Te Matakahuki ki te Pepa a Te Kāhui Minita o te Hepetema 2021, me whaiwhakaaro e te Minita kia:

- ▶ haere tonu ahakoa te kanohi ngaro o Te Matakahuki;
- ▶ ‘whakamātau i te whānui o te aronga’ ki te whakatika i ētahi o ngā āwangawanga me te whakakaha anō i te hononga ki a Te Matakahuki, mā ‘te whakapāha i runga i te mōhio ko te tukanganga me te rārangi kaupapa o te pepa a Te Kāhui Minita kāore nei i te whakaatu i te wairua o te mahi tahi,’ ā, ka wātea pea ki te hoki anō ki Te Kāhui Minita me te ‘whakaatu i te whāinga kia mahi tahi,’ tērā pea hoki kia ‘tuhia tētahi kupu taurangi ka mahi tahi, ka whai hoki kia mārāma kehokeho (pēnei i te rautaki o te wānanga)’; tērā rānei me
- ▶ whakatārewa te hōtaka mahi me te hōtaka panoni ture.<sup>287</sup>

I te mutunga iho, i kōwhiria e ngā Minita te kōwhiringa tuatahi. Nā Tākuta Bean rāua ko Tākuta Nathan te whakamahuki, i whakataua te Minita rāua ko te Minita Tuarua ki te koke tonu nā te mea i ‘whaiwhakaarotia ngā hua ka puta i te tonanawetanga o ngā utanga a te Karauna ki te mātauranga Māori, ā, ko te ākinga e tika ana kia kōkiritia tonutia.’<sup>288</sup> I kī rā a Jackson rāua ko Tākuta Schöllmann, i ‘mātau rātou ki ngā hua o te tonanawe (pēnei i te pānga ki te hōtaka mahi mēnā kāore e kōkiritia tonutia me ētahi atu pānga ki te ara mātauranga Reo Māori, Kaupapa Māori anō hoki), me te wāteatanga ki te whakature i mua i te kapinga o te wāhanga pōti.’<sup>289</sup> Ahakoa rā, e puare tonu ana te ‘tono me te arawātea’ kia whai wāhi a Te Matakahuki ki te hōtaka mahi me te Ohu Whakakite.<sup>290</sup>

286. Kōrero taunaki a Bean rāua ko Nathan (doc B31), p 27

287. Deborah Mahuta-Coyle to Daryn Bean, Belinda Watt, Adrienne Darrah, and Piripi Winiata, 10 November 2021 (Rōia Karauna, supporting documents (doc B30), pp 1737–1738)

288. Kōrero taunaki a Bean rāua ko Nathan (doc B31), p 27

289. Kōrero taunaki a Jackson rāua ko Schöllmann (doc B28), p 24

290. Kōrero taunaki a Holsted (doc A7), p 7

I te 18 o Noema 2021, i tuhi a Tākuta Bean ki Te Matakahuki, me te kite atu i tana whakataunga ki te whakataha i te whai wāhitanga atu ki te tuhi i te ture hou mō te ara mātauranga Reo Māori.<sup>291</sup> I kī rā ia, ‘hei tā Te Matakahuki, e noho noa ana ia hei hoa rangapū matua, ā, ka puare tonu te arawātea kia whai wāhi mai ia’, ā, ka noho ko ia hei whakapāpātanga matua, ā, kia tukuna ngā karere hou ki a ia e pā ana ki te hōtaka.<sup>292</sup>

I te 2 o Tihema 2021, i āta tuhi takitahi atu a Te Matakahuki ki a Holsted rāua ko Tākuta Bean ki te whakarārangi i ngā āwangawanga e hāngai ana ki te pepa a Te Kāhui Minita o te Hepetema 2021.<sup>293</sup> Ko te tono kia tangohia atu e Te Tāhuhu rāua ko Te Kura Kaupapa Māori te whānui o te aronga o te hōtaka mahi mō te Kura Reo Māori, ā, kia uiui tōtika Te Tāhuhu ki Te Rūnanga Nui, inā, ko ia te kaitiaki o Te Aho Matua. Ko te kōrero a Te Rūnanga Nui ‘kāore he take o te noho atu o tā mātou kaupapa i raro i tētahi Ohu Whakakite’.<sup>294</sup>

I te 10 o Pēpuere 2022, i whakautu a Tākuta Bean ki Te Rūnanga Nui, me te whakaae ki ngā raru i ara ake i tā rātou reta o te 2 o Tihema 2021.<sup>295</sup> I kōrero a Tākuta Bean ka ū tonu Te Tāhuhu ki te mahi tahi me Te Rūnanga Nui, me te kī anō ka whakapā atu a Nathan ki te whakarite i tētahi wānanga. Heoi anō, i kī mai ngā kaikerēme i mūhore noa tā te Karauna whakapā atu ki a rātou i te Āperira 2022 e pā ana ki ō rātou āwangawanga mō te Pepa a Te Kāhui Minita o te Hepetema 2021 me te Ohu Whakakite.<sup>296</sup> I whakamahukitia e Campbell te whakatau a te Karauna mō te kōkiri tonu i te hōtaka mahi me te Ohu Whakakite. Ahakoa ngā ‘āwangawanga nui’ o ngā kaikerēme, he tohu mate ēnei mō te kino haere o te hononga i waenga i Te Tāhuhu me Te Rūnanga Nui.<sup>297</sup> I kī mai a Campbell ki a mātou taka rawa ake ki te Tihema 2021, kua oma kē te hoiho.<sup>298</sup>

### 5.5.1.2 *Te whakatūnga mai o Te Pae Roa*

I te pepa a Te Kāhui Minita o te Hepetema 2021 (e āta whakamahukitia ana i te wāhanga 5.4.3.4, i kitea te whāinga a te Minita Tuarua ki te whakatū i tētahi Ohu Whakakite i ngā Kura Reo Māori. Ko tāna mahi he ‘noho hei whatu ārahi mō te kaupapa, āpiti atu ki te whanaketanga me te whakatutuki haere i te hōtaka mahi, tae atu hoki ki te ture’.<sup>299</sup>

---

291. Daryn Bean to Raniera Procter, 18 November 2021 (Rōia Karauna, supporting documents (doc B30), p1747)

292. Bean to Procter (Rōia Karauna, supporting documents (doc B30), p1747)

293. Dewes and Rawiri Wright to Holsted and Bean (Rōia Karauna, supporting documents (doc B30), pp1798–1799)

294. Dewes and Rawiri Wright to Holsted and Bean (Rōia Karauna, supporting documents (doc B30), p1800)

295. Daryn Bean to Hohepa Campbell, 10 February 2022 (Rōia Karauna, supporting documents (doc B30), p1847)

296. Kōrero taunaki a Hohepa Campbell, 6 April 2022 (doc A11), p4

297. Kōrero taunaki a Campbell (doc A11), p5

298. Kōrero taunaki a Campbell (doc A9), p[12]

299. Cabinet Social Wellbeing Committee, ‘Work Programme to Grow Māori Medium and Kaupapa Māori Education’, Cabinet Paper, p8 (Rōia Karauna, supporting documents (doc B30), p1701)

I te Tihema 2021, i whakaae Te Kōmiti Kopou me Ngā Tohu Hōnora a Te Kāhui Minita ki te kopou i ngā mema tokorima ki te Ohu Whakakite.<sup>300</sup> Arā, ko Tākuta Wayne Ngata (heamana) rātou ko Jason Ake, ko Moe Milne, ko Rahui Papa, ko Miriama Prentice.<sup>301</sup> I whakamahukitia ia mema i te tautapanga a te Minita Tuarua; he wheako mahi ō rātou ki ēnei take; he kaha hoki pea ō rātou hononga ki ngā whānau e mahi ana i roto i te ara mātauranga Kaupapa Māori; he wheako ō rātou i roto i ngā hōtaka mahi a te kāwanatanga me Te Tāhuhu; ka mutu, e āhei ana ki te ‘tō mai i tētahi tirohanga motuhake me tētahi reo motuhake ki ngā take arataki me ngā take whakakite i tēnei hōtaka mahi.’<sup>302</sup> I ‘māha’ te Minita Tuarua i ngā kopounga e rima, ā, mā ētahi anō kopounga (o ētahi mema o Te Matakahuki) ‘ka taurite ā-ira, ā-mātāwaka, ā-takiwā hoki te hanganga o te Rāngai, me te hāngai hoki o te whānui o ngā pūkenga me ngā mōhiotanga.’<sup>303</sup>

Nō muri i te kopounga, ka whakatau te pepa a Te Kāhui Minita, ka riro mā te Ohu Whakakite e tapa tōna ake ingoa me te whakawhanake i āna anō tikanga whakahaere, pēnei i te tukanga kopou i ētahi anō mema e whā nō Te Matakahuki, ko Te Rūnanga Nui hoki tērā.<sup>304</sup> Nā ngā kaiwhakaatu o te Karauna i kōrero mai i waiho kia wātea ana ngā tūru nā runga i te urupare ki te whakatau a Te Matakahuki kia kaua ia e whai wāhi atu ki te Ohu Whakakite, ā, i whakaatu anō i te pīrangī o te Minita Tuarua kia whai wāhi atu a Te Matakahuki.<sup>305</sup> I kōrerotia tēnei kōwhiringa ki a Te Matakahuki.<sup>306</sup>

Nā te Ohu Whakakite anō rātou i tapa ki te ingoa Te Pae Roa, ā, i te Māehe 2022, i whakaae a Minita Tuarua Davis ki ngā tikanga whakahaere i waihangatia ai e rātou.<sup>307</sup> Ko ngā tikanga, pēnei i te tāpui tūru mō Te Matakahuki, i kīia rā mā Te Pae Roa e ‘tuku tohutohu, e tuku kupu taurangi’ ki te Minita Tuarua, me te mahi tahi anō hoki ki a Te Tāhuhu i ēnei wāhanga e toru: te whai wāhi me te hoahoa tahi me te Māori, te panonitanga ture, me te hōtaka mahi hou e tūtohua ana ki te ara mātauranga Reo Māori, Kaupapa Māori anō hoki.<sup>308</sup> I tautuhia e ngā tikanga

300. Appointments and Honours Committee, ‘Appointments to the Māori Medium and Kaupapa Māori Education Oversight Group’, Cabinet paper, 15 December 2021 (Rōia Karauna, supporting documents (doc B30), pp 1812–1815); kōrero taunaki a Jackson rāua ko Schöllman (doc B28), p 24

301. Appointments and Honours Committee, ‘Appointments to the Māori Medium and Kaupapa Māori Education Oversight Group’, Cabinet paper (Rōia Karauna, supporting documents (doc B30), p 1812)

302. Appointments and Honours Committee, ‘Appointments to the Māori Medium and Kaupapa Māori Education Oversight Group’ (Rōia Karauna, supporting documents (doc B30), p 1813)

303. Appointments and Honours Committee, ‘Appointments to the Māori Medium and Kaupapa Māori Education Oversight Group’ (Rōia Karauna, supporting documents (doc B30), p 1813)

304. Appointments and Honours Committee, ‘Appointments to the Māori Medium and Kaupapa Māori Education Oversight Group’, Cabinet paper 15 December 2021 (Rōia Karauna, supporting documents (doc B30), p 1813)

305. Kōrero taunaki a Jackson rāua ko Schöllmann (doc B28), p 24; kōrero taunaki a Bean rāua ko Nathan (doc B31), p 27

306. Kōrero taunaki a Daryn Bean, 6 April 2022 (doc A10), p 12

307. Ministry of Education, ‘Education Report: Terms of Reference for Te Pae Roa’, 2 March 2022 (Rōia Karauna, supporting documents (doc B30), pp 1887–1891)

308. Ministry of Education, ‘Terms of Reference for Te Pae Roa’ (Rōia Karauna, supporting documents (doc B30), p 1889)

whakahaere tētahi rārangi wāhanga iti o ngā momo kupu taurangi me ngā momo tohutohu, hei tuku mā Te Pae Roa. Ka kitea i te whai wāhitanga me te hoahoa tahi te 'kupu taurangi mō te whanake haere i te whakature me te hōtaka mahi hou, ka mahia ngātahitia nei ki te Māori,' ā, 'ko ngā kupu taurangi o te hōtaka whakapāpā e ū ana ki te whakamana i te Māori me te Karauna.'<sup>309</sup> I kapi i te whakahounga ture te 'whakakite i te waihanganga mai o te ture e ū ai te wawata o te rāngai ara mātauranga Reo Māori, Kaupapa Māori anō hoki e anganuitia nei.'<sup>310</sup> I roto i te hōtaka mahi e tūtohua ana 'te tohutohu me te kupu taurangi ki te hōtaka mahi e hāngai ana ki tana koronga, ā, e arotahi ana ki te whakatupu haere i te ara mātauranga Māori me te whakawātea i tētahi wāhi ki a rātou hei whakahua i tō rātou anō rangatiratanga.'<sup>311</sup>

I te 9 o Pēpuere 2022, i whakapāohotia e Minita Tuarua Davis te waihanganga o Te Pae Roa, hei wāhanga o te 'whakahou ake i te hōtaka o te ara mātauranga Reo Māori, Kaupapa Māori anō hoki.'<sup>312</sup> I roto i te pānui pāpāho i tapaina ai 'he ao hou mō te ara mātauranga Māori,' i kī a Minita Tuarua Davis, 'kua roa te ara mātauranga Kaupapa Māori . . . e noho ana ki tētahi pūnaha mātauranga kāore i hoahoatia mō te kaupapa, nō reira, e kore e tutuki ngā wawata katoa o te Māori mō te āhua ki te whakaako i ngā reanga kāore anō kia whānau mai.'<sup>313</sup> Ko te whāinga o te mahi kia '30 ōrau o ngā ākonga Māori ka whai wāhi atu ki te ara mātauranga Kaupapa Māori/Reo Māori hei te 2040,' ā, e matapaetia ana ka tāpaea te ture hei te pito tōmua o te 2023.<sup>314</sup> Ko tētahi wāhanga anō o tēnei, ka timata te uiui a Te Pae Roa ki ngā kiripānga o te rāngai me ngā iwi, 'ko te whāinga kia waihanganga tahi i tētahi pūnaha me te Māori, mō te Māori, mā te Māori.'<sup>315</sup> Ko tētahi 'aronga matua' o te uiuinga ko te ngana kia 'tino mārāma te rerekētanga i waenganui i te ara mātauranga Reo Māori me te ara mātauranga Kaupapa Māori e tautuhia nei. Tērā ētahi tirohanga taikaha e pā ana ki te wāhi ki tēnā, ki tēnā, nō reira, me whakautu ngā mea e ruā. I rekoatia e whā ngā tūranga i Te Pae Roa i rāhuitia ai mō Te Matakahuki.'<sup>316</sup>

309. Ministry of Education, 'Terms of Reference for Te Pae Roa' (Rōia Karauna, supporting documents (doc B30), p1889)

310. Ministry of Education, 'Terms of Reference for Te Pae Roa' (Rōia Karauna, supporting documents (doc B30), p1889)

311. Ministry of Education, 'Terms of Reference for Te Pae Roa' (Rōia Karauna, supporting documents (doc B30), p1889)

312. 'Press Release: A New Dawn for Māori Education,' 9 February 2022 (Campbell and Maika, supporting documents (doc B26(a)), pp318–320)

313. 'Press Release: A New Dawn for Māori Education' (Campbell and Maika, supporting documents (doc B26(a)), p318)

314. 'Press Release: A New Dawn for Māori Education' (Campbell and Maika, supporting documents (doc B26(a)), p318)

315. 'Press Release: A New Dawn for Māori Education' (Campbell and Maika, supporting documents (doc B26(a)), p318)

316. 'Press Release: A New Dawn for Māori Education' (Campbell and Maika, supporting documents (doc B26(a)), pp318, 319)

Mātua rā, i whakamārama te Minita Tuarua i āna mahi, he ‘panonitanga i hiahiatia rā e te kōhanga, e te kura, e ngā wānanga hoki; he panonitanga i hiahiatia rā e ngā whānau, e ngā hapū, e ngā iwi, e ngā mātua, e ngā hapori Māori anō hoki’. Ko te kōrero a Campbell rāua ko Maika ki a mātou, nā te whakamahukitanga ‘i tino taumaha te wāhi ki a rātou i runga anō i ō rātou āwangawanga nui ki te tukanga me te tāpaetanga.’<sup>317</sup> Nō te putanga o te pānui pāpāho, i kite mātou i te whakahē a Te Matakahuki (tae atu ki Te Rūnanga Nui), arā, te kanohi o te nuinga o ngā whareako Kaupapa Māori, ki te noho atu ki Te Pae Roa me te whai wāhi atu ki te tuhi i te ture hou mō te ara mātauranga Reo Māori. Te āhua nei, e tino tukituki ana tēnei ki tā te pānui pāpāho.

I te 10 o Pēpuere 2022, i kitea te korenga o Te Matakahuki i Te Pae Roa e ngā pūrongo pāpāho: ‘ē kōkiritia tonutia ana ngā mahi o te arotake i te ara mātauranga Māori me te korenga o ētahi rōpū taumatua.’<sup>318</sup> I whakahuatia ngā kōrero a Minita Tuarua Davis i te pūrongo; ko tāna, i 14 marama te roa o ngā matapaki ki a Te Matakahuki, ā, i oti i te mutunga o 2021 nō tā rātou whakahē i te whai wāhitanga atu. E pēnei ana tana kī horipū, ‘ko tāku i whakatakoto atu ai, ko te arawātea ki te whakawhanake i te pūnaha mō te ara mātauranga Reo Māori, Kaupapa Māori hoki. I tuku au mā rātou hei arataki, hei kōkiri’, engari ‘i te mutunga iho, i te paunga o te tau, ko te whai wāhitanga atu i whakahēngia’ e Te Matakahuki.<sup>319</sup> I whakahē a Campbell rāua ko Maika i te pono o ēnei kōrero, arā, ko te whakapae a te Minita Tuarua mō ngā matapaki, 14 marama te roa, e ‘hē katoa’ ana.<sup>320</sup> E whakaae ana hoki mātou – i te uiui a Te Tāhuhu ki Te Rūnanga Nui i ngā take o tēnei wā, he tino iti ngā matapaki whai hua ki Te Rūnanga Nui e pā ana ki te āhua o te hōtaka mahi e tāpaetia ana, pēnei i tā mātou i uiui ai i te wāhanga 5.4.2 me 5.4.3 i runga nei.

I tīmata ngā hui a Te Pae Roa i te Tihema 2021, ā, nō muri i tērā ka whakamōhio i Te Tāhuhu ki tana whāinga kia:

- ▶ mahi motuhake atu ki te uiui i te Māori, i te iwi, i ngā toi rangapū, me te whai kia whakaputaina ki te Minita Tuarua tētahi rīpoata motuhake mō ngā hua o ana uiuinga;
- ▶ aratakina te whanaketanga o ngā tohutohu kaupapa here ki te Minita Tuarua me Te Kāhui Minita mō ngā kaupapa here me ngā tāpaetanga whakature, ā, mā Te Tāhuhu e tautoko engari ehara māna e koke; ā
- ▶ arotahitia te whānui o ana mahi uiui ki te iwi me ngā hapori Māori, me te uiui ki a Te Matakahuki, tēnā i te uiui i ngā kaiwhakarato o te ara mātauranga rumaki reo Māori i ngā horopaki o te Kura Auraki, pēnei i ngā

317. Kōrero taunaki a Campbell rāua ko Maika (doc B26), p[16]

318. Samantha Worthington, ‘Work on Māori Education Review Continues without Key Groups’, 10 February 2022 (Campbell and Maika, supporting documents (doc B26(a)), p 273)

319. Associate Minister Davis quoted in Worthington, ‘Work on Māori Education Review Continues without Key Groups’, (Campbell and Maika, supporting documents (doc B26(a)), p 274)

320. Kōrero taunaki a Campbell rāua ko Maika (doc B26), pp [16]–[17]

akomanga rumaki me ngā puna reo (ahakoa nā Te Pae Roa tonu i uiui ngā puna reo i te takanga o te wā).<sup>321</sup>

### 5.5.1.3 *Te rauna tuatahi o te uiui me te ripoata tuatahi*

I whakahaeretia e Te Pae Roa te rauna tuatahi o ngā uiui i waenganui i te 8 o Pēpuere me te 23 o Māhehe 2022.<sup>322</sup> I ia hui i ōrite tonu te whakaaturanga a Te Pae Roa mō te whakamārama i te tirohanga whānui o tōna tūranga, i te hōtaka mahi me ngā rārangi wā, i te whakakitenga anamata a te Minita Tuarua mō te ara mātauranga Reo Māori, Kaupapa Māori anō hoki.<sup>323</sup> I pātaitia hoki te hunga i whai wāhi ai ki te uiui ki ētahi pātai, hei tauira, ka pēhea tō ‘tautuhi i te ara mātauranga Reo Māori, Kaupapa Māori hoki’.<sup>324</sup>

I toro whānui ngā uiui a Te Pae Roa ki ngā rōpū huhua me ngā rohe o Aotearoa. I toroa (me ētahi atu) ngā hui a Ngā Rangatira (nā Kingi Tūheitia rāua ko Tā Tumu Te Heuheu i manaaki), a te National Iwi Chairs Forum, a te Kaunihera Kaiako o Aotearoa, a Ngā Puna Reo anō hoki.<sup>325</sup> I ngā rohe, i uiui a Te Pae Roa i te hunga i uiuitia ai ki te uiui i Ōtepoti tae atu ki Te Tai Tokerau.<sup>326</sup>

Nō muri i te rauna tuatahi o ngā uiui, i hui Te Pae Roa ki te Minita Tuarua i te 31 o Maehe 2022 ki te matapaki i ana kitenga.<sup>327</sup> I whakarāpopototia e te ripoata whakamutunga o te 4 o Āperira ngā kitenga a Te Pae Roa i ana uiuinga, ā, i tuku i ngā tūhonga hukihuki mō te āhua ki te whakapai ake i te ara mātauranga Reo Māori, Kaupapa Māori anō hoki. Ko ngā kaupapa matua i tautohua, e hāngai nei ki tēnei pakirehua, ko ā te hunga i kaha tautoko mā te Māori, e whakatau ‘te ahunga inamata me te ahunga anamata’ o te ara mātauranga Reo Māori, Kaupapa Māori anō hoki. Kāore hoki tētahi o te hunga i uiuitia ai i tautoko i tā Te Tāhuhu o Te Mātauranga hautū tonu i te whānuitanga o te ara mātauranga Reo Māori, ā, nā taua hunga anō rā i ‘whakapuaki ō rātou āwangawanga ki te mana whakatopatopa

321. Ministry of Education, ‘Education Report: Policy Development and Legislative Timing Implications for the Māori Medium/Kaupapa Māori Education Work Programme’, 10 February 2022 (Rōia Karauna, supporting documents (doc B30), p 1851); Te Pae Roa, ‘The Future of Kaupapa Māori and Māori Medium Education: Report Back and Independent Advice Following Te Pae Roa’s Engagement Process’, 4 April 2022, p [3] (Rōia Karauna, supporting documents (doc B30), p 1932); Te Pae Roa, ‘Supporting Māori Medium Education and Growing Kaupapa Māori Education: Second Report’, July–August 2022, p 25 (Rōia Karauna, supporting documents (doc B30), p 2425)

322. Te Pae Roa, ‘The Future of Kaupapa Māori and Māori Medium Education: Report Back and Independent Advice Following Te Pae Roa’s Engagement Process’, 4 April 2022, p [3] (Rōia Karauna, supporting documents (doc B30), p 1932)

323. Te Pae Roa, ‘Report Back and Independent Advice Following Te Pae Roa’s Engagement Process’, p [3] (Rōia Karauna, supporting documents (doc B30), p 1932); see also Te Pae Roa Presentation (Bean, supporting documents (doc A10(a)), p [10])

324. Te Pae Roa, ‘Report Back and Independent Advice Following Te Pae Roa’s Engagement Process’, p [3] (Rōia Karauna, supporting documents (doc B30), p 1932)

325. Te Pae Roa, ‘Report Back and Independent Advice Following Te Pae Roa’s Engagement Process’, p [3] (Rōia Karauna, supporting documents (doc B30), p 1932)

326. Te Pae Roa, ‘Report Back and Independent Advice Following Te Pae Roa’s Engagement Process’, p [3] (Rōia Karauna, supporting documents (doc B30), p 1932)

327. Cabinet Social Wellbeing Committee, ‘Māori Medium and Kaupapa Māori Education – Te Pae Roa Report’, Cabinet paper (Rōia Karauna, supporting documents (doc B30), p 1923)



o te Karauna me te hautū i ngā ara mātauranga Kaupapa Māori me te mātauranga Māori e whakaratohia ana i waho i ngā horopaki Kaupapa Māori.<sup>328</sup> Ki te whānui te titiro, i tautoko hoki te hunga i uiuitia i te whāinga 30 ōrau a te Minita Tuarua, engari he mōhio hoki ka uaua kē pea tērā ki ētahi wāhi.<sup>329</sup> I tautuhi anō te hunga i uiuitia i ngā raru hāngai ā-rohe kei mua i te aroaro o te ara mātauranga Reo Māori, Kaupapa Māori anō hoki, ka mutu, i ngā whakapātāritari i ngā take o te tahua pūtea, rāngaimahi, ngā aramahi me ngā kaupapa whare, me te marautanga.<sup>330</sup>

Kāti, i tohua e Te Pae Roa he 'tohu mate ēnei o te raru ā-pūnaha – te mana whakatopatoa me te hautū a te Karauna i ngā ara mātauranga Kaupapa Māori me te whakamahinga o te mātauranga Māori (ka kapi hoki ko te reo Māori) i ngā horopaki Reo Pākehā.<sup>331</sup> He raru ā-pūnaha ēnei nā te mea 'kāore te ara mātauranga Kaupapa Māori, kāore rānei te mātauranga Māori e noho ki raro i te Karauna, aha-koā 'nā te āhua o te hoahoatia o te pūnaha o nāianeī, kua riro te mana whakahaere i te Karauna.<sup>332</sup>

Nā konei, i tūtohu Te Pae Roa i tētahi anga hou e 'āhei ai tā te iwi, tā te Māori hoki, whakatinana i tōna tino rangatiratanga me tōna mana motuhake i ngā ara mātauranga kaupapa Māori me te mātauranga Māori i ngā horopaki mātauranga katoa.<sup>333</sup> I matapae a Te Pae Roa ka kapi i tēnei panonitanga te waihanganga mai o tētahi ohu hou, arā, a 'Takapau Whaiao', hei tūhono, hei tautoko i ngā ara mātauranga Kaupapa Māori (kua tautuhia hei ara mātauranga rumaki mā te Māori e hautū, e whakahaere hoki) me ngā Ara Māori (kua tautuhia hei ara mātauranga Māori i waho i te Kaupapa Māori).<sup>334</sup> I tūtohu anō hoki a Te Pae Roa i ētahi panonitanga ki ngā wāhi pēnei i te tahua pūtea, te rāngaimahi, te marautanga, te manatohu, me ngā kaupapa whare (te tautiaki me ngā whakatūnga whare hou).<sup>335</sup> I raro i ēnei panonitanga, ka noho utanga tonu te Karauna 'i raro i Te Tiriti' ki te Kaupapa Māori me te mātauranga Ara Māori 'hei tautoko i tana tupuranga, hei whakamana, hei tiaki hoki i tana wāhi i Aotearoa.<sup>336</sup>

Hei whakarāpopoto, i tūtohua e Te Pae Roa kia whakaae te Karauna ki:

328. Te Pae Roa, 'Report Back and Independent Advice Following Te Pae Roa's Engagement Process', p [5] (Rōia Karauna, supporting documents (doc B30), p 1934)

329. Te Pae Roa, 'Report Back and Independent Advice Following Te Pae Roa's Engagement Process', p [4] (Rōia Karauna, supporting documents (doc B30), p 1933)

330. Te Pae Roa, 'Report Back and Independent Advice Following Te Pae Roa's Engagement Process', pp [5]–[8] (Rōia Karauna, supporting documents (doc B30), pp 1934–1937)

331. Te Pae Roa, 'Report Back and Independent Advice Following Te Pae Roa's Engagement Process', p [9] (Rōia Karauna, supporting documents (doc B30), p 1938)

332. Te Pae Roa, 'Report Back and Independent Advice Following Te Pae Roa's Engagement Process', p [9] (Rōia Karauna, supporting documents (doc B30), p 1938)

333. Te Pae Roa, 'Report Back and Independent Advice Following Te Pae Roa's Engagement Process', p [9] (Rōia Karauna, supporting documents (doc B30), p 1938)

334. Te Pae Roa, 'Report Back and Independent Advice Following Te Pae Roa's Engagement Process', pp [9]–[10] (Rōia Karauna, supporting documents (doc B30), pp 1938–1939)

335. Te Pae Roa, 'Report Back and Independent Advice Following Te Pae Roa's Engagement Process', pp [12]–[13] (Rōia Karauna, supporting documents (doc B30), pp 1941–1942)

336. Te Pae Roa, 'Report Back and Independent Advice Following Te Pae Roa's Engagement Process', p [11] (Rōia Karauna, supporting documents (doc B30), p 1940)

- ▶ te whakawhanake ture hou e hoahoatia ai tētahi pūnaha hou me tētahi anga mō te ara mātauranga Māori e matomato ai tana tupu;
- ▶ te kōkiri tonu i te anga hou me te pūnaha mō te whānuitanga o te ara mātauranga Māori;
- ▶ te mahi tahi a Te Pae Roa ki a Te Tāhuhu ki te whakawhanake i ngā kōwhiringa e pā ana ki te anga me te pūnaha hou, pēnei i ana tūranga me ana haepapa ki te tuku i ngā tukanga whakatau take, ka mutu, ki te tuku i te tahua pūtea ki tēnei anga hou; ā
- ▶ te mahi tahi a Te Pae Roa ki a Te Tāhuhu ki te whakawhanake i ngā kōwhiringa e pā ana ki tētahi pūnaha hou mō te whanake tonutanga o te ara Mātauranga Māori, e hāngai ana ki ēnei kaupapa me ētahi anō pea, arā ki te tahua pūtea, ki te whanaketanga o te rāngaimahi, ki ngā manatohu, ki ngā kaupapa whare me ngā whakamahere whatunga, kite marautanga anō hoki.<sup>337</sup>

Nā Tākuta Bean te kōrero ki a mātou, e rua ngā hui a Te Pae Roa ki Te Matakahuki i roto i tēnei wā; ko te tuatahi o ngā hui i mua tonu i te rauna tuatahi o ngā uiuinga, ko te tuarua nō muri atu.<sup>338</sup> E ai ki a Tākuta Bean, i te hui tuatahi, i tūtaki atu Te Pae Roa, me te tuku i tana pepa pārongo, ki Te Matakahuki e pā ana ki tana tukanga uiui e kainamu mai ana.<sup>339</sup> I te hui tuarua, i te 29 o Māehe 2022 me tana kī mai, i whakatakoto Te Pae Roa i tana whakakitenga whānui e pā ana ki ngā hua o ana uiuinga, me te whakarāpopoto i tana rīpoata ka tukuna ki te Minita Tuarua.<sup>340</sup> I kī a Tākuta Bean ki a mātou, i tukuna tētahi kape o te rīpoata ki a Te Matakahuki i muri i te hui, ā, i pōwhiria rātou ki te whai wāhi ki ētahi uiui anō, mā te piri tahi ki a Te Pae Roa.<sup>341</sup> Kāore ngā meneti o ēnei hui i roto i ngā taunakitanga, engari ko tā mātou i kite ai kāore ngā kaikerēme i whakahē i ngā kōrero a Tākuta Bean. I kōrero mai a Campbell, i roto i ngā hui e rua, i whakamahukitia e Te Matakahuki tana whakatau kia kaua rātou e whai wāhi atu ki Te Pae Roa. Hei tā rātou, ‘ka hē haere i te tukanga me te whānui o te aronga’ tana kaupapa, e ‘kore e tau ki a ia te haepapa ki te whakatika i te rāngai tūmatanui nā te mea ka whaipānga ki te ara mātauranga Reo Māori’, ka mutu, ko tana ‘whāinga, ko tana kawatau anō hoki, kia tōtika kē te whakapā atu a te Karauna ki a ia i ēnei take.’<sup>342</sup> I roto i tana rīpoata, i rekoata a Te Pae Roa i te tūranga o Te Matakahuki, pēnei i tana whakatau kia kaua ia e whai wāhi atu, i tana hiahia hoki kia whakatūria he ara whakarara mō te ara mātauranga Kaupapa Māori, ‘e taurite ai ā mātou tohutohu ki te Minita, ā, e kitea ai ngā whaiwhakaarotanga o te katoa i te rāngai.’<sup>343</sup>

337. Te Pae Roa, ‘Report Back and Independent Advice Following Te Pae Roa’s Engagement Process’, p [14] (Rōia Karauna, supporting documents (doc B30), p 1943)

338. Kōrero taunaki a Bean (doc A10), p 5

339. Kōrero taunaki a Bean (doc A10), p 5

340. Kōrero taunaki a Bean (doc A10), pp 5, 6

341. Kōrero taunaki a Bean (doc A10), pp 6, 12

342. Kōrero taunaki a Hohepa Campbell, 6 April 2022 (doc A11), p 4

343. Te Pae Roa, ‘Report Back and Independent Advice Following Te Pae Roa’s Engagement Process’, p [5] (Rōia Karauna, supporting documents (doc B30), p 1934)

I te pito tōmua o Mei 2022, i whakaatu a Minita Tuarua Davis i te rīpoata a Te Pae Roa ki Te Kāhui Minita.<sup>344</sup> Ko tāna whakamārama i te rīpoata a Te Pae Roa, he ‘wawata’; ko ngā kitenga he ‘tino tiketike’,<sup>345</sup> ā, ko tāna anō kāore ia ‘i te hiahia ki te whakatū i te Manatū Mātauranga Reo Māori hei Manatū anō, hei Manatū mō te ara mātauranga Reo Māori, Kaupapa Māori hoki e hautū ana i te ōrau iti o ngā ākonga Māori.’<sup>346</sup> Ko te tūtohu a te Minita Tuarua kia rekoatia e Komiti Hauora ā-Pāpori a Te Kāhui Minita, ka mahi tonu a Te Pae Roa i ana uiuinga ki te Māori, motuhake nei i te Karauna; ka whakaae me whakahoki kōrero te Minita Tuarua ki Te Kāhui Minita i te Hūrae 2022 ki te kimi whakaaetanga e pā ana ki ngā hātepe whai muri ake i roto i te hōtaka mahi; ka mahi tahi tonu a Te Pae Roa ki a Te Tāhuhu ki te whai wāhi ki ngā tohutohu ki te Minita Tuarua i mua i tana whakahoki kōrero.<sup>347</sup>

#### 5.5.1.4 Te rauna tuarua o ngā hui me te pūrongo tuarua

I muri i te whakaotinga o tana pūrongo, i mahi tahi Te Pae Roa me te Tāhuhu ki te whakawhanake, ki te whakapai hoki i ana tonono whakahou.<sup>348</sup> E ai ki tā mātou e mōhio nei i whakahaerehia ngā hui nei i ngā marama o te Āperira ki te Mei i te tau 2022, ā, e whā ngā whakaritenga i puta ai i aua hui i tukua rā e te Tāhuhu ki Te Pae Roa.<sup>349</sup> Kāore a Te Matakahuki i whakamōhiotia i te whanaketanga o ngā whakaritenga, heoi ka kōrerohia tēnei take i te wāhanga 5.5.3.1.

Nā Takuta Bean rāua ko Nathan mātou i whakamōhio kāore ngā āpiha i tuku tohutohu kaupapa here i te tepenga o te whai wāhitanga o tā te Tāhuhu tautoko i Te Pae Roa ki ngā ‘pepa tāuru’ me ngā awheawhe, ki te tiaki hoki i te motuhaketanga o Te Pae Roa.<sup>350</sup> E rima ngā wāhanga e whai wāhi nei ngā pepa tāuru kua tautuhi i te pūrongo tuatahi a Te Pae Roa (te wāhi mahi, te pūtea, ngā tohu mātauranga, ngā rawa me te whakarite kōtuitui, me te marau hoki). E ai ki a Takuta Bean rāua ko Nathan ‘he tukunga pitopito kōrero mō te āhua o ngā pūnaha mātauranga o mohoa nei i ōna roherohenga me ētahi āhuatanga ka whai wāhi atu mēnā he panonihanga.’<sup>351</sup>

344. Cabinet Social Wellbeing Committee, ‘Māori Medium and Kaupapa Māori Education: Te Pae Roa Report’, minute of decision, 4 May 2022 (Rōia Karauna, supporting documents (doc B30), p1949); kōrero taunaki a Bean rāua ko Nathan (doc B31), p 31

345. Cabinet Social Wellbeing Committee, ‘Māori Medium and Kaupapa Māori Education – Te Pae Roa Report’, Cabinet paper, 4 May 2022 (Rōia Karauna, supporting documents (doc B30), p1921)

346. Cabinet Social Wellbeing Committee, ‘Te Pae Roa Report’, Cabinet paper (Rōia Karauna, supporting documents (doc B30), p1924)

347. Cabinet Social Wellbeing Committee, ‘Te Pae Roa Report’, Cabinet paper (Rōia Karauna, supporting documents (doc B30), p1928)

348. Te Pae Roa, ‘Supporting Māori Medium Education and Growing Kaupapa Māori Education: Second Report, July–August 2022’, p6 (Rōia Karauna, supporting documents (doc B30), p2406); Ministry of Education, ‘Education Report: Māori Medium/Kaupapa Māori Education: Options for a New Framework’, 4 August 2022 (Rōia Karauna, supporting documents (doc B30), p2267)

349. Te Pae Roa, ‘Supporting Māori Medium Education and Growing Kaupapa Māori Education’ (Rōia Karauna, supporting documents (doc B30), p2406); kōrero taunaki a Bean rāua ko Nathan (doc B31), p31

350. Kōrero taunaki a Bean rāua ko Nathan (doc B31), p31

351. Kōrero taunaki a Bean rāua ko Nathan (doc B31), p31

I ētahi tuhinga nō roto, e mārāma ana ki a mātau tā te Tāhuhu whakatutuki i tā rātou whanake i ngā whiringa e whitu kia whakahouhia i mua i te marama o Maehe 2022 'kia whākina atu ngā kōrero ki Te Pae Roa whai muri tonu i tā rātou hui motuhake'.<sup>352</sup> E ai ki te pepa i tāpaehia ai e Jackson, 'ko te whanaketanga o ngā kaupapa here mō ngā hoahoa whakature me ngā whiringa' i te mātauranga Tukanga Māori me te mātauranga Kura Kaupapa Māori 'me whai kia ōrite ngā whakaritenga ōkawa ki tā Te Pae Roa whai wāhi ahakoa te pākaha o ngā rārangi wā whakature me te āhua o ngā momo whiringa ka whai whakaarohia'.<sup>353</sup> Ahakoa tētahi ranga ā-ture mātauranga Māori e rite nei ki Te Aka Whai Ora i whakaarohia hei ngā whiringa, ko te korahi o tēnei ranga (me ērā atu whiringa kaupapa here i whai whakaarohia) i toro atu ki te Kura Kaupapa Māori me te mātauranga Tukanga Māori.<sup>354</sup> I te marama o Mei 2022, e ai ki tētahi pūrongo mana nā te Tāhuhu mō te kaunake whakamuatanga ā-marama o te hōtaka ara mātauranga o te Tukanga Māori me te Kura Kaupapa Māori, 'ka tere whanake ngā whiringa hoahoa pūnaha anamata i te tīmatanga me te whakaotinga o te terenga awheawhe a Te Pae Roa/Te Tāhuhu'.<sup>355</sup> I te marama o Hune 2022, hei tā tētahi miniti hui o tētahi o ā te Tāhuhu hui nō roto mō te ara mātauranga o te Tukanga Māori me te Kāhui Hautūtanga Whakahaere Ara Kura Kaupapa Māori, e rima ngā whiringa i whakawhāitihia i ngā awheawhe a Te Pae roa.<sup>356</sup>

I tana pūrongo tuarua (i ngā taipitopito o raro), i whakamāramahia e Te Pae Roa e toru noa ngā whakaritenga o ngā whiringa e whā i hua ai i ngā awheawhe i whai whakaarohia ai e rātou.<sup>357</sup> He mea whakahē e Te Pae Roa te Whakaritenga Tuatahi i te tīmatanga rā anō inā rā 'kāore i tutuki i a ia ngā paearu i whakaritea ai e te Minita me te iwi Māori'.<sup>358</sup> Heoi, i ngā whiringa, ko te Whakaritenga Tuawhā kē tērā i paingia ai – nāna tonu tētahi hinonga Motuhake i whakatū.<sup>359</sup> Hei tāna, i whai tonu te Whakaritenga Tuawhā i ngā tohu i roto i tana pūrongo tuatahi me ngā whakahokinga kōrero a te Māori i te rauna tuatahi o ngā hui. I āta arotakengia te Whakaritenga Tuatoru hei whakatauritenga, i whai wāhi ai te tukunga o ētahi momo āhuatanga ki ētahi kāhui rongonui, i kitea ai hoki te korenga o te ranga-tiratanga i te mātauranga Kaupapa Māori nā te mana o te Karauna ki te whakataua.

352. 'Paper Two: Māori Medium/Kaupapa Māori Education Legislative Design and Options', sponsored by Andy Jackson, 1 March 2022 (Rōia Karauna, supporting documents (doc B30), p1872)

353. 'Kaupapa Māori Education Legislative Design and Options', sponsored by Jackson (Rōia Karauna, supporting documents (doc B30), p1872)

354. 'Kaupapa Māori Education Legislative Design and Options', sponsored by Jackson (Rōia Karauna, supporting documents (doc B30), pp1876–1879)

355. 'Māori Medium and Kaupapa Māori Education Pathways Programme Status Report', 30 May 2022 (Rōia Karauna, supporting documents (doc B30), p2009)

356. 'Minutes of the Māori Medium and Kaupapa Māori Education Implementation Leadership Group hui', 8 June 2022 (Rōia Karauna, supporting documents (doc B30), p2466)

357. Te Pae Roa, 'Supporting Māori Medium Education and Growing Kaupapa Māori Education', p7 (Rōia Karauna, supporting documents (doc B30), p2407)

358. Te Pae Roa, 'Supporting Māori Medium Education and Growing Kaupapa Māori Education', p21 (Rōia Karauna, supporting documents (doc B30), p2421)

359. Te Pae Roa, 'Supporting Māori Medium Education and Growing Kaupapa Māori Education', p21 (Rōia Karauna, supporting documents (doc B30), p2421)

Hei whaiwhai noa ake, ko te Whakaritenga Tuarua i whai wāhi ai te whakatūnga o tētahi kāhui i roto i te Tāhuhu, koia tērā kāore i ‘whakatūturuhia te hūrokuroku o ngā Ara Kaupapa Māori’, i pīrangihia ‘tētahi tukanga tōpū me tētahi tira kāwanatanga kia riro māna te haepapatanga o te kawenga e kawē.’<sup>360</sup>

Ko ngā whakaritenga e whā i whakapaihia ake i ngā awheawhe, i tukua ai hoki e te Te Pae Roa, he tino rite ki ngā whakaritenga e whā i āta tātarihia ka tukua ai ki ngā Minita i te pūrongo mātauranga i te marama o Ākuhata 2022 – he iti noa iho ngā panonihanga o ngā kaupapa here i te Whakaritenga Tuatahi, ā, he mea whakatū e te Whakaritenga Tuawhā tētahi kāhui Motuhake ā-ture. I ngā hui, i whakapuaki a Jackson i te kōrero ‘e taurite ana ngā whiringa e whā i ngā pūrongo e rua, ka mutu, koia tēnei ko te whakatinanatanga o te whanake ngātahitanga o ēnei tohutohu i tērā wā.’<sup>361</sup> Heoi anō, kāore mātou i te mōhio mēnā āe rānei i whakarerekēhia e te Tāhuhu ētahi mokamoka i roto i ngā whakaritenga i a rātou e whakarite nei i te pūrongo mātauranga i te marama o Ākuhata 2022, inā rā kāore anō te āpitihanga o te pūrongo tuarua a Te Pae Roa e kitea katoahia nei ngā whakaritenga kia tuku pēnei mai. Kua kōrerohia e mātou ēnei whakaritenga nei i tukua i te pūrongo mātauranga i te marama o Ākuhata 2022, ko ngā mokamoka i te wāhanga 5.5.3.2 i raro iho nei.

I whakatau a Te Pae Roa kia whai wāhi te iwi Māori i te whakaritenga i paingia ai e rātou – arā ko te Whakaritenga Tuawhā. I mua i te kōkirihianga o te rauna tuarua o ngā hui, i hui tahi a Te Pae Roa me Te Matakahuki kia tukua e Te Pae Roa tana tono.<sup>362</sup> Karekau he miniti o taua hui. Heoi, i tana pūrongo tuarua (tērā kua whakarāpopotohia i raro iho nei) e kōrerohia ana tētahi reta i tukua ai e Te Matakahuki ki a Te Pae Roa. E ai ki te reta, he tono kia whakakorehia e Te Pae Roa ngā Kaupapa Māori i ana mahi ka whakamōhiohia ai te hunga i whai wāhi ai ki aua mahi rā i tā Te Matakahuki whakahē i tana tūranga.<sup>363</sup> I tana pūrongo tuarua, kāore a Te Pae Roa i whakaae ki tā rātou tono tuatahi, engari i whakaaetia te tono tuarua.<sup>364</sup> Kei te pūrongo hoki te kaniawhea ki Te Matakahuki i te korenga o rāua i hono tahi ki te tuku ngātahi i ētahi tohutohu ki te Minita Tuarua. Hei tāna, ‘nā tēnei tūranga me te manawanui o Te Pae Roa ki te whakaurunga tēnā i te aukatinga i tau ai kāore a Te Pae Roa me Te Matakahuki e whakaae ngātahi ki te huarahi anga whakamua. Koinei te tino rerekē o ā mātau tohutohu ki ā rātau.’<sup>365</sup>

I kōkiritia e Te Pae Roa ngā kauhau tuihono e whā i tana rauna hui tuarua mō te Whiringa Tuawhā i ngā marama o te Hūrae me te Ākuhata 2022 i whai wāhi

360. Te Pae Roa, ‘Supporting Māori Medium Education and Growing Kaupapa Māori Education’, p 21 (Rōia Karauna, supporting documents (doc B30), p 2421)

361. Tuhinga kape kōrero4.1.6, p 145

362. Te Pae Roa, ‘Supporting Māori Medium Education and Growing Kaupapa Māori Education’, p 29 (Rōia Karauna, supporting documents (doc B30), p 2429)

363. Te Pae Roa, ‘Supporting Māori Medium Education and Growing Kaupapa Māori Education’, p 29 (Rōia Karauna, supporting documents (doc B30), p 2429); see also Māhina Melbourne to Daryn Bean and Andy Jackson, 8 July 2022 (supplementary bundle of documents (doc B38), p [71])

364. Te Pae Roa, ‘Supporting Māori Medium Education and Growing Kaupapa Māori Education’, p 29 (Rōia Karauna, supporting documents (doc B30), p 2429)

365. Te Pae Roa, ‘Supporting Māori Medium Education and Growing Kaupapa Māori Education’, p 29 (Rōia Karauna, supporting documents (doc B30), p 2429)

ai te whai wāhitanga o te hunga kiripānga matua.<sup>366</sup> 144 katoa ngā tāngata i whai wāhi ki ngā kauhau tuihono.<sup>367</sup> Ko te National Iwi Chairs Forum me Ngā Puna Reo ētahi o te hunga kiripānga matua.<sup>368</sup> Hei āpiti ki ngā kupu whakahoki i ngā hui, tērā ētahi whakautu i tukuna ki Te Pae Roa mā te imēra i aua hui rā.<sup>369</sup>

I ngā tuhinga i hoatu ai e te Karauna i tautuhia ētahi whārangi kauhau i whakamahia rā e Te Pae Roa i te rauna tuarua o ngā hui.<sup>370</sup> E ai ki ngā whakahoki kōrero nō roto i te terenga hui tuatahi, ka tukua e Te Matakahuki tētahi pūrongo motuhake ki te Minita e kitea nei te rerekē o ā rātou tirohanga ko Te Pae Roa me te whai i ngā whakahoki kōrero e hāngai ana ki tana tono ki te whakatū i tētahi rāngai ā-ture mō te mātauranga Kaupapa Māori te take. E ai ki ngā whārangi o te kauhau ka tau te haepapatanga ki runga i te kāhui kia riro mā rātou e whakatau ngā ‘whakataunga matua’ me te whakahaere hoki i tētahi rautaki whāinga roa e hāngai ana ki te mātauranga Kaupapa Māori.<sup>371</sup> Ko tā te rautaki he ngana ki te ‘whakapiki i te tokomaha o ngā tamariki i te mātauranga Kaupapa Māori, he whakatakoto hoki i ētahi ara mātauranga Kaupapa Māori hūrokuroku huri noa i Aotearoa. Hei tā ngā whārangi o te kauhau ka whiwhi pūtea te kāhui, kei a rātou hoki te mana o taua pūtea rā, ka mutu, mā rātou ētahi whakaaetanga pūtea e whakarite me ētahi kaiwhakarato e whai wāhi ana ki te whakahaere i te rautaki whāinga roa.<sup>372</sup> He mea kite i ngā whārangi kauhau ‘te hiranga o te matatika o ngā pūtea’ me te whakamōhio atu me mahi ngātahi a Te Pae Roa me Te Tāhuhu kia whakaritea tētahi whakaritenga e tutuki ai te kaupapa.<sup>373</sup> Hei whakakapinga, kei ngā whārangi kauhau ētahi tauira o ngā wāhanga e tau kē ai te haepapatanga ki te kāhui hou pēnei i te marau, i ngā rawa me ngā ara, me ngā kaimahi hoki<sup>374</sup> heoi, ka tau tonu ngā ‘waeanga mahi me ngā waeanga whakahaere’ o te pūnaha mātauranga ki te Tāhuhu.<sup>375</sup> Hei tāna, ko ngā wāhanga e mahi ngātahi nei te Tāhuhu me te kāhui, ka pērā hoki i te ‘Rāngai Tiriti – inarā i te whakaritenga o ngā whāinga whakawhiti e taea ai e ngā tamariki te whakawhiti i te mātauranga Pākehā ki te mātauranga Kaupapa Māori.’<sup>376</sup>

366. Te Pae Roa, ‘Supporting Māori Medium Education and Growing Kaupapa Māori Education’, p 21 (Rōia Karauna, supporting documents (doc B30), p 2421); Te Pae Roa, ‘Hui notes’ (Rōia Karauna, supporting documents (doc B30), pp 2381, 2383, 2385, 2387, 2389, 2391, 2393, 2395, 2397)

367. Te Pae Roa, ‘Supporting Māori Medium Education and Growing Kaupapa Māori Education’, pp 21–23 (Rōia Karauna, supporting documents (doc B30), pp 2421–2423)

368. Te Pae Roa, ‘Supporting Māori Medium Education and Growing Kaupapa Māori Education’, pp 23–29 (Rōia Karauna, supporting documents (doc B30), pp 2423–2429)

369. Te Pae Roa, ‘Supporting Māori Medium Education and Growing Kaupapa Māori Education’, p 21 (Rōia Karauna, supporting documents (doc B30), p 2421)

370. Te Pae Roa, presentation slides (Rōia Karauna, supporting documents (doc B30), pp 2363–2380)

371. Te Pae Roa, presentation slide (Rōia Karauna, supporting documents (doc B30), p 2373)

372. Te Pae Roa, presentation slides (Rōia Karauna, supporting documents (doc B30), pp 2373, 2374, 2375)

373. Te Pae Roa, presentation slides (Rōia Karauna, supporting documents (doc B30), p 2375)

374. Te Pae Roa, presentation slide (Rōia Karauna, supporting documents (doc B30), p 2376)

375. Te Pae Roa, presentation slide (Rōia Karauna, supporting documents (doc B30), p 2377)

376. Te Pae Roa, presentation slide (Rōia Karauna, supporting documents (doc B30), p 2377)

I te 3 o Ākumahana 2022, he mea whakaputa e Te Pae Roa tana pūrongo tuarua e āta kōrero nei mō ngā whakahoki kōrero i te rauna tuarua o ngā hui, te tātaritanga o ngā whakaritenga whakahou e toru me te huarahi anga whakamua kua tūtuhungia.<sup>377</sup> Ko tā te wāhanga tuatahi o te pūrongo he kōrero mō te take e whai wāhi nei ngā tautuhinga. Hei tāna, mā te Māori kē tēnei mea te kaupapa Māori e tautuhi, heoi kua whakamahia taupuatia te ‘mātauranga Kaupapa Māori’ kia whakakanohitia ngā wānanga i whakatūhia, ‘e whakahaerehia nei hoki e te Māori, e tōna ake kāwanatanga me tōna ake mana e whakatairangahia nei te tukanga nā te Māori, mō te Māori, ka mutu, ko te reo mātāmua ko te reo Māori (100%)’, ko te ‘Ara Māori’ hei ‘ara tuku i te mātauranga Māori me te reo Māori i te ngā horopaki tukanga Pākehā, i ngā tukanga i waho atu rānei i ngā Kaupapa Māori’, me ‘te Mātauranga Māori’ e hāngai ana ki ngā mea e rua.<sup>378</sup>

I miramirahia e Te Pae Roa ngā hua o te Mātauranga Māori, inarā ko te mātauranga Kaupapa Māori tērā i whai wāhi ai ētahi atu kaupapa i tua noa atu i te whakarauoratanga o te reo i akiakihia ai te Tāhuhu kia ‘whānui ake tā rātou titiro ki ngā hua o te mātauranga Kaupapa Māori – tēnā i te pōhēhē he ara whakarauora reo anake.’<sup>379</sup> E ai ki a Te Pae Roa:

... Māori education, and in particular Kaupapa Māori education is about much more than reo revitalisation. It is about Māori determining, for themselves, where, how, who and what it teaches Māori learners. It’s about governance being Māori, leadership being Māori, it’s about the role of iwi, whānau and hapū. Māori learners achieve better outcomes when they take a Kaupapa Māori learning pathway – not just because they learn in reo Māori, but because of the culture, leadership, governance and whānau involvement that Kaupapa Māori Education encapsulates.<sup>380</sup>

He mea whakamārama e Te Pae Roa he raupapa te ara mātauranga Māori, inā rā ko ngā ākonga Māori e ako ana i te mātauranga Māori me te reo Māori i te horopaki Pākehā i tētahi pito, ā, ko ngā ākonga Māori e ako ana i ngā kaupapa Māori i tētahi atu pito.<sup>381</sup> Ko te whakahoutanga e manakohia ana ko te kaha ‘manaakihia o ngā ākonga Māori katoa ahakoa te wāhi o te raupapa e noho nei ia’ me te hiahia ‘kia eke panuku rātou i te mātauranga Kaupapa Māori.’<sup>382</sup>

377. Te Pae Roa, ‘Supporting Māori Medium Education and Growing Kaupapa Māori Education’, pp 1–29 (Rōia Karauna, supporting documents (doc B30), pp 2401–2429); kōrero taunaki a Bean rāua ko Nathan (doc B31), p 31; Kōrero taunaki a Jackson rāua ko Schöllmann (doc B28), p 25

378. Te Pae Roa, ‘Supporting Māori Medium Education and Growing Kaupapa Māori Education’, p 3 (Rōia Karauna, supporting documents (doc B30), p 2403)

379. Te Pae Roa, ‘Supporting Māori Medium Education and Growing Kaupapa Māori Education’, p 3 (Rōia Karauna, supporting documents (doc B30), p 2403)

380. Te Pae Roa, ‘Supporting Māori Medium Education and Growing Kaupapa Māori Education’, p 3 (Rōia Karauna, supporting documents (doc B30), p 2403)

381. Te Pae Roa, ‘Supporting Māori Medium Education and Growing Kaupapa Māori Education’, p 4 (Rōia Karauna, supporting documents (doc B30), p 2404)

382. Te Pae Roa, ‘Supporting Māori Medium Education and Growing Kaupapa Māori Education’, p 4 (Rōia Karauna, supporting documents (doc B30), p 2404)

E ai ki ngā kōrero, he mea tūtohu e Te Pae Roa kia whakatūhia tētahi kāhui Motuhake hou 'e whakakanohi nei i te mātauranga Kaupapa Māori' hei 'whaka-haere, hei whanake, hei tautoko hoki i te ara mātauranga Māori'<sup>383</sup> hei 'whakamana hoki i te iwi Māori me ngā iwi ki te whakamahi i tō rātou tino rangatiratanga me tō rātou mana motuhake i te mātauranga Kaupapa Māori me ngā horopaki Ara Māori.'<sup>384</sup> He mea matakite e Te Pae Roa te āhua o te kāhui i kitea ai tō rātou ake 'mana motuhake i te haumitanga e manakohia ana, i ngā whakaritenga me te rautaki e whanake ai te mātauranga Kaupapa Māori ināianei, haere ake nei hoki' kātahi ka mahi ngātahi me te Tāhuhu ki te tautoko i ngā ākonga Māori kia whakawhiti atu rātou i te tukanga Pākehā i te raupapa e anga whakamua ai ki te horopaki mātauranga Kaupapa Māori.<sup>385</sup> Pēnei i te pūrongo tuatahi, ka tapaina taua kāhui rā ki te ingoa e kiia nei ko 'Takapau Whaiaio'.<sup>386</sup>

He mea tūtohu te Minita Tuarua e Te Pae Roa kia whakaae ia ki te mahi tahi me te Tāhuhu kia kōkiritia te Whakaritenga Tuawhā. Mā konā e whai wāhi ai te hoahoatanga o te kāhui me te whakapai ake i tōna tūranga, i ana haepapatanga i tōna mana; e tuhi hukihukitia ai tētahi whakaetanga mahinga tahitanga e hāngai ana ki te kāhui me te Tāhuhu mō ngā wāhanga o te whakawhitinga; e whanakehia ai tētahi whakaritenga whakawhiti e whitia ai ngā mana me ngā haepapatanga ki te kāhui; me te tuhia hukihukitia o te ture hou.<sup>387</sup> Hei whakakapinga, i tonoa kia whakatūhia te rauna tuatoru o ngā hui mō te whiringa whakapai i te pito o te tau e puta ai tētahi pūrongo tuatoru nei ki te Minita Tuarua.<sup>388</sup>

I āpitihia te pūrongo tuarua a Te Pae Roa ki te pūrongo mātauranga a te Tāhuhu i tuhia rā i te marama o Ākūhata 2022, tērā i whakarāpopototia ai i raro iho nei i te wāhanga 5.5.3.2. Hei whaiwhai noa ake, e whaiwhakaarohia ana tērā atu pūrongo motuhake nā Te Matakahuki, e hāngai ana ki ngā tohutohu a te Tāhuhu.

## 5.5.2 Te pūrongo a Te Matakahuki

### 5.5.2.1 Takawaenga

I te 12 o Oketopa 2021, nā Tākuta Dewes, māngai o Te Rūnanga Nui tētahi tono i tuku kia tū kōhukihuki tētahi hui i te taha o Te Rōpū Whakahaere i te Tiriti o Waitangi. I te 23 o Mei 2022, i whakahaerehia tētahi hui takawaenga e Te Rōpū

---

383. Te Pae Roa, 'Supporting Māori Medium Education and Growing Kaupapa Māori Education', p 4 (Rōia Karauna, supporting documents (doc B30), p 2404

384. Te Pae Roa, 'Supporting Māori Medium Education and Growing Kaupapa Māori Education', p 5 (Rōia Karauna, supporting documents (doc B30), p 2405)

385. Te Pae Roa, 'Supporting Māori Medium Education and Growing Kaupapa Māori Education', p 4 (Rōia Karauna, supporting documents (doc B30), p 2404)

386. Te Pae Roa, 'Supporting Māori Medium Education and Growing Kaupapa Māori Education', p 3 (Rōia Karauna, supporting documents (doc B30), p 2403)

387. Te Pae Roa, 'Supporting Māori Medium Education and Growing Kaupapa Māori Education', p 29 (Rōia Karauna, supporting documents (doc B30), p 2429)

388. Te Pae Roa, 'Supporting Māori Medium Education and Growing Kaupapa Māori Education', p 29 (Rōia Karauna, supporting documents (doc B30), p 2429)



Whakamana i te Tiriti o Waitangi i whai wāhi ai ngā kāhui mō te tonono te take, ka mutu, i tau tētahi whakataunga, arā ko (te ‘Whakaaetanga Takawaenga’).<sup>389</sup>

E ai ki ngā kōrero o te Whakaaetanga Takawaenga, he hononga ‘Tiriti o Waitangi | Treaty of Waitangi’ kia ārahina e ngā mātāpono Tiriti e rua nei, arā e te pono me te tika.<sup>390</sup> Inarā, nā te Whakaaetanga Takawaenga tonu i whakamana te ‘taupuhipuhi o te titikaha e pai ake ai te hononga’ o ngā kāhui nei.<sup>391</sup> E tautuhia anō ai tētahi hononga, i tohungia ngā kāhui e te Whakaaetanga Takawaenga kia tae atu ki tētahi wānanga kotahi-rā te roa ki te whakatū i tētahi wā e whā-marama te roa e taea ai e te Karauna me Te Rūnanga Nui te mahi ngātahi.<sup>392</sup> Ki te momoho, ka unu a Te Rūnanga Nui i tā rātou tonono kōhukihuki i te Rōpū Whakamana.<sup>393</sup>

Tērā tētahi take e hāngai ana ki te pūrongo mātauranga i tuhia ai i te marama o Ākuhata 2022 e mea ana ka whakaputaina e Te Rūnanga Nui (e ia anake, e rāua tahi ko Te Matakahuki rānei) tētahi pūrongo ‘e kōrero ana mō tā rātou titiro ki te anamata o te mātauranga Kaupapa Māori e whai wāhi nei ā rātou tonono e pumau ai te kounga o ngā hua mō ngā tamariki Māori te take’.<sup>394</sup> E ‘āhei ai te whakaaweawenga o te tukanga kaupapa here’, me tae te pūrongo ki ngā ringa o te Minita Tuarua i te takiwā o te Hūrae/Ākuhata 2022.<sup>395</sup> Koia pū te rā i tūtohungia i roto i te pūrongo ka tukua tētahi pepa (i puta kē hei pūrongo mātauranga i te marama o Ākuhata 2022) ki te Minita Tuarua hei āta titiro, hei āta whakatau anō mā te kāhui minita.<sup>396</sup>

Ka riro mā te Tāhuhu e utu ngā ‘nama tūturu’ a Te Rūnanga Nui e oti ai te pūrongo, ka tahi, ka rua e tautokona ai rātou i roto i ngā mahi.<sup>397</sup> Hei tā te whakaaetanga, e ai ki te ‘mātāpono o te tuku’ pūtea ‘me matatika te tukunga o te pūtea e tutuki ai te wāhi ki ētahi rauemi e pīrangihia ana e Te Pae Roa’.<sup>398</sup> Ko ngā momo tautoko e whai wāhi ana, hei taurira, ko te āwhina a ngā mātanga mehe e pīrangihia ana; ko te whakahaere awheawhe hei āwhina i Te Rūnanga Nui i te whanake haeretanga me te whakapuakitanga o ana tonono mēnā e pīrangihia ana; ā, kei te āhua o te wāteatanga, ka tukua ngā pitopito kōrero i tonoa ai e Te Rūnanga Nui (nō roto i ētahi atu kaupapa e hāngai ana) mō te mana whakahaere me te ture.<sup>399</sup>

He kōrero kei te whakaaetanga e mea ana ‘me marama pū ki Te Rūnanga Nui ka ōrite tā te Kāhui Minita titiro ki ētahi pepa e haria nei e te Minita Tuarua ahakoa

389. He Pānuī Whakahau a Te Rōpū Whakamana i te Tiriti o Waitangi, 1 June 2022 (paper 2.5.10), p 2; He manatu rōia a te Karauna, 14 April 2022 (paper 3.1.19), p 1; He manatu rōia a ngā kaikere, 14 April 2022 (paper 3.1.20), pp 2–3

390. Mediation Agreement, 24 May 2022 (paper 2.5.11(b)), p 2

391. Mediation Agreement (paper 2.5.11(b)), pp 4–5

392. Mediation Agreement (paper 2.5.11(b)), pp 4–5

393. Mediation Agreement (paper 2.5.11(b)), p 5

394. Mediation Agreement (paper 2.5.11(b)), p 3

395. Mediation Agreement (paper 2.5.11(b)), p 3

396. Mediation Agreement (paper 2.5.11(b)), p 2

397. Mediation Agreement (paper 2.5.11(b)), pp 3–4

398. Mediation Agreement (paper 2.5.11(b)), p 4

399. Mediation Agreement (paper 2.5.11(b)), p 3

nā Te Rūnanga Nui, ahakoa nā Te Pae Roa rānei, (ka mutu, ka whai wāhi a Te Rūnanga Nui ki te kōrero mō ō rātou whakaaro ka tukuna mā te pepa),<sup>400</sup> heoi ‘kāore he hua o ētahi whakataunga hei whakaea mā te Minita Tuarua, mā te Kāhui Minita rānei i taurangihia ai i roto i te whakaaetanga.’<sup>400</sup> Hei tāna hoki, kāore te whakaaetanga i taurangi hei māngai o Te Pae Roa, heoi ka tonono a te Tāhuhu i ētahi pitopito kōrero kua whanakehia kēhia e te kāhui hei tuari atu ki Te Rūnanga Nui.<sup>401</sup>

### 5.5.2.2 *Te pūrongo a Te Matakahuki*

I ngā marama o te Hune me te Hūrae 2022, ka whakarite a Te Matakahuki i tana pūrongo. He mea tautoko a Te Matakahuki e te Tāhuhu i te whanaketanga o te pūrongo mā te tuaritanga o ngā raraunga.<sup>402</sup> Ko te hēmanawa tērā i tau ai ki ngā kaiwhāki kaitono i tā rātou ngana kia whakaotia te pūrongo i roto noa i te waru wiki. He mea whakamārama e Maika rāua ko Campbell tā Te Matakahuki ‘whakapau kaha’ kia whakaputaina tā rātou pūrongo, tae noa atu ki ‘te kōhukihuki kia oti i a rātou te pūrongo i te wā i whakaritea ai kia oti i tau ai i te hātepe whakapai a te Karauna.’<sup>403</sup> Nā Maika rāua ko Campbell hoki i whakamōhio ‘te nui o te hiranga o tā ngā rōpū Kaupapa Māori hui tahi tuatahi ki te kōrero mō tētahi whakaaro me te tonono hoki kia kaha tonu te pikinga haeretanga o te mātauranga Kaupapa Māori’, waihoki, ko te kawataua kia whakanuia hoki e te Karauna tōna hiranga i tana whakahoki kōrero.<sup>404</sup> Nā Selby mātou i whakamōhio ‘e mārama ana te kitea o te hē haeretanga o te tukanganga i te timatanga rā anō.’<sup>405</sup> Nāna hoki i ki ‘nā te potoro rawa o te wā i whati ai te tuarā, ā, nā reira ‘i whakamaharatia ai te rerekētanga o mātou i te Tāhuhu i te wāhi ki te whakarato i tēnei mahi, i runga tonu i te mōhio e puritia tonuhia ana tētahi mauhanga o ngā āpiha i mahi ai i te Tāhuhu i a mātou e whakapau kaha ana ki te whakatutuki i tā mātou mahi ki te taumata teitei i taea ai ahakoa te tokoiti i whai wāhi ai ki te kaupapa.’<sup>406</sup>

I te otinga atu, ko tā Te Matakahuki he whakarato i tāna pūrongo ki te Minita Tuarua i te 29 o Hūrae 2022.<sup>407</sup> Pērā i a Te Pae Roa, he mea taunaki e Te Matakahuki te auahatanga o tētahi rangapū motuhake. Inarā, ko tā tēnei rangapū he pūkai i ngā haepapatanga e hāngai pū ana ki te mātauranga Kaupapa Māori, i tautuhia ‘hei kaupapa kua rumakina katoatia te whakaako me te ako (100% te reo Māori) e whakanui nei i te mātauranga me te whakaaro Māori, e whakaratohia ana ki waho atu i te mātauranga Pākehā (auraki), kia wātea mā te iwi Māori te

400. Mediation Agreement (paper 2.5.11(b)), pp 3–4

401. Mediation Agreement (paper 2.5.11(b)), p 4

402. Ministry of Education, ‘Education Report: Māori Medium/Kaupapa Māori Education: Options for a new framework’, 4 August 2022 (Rōia Karauna, supporting documents (doc B30), p2267)

403. Kōrero taunaki a Mahinarangi Maika rāua ko Hohepa Campbell, 10 November 2022 (doc A13), pp 4–5

404. Kōrero taunaki a Maika rāua ko Campbell (doc A16), p 4

405. Kōrero taunaki a Selby (doc B23), p 11

406. Kōrero taunaki a Selby (doc B23), p 11

407. Raniera Procter to Kelvin Davis, 29 July 2022 (Rōia Karauna, supporting documents (doc B30), p 2326)

rangatiratanga me te mana-whakatau o ngā āhuatanga whakaako katoa.<sup>408</sup> Ko tā Te Matakahuki i whakamārama ai he ‘haepapatanga nui tōna ki te arotahi kau atu ki te mātauranga Kaupapa Māori<sup>409</sup> me te whakahē i tana whai wāhitanga ki te tāutungā Pūmanawa Māori ‘whakawhāiti’ a te Karauna.<sup>410</sup> He mea whakamārama hoki e Te Matakahuki te whakatinanatanga o ngā hua mātauranga kounga (ki ngā ākonga, ki ngā whānau, ki ngā hapū me ngā iwi, ki ngā kōhanga, ki ngā kura me ngā wānanga hei pūnaha), me ngā āhuatanga me whai e tutuki ai ngā hua.<sup>411</sup>

Ko tā Te Matakahuki i whakamārama ai ko ōna wawata ki te anamata o te mātauranga Kaupapa Māori kia ‘ora, kia ngangahau, kia kaingākautia, kia eke hoki ia ki ngā taumata ā-rohe, ā-motu hoki’ ā te tau 2040 kia<sup>412</sup> ‘huri hoki ia hei kōwhiringa ara mātauranga tuatahi mō te iwi Māori whānui tonu.<sup>413</sup> I kōrerohia tōna takune kia whakawhanakehia tētahi mahere rautaki me te whakatinanatanga kia whanake te mātauranga Kaupapa Māori, ‘nōna e whakarite nei i tētahi whāinga taupori whaimōhio’ i te roanga atu o ngā tau e 40 e heke nei tae noa atu ki te tau 2060.<sup>414</sup> Ka whai wāhi atu hoki ngā whakaarotau e hāngai ana ki te whakamahere kōtuitui;<sup>415</sup> ki te whanaketanga rāngai mahi;<sup>416</sup> ki te marautanga me te kimi rau-emi;<sup>417</sup> ki te rēhitatanga me ngā tohu mātauranga whakangungu kaiako;<sup>418</sup> kia ‘rata ngā ngākau me ngā hinengaro o ngā whānau Māori torohū hōu kia whakatangatawhenuatia anō, kia whakarauorahia hoki tō rātou reo, tō rātou ahurea me tō rātou tuakiri’, tae ana ki te tautoko i te whānau kia piki mai ki runga i te waka o te mātauranga Kaupapa Māori mai i te Kōhanga Reo tae noa atu ki te wharekura.<sup>419</sup>

E ai ki Te Matakahuki kua ‘whakaranu tahi te Karauna i te Ara Kaupapa Māori ki te pūnaha mātauranga whānui me te whakakake i tōna rangatiratanga’ me te

408. Te Matakahuki, ‘The Future of Kaupapa Māori Education: Te Matakahuki Report to the Associate Minister (Māori Education)’, 29 July 2022, p [1] (Rōia Karauna, supporting documents (doc B30), p 2328)

409. Te Matakahuki, ‘Report to the Associate Minister’, p [1] (Rōia Karauna, supporting documents (doc B30), p 2328)

410. Te Matakahuki, ‘Report to the Associate Minister’, p [4] (Rōia Karauna, supporting documents (doc B30), p 2331)

411. Te Matakahuki, ‘Report to the Associate Minister’, pp [5]–[7] (Rōia Karauna, supporting documents (doc B30), pp 2332–2334)

412. Te Matakahuki, ‘Report to the Associate Minister’, pp [3], [12] (Rōia Karauna, supporting documents (doc B30), pp 2330, 2339)

413. Te Matakahuki, ‘Report to the Associate Minister’, p [1] (Rōia Karauna, supporting documents (doc B30), p 2328)

414. Te Matakahuki, ‘Report to the Associate Minister’, p [12] (Rōia Karauna, supporting documents (doc B30), p 2339)

415. Te Matakahuki, ‘Report to the Associate Minister’, p [13] (Rōia Karauna, supporting documents (doc B30), p 2340)

416. Te Matakahuki, ‘Report to the Associate Minister’, p [13] (Rōia Karauna, supporting documents (doc B30), p 2340)

417. Te Matakahuki, ‘Report to the Associate Minister’, p [14] (Rōia Karauna, supporting documents (doc B30), p 2341)

418. Te Matakahuki, ‘Te Matakahuki Report to the Associate Minister (Māori Education)’, p [14] (Rōia Karauna, supporting documents (doc B30), p 2341)

419. Te Matakahuki, ‘Report to the Associate Minister’, p [12] (Rōia Karauna, supporting documents (doc B30), p 2339)

whakanonoi i 'raro i te mana whakahaere o te Karauna kua uaua te whanaketanga, te puāwaitanga me te ekenga o te mātauranga Kaupapa Māori ki te ikeiketanga o tōna pito mata.<sup>420</sup>

E whanake ai, e puāwai ai hoki te mātauranga Kaupapa Māori, i whakamārama a Te Matakahuki me whai mana motuhake, koia ko 'te mōtika ki te mana-motuhake-whaiaro, ki te mana kāwanatanga, me te motuhaketanga o te mātauranga Kaupapa Māori e te iwi Māori, ka mutu, i tēnei take, e Te Matakahuki, he mōtika i whakamanahia e Te Tiriti o Waitangi.<sup>421</sup> Ka whakatinanahia tēnei i roto i te:

- ▶ kia whakamihia ā-ture te Kaupapa Māori hei ara motuhake,
- ▶ kia riro i Te Matakahuki te mana ā-ture ki te mātauranga Kaupapa Māori
- ▶ kia whakawhitia te mana urungi, te whakahaere hoki o te mātauranga Kaupapa Māori ki te Matakahuki, ā
- ▶ kia whakawhitia ngā tahua Karauna ki Te Matakahuki māna hei utu.<sup>422</sup>

Kei te pūtake o ēnei tonono tētahi tūtohunga kia whakatūria tētahi rangapū Kaupapa Māori motuhake e tautapa atu ai i ngā haepapatanga tahua, i ngā marautanga, i ngā rawa, i ngā whakamahere kōtuitui, i ngā rāngai mahi (me ētahi atu mea).<sup>423</sup> Ko tāna i pohewa ai kia tokowaru ngā mema o te poari o te rangapū nā Te Matakahuki tonu i tohu e ai ki āna anō tikanga,<sup>424</sup> ā, e eke ai tērā kawenga ki te taumata tika me tapatahi te whakaaro i waenganui i te Tāhuhu me te rangapū.<sup>425</sup> E ai ki tāna i whakamārama ai, he poto nō te wā ki te whakahoahoa i tāna pūrongo, 'me whakawhanake katoa, me arotake tūraru hoki'<sup>426</sup> ngā taipitopito o ana tonono. Hei tā mātou, ko tā Te Matakahuki i whakatakotoria ai, ākene pea ka whānui haere tōna mematangata tae ana ki 'ētahi atu rōpū e titikaha ana ki te mātauranga Kaupapa Māori, kia whakakanohitia hoki ki ngā taumata kāwanatanga, ki ngā mana whakahaere hoki', e mea ana ehara i te mea ka riro noa iho mā ngā mema o Te Matakahuki anake te haepapatanga ki te tautapa i te poari o te rangapū.<sup>427</sup>

Hei tā Te Matakahuki, i mōhio ia ki tā Te Pae Roa hiahia ki te taunaki i te whakatūnga o tētahi rangapū ā-ture e tāwharau nei i te Kaupapa Māori me 'te

420. Te Matakahuki, 'Report to the Associate Minister', p[2] (Rōia Karauna, supporting documents (doc B30), p 2329)

421. Te Matakahuki, 'Report to the Associate Minister', p[4] (Rōia Karauna, supporting documents (doc B30), p 2331)

422. Te Matakahuki, 'Report to the Associate Minister', p[4] (Rōia Karauna, supporting documents (doc B30), p 2348)

423. Te Matakahuki, 'Report to the Associate Minister', pp [9], [11], [12] (Rōia Karauna, supporting documents (doc B30), pp 2336, 2338, 2339)

424. Te Matakahuki, 'Report to the Associate Minister', p[9] (Rōia Karauna, supporting documents (doc B30), p 2336)

425. Te Matakahuki, 'Report to the Associate Minister', pp [10]–[11] (Rōia Karauna, supporting documents (doc B30), pp 2337–2338)

426. Te Matakahuki, 'Report to the Associate Minister', p[1] (Rōia Karauna, supporting documents (doc B30), p 2328)

427. Te Matakahuki, 'Report to the Associate Minister', p[1] (Rōia Karauna, supporting documents (doc B30), p 2328)

mātauranga Māori ka whakaakona i ngā takiwā pūmanawa Pākehā.<sup>428</sup> Kāore a Te Matakahuki i tautoko i tēnei tono me tāna i kī ai ‘mēnā rānei i pīrangihia kia pēnei, ko tā te tono nei he wero i te mana motuhake o Te Matakahuki, i tōna tari whakahaere me tōna rangatiratanga o te mātauranga Kaupapa Māori, ka mutu, e takahia ana ō mātou mōtika i raro i Te Tiriti o Waitangi.<sup>429</sup> Ko te āhua nei i ahu kē mai tērā atu tono tauwhāinga i ngā pōhēhē ki te Ara Reo Māori me te Ara Kaupapa Māori, i konei hoki pea hua ake ai ko ētahi raru kanohitanga; ‘ki te hē katoa ngā rā kua noho mātāmuri kē a Te Matakahuki i te kāwanatanga me ngā whakataunga e hāngai pū ana ki tāna anō kaupapa.<sup>430</sup>

Hei whakakapinga, he mea tautuhi e Te Matakahuki ētahi kerēme a te Rōpū Whakamana o Waitangi kāore anō kia ea, tae ana ki tēnei kēreme tonu nei e kīia nei ko Wai 1718, hei ripa tauārai nui ki te whanaketanga o te mātauranga Kaupapa Māori, ā, koia hoki hei ‘whakatūpatotanga nui ki te Kāwanatanga kua hē tētahi āhuatanga e hāngai ana ki te iwi Māori i te ao mātauranga.<sup>431</sup> E ai ki tā Te Matakahuki i whakapae ai kāore Te Tāhuhu i pono ki ōna kawenata whanaungatanga ki ngā mema o Te Matakahuki, tae ana ki te Tauākī Kawa me te Kawenata Putanga me Te Rūnanga Nui me tāna i kī ai ko tā te Karauna kaupapa mahi ki te whakawhanake i te mātauranga Pūmanawa Māori me te mātauranga Kaupapa Māori he ‘whakataha atu i ngā tukanga kerēme o nāianei e whakatumatuma ana i ngā take e anga kē ana ki te mātauranga Kaupapa Māori.<sup>432</sup> Nā te whakaterere i te ture i tūtohua ai i roto i te Pepa Kāhui Minita i te marama o Hepetema 2021 ka tūpono te Karauna ki te takahi i tō ngā mema o Te Matakahuki ‘mōtika ā-Te Tiriti o Waitangi ki te tino rangatiratanga (te motuhaketanga o tā te tangata whakahaere i a ia anō) o tāna kaupapa me te haepapa kāwanatanga o te Karauna ki te whaka-haumaruru i te mātauranga Kaupapa Māori me te reo Māori.<sup>433</sup>

Engari kē, ko tāna he tūtohu kia kōkuhu ture ki te ‘whakatapu i te Kaupapa Māori (hei ara mātauranga whakarara) me te tuku ki a Te Matakahuki te mōtika ki te kāwana me te whakahaere i a ia.<sup>434</sup> Ko tāna i pohewa ai kia whakawhārikihia e te ture ngā mātāpono Kaupapa Māori, te whakatūnga o tētahi rangapū ā-ture, me ngā mahi me te pūtake o te rangapū ā-ture hoki.<sup>435</sup>

428. Te Matakahuki, ‘Report to the Associate Minister’, p [14] (Rōia Karauna, supporting documents (doc B30), p 2341)

429. Te Matakahuki, ‘Report to the Associate Minister’, p [14] (Rōia Karauna, supporting documents (doc B30), p 2341)

430. Te Matakahuki, ‘Report to the Associate Minister’, p [14] (Rōia Karauna, supporting documents (doc B30), p 2341)

431. Te Matakahuki, ‘Report to the Associate Minister’, p [7] (Rōia Karauna, supporting documents (doc B30), p 2334)

432. Te Matakahuki, ‘Report to the Associate Minister’, p [7] (Rōia Karauna, supporting documents (doc B30), p 2334)

433. Te Matakahuki, ‘Report to the Associate Minister’, p [8] (Rōia Karauna, supporting documents (doc B30), p 2335)

434. Te Matakahuki, ‘Report to the Associate Minister’, p [8] (Rōia Karauna, supporting documents (doc B30), p 2335)

435. Te Matakahuki, ‘Report to the Associate Minister’, p [8] (Rōia Karauna, supporting documents (doc B30), p 2335)

Hei whakarāpopoto, i tūtohu a Te Matakahuki kia whaiwhakaaro te Minita Tuarua ki tana pepa whai mana me te mātai i ana tohutohu kia kōkuhu ture ki te whakatapu i te Kaupapa Māori hei ara mātauranga whakarara me te tuku ki Te Matakahuki i te mōtika ki te kāwana me te whakahaere i ngā ara mā roto i tētahi rangapū ā-ture motuhake. I tono hoki ki te Minita Tuarua kia whaiwhakaarohia te panonihanga o te pūnaha e whai wāhi nei te whanaketanga o tētahi rautaki me te mahere whakamahinga mō te rangapū ā-ture, kia whai pūtea matatika te Ara Kaupapa Māori kia waihanga me te whakahoahoa hoki i ‘tētahi pūnaha hauropi e tika ana ki te tautoko i te Ara Kaupapa Māori.’<sup>436</sup>

### 5.5.3 Te pūrongo mātauranga o te marama o Ākuhata 2022

#### 5.5.3.1 Ka tuarhia e Te Tāhuhu tana pūrongo mātauranga hukihuki ki Te Matakahuki

I tīmata te Tāhuhu ki te whakahoahoa i ana tohutohu ki ngā Minita i te marama o Mei 2022, i mua tonu i tāna whiwhi i ngā pūrongo a Te Matakahuki me Te Pae Roa.<sup>437</sup> I te 12 o Hūrae 2022, ka tuku kaupapa kōrero a Jackson ki a Tākuta Schöllmann e pā ana ki ngā whakahoutanga.<sup>438</sup> Hei tāna ākene pea ko tā te pūrongo tuarua a Te Pae Roa he taunaki i te whakatūnga o tētahi atu rangapū hei whakahaere i te Ara Kaupapa Māori me te Ara Reo Māori. I kī ia ‘e whakaae ana mātou’ ki ‘te nuinga o ngā mea kei roto i te pūrongo TPR, tae ana ki te takune kia whai mana whakahaere, kia whai rangatiratanga hoki te Ara Kaupapa Māori,’ ‘me whai panonihanga nui’ hoki i tua atu i ērā i tūtohua ai i roto i te Pepa Kāhui Minita i te marama o Hepetema 2021. Hei tāna ko ngā ‘kōrero whakahoki whakaohomauri’ a te iwi Māori e mea ana ‘ko te puritanga a te Karauna i te mana me te tino rangatiratanga o te pūnaha kei te pūtake o te rarū,’ ka mutu, i marama pai kāore ngā whakahoutanga e tukuna mēnā kāore ngā mema o Te Matakahuki e whai wāhi atu.<sup>439</sup> I te taenga o ngā pūrongo a Te Pae Roa me Te Matakahuki, kua wawe tā te Tāhuhu mahi ki te whakaoti i tana tohutohu, tae ana ki ngā whakarāpopototanga o ia pūrongo. Inarā, ko te rārangi wā o ngā takune e mea ana:

- ▶ I te Paraire te 29 o Hūrae 2022, ka whiwhi te Tāhuhu i te pūrongo a Te Matakahuki.
- ▶ I te Mane te 1 o Ākuhata 2022, ka tuari te Tāhuhu i tētahi tauira hukihuki o tana pūrongo mātauranga ki Te Matakahuki ki te tono kōrero whakahoki.<sup>440</sup> Hei tāna he āheinga kei reira ki te panoni i te pūrongo hukihuki kātahi a Te

436. Te Matakahuki, ‘Report to the Associate Minister,’ p [15] (Rōia Karauna, supporting documents (doc B30), p 2342)

437. Ministry of Education, ‘Draft Education Report: Māori Medium/Kaupapa Māori Education: Options for New Framework,’ 14 July 2022 (Rōia Karauna, supporting documents (doc B30), p 2030); tuhinga kape kōrero 4.1.6, p 146

438. Andy Jackson to Andrea Schöllmann, 12 July 2022 (supplementary bundle of documents (doc B38), p [81])

439. Jackson to Schöllmann (supplementary bundle of documents (doc B38), pp [81]–[82])

440. Andrea Schöllmann to Hohepa Campbell and Mahinarangi Maika, 1 August 2022 (supplementary bundle of documents (doc B38), p [9])

Matakahuki ka tonoa ki te whakarato kōrero whakahoki i te 3 o Ākuhata 2022, i ngā hāora e 48.

- I te 3 o Ākuhata 2022, ka whakaratohia e Te Matakahuki ana kōrero whakahoki mō te pūrongo hukihuki mātauranga ki te Tāhuhu.<sup>441</sup>
- I te 4 o Ākuhata 2022, ka whakaratohia e te Tāhuhu tana pūrongo mātauranga o te marama o Ākuhata 2022 ki a Minita Hipkins rāua ko Minita Davis.

E ai ki tā mātou e marama nei kei roto i te taura hukihuki o te pūrongo mātauranga i tuarohia ai ki Te Matakahuki i te 1 o Ākuhata 2022 te tātaritanga o ngā whakaritenga whakahou e whā i whakawhanakehia me Te Pae Roa, kātahi anō a Te Matakahuki i kite i ēnei whakaritenga. I whāki mai a Campbell rāua ko Maika 'kāore rāua i matakite' i te taumata pakeke o te pūrongo mātauranga o te marama o Ākuhata 2022 i te taenga atu o te hukihuki ki a rātou, ā, ka 'ohorere katoa' i te nui o ngā mahi i oti 'mō tā mātou Kaupapa me te korenga o mātou i whai wāhi atu'.<sup>442</sup> Ko tā rātou i kī ai, i te taenga o te hukihuki ki a rātou, e toru rā noa iho i muri mai i tā rātou tāpae i tā rātou ake pūrongo, ko tā rātou i rongō ai 'e kore rawa' tā rātou pūrongo e whakaawe i te tukanga whakatau kaupapa here 'me te mea hoki e mārakerake ana te kitea i whakaotia kētia e te Tāhuhu te nuinga o āna mahi me tana Pūrongo Mātauranga i mua tonu i te pānuitanga o te pūrongo a Te Matakahuki.<sup>443</sup> Nō te wā o ā mātou whakawākanga, i whāki a Tākuta Schöllmann kāore te Tāhuhu i whakauru i a Te Matakahuki i te whanaketanga o ngā whakarite pērā i tāna whakauru i a Te Pae Roa.<sup>444</sup> I tētahi imēra Tāhuhu tara-ā-whare i kite ai mātou i a Jackson rāua ko Tākuta Bean, i mōhio a Tākuta Schöllmann kua poto kē te wā ki a Te Matakahuki. E ai ki te imēra:

Māhina and I had a quick discussion about this and it does raise the issue that Te Pae Roa have had the opportunity to react to options in their report (although, as stated, they are the options we did in support of them and therefore have been talked about with them for a while and it's hard to disentangle the two), whereas Te Matakahuki has not yet, as the decision was to await their report this Friday. I may be concerned unnecessarily about that.<sup>445</sup>

Hei aha koa, i te 3 o Ākuhata 2022, ka whakaratohia e Te Matakahuki ana kōrero whakahoki ki te Tāhuhu, kei roto ko ngā panonitanga whāia i te pūrongo hukihuki me ētahi atu kōrero noa.<sup>446</sup> Kāore i a mātou te āheinga ki te tiki atu i ērā panonitanga whāia, engari e marama ana i kōrerohia ngā māharahara matua o te kaitono i tāna whakautu imēra ki te Tāhuhu. I pātai a Te Matakahuki he aha

441. Mahinarangi Maika to Andrea Schöllmann, 3 August 2022 (supplementary bundle of documents (doc B38), pp [114]–[115])

442. Kōrero taunaki a Campbell rāua ko Maika (doc B26), p [19]

443. Kōrero taunaki a Campbell rāua ko Maika (doc B26), p [19]

444. Tuhinga kape kōrero 4.1.6, p 146

445. Schöllmann to Jackson and Bean (supplementary bundle of documents (doc B38), p [114])

446. Maika to Schöllmann (supplementary bundle of documents (doc B38), pp [17]–[18])

ngā whakaritenga kaupapa here e whā i kore ai e whakaratohia wawetia nōna e whakapāhia ana inā tata nei, ko tāna i kite ai 'e mārakerake ana, i te taumata o ngā tātaritanga, kua roa kē te Tāhuhu e whakawhanake ana i ngā whakaritenga/whiringa e whā nei'.<sup>447</sup> Hei tāna, ka mahue tā te Tāhuhu whakapā wawe atu ki a ia kia whai wāhi atu ai tāna tūtuhunga hei whakaarotanga mō te wāhi ki ngā whakarite.<sup>448</sup> Ko tāna i kite ai kāore i mārāma 'i pēhea rānei, mēnā rānei i' kōrero te Tāhuhu mō tana pūrongo, atu i te whakarāpopoto i a ia, nā te mea kāore ia i kitea i roto i ngā whiringa hei wāhanga anga hōu me ngā tūtuhunga a te Tāhuhu, me te pātai he aha i pēnei ai.<sup>449</sup> Ko tāna hoki i kī ai ko ngā tohutohu a te Tāhuhu, inarā ērā e pā ana ki ngā Whakaritenga Tuatoru, Tuawhā hoki, kāore i tino oti pai tāna wehewehe i waenganui i te anamata o te Ara Reo Māori me te Ara Kaupapa Māori, ka mutu, nā te kore i mārāma kehokeho he raru ka puta haere ake nei'.<sup>450</sup> I te otinga atu, i whakamōhiotia e Te Matakahuki tāna e tino hiahia nei, kia tangohia e te Tāhuhu te Whakaritenga Tuatahi hei whiringa rūnanga nā te mea ko tā te tātaritanga i whakaatu ai 'kāore he painga, kāore hoki he panonitanga ki ngā āhuatanga o nāiane'i' me te āpiti kē i tāna ake tūtuhunga hei 'Whakaritenga Tuarima' hōu.<sup>451</sup>

I tāna whakautu, i mihi te Tāhuhu ki a Te Matakahuki i ana kōrero whakahoki, i whakatūturu hoki ia i te whai wāhitanga atu o ana panonitanga whāia ki te tohutohu, kātahi ka kī e mea ana ia ki te urupare 'wawe ā tērā wiki ki tētahi whakautu rikarika e pā ana ki te toenga o āu kōrero'.<sup>452</sup> E ai ki ngā tohutohu a Tākuta Schöllmann rāua ko Jackson ahakoa i whakaaetia ngā panonitanga whāia a te rōpū, 'kāore ngā āpiha i whakauru i te maha o ā rātou kōrero noa e whakahē nei i te takune o te hōtaka mahi'.<sup>453</sup>

Kotahi rā ka pahure, i te 4 o Ākuhata 2022, he mea tuku e te Tāhuhu ana tohutohu ki te Minita Tuarua me te Minita.<sup>454</sup> I mea mai a Maika rāua ko Campbell tae noa ki tēnei rangi tonu nei kāore te Tāhuhu i whakamārāma pai i te take kāore ia i kōkuhu i ētahi tono rerekē nā Te Matakahuki tonu i whakarārangi i te pūrongo mātauranga.<sup>455</sup>

I whāki mai a Tākuta Schöllmann rāua ko Jackson ahakoa i whakaaetia ngā panonitanga whāia a Te Matakahuki, ko tā te Tāhuhu i whakatau ai kia kaua e āpiti i tētahi anō whakaritenga e hāngai pū ana ki ngā Kura Kaupapa Māori ('Whakaritenga Tuarima') nā te mea 'i whakapuaki kē te Minita i tana aronga kia whānui kē te pūnaha e tautoko ai, e puāwai ai hoki ngā whiringa me ngā

447. Maika to Schöllmann (supplementary bundle of documents (doc B38), p [17])

448. Maika to Schöllmann (supplementary bundle of documents (doc B38), p [17])

449. Maika to Schöllmann (supplementary bundle of documents (doc B38), p [17])

450. Maika to Schöllmann (supplementary bundle of documents (doc B38), p [17])

451. Maika to Schöllmann (supplementary bundle of documents (doc B38), p [18])

452. Andrea Schöllmann to Mahinarangi Maika, 5 August 2022 (supplementary bundle of documents (doc B38), p [19])

453. Tuhianga pitopito kōrero a Andy Jackson rāua ko Andrea Schöllmann, 23 May 2023 (doc B28(d), p 12)

454. Ministry of Education, 'Education Report: Māori Medium/Kaupapa Māori Education' (Rōia Karauna, supporting documents (doc B30), pp 2260–2465)

455. Kōrero taunaki a Maika rāua ko Campbell (doc B34), p 7



ara mō ngā ākongā me ngā whānau Māori.<sup>456</sup> Heoi anō, hei tā Jackson rāua ko Tākuta Schöllmann i āpitihia e te pūrongo mātauranga te katoa o te pūrongo a Te Matakahuki e taea ai e ngā Minita (me te Kāhui Minita) te pānui ngā whakaaro o Te Matakahuki ki ā rātou anō kupu kia kitea te horopaki me ngā rerenga kētanga whai take.<sup>457</sup> Ka rere tonu ā rāua kōrero me te ki 'kāore te kōkuhunga o te Whakaritenga Tuarima i hāngai ki ngā haepapatanga o te Karauna ki te tautoko i te puāwaitanga o te mātauranga Pūmanawa Māori me te mātauranga Kaupapa Māori mō te katoa o te iwi Māori, ā, ki te whakaaro ake, me whai hinonga ā-ture motuhake mō te katoa o te iwi Māori kei roto i te pūmanawa Māori me ngā pūnaha kaupapa Māori.<sup>458</sup> Hei tā rāua kāore te hanga ake o te Whakaritenga Tuawhā i whakatauria kētia, ā, 'tērā pea he hōkai mō ngā whakaritenga whānui kei reira e whanake ana i roto tonu i a ia'.<sup>459</sup>

### 5.5.3.2 Te pūrongo whakamutunga

I te 4 o Ākuhata 2022, i tukua e te Tāhuhu tana pūrongo mātauranga ki a Minita Hipkins rāua ko Minita Tuarua Davis.<sup>460</sup> Ko tā te pūrongo mātauranga i te tīmatanga he whakamōhio i ngā tohutohu e ai ki tā te tirohanga ā-kāwanatanga e kite atu nei, i mua mai i te kimi whakaaetanga i te Rūnanga Kāwanatanga kia whakaarohia ētahi whiringa hei whakaaro ake mā te iwi whānui tonu.<sup>461</sup> E ai hoki ki te pūrongo mātauranga i 'whai wāhi atu ngā whakaaro motuhake o Te Pae Roa me Te Matakahuki ki ngā tohutohu', i roto hoki ngā whakarāpopototanga o ā rāua tohutohu, ā, i āpitihia te katoa o ngā pūrongo e rua.<sup>462</sup> Ko ngā taipitopito o ngā urupare a ngā kaitono ki te pūrongo mātauranga whakamutunga kei te wāhanga 5.5.4.2.2.

E whai iho nei ko ngā whakaaro o Te Pae Roa me Te Matakahuki e ai ki tā te pūrongo i whakatakoto ai:

- ▶ Ko tā Te Pae Roa i whakatau ai me noho te tino rangatiratanga o te mātauranga Kaupapa Māori me te whakamahinga o te Mātauranga Māori (tae ana ki te reo Māori) i ngā takiwā Pūmanawa Pākehā ki te iwi Māori, ka mutu, me whakatū tētahi manatū motuhake.
- ▶ Ko tā Te Matakahuki i whakatau ai ehara i te Karauna te Ara Kaupapa Māori, ka mutu, me whakatū tētahi hinonga motuhake mō te Ara Kaupapa Māori.
- ▶ Ko tā ngā pūrongo e rua i whakatau ai me nui ake te rangatiratanga me te mana motuhake o te iwi Māori ki ngā pūtea, ki te marautanga, ki te

456. Kōrero taunaki a Jackson rāua ko Schöllmann (doc B28), p 26

457. Kōrero taunaki a Jackson rāua ko Schöllmann (doc B28), p 26

458. Kōrero taunaki a Jackson rāua ko Schöllmann (doc B28), pp 28–29

459. Kōrero taunaki a Jackson rāua ko Schöllmann (doc B28), p 29

460. Ministry of Education, 'Education Report: Māori Medium/Kaupapa Māori Education' (Rōia Karauna, supporting documents (doc B30), pp 2260–2465)

461. Ministry of Education, 'Education Report: Māori Medium/Kaupapa Māori Education' (Rōia Karauna, supporting documents (doc B30), p 2260)

462. Ministry of Education, 'Education Report: Māori Medium/Kaupapa Māori Education' (Rōia Karauna, supporting documents (doc B30), pp 2260, 2401, 2430)

rāngaimahi, ki ngā tohu mātauranga, ki ngā whakahaere kōtuitui me ngā rawa – pēnei i te ‘tino rangatiratanga’ o ngā haumi anamata, o te whakama-here me ngā rautaki.

- ▶ I noho wāhirua a Te Pae Roa me Te Matakahuki ki te whakatau mēnā rānei me tautoko te hinonga i te Ara Reo Māori rānei, i te Ara Kaupapa Māori anake rānei.
- ▶ I rerekē hoki ngā tirohanga o ngā pūrongo – ko tā Te Matakahuki pūrongo he tautoko i te whāinga kounga kia ngangahau, kia hauora hoki te mātauranga Kaupapa Māori ā te tau 2040, ā, ko tā Te Pae Roa he tautoko kē i te whāinga Rāngai Māori kua whakahāngaitia.<sup>463</sup>

E ai ki te pūrongo i hāngai ngā whakatau a Te Pae Roa me Te Matakahuki ki:

- a. current and emerging jurisprudence and analysis of Te Tiriti o Waitangi;
- b. guidance from Te Arawhiti, as approved by Cabinet;
- c. related legislative and policy decisions to transfer agency and authority to Māori;
- d. the key leadership roles played by Māori in the establishment and operations of Kaupapa Māori services since the 1980s, including Te Kōhanga Reo, Kura Kaupapa Māori, Kura-ā-iwi and Wānanga;
- e. consistent feedback from Māori about the importance of ‘by Māori, for Māori’ education services over the last fifty years; and
- f. the direction set out in the national policy statement on Māori education, Ka Hikitia, that Māori exercise agency and authority in education.<sup>464</sup>

‘I runga i tēnei whakaaro, e ai ki ngā kōrero o te pūrongo mātauranga, ‘me tautoko ngā whakahoutanga katoa i te mātāpono kia whakakaha haeretia tō te iwi Māori mana whakahaere me te rangatiratanga’ o te Ara Reo Māori me te Ara Kaupapa Māori.<sup>465</sup> Hei tā te pūrongo mātauranga me whakataurite tēnei mahi ki ‘ngā haepapatanga taimau kāwanatanga o te Karauna ki ngā ākongā me ngā whānau Māori.’<sup>466</sup> E ai ki tāna, nā konei i aro ai te ‘nuinga’ o te pūrongo me tāna tātaritanga ki te kimi ‘i ngā huarahi hei takahi mā te Karauna e tika ai tāna mahi ngātahi me te iwi Māori ki te whakarato i te rangatiratanga o ngā taonga nōna e herea tonuhia nei ki ōna haepapatanga kāwanatanga, tae ana ki te ‘whakatewhatewha i ngā whiringa pito mata me ngā āhuatanga e whakamanahia ai te rangatiratanga puta noa i ngā huānga katoa o te pūnaha, hei tauira, me panoni ngā pūtea, ngā tohu mātauranga, te rāngaimahi, te marautanga, ngā kōtuitui me ngā rawa.’<sup>467</sup>

463. Ministry of Education, ‘Education Report: Māori Medium/Kaupapa Māori Education’ (Rōia Karauna, supporting documents (doc B30), p 2273)

464. Ministry of Education, ‘Education Report: Māori Medium/Kaupapa Māori Education’ (Rōia Karauna, supporting documents (doc B30), p 2263, see also p 2268))

465. Ministry of Education, ‘Education Report: Māori Medium/Kaupapa Māori Education’ (Rōia Karauna, supporting documents (doc B30), p 2268)

466. Ministry of Education, ‘Education Report: Māori Medium/Kaupapa Māori Education’ (Rōia Karauna, supporting documents (doc B30), pp 2268, 2283)

467. Ministry of Education, ‘Education Report: Māori Medium/Kaupapa Māori Education’ (Rōia Karauna, supporting documents (doc B30), p 2268)

E ai ki te pūrongo mātauranga ‘ko ngā taonga pēnei i te reo Māori me te mātauranga Māori ka noho ki te taumata tiketike, koia tonu me noho i raro i te mana whakahaere me te rangatiratanga o te iwi Māori’ i reira hoki ‘te āheinga kia rangahaua te taurite koretanga o te mana’ puta noa i te rāngai Ara Reo Māori me te Ara Kaupapa Māori ‘e kōrerohia nei e Te Pae Roa me Te Matakāhuki’, tae ana ki te ‘arotake ko ēhea o ngā mahi e tuku nei te Karauna i nāianei ērā ka pai ake mēnā mā te iwi Māori kē e tuku e whakatūturuhia ai te nui o tōna mana whakahaere ki te tuku i te reo Māori me te mātauranga Māori, ko ēhea hoki ngā mahi me ngā haepapatanga me mau tonu i te Karauna hei wāhanga o tōna tūranga kāwanatanga.’<sup>468</sup>

E toru ngā ‘whāinga matua’ o te hōtaka mahi i whakarārangihia ai e te pūrongo mātauranga: ko te whanake i te Ara Reo Māori me te Ara Kaupapa Māori i ngā whare kōhungahunga me ngā kura, tae ana ki te 30 ōrau o ngā ākonga Māori e whai wāhi atu ana ki ēnei takiwā ā te tau 2040, kia para hoki i ngā Ara Kaupapa Māori i te mātauranga paetoru; ‘tautokona te tino rangatiratanga o ngā taonga mā te whakatūturu i te mātāpono o te mana whakahaere me te rangatiratanga Māori o te mātauranga reo Māori me ngā takiwā kāwanatanga e tautoko ana i tēnei, e ai ki ngā haepapatanga whānui o te Karauna kia whakahaumaru i ngā hiahia o te iwi Māori i te pūnaha whānui tonu’; waihoki ‘kia whakaratohia, kia kimi ara hoki e whai whiringa ai ngā ākonga me ngā whānau ki te takahi haukoti-kore atu i ngā Ara Kaupapa Māori, i ngā whare kōhungahunga tae noa atu ki ngā whare paetoru’, i te Pūmanawa Pākehā ki te mātauranga Kaupapa Māori hoki, ‘kia whai wāhi atu ai ngā ākonga Māori katoa e pīrangī nei ki te takahi i ēnei ara.’<sup>469</sup>

Ā tēnā, he mea tūtohu e te pūrongo mātauranga kia wānangahia anō te tāutunga o ‘te Ara Reo Māori’ (tae ana ki ngā kōrerorero ki Te Pae Roa, ki a Te Matakāhuki me te iwi Māori) me tētahi whakaaro ki te whakaheke pea i te tomokanga rumaki e 80 ōrau, ā, mā reira e whānui ake ai te hōkai o te hōtaka mahi kua whakaetia e te Kāhuoi Minita i te marama o Hepetema 2021.<sup>470</sup>

Ko tā te Tāhuhu i tohutohu ai:

Our view is that growing MME and KME services requires a wider scope than agreed to by Cabinet in 2021. This will increase access and options for whānau (particularly for those not currently proficient in te reo) and provide for longer term pathways that benefit learning outcomes for ākonga.<sup>471</sup>

Hei tā mātou i tuhi ai ko tā te Tāhuhu, nōna e mea ana kia whakawhānuihia te tāutunga o te Ara Reo Māori (me te hiahia mō te hōkai o te whāinga e 30 ōrau) kāore i tīpako i te whakahēanga e tīngā ana a Te Matakāhuki i tēnei panonitanga.

468. Ministry of Education, ‘Education Report: Māori Medium/Kaupapa Māori Education’ (Rōia Karauna, supporting documents (doc B30), p 2275)

469. Ministry of Education, ‘Education Report: Māori Medium/Kaupapa Māori Education’ (Rōia Karauna, supporting documents (doc B30), pp 2282–2283)

470. Ministry of Education, ‘Education Report: Māori Medium/Kaupapa Māori Education’ (Rōia Karauna, supporting documents (doc B30), p 2269)

471. Ministry of Education, ‘Education Report: Māori Medium/Kaupapa Māori Education’ (Rōia Karauna, supporting documents (doc B30), p 2269)

He mea whakahē e Te Matakahuki tōna whai wāhitanga ki te tāutungā whāiti o nāianeī i te Ara Reo Māori, ā, i konei kua mārāma ākene kua whakahēngia tōna whai wāhitanga atu ki tētahi tāutungā whānui tonu.

E ai ki ngā whakamāramatanga o te pūrongo mātauranga i whakawhanakehia e ia ētahi whakaritenga e whā e pā ana ki ngā whiringa whakahoutanga ki te whakarato i tētahi marautanga matua hōu mō te Ara Reo Māori me te Ara Kaupapa Māori, ka mutu, ki te anganui ki ngā raru me ngā āheinga i te rāngai.<sup>472</sup> Ko ngā whakarite katoa he mea whakahoahoa kia whakapai ake i te tukunga o te rāngaimahi, o te marautanga me ngā tohu mātauranga, o te pūtea, o te whakahaere kōtuitui, o ngā rawa, o te poari mana whakahaere o te kura (i roto i ngā taiwhanga me ngā kura rumaki reo rua), o ngā anga me ngā mahi whakarite pūnaha hoki i roto i te Ara Reo Māori me te Ara Kaupapa Māori.<sup>473</sup> Ko tā ngā whakarite he whakakatinana i ētahi whakataunga kaweka urutau, ā-ture-kore, ā-ture hoki, ā, kua whakarāpopotohia i raro iho nei. Ka kitea te whakawhānuitanga o ngā whakaritenga kaupapa here me te tātaritanga a te Tāhuhu i ngā whiringa i te kape o te pūrongo mātauranga o te marama o Ākuhata 2022 e wātea ana i tā mātou Pūketu Pakirehua.<sup>474</sup>

#### **5.5.3.2.1 Whakaritenga Tuatahi – he hōtaka mahi i whakamanahia ai e te Kāhui Minita me ngā panonitanga ā-ture-kore**

I te Whakaritenga Tuatahi e whai wāhi atu ana tā te Kāhui Minita whakapiki i te pūtea tautoko i te mātauranga Pūmanawa Māori me te mātauranga Kaupapa Māori, e ai ki te āheinga o te tahua, me te whakaae ki te maha o ngā panonitanga ā-ture-kore e hāngai ana ki te pūtea, ki te marautanga, ki te rāngaimahi me ngā tohu mātauranga, ki ngā whakamahere kōtuitui me ngā rawa hoki.<sup>475</sup> I whai wāhi atu te whakaputa pukapuka me te tautoko ā-pūtea i Te Marautanga o Te Aho Matua (me ētahi atu mea).<sup>476</sup>

#### **5.5.3.2.2 Whakaritenga Tuarua – he hōtaka mahi i whakamanahia ai e te Kāhui Minita e whai wāhi atu nei ngā panonitanga ā-ture**

I te haerenga tahitanga o ngā panonitanga o te Whakaritenga Tuatahi, ko tā te Whakaritenga Tuarua he ‘tautapa, he tiritiri rānei i ngā mahi whāiti e mahia ana e te Karauna i nāianeī’ ki ‘ngā Poari Rangapū Iwi-Māori’ (IMPBS) rānei, ki ngā

472. Ministry of Education, ‘Education Report: Māori Medium/Kaupapa Māori Education’ (Rōia Karauna, supporting documents (doc B30), pp 2283–2284)

473. Ministry of Education, ‘Education Report: Māori Medium/Kaupapa Māori Education’ (Rōia Karauna, supporting documents (doc B30), pp 2260–2398)

474. Ministry of Education, ‘Education Report: Māori Medium/Kaupapa Māori Education’ (Rōia Karauna, supporting documents (doc B30), pp 2284–2289)

475. Ministry of Education, ‘Education Report: Māori Medium/Kaupapa Māori Education’ (Rōia Karauna, supporting documents (doc B30), pp 2284–2285)

476. Ministry of Education, ‘Māori Medium and Kaupapa Māori Education Policy Options Packages’, appendix 1 to ‘Education Report: Māori Medium/Kaupapa Māori Education’ (Rōia Karauna, supporting documents (doc B30), p 2294)

rangapū matua me ētahi atu rōpū Māori whai mana ā-ture rānei.<sup>477</sup> Ko tā ētahi atu āpitiwhanga panonitanga ā-ture he nanaiore kia ‘nui ake te mana motuhake ki ngā kura, kia whānui ake hoki te āheinga e hāngai ana ki ngā whakaritenga ā-kāwana’ ka mutu, ‘kia panonihia te tauira ā-Kāwanatanga, te tauira whenumi-Kāwanatanga rānei mō ngā kura e nui ake ai te mana motuhake o te iwi Māori.’<sup>478</sup> I kōkūhua ki ēnei panonitanga te whakawāteanga o ngā kura i ngā herenga whakahauanga tikanga whanonga me te whakaae ki ngā whakaritenga ture poari kura motuhake.<sup>479</sup>

### 5.5.3.2.3 Whakaritenga Tuatoru – kia whakatūria tētahi hinonga hōu i roto i te Tāhuhu

Hei āpiti ki te Whakaritenga Tuatahi me ngā tono e rua, ko ngā take i whai wāhi atu ai ki te Whakaritenga Tuatoru ko te whakawehe i te hautūtanga pūnaha o te mātauranga Pūmanawa Māori me te mātauranga Kaupapa Māori i te nuinga o te pūnaha mātauranga me te tautapa i tēnei ki tētahi hinonga hōu kātahi anō ka whakatūria i roto tonu i te Tāhuhu hei tari whakahaere rānei, hei taiwhanga pakihī nō waho kē atu rānei.<sup>480</sup> Mā konei hoki e wātea ai ngā poari kura ki te kōwhiri kia noho ā-Kāwanatanga rānei, kia noho whenumi-Kāwanatanga rānei (pērā i te Whakaritenga Tuarua), kia whakahaerehia rānei i waho atu i te anga o Te Ture Hinonga Karauna.<sup>481</sup>

### 5.5.3.2.4 Whakaritenga Tuawhā – kia whakatūria tētahi hinonga ā-ture motuhake hōu

Ko tā te Whakarite Tuawhā he whakatū i tētahi hinonga ā-ture motuhake hōu e kōkiri ai i ngā mahi tautapa maha e hāngai ana ki te rāngaimahi, ki te marautanga, ki te pūtea, ki te kōtuitui, ki ngā rawa me te kaiāwhina akoako.<sup>482</sup> Ka riro mā te hinonga e pikau te haepapatanga hautū i te pūnaha Ara Reo Māori me te Ara Kaupapa Māori, te whakahaere i waho atu i Te Ture Hinonga Karauna, kia whakahaerehia e tētahi poari kia tohua hoki te nuinga o ana mema e te iwi Māori me tētahi kaitohu Manatū.<sup>483</sup>

477. Ministry of Education, ‘Education Report: Māori Medium/Kaupapa Māori Education’ (Rōia Karauna, supporting documents (doc B30), pp 2285–2286)

478. Ministry of Education, ‘Education Report: Māori Medium/Kaupapa Māori Education’ (Rōia Karauna, supporting documents (doc B30), p 2286)

479. Ministry of Education, ‘Māori Medium and Kaupapa Māori Education Policy Options Packages’, appendix 1 to ‘Education Report: Māori Medium/Kaupapa Māori Education’ (Rōia Karauna, supporting documents (doc B30), p 2294)

480. Ministry of Education, ‘Education Report: Māori Medium/Kaupapa Māori Education’ (Rōia Karauna, supporting documents (doc B30), pp 2287–2288)

481. Ministry of Education, ‘Education Report: Māori Medium/Kaupapa Māori Education’ (Rōia Karauna, supporting documents (doc B30), pp 2287)

482. Ministry of Education, ‘Education Report: Māori Medium/Kaupapa Māori Education’ (Rōia Karauna, supporting documents (doc B30), pp 2288–2289)

483. Ministry of Education, ‘Māori Medium and Kaupapa Māori Education Policy Options Packages’, appendix 1 to ‘Education Report: Māori Medium/Kaupapa Māori Education’ (Rōia Karauna, supporting documents (doc B30), p 2294)

**5.5.3.2.5 Te Tātāritanga a te Tāhuhu i ngā whakarite whakahoutanga**

I tēnei wāhanga, ko tā mātou he whakarāpopoto i te tātāritanga a te Tāhuhu i te Whakaritenga Tuatahi me te Tuawhā e hāngai ana ki ana tūtōhunga o muri ki ngā Minita. E wātea ana kia pānuhia te tātāritanga a te Tāhuhu o ērā atu whakarite whakahoutanga i te kape o te pūrongo mātauranga o te marama o Ākuhata 2022 i tā mātou Pūkete Pakirehua.<sup>484</sup>

O ngā whakarite, hei tā te pūrongo mātauranga i tino eke te Whakaritenga Tuawhā i ngā paearu whai hua, i te kouna o te ako, i te utu, i te whakakaupapata-tanga ngāwari me te papanga.<sup>485</sup> Mā konā hoki e pai ai tā te Karauna ‘whakamana tika i ōna herenga ki Te Tiriti’, koia e ‘tino eke ai te pito mata kia whai kāwanatanga, kia whai rangatiratanga hoki, hei te pae tawhiti pea e kitea ai ngā hua taurite’.<sup>486</sup> Heoi anō, o ngā whiringa, ko te Whakaritenga Tuawhā te mea utu nui, ka mutu, ko te āwangawanga nui koi whakaratohia pea tētahi ‘urupare iti noa iho nei’ ki te raru nui tonu, ‘me te mea hoki ruarua noa iho ngā mahi ka tautapahia, ka tiritiria rānei ki tēnei hinonga, ā, ākene pea he tokoiti noa iho ngā ākongā ka whai hua i ngā panonitanga i te pae tata me te pae wawaenga’.<sup>487</sup> Hei tā mātou i tuhi ai ko te Whakaritenga Tuawhā anake hoki te whakaritenga i tono kōrero whakahoki ai a Te Pae Roa i te iwi Māori i tana rauna whakaritenga whakawhiti tuarua, engari kāore tēnei i mimiratia i te pūrongo mātauranga.<sup>488</sup>

Hei whakatauritenga, kei raro e putu ana te Whakaritenga Tuatahi nā te mea ‘ruarua noa iho ana whanaketanga ki ngā āhuatanga o nāianei, kāore hoki e ea i a ia ngā mahi ki te tino whakawhanake i ngā hua mō ngā ākongā Māori te take’.<sup>489</sup> Ahakoa ka ea i a ia ētahi ‘āwangawanga wawe tonu’ o Te Pae Roa me Te Matakahuki, ko tā te Whakaritenga Tuatahi ‘tēnā i te aro ki ngā panonitanga nui ki ngā takiwā o nāianei, he aro kē ki ngā kaupapa ngāwari te utu, ngāwari hoki te whakakaupapa’.<sup>490</sup> I tana tātāritanga Tiriti, ko tā te pūrongo i arotake ai ‘puta noa i ngā takiwā katoa, he iti noa iho ngā whiringa rangatiratanga’.<sup>491</sup> Ko ētahi tūraru o te Whakaritenga Tuatahi e mea ana ‘ākene pea kāore e ea i a ia te nuinga o ngā take e nui ake ai te mana whakahaere me te rangatiratanga o te iwi Māori, e mirimiria ai rānei te ngākau hihira ki te pūnaha,’ ‘kāore hoki ia e anganui atu ki ngā kitenga

484. Ministry of Education, ‘Education Report: Māori Medium/Kaupapa Māori Education’ (Rōia Karauna, supporting documents (doc B30), p 2284)

485. Ministry of Education, ‘Education Report: Māori Medium/Kaupapa Māori Education’ (Rōia Karauna, supporting documents (doc B30), p 2264)

486. Ministry of Education, ‘Education Report: Māori Medium/Kaupapa Māori Education’ (Rōia Karauna, supporting documents (doc B30), p 2291)

487. Ministry of Education, ‘Education Report: Māori Medium/Kaupapa Māori Education’ (Rōia Karauna, supporting documents (doc B30), p 2289)

488. Te Pae Roa, ‘Supporting Māori Medium Education and Growing Kaupapa Māori Education’ (Rōia Karauna, supporting documents (doc B30), p 2421)

489. Ministry of Education, ‘Education Report: Māori Medium/Kaupapa Māori Education’ (Rōia Karauna, supporting documents (doc B30), p 2289)

490. Ministry of Education, ‘Education Report: Māori Medium/Kaupapa Māori Education’ (Rōia Karauna, supporting documents (doc B30), pp 2285, 2289)

491. Ministry of Education, ‘Education Report: Māori Medium/Kaupapa Māori Education’ (Rōia Karauna, supporting documents (doc B30), p 2290)

a Te Pae Roa me Te Matakahuki mō te hiahia kia riro katoa, kia whakahaerehia hoki te Ara Kaupapa Māori e te iwi Māori mō te iwi Māori, ā, kāore hoki ia e ‘whakarerekē i te mana tauritenga-kore nui e ora tonu ana i waenganui i te iwi Māori me te Karauna i raro i ngā whakaritenga o nāianei.’<sup>492</sup>

#### 5.5.3.2.6 Ngā tūtohunga matua a te Tāhuhu

I te arotakenga a ngā āpiha, i eke te Whakaritenga Tuawhā ki te taumata tike-tike mō te wāhi ki ngā paearu kaupapa here me tana tātaritanga Tiriti, ā, ko te Whakaritenga Tuatahi i raro kē e putu ana mō te wāhi ki ngā paearu kaupapa here, he ‘iti noa iho’ hoki nō ngā whiringa e kore ai e ea te wāhi ki te rangatira-tanga. Ahakoa tēnei, ko tā te Tāhuhu i taunaki ai kia whakaae ngā Minita ki te Whakaritenga Tuatahi hei ‘tūāpapa.’<sup>493</sup> Ko tāna i tohutohu ai i roto ngā panonitanga i te hōkai o ngā whakatau a te Rūnanga Kāwanatanga i te marama o Hepetema 2021, kua taea hoki pea te whakawhanake ahakoa te korenga o te ture, heoi me whai pūtea motuhenga tonu rātou.<sup>494</sup> Hei tāna, he whakahoutanga i te whanakehia kētia e te Tāhuhu me Te Matakahuki i te Whakaritenga Tuatahi.<sup>495</sup>

Hei tā mātou i tuhi ai kāore te Tāhuhu i aro ki te āinga o ngā whakahēnga a Te Matakahuki me Te Pae Roa i te Whakaritenga Tuatahi. I pātai Te Matakahuki ki ngā āpiha Manatū kia unuhia te whiringa i ‘te korenga ōna i whai hua, kāore hoki ia i panoni i ngā āhuatanga o nāianei.’<sup>496</sup> I whakahēngia e Te Pae Roa te Whakaritenga Tuatahi i ‘te korenga ōna i eke ki ngā paearu i whakaritea tahitia ai e te Minita me te iwi Māori.’<sup>497</sup> Hei tā te tuinga i te wāhanga 5.5.1.4, e ai ki tā mātou e mārāma nei he tino rite te Whakaritenga Tuatahi a Te Pae Roa me te Whakaritenga Tuatahi a Te Tāhuhu.

Engari, i tohu atu te Tāhuhu ki ngā Minita me ‘mātua’ ‘eke te Karauna ki tua atu’ i te Whakaritenga Tuatahi, mēnā ko te hiahia i a ia ‘kia mārāma pai ki te iwi Māori kei reira katoa te Karauna mō te whakahoutanga te take.’<sup>498</sup> Hei tāna ko te whai wāhitanga o Te Pae Roa me Te Matakahuki te ‘tino’ e angitū ai te hōtaka whakahoutanga, ka mutu, ko tāna tohutohu ki ngā Minita ‘ko te māharahara nui o te iwi Māori, e ai ki tāna kua wheako nei, kāore rātou e whakapono ana ki tā te Karauna whakarato mō te whanaketanga’ o te mātauranga Pūmanawa Māori me te mātauranga Kaupapa Māori te take, kia mōhio hoki ‘e rea ai te ngākau pono,

492. Ministry of Education, ‘Education Report: Māori Medium/Kaupapa Māori Education’ (Rōia Karauna, supporting documents (doc B30), p 2285)

493. Ministry of Education, ‘Education Report: Māori Medium/Kaupapa Māori Education’ (Rōia Karauna, supporting documents (doc B30), pp 2264, 2290)

494. Ministry of Education, ‘Education Report: Māori Medium/Kaupapa Māori Education’ (Rōia Karauna, supporting documents (doc B30), p 2291)

495. Ministry of Education, ‘Education Report: Māori Medium/Kaupapa Māori Education’ (Rōia Karauna, supporting documents (doc B30), p 2291)

496. Maika to Schöllmann (supplementary bundle of documents (doc B38), p [18])

497. Te Pae Roa, ‘Supporting Māori Medium Education and Growing Kaupapa Māori Education’ (Rōia Karauna, supporting documents (doc B30), p 2421)

498. Ministry of Education, ‘Education Report: Māori Medium/Kaupapa Māori Education’ (Rōia Karauna, supporting documents (doc B30), p 2291)

me mātua mōhio, me whakarato hoki te pūnaha kia nui ake tō te iwi Māori mana whakahaere me tōna rangatiratanga.<sup>499</sup>

Nā konā i taunakihia ai ngā Minita e te Tāhuhu kia whakaotia tētahi whakaritenga me ōna panonitanga e whai wāhi atu ai ētahi āhuatanga nō ērā atu whakaritenga kia whakaarohia hoki mēnā rānei e pīrangi ana rātou ki te whakaatu i tō rātou takune kia anga pērā atu ki te Whakaritenga Tuawhā hei pae tawhiti.<sup>500</sup> Hei tāpirihanga, ko tā te Tāhuhu i tohutohu ai kia mahi ngātahi atu ia ki a Te Pae Roa, ki a Te Matakahuki me ētahi atu i roto i te rāngai ki te whakawhanake i tētahi aratohu e mōhio ai me pēhea te whakakaupapa i ia panonitanga haere nei te wā.<sup>501</sup> He mea whakawhāriki e ia tētahi rārangi wā whakahoutanga e whakaratohia ai tētahi Pepa Kāhui Minita hukihuki ki te Minita i te 22 o Ākuhata 2022 i mua i te tukunga o te pepa whai mana ki te Kāhui Minita i te 22 o Hepetema 2022.<sup>502</sup> I whakawhārikihia te whakaaro kia uia tūmatawhānuitia te motu i te 26 o Hepetema ki te 28 o Oketopa 2022, me te takune kia kōkūhua tētahi Pire i te marama o Hune 2023.<sup>503</sup>

I whakarārangi tonuhia e te pūrongo mātauranga, i raro i ngā whakaritenga katoa, kei te Karauna tonu ōna haepapatanga ‘i raro i te Atikara 3 o Te Tiriti’ me whai ‘haumi whakauka roroa hoki te whakahoutanga puta noa i ngā Tahua aunoa.’<sup>504</sup> Hei tāna, mā ngā āpiha e tuku ki te Kāhui Minita tētahi ‘kēhi pakihi hōtaka “whakakōkiri”’ e haere ngātahi ana me ngā tono kaupapa here i te marama o Māehe 2023 ki te whai whakaetanga mō te ara kei mua i te aroaro.<sup>505</sup> Ka mutu, ahakoa ko tēhea te whakarite i whakawhanakehia, ko tā te pūrongo i tohutohu ai kia whai arotake motuhake whakahauanga i roto i ngā tau e rima o tōna whakatūnga:

If lesser interventions under packages 1–3 are not delivering the desired outcomes or as more ākonga move into these settings and critical mass builds, then the package 4 option of new independent statutory intervention could be revisited. If package 4 is chosen, a review would still highlight areas and ensure ongoing fitness for purpose.<sup>506</sup>

499. Ministry of Education, ‘Education Report: Māori Medium/Kaupapa Māori Education’ (Rōia Karauna, supporting documents (doc B30), pp 2263, 2291)

500. Ministry of Education, ‘Education Report: Māori Medium/Kaupapa Māori Education’ (Rōia Karauna, supporting documents (doc B30), p 2291)

501. Ministry of Education, ‘Education Report: Māori Medium/Kaupapa Māori Education’ (Rōia Karauna, supporting documents (doc B30), p 2292)

502. Ministry of Education, ‘Education Report: Māori Medium/Kaupapa Māori Education’ (Rōia Karauna, supporting documents (doc B30), p 2293)

503. Ministry of Education, ‘Education Report: Māori Medium/Kaupapa Māori Education’ (Rōia Karauna, supporting documents (doc B30), p 2293)

504. Ministry of Education, ‘Education Report: Māori Medium/Kaupapa Māori Education’ (Rōia Karauna, supporting documents (doc B30), pp 2291–2292)

505. Ministry of Education, ‘Education Report: Māori Medium/Kaupapa Māori Education’ (Rōia Karauna, supporting documents (doc B30), p 2292)

506. Ministry of Education, ‘Education Report: Māori Medium/Kaupapa Māori Education’ (Rōia Karauna, supporting documents (doc B30), p 2290)



E ai ki te pūrongo, 'i te otinga atu, kei te uho o tētahi kōwhiringa i waenganui i ngā whakaritenga ko te tītaringa o ngā tūranga me ngā haepapatanga mō te wāhi ki te kāwanatanga me te rangatiratanga, ka mutu, kei a wai te mana whakatau, ā, hei tāna, i tohua e tana tātaritanga Tiriti 'ka mārama kehokeho noa iho ngā whāinga o te anga hōu ki te hurihia mārikatia ngā whakaaro o roto i ngā whaka-haere pūnaha me ngā haepapatanga.<sup>507</sup>

I mārama nei mātou i muri i te tukunga o tāna pūrongo, ka hui tahi ngā āpiha Manatū ki a Minita Hipkins rāua ko Minita Tuarua Davis ki te wānanga i te tohutohu.<sup>508</sup> I te otinga atu, nō te 16 o Ākuhata 2022, ko tā Minita Hipkins rāua ko Minita Tuarua Davis (me ētahi atu hohenga) he:

- ▶ whakaae ki ngā tono katoa i te Whakarite Tuatahi hei tūāpapa;<sup>509</sup>
- ▶ mea mai 'āe', i hiahia rāua ki te whakapuaki i tō rāua wawata kia kauneke atu ki te Whakaritenga Tuawhā i te rere o te wā;<sup>510</sup>
- ▶ whakaae kia mahi ngātahi ngā āpiha ki Te Pae Roa, ki Te Matakahuki me ētahi atu i roto i te rāngai ki te whakawhanake i tētahi aratohu whakakau-papa, kia kauneke hoki te whāinga whakawhanake;<sup>511</sup> ka mutu,
- ▶ whakaae kia wānangahia me ngā āpiha ko ēhea āhuatanga o ērā atu whaka-ritenga e pīrangi nei rātou whai wāhi atu i te pae tata tonu nei.<sup>512</sup>

Hei tā mātou i tuhi ai, i whakatau a Minita Hipkins rāua ko Minita Tuarua Davis kia whakaaetia te Whakaritenga Tuatahi me te *whakapuaki* noa iho i te takunetanga kia kauneke atu ki te Whakaritenga Tuawhā ahakoa te tōaitia o te tohutohu kia whakatūria e te Karauna tētahi hinonga motuhake. Inarā, te:

- ▶ tohutohu a te Tāhuhu ko te Whakaritenga Tuawhā tērā i eke ai ki te taumata tiketike e hāngai ana ki ngā paearu kaupapa here me tana tātaritanga Tiriti;
- ▶ tūtohu a Te Pae Roa kia whakatūria tētahi hinonga motuhake mō te ukiuki o te Ara Reo Māori te take;
- ▶ tūtohu a Te Matakahuki kia whakatūria tētahi hinonga motuhake mō te Ara Kaupapa Māori te take;
- ▶ nui o ngā tono i Te Rūnanga Nui kia whakatūria tētahi rangapū Kaupapa Māori whai rangatiratanga, me te whai wāhitanga o tāna tāpaetanga He Ara Motuhake; ka mutu,
- ▶ te tūtohunga a te Rōpū Mahi Motuhake kia whakatūria tētahi rangapū whai rangatiratanga ki te whakaū i ngā Kaupapa Māori, me te whakakanohitanga o Te Rūnanga nui me Ngā Kura ā-Iwi (Tūtohunga 4(a)).

507. Ministry of Education, 'Education Report: Māori Medium/Kaupapa Māori Education' (Rōia Karauna, supporting documents (doc B30), p 2291)

508. Schöllmann to Nathan (supplementary bundle of documents (doc B38), p[27]); Darren Nathan to Daryn Bean, 9 August 2022 (supplementary bundle of documents (doc B38), pp [20]–[21])

509. Ministry of Education, 'Education Report: Māori Medium/Kaupapa Māori Education' (Rōia Karauna, supporting documents (doc B30), p 2264)

510. Ministry of Education, 'Education Report: Māori Medium/Kaupapa Māori Education' (Rōia Karauna, supporting documents (doc B30), p 2264)

511. Ministry of Education, 'Education Report: Māori Medium/Kaupapa Māori Education' (Rōia Karauna, supporting documents (doc B30), p 2264)

512. Ministry of Education, 'Education Report: Māori Medium/Kaupapa Māori Education' (Rōia Karauna, supporting documents (doc B30), p 2265)

### 5.5.4 Ngā mahi a te Karauna i muri i te marama o Ākuhata 2022

#### 5.5.4.1 I aha te Karauna kia kauneke ngā mahi kaupapa here i muri i te pūrongo o te marama o Ākuhata e 2022?

I muri i te whiwhinga o ngā kōrero whakahoki a ngā Minita mō te pūrongo mātauranga o te marama o Ākuhata, ka tīmata te Tāhuhu ki te tuhi Pepa Kāhui Minita hukihuki. E ai ki ērā o runga ake nei, kāore mātou e āta whakamārama ana i ēnei hukihuki nā te mea kāore tētahi o rātou i whakaaturia ki te Kāhui Minita, nō reira kua noho ko te pūrongo mātauranga o te marama o Ākuhata 2022 tō mātou tino aronga.

Heoi anō, ko tā Jackson rāua ko Tākuta Schöllmann i kī mai ai, i whai wāhi atu ētahi kōrerorero i waenganui i a rātou ko ngā Minita, ō rātou kaitohutohu, me ngā whakauru kōrero a Te Pae Roa ki te tukanga whakawhanake i ngā pepa whai mana.<sup>513</sup> I tētahi taumata teitei, ko ngā hukihuki o ngā Pepa Kāhui Minita e hāngai katoa ana ki te pūrongo mātauranga o te marama o Ākuhata 2022, i rerekē mō te wāhi ki ā rātou tūtuhunga kia whakatūria tētahi hinonga motuhake (he taunaki kia whakaae te Rūnanga Kāwanatanga ki tōna whakatūnga, kia whakaae rānei tōna whakatūnga i runga i te mātāpono, kia whakaae rānei ki te kōrerorero mō tōna whakatūnga).<sup>514</sup> Ko tētahi āhuatanga i rite tonu te kitea i roto i ngā pepa whai mana ko te tūtuhunga kia whai wāhi atu a Te Pae Roa me Te Matakahuki ki te whakawhanaketanga o tētahi aratohu whakakaupapa whakahoutanga.<sup>515</sup> I te otinga atu, kāore tētahi Pepa Kāhui Minita i tae ki te Kāhui Minita i te tau 2022. Ko tā Jackson rāua ko Tākuta Schöllmann i whakamārama ai, nā ngā Minita te whakatau kia kua tētahi pepa whai mana e tukua i taua wā i te korenga o tā te Kāhui Minita kaupapataka i wātea kia tāpuia ēnei kaupapa i mua i te mutunga o te tau.<sup>516</sup> Engari kē, ko tā Minita Tuarua Davis i tāpae ai ko tētahi pānui ā-waha ki Te Arawhiti – Komiti o Te Kāhui Hikina.<sup>517</sup> Kei ngā meneti a te Kāhui Minita i te 13 o Tihema 2022, ko tā te komiti:

- ▶ i tuhi ai i oti kē i a Te Pae Roa me Te Matakahuki te tuku pūrongo motuhake e pā ana ki ngā huarahi tautoko i te Ara Reo Māori me te whakawhanake i te Ara Kaupapa Māori;
- ▶ i tuhi ai ko tā ngā pūrongo e rua, nō muri i te whakapā atu ki te iwi Māori, he taunaki i te whakatūnga o tētahi hinonga ā-ture hei ārahi i te whakanake tonutanga o te Ara Reo Māori me te Ara Kaupapa Māori;
- ▶ i tuhi ai kia whaiwhakaarohia te whakatūnga o tētahi hinonga motuhake kia mutu rā anō ētahi anō mahi e hāngai ana ki ngā aronga matua o te hōtaka

513. Kōrero taunaki a Jackson rāua ko Schöllmann (doc B28), p 30

514. Kōrero taunaki a Jackson rāua ko Schöllmann (doc B28), p 29; Kōrero taunaki a Jackson rāua ko Schöllmann, appendix (doc B28(b)), app 2, pp [1]–[2]

515. Kōrero taunaki a Jackson rāua ko Schöllmann (doc B28), p 29

516. Kōrero taunaki a Jackson rāua ko Schöllmann (doc B28), p 30

517. Cabinet Māori Crown Relations – Te Arawhiti Committee, ‘Oral Item: Release of the Te Pae Roa and Te Matakahuki reports and Māori medium and kaupapa Māori education work programme approach for 2023’, Minute of Decision, 13 December 2022, pp 1–2 (Rōia Karauna, supporting documents (doc B30), pp 2858, 2859)

- mahi kua kitea i roto i ngā pūrongo motuhake e rua, i te Pepa Kāhui Minita i te marama o Hepetema 2021 me tētahi Kēhi Pakihi Hōtaka ōkawa;
- ▶ he tonono ki te Minita Tuarua kia kōkirihia ngā mahi e hāngai ana ki te hautūtanga me te whakaraupapatanga o te hōtaka mahi Ara Reo Māori me te Ara Kaupapa Māori i te tau 2023, tae ana ki te whanaketanga o tētahi Kēhi Pakihi Hōtaka ōkawa kia whakatakoto pūrongo hoki ki te Kāhui Minita me ngā putanga o tēnei mahi hei whakaaro ake ki ngā whakatau i te marama o Hune 2023;
  - ▶ i tuhi hoki ai kia whakaputaina ngā pūrongo motuhake a Te Pae Roa me Te Matakahuki ki te motu whānui.<sup>518</sup>
- E rua rā i muri mai, i te 14 o Tihema 2022, ka whakanonohia tēnei kerēme.

### **5.5.4.2 Te whakaritenga whakawhiti i waenganui i te Karauna me Te Rūnanaga Nui**

#### **5.5.4.2.1 Ākuhata 2022 – ka tonono a Te Matakahuki i tētahi kape o te pūrongo mātauranga whakamutunga**

I muri i tā Te Matakahuki tuku i tāna pūrongo, ka whāki mai ngā kaiwhāki kaitono i aukatia tō rātou whai wāhitanga atu, kāore i tino mārāma ki ngā whakaaro o Minita Hipkins rāua ko Minita Tuarua Davis, ki ā rāua whakatau rānei. Ko tā Maika rāua ko Campbell i kī mai ai ‘kāore rāua i pōwhiritia kia wānangahia tā mātou Pūrongo me te Tāhuhu, kia whai wāhi atu rānei ki ngā hui me ngā Minita, kia hui tahi rānei me ngā Minita ki te wānanga i te Pūrongo a Te Matakahuki, i te Pūrongo Mātauranga rānei.’<sup>519</sup> Ko te rite hoki ki tā Arapine Walker, tētahi o ngā kaituhi pūrongo mō te pūrongo a Te Matakahuki i kī mai ai, ‘ki a au nei, ko tā te Karauna he kimi noa i te ara ngāwari rawa atu. Kāore rātou i pīrangi ki te hui me te wānanga i te pūrongo, i te take o ā mātou whakatau rānei.’<sup>520</sup>

E kitea mārikatia ana tō ngā kaitono tino hiahia ki te whai māramatanga ki te tukanga i roto i ngā imēra i tukuna ai ki te Tāhuhu e Maika rāua ko Campbell i te tōmuatanga o Ākuhata 2022. Hei tauira, ko tā Maika i pātai ai, ki te whakarāpopotohia te pūrongo a Te Pae Roa, ki te tātarihia hoki tāna tūtohunga e te Tāhuhu i tāna pūrongo mātauranga, āhea te Minita hui tahi ai ki a Te Pae Roa, ka mutu, mēnā rānei e tāpaehia ana e Te Pae Roa tāna ake pepa Kahui Minita.<sup>521</sup> I tonono a Campbell ki te whakatūturu i te wā e haria ai te Pepa Kāhui Minita ki te Kāhui Minita.<sup>522</sup>

518. Cabinet Māori Crown Relations – Te Arawhiti Committee, ‘Oral Item: Release of the Te Pae Roa and Te Matakahuki reports and Māori medium and kaupapa Māori education work programme approach for 2023’, Minute of Decision, pp1–2 (Rōia Karauna, supporting documents (doc B30), pp 2858–2859)

519. Kōrero taunaki a Campbell rāua ko Maika (doc B26), p[19]

520. Kōrero taunaki a Arapine Walker, 14 April 2023 (doc B16(b)), p 6

521. Mahinarangi Maika to Andy Jackson, Daryn Bean and Hohepa Campbell, 3 August 2022 (supplementary bundle of documents (doc B38), p[16])

522. Hohepa Campbell to Daryn Bean, Andy Jackson and Mahinarangi Maika, 2 August 2022 (supplementary bundle of documents (doc B38), p[13])

I te 10 o Ākuhata e 2022, ka hui ngā āpiha Manatū ki a Maika rāua ko Campbell. Hei tā ngā meneti o te hui, ko tā ngā āpiha i whakamārama ai i riro i ngā Minita ngā pūrongo a te Tāhuhu, a Te Matakahuki me Te Pae Roa, engari kāore tētahi paku aha i whakatauhia.<sup>523</sup> I tōaitia e ngā āpiha te pūtake o tā rātou tohutohu kia whakatakotoria ngā whiringa a ngā Minita mā te tirohanga o te kāwanatanga i ‘whakaūngia’ hoki e rātou kia ‘whakatakoto rūruatia’ ngā whakaaro o Te Pae Roa me Te Matakahuki.<sup>524</sup> Kāore ngā āpiha i wātea ki te whakapuaki ko tēhea whakaritenga i pai ake ki a Minita Tuarua Davis i te nui o te tapu. Ka mutu, ehara te whakaaro ake o te Minita i te whakatau a te kāwanatanga – i te otinga atu, mā te Kānui Minita kē tēnei e whakatau.<sup>525</sup> I tonu kape a Maika rāua ko Campbell o te pūrongo mātauranga whakamutunga me te pātai mēnā rānei i tonu te Minita ki te hui ki a Te Matakahuki. Ko tā ngā āpiha Manatū he whakaae ki te kimi māramatanga ki ngā kōrero e rua.<sup>526</sup> Ko tā Maika rāua ko Campbell i whakarārangi ai, he take whāwhai tēnei hei aro māna; i mārama ki a ia ngā tukanga a te Rūnanga Kāwanatanga, ka mutu, ‘e noho nama whakautu ana rātou ki ō mātou whānau.’<sup>527</sup> Ko tā rātou hoki he akiaki i te Tāhuhu kia ‘tika tā mātou whakahōnoro i te Whakaetanga Takawaenga’, me te mōhio nāna i ‘kōkiri tērā mahi’ (i hua ai ko te pūrongo a Te Matakahuki).<sup>528</sup>

E rua me te haurua wiki i muri mai, i te 29 o Ākuhata 2022, i tuhi te Minita Tuarua ki a Te Matakahuki, ka mihia ia i te nui o te ‘wā, o te kaha, me te atawhai i whakapaua ki tēnei tohutohu’ me tāna i kī ai he mea tonu e ia kia whakaaturia tūmataitihia e ngā āpiha te pūrongo mātauranga whakamutunga ki a Te Matakahuki.<sup>529</sup> I muri mai, ko tā te Minita Tuarua he wānanga i te pūrongo me ‘ōna hoamahi Manatū, i mua tonu i te whai whakatau i te Kāhui Minita hei te tōmuritanga o tēnei tau. He mea whāki atu e ia ka waiho ‘mō muri mai i tā te Kāhui Minita whakatau e whakaputaina ai te Pūrongo Mātauranga me te Pepa Kāhui Minita ki te motu.’<sup>530</sup> Ko tā te Minita Tuarua he tonu ki ngā āpiha kia rite tonu tā rātou hui ki Te Matakahuki e ‘mōhio ai ia e aha ana te aha i a mātou e whakatutuki nei i te tukanga i ngā wiki hirahira e heke nei.’<sup>531</sup> Hei whakakapinga, ‘e noho ana a Te Matakahuki hei rangapū mahitahi whai tikanga, ā, ka wātea tonu ki

---

523. Darren Nathan to Andy Jackson and Daryn Bean, 16 August 2022 (supplementary bundle of documents (doc B38), p [28])

524. Nathan to Jackson and Bean (supplementary bundle of documents (doc B38), p [28])

525. Nathan to Jackson and Bean (supplementary bundle of documents (doc B38), p [28])

526. Nathan to Jackson and Bean (supplementary bundle of documents (doc B38), pp [28]–[29])

527. Nathan to Jackson and Bean (supplementary bundle of documents (doc B38), p [29])

528. Nathan to Jackson and Bean, (supplementary bundle of documents (doc B38), p [28])

529. Associate Minister Davis to Raniera Procter (Te Matakahuki), 29 August 2022 (Rōia Karauna, supporting documents (doc B30), p 2476)

530. Associate Minister Davis to Procter (Te Matakahuki) (Rōia Karauna, supporting documents (doc B30), p 2476)

531. Associate Minister Davis to Procter (Te Matakahuki) (Rōia Karauna, supporting documents (doc B30), p 2476)

a i te āheinga ki te whai wāhi mai.<sup>532</sup> Hei tā mātou i tuhi ai, ahakoa ngā tono a Te Matakahuki, kāore te Minita i tuku i te pōwhiri kia hui ā-tinana atu ki a ia.

#### 5.5.4.2.2 Hepetema 2022 – ka tau tētahi kape o te pūrongo mātauranga whakamutunga ki a Te Matakahuki

I tau tētahi kape o te pūrongo mātauranga whakamutunga ki a Te Matakahuki i te tōmuatanga o te marama o Hepetema 2022.<sup>533</sup> E whai iho nei tā ētahi kāiwhāki kaitono i mea mai ai mō tō rāua wheako i te taenga atu o te pūrongo whakamutunga ki a rāua. Ko tā Maika rāua ko Campbell i ki mai ai he ‘rerekē rawa atu’ tēnei tuhinga i tērā nā Te Matakahuki i tuku kōrero whakahoki ai i te marama o Ākuhata 2022.<sup>534</sup> I te korenga o mātou i kite i te tuhinga o te hukihuki nā te pūrongo mātauranga i tuku ki Te Matakahuki, tē taea e mātou tēnei tauākī te whakatūturu. Heoi anō, hei tā mātou ko tā te imēra whakamārama a te Tāhuhu i ki ai, i te hanga hukihuki tonu te pūrongo, i reira hoki te āheinga kia panonihiā. Ko tā Campbell rāua ko Maika i ki mai ai, i pōuri rāua i te iti noa iho o ā rāua kōrero whakahoki i kitea i te tuhinga whakamutunga, ka mutu, e ai ki a rāua, i ‘āpitihia noatia tā rāua pūrongo ki te pito whakamutunga.’<sup>535</sup> E ai ki a rāua, kāore te uho o te pūrongo a Te Matakahuki i kitea tikahia, i kitea paitia rānei i roto i te tohutohu a te Tāhuhu me tōna katoa, i roto hoki i ngā whakarite whakahoutanga i tūtohua ai, inarā ngā tūtohunga i whakatakotoria ai ki ngā Minita.<sup>536</sup> Hei tā mātou, kāore te Tāhuhu i kōkuhu i tāna tūtohunga kia tū ko ia tētahi whiringa e wātea ana hei kōwhiringa mā ngā Minita i roto i tā rātou wāhanga tūtohunga (‘Whakaritenga Tuarima’). Hei āpiti atu, ko ngā whakaritenga i tūtohua ai e te Tāhuhu ēā i rarawhitia tahitia te Ara Kaupapa Māori me te Ara Reo Māori, koia rā tētahi kaupapa i rite tonu te whakahēngia e Te Matakahuki.<sup>537</sup> Ko tā Selby i mea mai ai, ‘he takahitanga kino tēnei kōmitimititanga i te hūnuku o te Kaupapa Māori, koia hoki te take i whakahēngia ai e mātou te whai wāhitanga atu ki tēnei tukanga i te tīmatatanga.’<sup>538</sup> Ko tā Rawiri Wright i ki mai ai, e ai ki tōna wheako, i te mutunga mai o te whakatīeke maninohea noa e oti ai tā rātou pūrongo i te rārangi wā a te Karauna, i ‘whakakorea’ ngā whakaaro o Te Matakahuki; ‘ānō nei kāore tētahi i whaiwhakaaro nui ki ā mātou tono, kāore rānei i hiahia ki te whakapā mai ki a mātou e pā ana ki ngā mea kei roto i te pūrongo.’<sup>539</sup>

532. Associate Minister Davis to Procter (Te Matakahuki) (Rōia Karauna, supporting documents (doc B30), p 2477)

533. Kōrero taunaki a Andy Jackson, 22 November 2022 (doc A14), p 3, Kōrero taunaki a Mahinarangi Maika rāua ko Hohepa Campbell, 24 November 2022 (doc A16), p 4

534. Kōrero taunaki a Maika rāua ko Campbell (doc A16), p 5

535. Kōrero taunaki a Maika rāua ko Campbell (doc A16), p 5; Kōrero taunaki a Campbell rāua ko Maika (doc B26), p [20]

536. Kōrero taunaki a Maika rāua ko Campbell (doc A16), p 5; Kōrero taunaki a Campbell rāua ko Maika (doc B26), p [20]

537. Kōrero taunaki a Maika rāua ko Campbell (doc A16), p 5

538. Kōrero taunaki a Selby (doc B23), p 11

539. Kōrero taunaki a Rawiri Wright (doc B22), p 22

Ko tā Procter i mea mai ai mō te pūrongo a Te Matakahuki i:

I mārama ki a mātou kua oti kē te whakatau a te Tāhūhū, ā, i panonihia tā mātou ripoata kia hāngai ki ngā kaupapa here kua whakatau kētia e te Tāhūhū o Te Mātauranga. Hei taurira, kāore te tuāpapa o te kaupapa i whai whakaarotia, kāore hoki o mātou āwangaawanaga mō te noho taurite i whai whakaarotia e te Kāwanatanga.<sup>540</sup>

I whakaae a Campbell rāua ko Maika kāore te pūrongo i ‘whakaatu taurititia tā Te Matakahuki pūrongo, ngā wawata rānei o Te Rūnanga Nui.’<sup>541</sup> Ko tā rāua ‘nā runga i ngā aweke me ngā pōhēhē o te Karauna he nui te takahia tonutia o tā mātou Kaupapa, pēnei i te whakaaro he ara “whāitiiti” noa iho tā mātou.’<sup>542</sup>

Ko tā mātou hoki i rongō ai i a Tākuta Dewes rāua ko Rawiri Wright nō rāua e wheako nei i te whakaputanga o tā rāua pūrongo mā tēnei tukanga me tōna hāngai ki ngā mahi a Te Pae Roa, he mea ‘whakawehewehe makitohene tēnei i te iwi.’<sup>543</sup> Ko tā rāua i kī mai ai ‘he mea whakatīwarawara te tukanga nei i ngā whakaaro Māori mō te wāhi ki ngā rerekētanga i waenganui i te Ara Reo Māori me te Ara Kaupapa Māori, ka mutu, ko tā ngā whakahoutanga e whakaturehia nei me eke tonu ngā mea e rua, nā tērā hoki i whakatōkia ai te kākano ‘kaumingomingo i waenganui i te iwi mō te whakakanohitanga o te iwi Māori te take, he aha ia nei hoki te Ara Kaupapa Māori, ka mutu, nāna i tāwekeweko ai ngā miro whaiaro, me ngā miro ngaio o te taura here tangata.’<sup>544</sup> Hei tukunga iho, ko tā Tākuta Dewes rāua ko Rawiri Wright i kī mai ai, nā tēnei i tūkinotia ai te mana o Te Rūnanga Nui, tae ana ki te whakamārama tūmatawhānui i te take kāore ia mō te whai wāhi atu ki te tukanga a te Karauna; ki te whakamārama i te ‘pōhēhē teka he kaupapa “aukati-kati”, engari kē ko tā mātou e wawata nei ko ia hei mātāmuatanga ki ngā tamariki Māori katoa; ki te whakamārama i tōna tino rangatiratanga o ngā Kura Kaupapa Māori; ki te mau tonu ki te ‘kaitiakitanga o te huarahi Ara Kaupapa Māori, nō mātou e whakaahuru nei i ngā whānau e nanaiore nei mātou ki te whakamana tika i ō rātou hiahia i tēnei tukanga whakahoutanga; me te whakaputa i tāna pūrongo ‘i roto tonu i te rārangi wā poto noa iho nei hei whakaaweawe i te tukanga kaupapa here a te Karauna . . . me te āwangaawanga mēnā rānei ka whai hua.’<sup>545</sup> Ko tā Tākuta Dewes rāua ko Rawiri Wright i kī mai ai, nā tēnei i tūkinotia ai te mana me te hau o Te Rūnanga Nui, i ‘whakapaua katoatia ai hoki te iti o ō mātou pūmanawa tangata.’<sup>546</sup> Ko te rite hoki ki tā Maika rāua ko Campbell i kī mai ai, ko tētahi pōhēhē teka i te aweketia ai he mea kimi e rāua tētahi whakahaeretanga ‘aukati’, he mea ‘whakatārewa rānei e rāua ngā ara ki te reo Māori i roto i te ao auraki’, ā, nā reira i tūkinotia ai tā rātou kaupapa.<sup>547</sup> Ko tā Procter i kī mai ai, ‘i kīia a Te Matakahuki

540. Kōrero taunaki a Procter (doc B24(b)), p 4

541. Kōrero taunaki a Campbell rāua Maika (doc B26), p [20]

542. Kōrero taunaki a Campbell rāua Maika (doc B26), p [20]

543. Kōrero taunaki a Cathy Dewes rāua ko Rawiri Wright, 10 November 2022 (doc A12), p 3

544. Kōrero taunaki a Dewes rāua ko Rawiri Wright (doc A12), p 3

545. Kōrero taunaki a Dewes rāua ko Rawiri Wright (doc A12), p 4

546. Kōrero taunaki a Dewes rāua ko Rawiri Wright (doc A12), p 4

547. Kōrero taunaki a Maika rāua ko Campbell (doc A13), p 7

hei “whakahaeretanga tūmataiti”, hei mea “aukati” hoki, tē aro kē ki te tūāpapa i ahu mai ai ēnei Kaupapa, koia e kī nei kei te whānau te mana whakawhanake me te mana whakahaere, ā, koia hoki ko te ariā kia ako ngātahi te whānau katoa.<sup>548</sup>

Kāore ngā kaiwhāki o te Karauna i whakaae ki te whakapae i arokorehia te pūrongo a Te Matakahuki, kāore rānei ōna whakaawenga. Ko tā Jackson i kī mai ai, ‘i aroa mārīkatia āna tonu, ka mutu, kua whakaaweā tikahia, ā-tinanatia hoki te tukanga whakawhanake whiringa.<sup>549</sup> Inarā, e ai ki tā Jackson rāua ko Tākuta Schöllmann i kī mai ai, e rua kē ngā whakaawenga o te pūrongo a Te Matakahuki.<sup>550</sup> Tuatahi ake, i whai wāhi atu ia ki tā te Karauna hoki anō ki te whakaaro kia tū ai tētahi hinonga motuhake ahakoa i whakatakaina tūmatawhānuitia tērā hei whiringa i te tau 2021.<sup>551</sup> Hei tā ngā tohutohu a Tākuta Schöllmann, kia whakaaturia tēnei whiringa, ahakoa tā te Kāhui Minita whakatau i te marama o Hepetema 2019, ‘he nui nō te tautoko a te iwi Māori’ me te ‘mārama kehoheho ki te whaitaketanga o te tonu i ahu mai ai i tā mātou tātaritanga Tiriti’. Ko tāna i tuhi ai, he rerekē te wānanga anō i ētahi whakatau a te Rūnanga Kāwanatanga kua pērā kētia, engari ko tā ngā āpiha ‘koinei te huarahi tika.’<sup>552</sup> Ka rua, i kōkūhua ētahi atu āhuatanga o te pūrongo a Te Matakahuki hei tohutohu ki ngā Minita.<sup>553</sup> Hei tauira, pēnei i te tūtohunga kia whakapukapukatia, kia tautokona ā-pūteatia hoki Te Marautanga o Te Aho Matua, tērā i kōkūhua ai ki te pūrongo mātauranga i te marama o Ākuhata 2022, me te tūtohunga kia panonihia te kopoutanga o ngā Kura Kaupapa Māori hei ‘kura momo kopou’ i raro i te Ture Mātauranga me te Whakangungu e 2020.<sup>554</sup> Hei tā mātou i tuhi ai kei waho atu tēnei panonitanga whakamutunga nei i te hōkai o tēnei urupounamu (e ai ki ngā kōrero i te wāhanga 4.2.2.1).

Hei tā mātou i tuhi ai, ko te āhua nei i whai wāhi atu ētahi anō panonitanga a te Tāhuhu ki ngā whakarite pūrongo mātauranga e hāngai ana ki ngā Kura Kaupapa Māori – nō muri i te taenga o te pūrongo a Te Matakahuki, nō muri hoki i taenga o ngā kōrero whakahoki i a Te Matakahuki mō te pūrongo hukihuki. Hei tauira, ko tā tētahi whakatauritenga o ngā hukihuki i te 22 me te 29 o Hūrae 2022 he whakaatu i tā te Tāhuhu tāpiri i te whakapukapukatanga me te tautoko ā-pūtea o Te Marautanga o Te Aho Matua ki te Whakarite Tuatahi i te rā tonu i whiwhi ai ia i te pūrongo a Te Matakahuki.<sup>555</sup>

548. Kōrero taunaki a Procter (doc B24), p 4

549. Kōrero taunaki a Jackson (doc A14), p 11

550. Kōrero taunaki a Jackson (doc A14), pp 11–12; Kōrero taunaki a Jackson rāua ko Schöllmann (doc B28), p 26

551. Kōrero taunaki a Jackson (doc A14), pp 11–12; Kōrero taunaki a Jackson rāua ko Schöllmann (doc B28), p 26

552. Tuhinga kape kōrero 4.1.6, p 118

553. Kōrero taunaki a Jackson (doc A14), pp 11–12; Kōrero taunaki a Jackson rāua ko Schöllmann (doc B28), p 26

554. Kōrero taunaki a Jackson rāua ko Schöllmann (doc B28), p 26

555. Ministry of Education, ‘Draft Education Report: Māori Medium/Kaupapa Māori Education’, (Rōia Karauna, supporting documents (doc B30), p 2131); Ministry of Education, ‘Draft Education Report: Māori Medium/Kaupapa Māori Education’ (Rōia Karauna, supporting documents (doc B30), pp 2171–2172)

Nō muri i te 1 o Ākuhata 2022 – te rā i tukua ai e Te Matakahuki āna kōrero whakahoki mō te hukihuki o te pūrongo mātauranga a te Tāhuhu – ko tā te Tāhuhu i muri mai he tāpiri i tētahi whāinga ki te arotakenga o te pūtea tautoko i te Whakaritenga Tuatahi. Ahakoa i ngā pūrongo hukihuki o mua te arotakenga, ko tā te pūrongo mātauranga whakamutunga i tautuhi ai me nanaiore ‘kia kitea ētahi whiringa e nui ake ai te rangatiratanga o ngā Kaupapa Māori.’<sup>556</sup> Hei āpiti atu, ko tā ngā hukihuki o mua i mea ai me tuku ngā mahi nō raro i te Whakaritenga Tuawhā ki tētahi hinonga motuhake rānei, ki Te Mātāwai rānei (he hinonga ā-ture motuhake tēnei i whakatūria ai i raro i Te Ture mō Te Reo Māori 2016/Te Ture Reo Māori 2016),<sup>557</sup> ko tā tētahi hukihuki i te 1 o Ākuhata 2022 me te pūrongo whakamutunga he tūtohu noa iho i te tautapanga ki tētahi hinonga motuhake.<sup>558</sup> I roto hoki i te pūrongo whakamutunga ētahi tūtohunga rerekē tēnā i ngā hukihuki o mua. Engari ko tā ngā hukihuki o mua he taunaki i te uiuinga tūmatawhānui mō ngā whakaritenga e whā rānei, mō te whakaritenga, mō ngā whakarite rānei e pīrangī nei rātou,<sup>559</sup> he mea taunaki e te pūrongo whakamutunga te whakaetanga ki te Whakaritenga Tuatahi, kia wānangahia ko ēhea āhuatanga nō ērā atu whakaritenga e hiahia nei ngā Minita kia whai i te pae tata, me te pātai ki ngā Minita kia tohua mēnā e hiahia nei rātou ki whakawhanake i te Whakaritenga Tuawhā ā ngā rā e heke ana.<sup>560</sup>

#### 5.5.4.2.3 Ngā taunekeneke a ngā pāti o muri mai i te marama o Hepetema 2022

Ahakoa kua whiwhi Te Matakahuki i te pūrongo mātauranga whakamutunga, e ai ki ngā kaitono, i roto tonu rātou i te pouri e pā ana ki te pepa a te Kāhui Minita. Ko tā Maika rāua ko Campbell ki a mātou:

He uaua mā mātou ki te whai paku māramatanga mō te tukanga me te wā e puta ai ngā whakataunga matua. Pēnei i tā te Karaunga kore tuku mōhiohio mai mō te

556. Ministry of Education, ‘Education Report: Māori Medium/Kaupapa Māori Education’ (Rōia Karauna, supporting documents (doc B30), p 2284); Ministry of Education, ‘Draft Education Report: Māori Medium/Kaupapa Māori Education’ (Rōia Karauna, supporting documents (doc B30), p 2204)

557. Ministry of Education, ‘Draft Education Report: Māori Medium/Kaupapa Māori Education’ (Rōia Karauna, supporting documents (doc B30), p 2135); Ministry of Education, ‘Draft Education Report: Māori Medium/Kaupapa Māori Education’ (Rōia Karauna, supporting documents (doc B30), p 2175); Ministry of Education, ‘Draft Education Report: Māori Medium/Kaupapa Māori Education’ (Rōia Karauna, supporting documents (doc B30), p 2240)

558. Ministry of Education, ‘Draft Education Report: Māori Medium/Kaupapa Māori Education’ (Rōia Karauna, supporting documents (doc B30), p 2208); Ministry of Education, ‘Education Report: Māori Medium/Kaupapa Māori Education’ (Rōia Karauna, supporting documents (doc B30), p 2288)

559. Ministry of Education, ‘Draft Education Report: Māori Medium/Kaupapa Māori Education’ (Rōia Karauna, supporting documents (doc B30), p 2115); Ministry of Education, ‘Draft Education Report: Māori Medium/Kaupapa Māori Education’ (Rōia Karauna, supporting documents (doc B30), p 2160); Ministry of Education, ‘Draft Education Report: Māori Medium/Kaupapa Māori Education’ (Rōia Karauna, supporting documents (doc B30), p 2189); Ministry of Education, ‘Draft Education Report: Māori Medium/Kaupapa Māori Education’ (Rōia Karauna, supporting documents (doc B30), p 2220)

560. Ministry of Education, ‘Education Report: Māori Medium/Kaupapa Māori Education’ (Rōia Karauna, supporting documents (doc B30), p 2264)



angawā, mō ngā wāhanga rānei o te tukanga e whai wāhi ai matou ki te tuhi i ngā Pepa Kā hui Minita. Ehara tēnei i te tukanga tūhono i whakakaarohia ai e mātou.<sup>561</sup>

Ko tā rāua hoki:

process and lack of clear communication from the Crown in recent months follows the poor process that characterized the initiation of the Crown's Tomorrow's Schools reform programme. Te Rūnanga Nui are only privy to information when it suits the Crown – there is no genuine opportunity for Te Rūnangā Nui to determine our own pathways in respect of our Kaupapa or even to co-design a new framework with the Ministry.<sup>562</sup>

I rongō kōrero mātou i a Maika rāua ko Campbell, ā, hei tā rāua, 'he uaua ki a rāua te āhuatanga matahuna o tērā tukanga, tērā i whai wāhi atu ai ngā rauemi o te Pūrongo Mātauranga hei wāhanga pea o te tukanga a te Kāhui Minita, ka mutu, nā ēnei i kōpipiri ai te āheinga ki te tuku mōhiohio.'<sup>563</sup>

I whakaae ngā kaiwhāki o te Karauna kāore pea te tukanga i tino mārāma ki ngā kaitono. I whakaae a Jackson 'i rehurehu ki Te Rūnanga Nui ētahi āhuatanga o tēnei tukanga e noho tara-ā-whare ana ki te Karauna.'<sup>564</sup> He mea whāki e Tākuta Bean kāore ngā whanaketanga o ngā mahi kaupapa here i te pūrongo mātauranga nō te marama o Ākuhata 2022 ki tētahi Pepa Kāhui Minita i 'kōrerohia tikahia' ki Te Matakahuki.<sup>565</sup> E whai iho nei ko tā Tākuta Schöllmann rāua ko Jackson i kī mai ai mō te take i kore ai ngā mōhiohio e tukuna wawetia:

As described above in reference to the Tomorrow's Schools Cabinet paper, officials have to seek permission from Ministers at times in the development of advice as to what Ministers are prepared to engage on. This was the case here too. Officials sought permission to consult with Te Matakahuki on draft Cabinet papers, but Ministers wanted to discuss drafts of the Cabinet paper first, before this was done.<sup>566</sup>

Hei tā ngā imēra tara-ā-whare i te marama o Ākuhata e 2022, ka tautohea e ngā āpiha Manatū te taumata whai wāhitanga me whakawhiwhi atu ki Te Matakahuki. Ko tā Nathan i whakapono ai me 'ōrite te taumata ratonga' e wātea ana ki Te Matakahuki ki tērā i riro ai i Te Pae Roa 'mō te wāhi ki te mōhio ko wai e mahi ana i te aha, ā, āhea hoki.'<sup>567</sup> Hei tā tāna imēra, mā te mārāma me te mārakerake e heke ai te tūraru kaumingomingo, te pōhēhē rānei, tērā e kitea tonutia nei ahakoa

561. Kōrero taunaki a Maika rāua ko Campbell (doc B26(c)), p 23

562. Kōrero taunaki a Maika rāua ko Campbell (doc A13), p 5

563. Kōrero taunaki a Maika rāua ko Campbell (doc B26), p [22]

564. Kōrero taunaki a Jackson (doc A14), p 11

565. Tuhinga kape kōrero 4.1.6, p 205

566. Kōrero taunaki a Jackson rāua ko Schöllmann (doc B28), p 30

567. Darren Nathan to Daryn Bean, 9 August 2022 (supplementary bundle of documents (doc B38), p [20])

‘ehara i a rātou te hē’ [i a Te Matakahuki].<sup>568</sup> Heoi anō, he mea tohu e Jackson tētahi rerekētanga i waenganui i te whanaungatanga o te Karauna ki Te Pae Roa me tōna whanaungatanga ki Te Matakahuki, e mea ana he ‘rerekē te mana kōkiri’ o ia rōpū, ka mutu, ‘kua kōwhirihia e Te Matakahuki tētahi tūmomo whanaungatanga me te Karauna’ i rerekē ai te taumata whai wāhitanga ki te tukanga kaupapa here i tukuna ai e te Tāhuhu; ‘Hei tauira, kua kore mātou e whakamōhio ki a rātou i ia kauneketanga pērā i Te Pae Roa, mēnā rātou e pīrangī nei ki te mau ki tō rātou mōtika ki te whakaputa mea i waenganui i tētahi tukanga kaupapa here.’<sup>569</sup> Ko tā mātou e mārāma nei ki tā Jackson i kōrero ai mō te pānuitanga e hāngai ana ki te hiahia o Te Matakahuki kia whakarewaina tūmatawhānuitia tāna pūrongo.<sup>570</sup> I tētahi atu imēra i muri mai, ko tā Jackson i whakamārama hoki ai ko te Whakaaetanga Takawaenga i waenganui i te Tāhuhu me Te Rūnanga Nui i whakaratohia kia whakapuakina mārakeraketia ngā whakaaro o Te Rūnanga Nui i tētahi Pepa Kāhui Minita, engari ‘ehara kau tērā i te ōrite ki te whakahoahoa-tahi i te tukanga kaupapa here, ehara noa iho tērā i tā te whakaaetanga e kī nei.’<sup>571</sup>

Ki a mātou ake nei, he hirahira kia mimiratia tētahi anō aka imēra tara-ā-whare i timatahia ai e Jackson i te marama o Noema 2022, e pā ana ki te āheinga whakapukapukatanga o Te Marautanga o Te Aho Matua. Ko te upoko o te imēra ko ‘Ngā kaupapa kōrero mō Te Aho Matua’ (sic). Hei tā mātou e mōhio nei, kei te hē te whakatakatoranga o Te Aho Matua. Ahakoa he hapa ā-tuhi noa iho tēnei, e ai ki Te Rōpū Whakamana he tohu tēnei o te kūare o te Tāhuhu ki te Kura Kaupapa Māori, ahakoa kua neke atu i te 30-tau ia e ora ana me te kore i tūturu tōna hiahia ki te mahi ngātahi ki a Te Rūnanga Nui me Te Matakahuki i tēnei kaupapa. I tēnei imēra, ka mahue a Jackson ki te whakapā atu ki Te Rūnanga Nui i roto i te tukanga whakawhanake a te Kāhui Minita, ‘tae ana ki te wānanga i TAM [Te Aho Matua] me rātou i mua tonu i te kōrero ki ngā Minita.’<sup>572</sup> I whakakapihia tā Jackson imēra ki tāna whakatau mō te wāhi ki tēnei take e āta kī nei, ‘i whakahēngia e au!’<sup>573</sup> I te otinga atu, he mea whakarato e Te Pae Roa tōna kōkūhunga ki te whakawhanaketanga hukihuki Pepa Kāhui Minita, engari anō a Te Matakahuki, auare ake. Ko te āhuatanga o te ahunga a te Tāhuhu kia whai wāhi atu a Te Pae Roa ki te whakawhanaketanga kaupapa here, engari kia aukatia a Te Matakahuki, i mārāma te kite i te pēnei tonu nō muri hoki mai i te otinga o te pūrongo mātauranga o te marama o Ākuhata 2022.

Ahakoa tonu te matatapu o te tukanga Pepa Kāhui Minita, hei tā Jackson, he nui kē ngā wā i ngana ai ngā āpiha ki te whakamārama i te tukanga ki a Te

568. Nathan to Bean (supplementary bundle of documents (doc B38), p [20])

569. Andy Jackson to Daryn Bean and Darren Nathan, 10 August 2022 (supplementary bundle of documents (doc B38), p [22])

570. Nathan to Bean (supplementary bundle of documents (doc B38), p [20])

571. Andy Jackson to Daryn Bean and Andrea Schöllmann, 28 September 2022 (supplementary bundle for cross-examination (doc B35), p 27)

572. Andy Jackson to Iona Holsted, Ellen MacGregor-Reid and Andrea Schöllmann, 9 November 2022 (supplementary bundle for cross-examination (doc B35), p 11)

573. Jackson to Holsted, MacGregor-Reid and Schöllmann (supplementary bundle for cross-examination (doc B35), p 11)

Matakahuki, tae ana ki te hui i te 10 o Ākuhata 2022, i roto hoki i te ritenga ā-tuhi.<sup>574</sup> Ko tā Jackson i whakamārama ai i te tōmuatanga o te marama o Ākuhata, e ai ki te Tāhuhu ko te tikanga i tukuna tētahi Pepa Kāhui Minita i te marama o Oketopa 2022 engari nāna hoki te kī he rite tonu te panonihia o te wātaka a te Kāhui Minita.<sup>575</sup> He mea whāki e Maika rāua ko Campbell tā rāua whiwhi i ētahi ‘pitopito kōrero’ mō te tukanga Pepa Kāhui Minita, engari ko tāna i mea ai he nui kē nō te tōaitia o ngā tono i whai hua ai.<sup>576</sup> Tae noa atu ki te wā i tohutohua rāua, hei tā rāua, i rehurehu tonu ki a rāua ‘ngā āhuatanga i te puta me te take i te puta pērā ai.’<sup>577</sup> Hei tauira, kāore rāua i whakamōhioia tā Te Pae Roa whai wāhitanga atu ki te whanaketanga tuhi hukihuki o ngā Pepa Kāhui Minita.<sup>578</sup>

I te 22 o Hepetema 2022, i tuku imēra a Campbell ki te Tāhuhu ki te pātai mēnā rānei i tuhia te hukihuki Pepa Kāhui Minita, āhea hoki te rā e tāpaetia atu ai ki te Kāhui Minita.<sup>579</sup> Aonga ake, ka urupare atu a Jackson i te tukanga tuhi tara-ā-whare tonu te pepa, ā, kāore anō i tāpaetia ki a Minita Tuarua Davis. I te taenga o te pepa ki a Minita Tuarua Davis me te whakakaupapa kōrero whakahoki, kua tukuna hoki ki ētahi atu tari, ki ētahi atu Minita hoki hei wānanga mā rātou i mua i te whakaurunga o ngā panonitanga whakamutunga ka tāpaetia ai ki te Kāhui Minita. Kāore i tau i waenganui i ngā āpiha tētahi rā e tukuna ai te pepa whai mana ki te Kāhui Minita, ākene pea kei te āhua o te nui o ngā kōrero whakahoki i whiwhi ai te Tāhuhu nō te wā o te tukanga. Ko tā Jackson i whakataunaki ai kia whakapā tuatahi atu te Tāhuhu ki te tari o te Minita Tuarua ‘ka hoki ai ki a koe me tētahi tono e pā ana ki te wāhanga, ki ngā wāhanga rānei o te tukanga e tuku hukihuki ai ki a koe.’<sup>580</sup>

I te 28 o Hepetema 2022, i tuhi a Tākuta Dewes rāua ko Rawiri Wright hei māngai o Te Rūnanga Nui ki a Holsted mō te taha ki ngā ‘māharahara nui’ e pā ana ki te ‘tukanga kua whāia nei e te Tāhuhu ki te whakarato i tāna tohutohu ki ngā Minita o te hōtaka mahi pūmanawa-Māori me te pūrongo a Te Matakahuki.’<sup>581</sup> Ko ngā take i māharahara ai te Tāhuhu:

- ▶ e ai ki ngā pūrongo a Te Matakahuki me Te Pae Roa, ko tāna anō tohutohu ki ngā Minita mō te wāhi ki te whakahoutanga o te Ara Reo Māori me te Ara Kaupapa Māori me te kore i tohu atu rānei, me te kore i whakawhiti-whiti kōrero atu rānei ki Te Matakahuki, ki Te Rūnanga Nui rānei;<sup>582</sup>

574. Kōrero taunaki a Jackson (doc A14), p 6

575. Andy Jackson to Daryn Bean, Hohepa Campbell and Mahinarangi Maika, 3 August 2022 (supplementary bundle of documents (doc B38), p [15])

576. Kōrero taunaki a Maika rāua ko Campbell (doc A16), p 7

577. Kōrero taunaki a Maika rāua ko Campbell (doc A16), p 7

578. Kōrero taunaki a Maika rāua ko Campbell (doc A16), p 7

579. Hohepa Campbell to Daryn Bean and Andy Jackson, 22 September 2022 (Hohepa Campbell and Mahinarangi Maika, supporting documents (doc B26(a)), p 326)

580. Andy Jackson to Hohepa Campbell and Daryn Bean, 23 September 2022 (Hohepa Campbell and Mahinarangi Maika, supporting documents (doc B26(a)), p 326)

581. Cathy Dewes and Rawiri Wright to Iona Holsted, 28 September 2022 (Rōia Karauna, supporting documents (doc B30), p 1843)

582. Dewes and Rawiri Wright to Holsted (Rōia Karauna, supporting documents (doc B30), p 1843)

- ▶ kāore anō ia i urupare ki ngā pātai, ki ngā māharahara rānei o Te Matakahuki, o Te Rūnanga Nui rānei, pēnei i tāna kōrero whakahoki i te 3 o Ākuhata 2022 mō te tuhinga hukihuki o te pūrongo mātauranga,<sup>583</sup>
- ▶ kāore ia i kōrero mō ngā whakataki me ngā māharahara i whakaaraha e Te Matakahuki me Te Rūnanga Nui mō te wāhi ki tā te Tāhuhu tukanga, mō tāna tohutohu hukihuki rānei i tāna pūrongo mātauranga whakamutunga ki ngā Minita,<sup>584</sup>
- ▶ kāore anō ia i tuku mōhiohio ki Te Matakahuki mō te wāhi ki te rārangi wā o nāianeī me tāna tūtohu i ngā kaunekehangā āmua mō tētahi Pepa Kāhui Minita me ngā whakatau a Kāhui Minita,<sup>585</sup>
- ▶ kāore anō ia i whakarite hui poto e ai ki tā te Minita Tuarua reta i te 29 o Ākuhata 2022 i ngā wiki o mua atu,<sup>586</sup> ka mutu,
- ▶ kāore anō ia i whakarite kia hui tahi a Te Matakahuki ki ngā Minita ki te wānanga i ōna ‘whakaaro hei hoa Tiriti’ ahakoa ana tonu.<sup>587</sup>

Hei tā te reta i whakapae ai, he mea whakahāwea te Whakaaetanga Takawaenga me Te Rūnanga Nui e ngā mahi a te Tāhuhu,<sup>588</sup> inarā te whiti o te whakaaetanga e mea ana ko tā Te Rūnanga Nui ‘e whakaaro nei me whai wāhi atu ōna whakaaro ki ia pepa whai mana ka tukuna ki te Kāhui Minita e te Minita Tuarua pērā i ērā o Te Pae Roa (kia whai āheinga hoki Te Rūnanga Nui ki te whakataki e pā ana ki te whakaaturanga o ōna whakaaro i taua pepa whai mana).<sup>589</sup> ‘He kore nō tāna pūrongo i kitea’ i roto i te tohutohu a te Tāhuhu, kāore a Te Matakahuki i mōhio tūturu mēnā rānei ‘ka whakaaturia tikahia ōna whakaaro ki ia pepa whai mana, mēnā he awenga rānei ōna i tēnei tukanga haere ake nei.’<sup>590</sup> Kāore hoki tā te Tāhuhu whakawhanaketanga whakarara o tāna tohutohu i ‘whakaatu i ngā mātaūpono e whakatōmau nei i te whakaaetanga takawaenga.’<sup>591</sup> E ai ki Te Matakahuki, ko te kawatau kia whai wāhi atu ki tētahi tukanga pono me te tika kua whakahoahoa-tahitia e ngā hoa Tiriti. Kāore noa iho ngā whanonga a te Tāhuhu i ngā wiki kua pahure e whakaatu ana he tukanga whakawhanake kaupapa here tūtahi tēnei i whakahoahoaia ai, i whakaaetia hoki ai i raro i tētahi whakaaetanga

583. Dewes and Rawiri Wright to Holsted (Rōia Karauna, supporting documents (doc B30), pp1843–1844)

584. Dewes and Rawiri Wright to Holsted (Rōia Karauna, supporting documents (doc B30), p1844)

585. Dewes and Rawiri Wright to Holsted (Rōia Karauna, supporting documents (doc B30), p1844)

586. Dewes and Rawiri Wright to Holsted (Rōia Karauna, supporting documents (doc B30), p1844)

587. Dewes and Rawiri Wright to Holsted (Rōia Karauna, supporting documents (doc B30), p1844)

588. Dewes and Rawiri Wright to Holsted (Rōia Karauna, supporting documents (doc B30), p1845)

589. Mediation Agreement (paper 2.5.11(b)), pp 3–4

590. Dewes and Rawiri Wright to Holsted (Rōia Karauna, supporting documents (doc B30), p1844)

591. Dewes and Rawiri Wright to Holsted (Rōia Karauna, supporting documents (doc B30), p1843)

i takawaengatia e te Rōpū Whakamana o Waitangi, ā, i tono hui ki te wānanga i ōna māharahara.<sup>592</sup>

I te 29 o Hepetema 2022, i tuhi a Te Matakahuki ki a Minita Tuarua Davis, e mea ana i whiwhi ia i te pūrongo mātauranga whakamutunga, ā, i te arotake ia i ngā rārangi take o roto.<sup>593</sup> I tohua e Te Matakahuki ngā kōrerorero a Minita Tuarua Davis e heke mai nei me ōna hoamahi Manatū, i tohua i tāna reta i te rā 29 o Ākuhata 2022.<sup>594</sup> Ko tā Te Matakahuki i kī ai he mea tūmanako nāna kua whaiwhakaarotia nuitia tāna pūrongo i ēnei wānanga, nō reira i tono ia kia hui ā-kanohi e wātea ai mātou ki te kōrero mō te anamata me ngā wawata i kōrerohia rā i tā mātou Pūrongo me te kōrero hāngai ki a koe mō te anamata o te whanaungatanga i waenganui i a Te Matakahuki me te Karauna.<sup>595</sup>

Nō muri mai i ngā tono e hia kē nei kia hui me te Minita ki te wānanga i tāna pūrongo, ka hui te Minita Tuarua ki a Te Matakahuki i te 26 o Oketopa 2022. He tata ki te toru marama tēnei nō muri mai i tana tuku i tana pūrongo. Hei tā ngā meneti a Te Matakahuki, i kī a Minita Tuarua Davis kua 'pānuhia e ia, kua mārara hoki ki a ia' te pūrongo a Te Matakahuki me tāna anō e mea ana 'kei reira hoki ōna wawata mō te wāhi ki tētahi Manatū Mātauranga Māori (MEA) ā tōna wā. Kua tohea pea e tātou te wāhi ki tōna āhua engari kua ki te whakaaro matua.<sup>596</sup> Heoi anō, ko tāna ki te hunga i tae ai: 'He ripa tauārai kua pupū ake ki mua i ēnei mahi, ā, ko te huarahi ki tētahi MEA kua aukatia i tēnei wā.<sup>597</sup> Ko tā ngā meneti, i tuku whakapāha te Minita Tuarua mō te wāhi ki te tukanga me tāna i tohu ai kua hiahia ia ki te mahi ngātahi me te Tāhuhu ki te 'hāpai ake i ētahi atu aronga o te hōtaka mahi me te aro anō ki te pūāhua ā tērā tau.<sup>598</sup> Ko tā Campbell i urupare ai kāore ia i whakapono ka tiakina tā rātou kaupapa 'e whakahēngia pūmautia ana tā mātou kaupapa e ngā whakahoutanga o nāianei', i te whakatārewahia e te Tāhuhu ngā tūtohunga nō te pūrongo Ngā Kura mō Āpōpō, ā, 'i tonoa atu ki te Minita kia tiakina tikahia tā mātou kaupapa.<sup>599</sup> He mea tautoko e Selby tā Campbell i kōrero ai, ko tāna hoki i āpiti ai ko te kaunekehanga tuatahitanga me whai i mua i te aua-hatanga o tētahi MEA kia whai whakaaetanga kāwanatanga ki te rerenga kētanga i waenganui i te Ara Kaupapa Māori me te Ara Reo Māori.<sup>600</sup> Ka mutu, ko tā Procter

592. Dewes and Rawiri Wright to Holsted (Rōia Karauna, supporting documents (doc B30), pp1845–1846)

593. Raniera Procter to Kelvin Davis, 29 September 2022 (Rōia Karauna, supporting documents (doc B30), pp 2619, 2620)

594. Procter to Davis (Rōia Karauna, supporting documents (doc B30), p 2620)

595. Raniera Procter to Davis (Rōia Karauna, supporting documents (doc B30), p 2620)

596. Te Matakahuki hui ki te Minita Mātauranga Māori, 26 October 2022 (Rōia Karauna, supporting documents (doc B30), p 2826)

597. Te Matakahuki hui ki te Minita Mātauranga Māori (Rōia Karauna, supporting documents (doc B30), p 2826)

598. Te Matakahuki hui ki te Minita Mātauranga Māori (Rōia Karauna, supporting documents (doc B30), p 2826)

599. Te Matakahuki hui ki te Minita Mātauranga Māori (Rōia Karauna, supporting documents (doc B30), p 2826)

600. Te Matakahuki hui ki te Minita Mātauranga Māori (Rōia Karauna, supporting documents (doc B30), p 2826)

‘i tonu ai ki te Tāhuhu kia hinga pērā atu ki tō Te Matakahuki mārohirohi me te whakapono e rua, e rua ngā whakaaro ki tā tātou kaupapa.’<sup>601</sup>

Ko tā te Minita Tuarua i tohu ai hei ‘ripa tauārai’ e whakakōroiroi nei i ngā mahi e hāngai ana ki tētahi hinonga motuhake. Hei tā mātou, ko tā Tākuta Schöllmann rāua ko Jackson i whakamārama ai i muri mai he take rerekē, e tohu ana ko ngā whakaaro rerekē o Te Pae Roa me Te Matakahuki kē te take:

Ministers decided that, given the differences between Te Pae Roa and Te Matakahuki on what an independent entity should govern, it was premature to decide, even in principle, on its establishment, until such time as further work could be completed on who was best to govern this work and in what way. Given these differences (and perhaps that there are other views held as well by iwi, as outlined during the feedback to the Tomorrow’s Schools recommendation), it would have been difficult to decide on the establishment of an independent entity then, pointing to the need to do further work.<sup>602</sup>

E ai ki tā Maika rāua ko Campbell i kī mai ai, i kitea tēnei rerenga kētanga, me te kī ‘kua hōhā māua ki te Karauna mōna e uapare nei i te iwi Māori mō te rite tonu o te whakapahoho me te kapenga kia kauneketia te panonitanga e hiahiatia ana kia mau.’<sup>603</sup>

Nō muri i te hui i tū ai i te 26 o Oketopa 2022, ka tuhi te Minita Tuarua ki Te Matakahuki i te 9 o Noema 2022.<sup>604</sup> E ai ki tāna reta, i whākina ngā take i takarua ai te whakawhitiwhiti kōrero ki a Te Matakahuki mō te whakawhanaketanga o te Pepa Kāhui Minita, me tāna i mea ai ‘ko tāku e tūmanako nei i whakamārama ahau i ngā take i pērā ai i te hui.’ Ko tā te Minita Tuarua i mea ai kei te ū ia ki te whakawhanake i tētahi hōtaka mahi ki te whakatutuki i te whāinga nunui e 30 ōrau, engari ko tāna i kī ai ‘e wānangahia tonutia ana te ara hei whai mā tātou e tae ai ki reira mā tētahi hōtaka mahi’ me te pōwhiri i a Te Matakahuki ki te ‘auaha’ i a ia i te taha o Te Pae Roa me te Tāhuhu.<sup>605</sup>

I te 9 o Noema 2022, ka tuhi Te Rūnanga Nui ki a Minita Hipkins rāua ko Minita Tuarua Davis, kia mōhio mai ai rāua, nō muri mai i tāna whakatau o mua kia waiho kia tārewa, i whakatauria kia tīmata anō tāna tonu mō te hiranga ki te Rōpū Whakamana.<sup>606</sup> I noho māharahara tonu a Te Rūnanga Nui ki te huanui i tūtuhua ai me te angawā ki te kauneke i te hōtaka mahi Ara Reo Māori, i noho pūrehurehu hoki mō te wāhi ki ngā kaunekehanga āmua me ngā angawā. He ‘iti

601. Te Matakahuki hui ki te Minita Mātauranga Māori (Rōia Karauna, supporting documents (doc B30), p2827)

602. Kōrero taunaki a Jackson rāua ko Schöllmann (doc B28), p 36

603. Kōrero taunaki a Maika rāua ko Campbell (doc B34), p 4

604. Kelvin Davis Associate Minister of Education to Raniera Procter, 9 November 2022 (Rōia Karauna, supporting documents (doc B30), p 2736)

605. Kelvin Davis Associate Minister of Education to Raniera Procter (Rōia Karauna, supporting documents (doc B30), p 2736)

606. Cathy Dewes to Chris Hipkins and Kelvin Davis, 9 November 2022 (Rōia Karauna, supporting documents (doc B30), pp 2738–2739)

noa iho' tā te Karauna urupare ki tāna pūrongo, 'kāore hoki ia i mōhio pū mēnā i te rite, kei te rite rānei te Karauna ki te tautoko, ki te kauneke hoki i ō mātou wawata mō te Kaupapa'. Ko tāna 'i kite ai kua kōroiroi tonu te Karauna kia tika tonu tāna mahi ngātahi' ki a ia e ai ki ngā tikanga Tiriti me tōna whakaaro ko tā te Tāhuhu he 'aro tonu ki ōna anō aronga nui me tāna anō hōtaka mahi mō te wāhi ki te whakahoutanga' tēnā i te whakawhanake i tētahi rautaki whānui ki te whakakaha i tōna whanaungatanga ki Te Rūnanga Nui, ki te aro kē rānei ki ngā hiahia me ngā wawata kōhukihuki o ngā Kura Kaupapa Māori. Hei tāna, 'i te nuinga o te wā, e ai ki a mātou, hoki atu, hoki atu tā te Karauna whai wāhi atu ki tētahi tukanga whakahoahoa me te whakahou i raro i te ari kāwanatanga e tukituki nei i ngā mōtika rangatiratanga o Te Rūnanga Nui me ngā Kura Kaupapa Māori.'<sup>607</sup>

I te 21 o Noema 2022, ka tuhi a Te Matakahuki ki a Minita Tuarua Davis.<sup>608</sup> I rangona tō te rōpū harikoa i te whai wā atu ki te Minita Tuarua, i te rongotanga hoki o ōna māharahara, engari ahakoa rā i rangona tonutia te pāmamae kua mōhio kāore te tono mō tētahi hinonga motuhake e whaiwhakaarotia e te Kāhui Minita i taua wā rā.<sup>609</sup> Ko tā Te Matakahuki he tōai i te kōrero ko te tino rangatiratanga Māori me tētahi huarahi Ara Kaupapa Māori whakarara tonu ngā huarahi pai rawa atu hei whakawhanake i te Ara Kaupapa Māori.<sup>610</sup> Ko tā te rōpū i kōrero ai kāore noa iho ia i ngākau tahi atu ki te Tāhuhu ki te 'ārahi i ia mahi ki te whakawhanake i te mātauranga Kaupapa Māori'; ko tāna kua wheako nei mō te koretake o te whakawhitiwhiti kōrero i te tukanga whakawhanake a te Kāhui Minita me te urupare takarepa ki tāna pūrongo.<sup>611</sup> He mea akiaki te Minita Tuarua e Te Matakahuki kia tukua ki a ia 'te āheinga ki te whakatau i ōna aronga nui, kia riro māna e ārahi te whakahoahoaatanga o te hōtaka mahi', ka mutu, 'kia riro māna e whakahaere ngā manatū whai pānga kia kōkirihia ērā wawata.'<sup>612</sup> Nōna e tautoko ana i te mahi a Te Pae Roa i te 'takiwā mātauranga whakarara', ko tā Te Matakahuki i mea ai i 'mārakerake i te tīmatanga' tōna aronga kau ko te Kaupapa Māori me te whakahē i te 'whakaaro puaki rere noa' e mahi ngātahi ana rātou hei 'take tukituki, ka mutu, hei tohu whakatuanui.'<sup>613</sup> E tāpua ana i te 6 o Tihema 2022, i whakaara a Te Arawhiti i ōna anō māharahara mō tā te Tāhuhu kauneke mahi kaupapa here ahakoa ngā māharahara o Te Matakahuki. I tētahi urupare ki te whakaaturanga hukihuki whakamutunga o te pepa whai mana a te Rūnanga Kāwanatanga, ko tāna i mea ai i tūtohua e te pepa kia kauneke mahi e hāngai ana ki tētahi mahere i taunakitia ai e Te Pae Roa, ahakoa ngā whakahēnga a Te Matakahuki me tāna kapenga ki te whai wāhi atu ki te tukanga. Ko tā Te Arawhiti i tohutohu ai, 'ki te whāia tonutia te mahere i tūtohua ai, tēnā i te whakamatua i te mahere me te whakakotahi i tētahi whakahoanga me Te Matakahuki, he tūraru

607. Dewes to Hipkins and Davis (Rōia Karauna, supporting documents (doc B30), p 2739)

608. Rāniera Procter to Kelvin Davis, 21 November 2022 (Rōia Karauna, supporting documents (doc B30), pp 2824–2825)

609. Procter to Davis (Rōia Karauna, supporting documents (doc B30), p 2824)

610. Procter to Davis (Rōia Karauna, supporting documents (doc B30), p 2824)

611. Procter to Davis (Rōia Karauna, supporting documents (doc B30), pp 2824, 2825)

612. Procter to Davis (Rōia Karauna, supporting documents (doc B30), p 2825)

613. Procter to Davis (Rōia Karauna, supporting documents (doc B30), p 2825)

tūturu kei reira kia kōkirihiā tētahi urupounamu Taraipiunara kōhukihuki, ka mutu, kia taunakihia i te pepa whai mana te hiahia o te Tāhuhu kia ‘mau tonu ki te whanaungatanga’ ki Te Matakahuki. Ko tāna, ‘e ai ki a mātou, ki te kore e mahi ngātahi ki Te Matakahuki e ai ki te kāwanatanga āmua o ngā mātauranga Kaupapa Māori ka kore e kitea te kauhanga nunui.’<sup>614</sup>

E ai ki tērā i whakatakotoria ai i te wāhanga 5.5.4.1, i te otinga atu, he mea whakapuaki e te Minita Tuarua tētahi pānui ā-waha ki te Kāhui Minita i te marama o Tihema 2022 tēnā i tētahi Pepa Kāhui Minita. Ko tā mātou e mārāma nei kāore a Te Matakahuki i whakamōhiotia mō tēnei meneti tae noa atu ki te 20 o Hānuere 2023.<sup>615</sup> He mea whakamōhio ia e Te Pae Roa kaua e te Tāhuhu, hei tā Jackson rāua ko Tākuta Schöllmann i whāki ai, he mea whakarapa.<sup>616</sup>

#### 5.5.4.2.4 Te āhua o ngā whakaaro o ngā kāhui i te mutunga o 2022

He mea whakapuaki e ngā kaiwhāki ō rātou whakaaro i te mutunga o te tau 2022 e whai iho nei. Ko tā Jackson rāua ko Tākuta Schöllmann i ki mai ai ki a mātou kua tohua e te Minita te ngākau pai ki te whakaaro ake ki tētahi hinonga motuhake, kia tutuki rā anō ētahi atu kauneketanga mō te wāhi ki ngā aronga nui o te hōtaka mahi, engari ‘kāore i whakatūturuhiā te wā e kōkirihiā ai tērā, tōna āhua rānei (i runga i te mōhio he mahi anō e whakatutukihia ana, ā, mā te iwi Māori e whakawhanake i ngā āhuatanga pūnaha e whakawhanakehia tahitia ana ki te mahinga tahitanga me te Karauna).’<sup>617</sup> Hei aha koa, ko tā te Minita hoki i tohu ai – i runga hoki i te whakaare a te Tāhuhu – ‘me tautoko, me rato hoki te hinonga i te katoa o te iwi Māori kei te pūnaha mātauranga.’<sup>618</sup> Ko tā Jackson rāua ko Tākuta Schöllmann i whakamārāma ai mō tēnei mahi, e whakaahua ana i ngā haepapa o te Karauna ki te iwi Māori whānui (i raro i te Tiriti, ka tahi, ka rua nā te mea kua whakaturea te rāngai kuranga, kua utua katoatia anō hoki) me te whakahaere i tētahi ratonga mātauranga whai hua, tika ake hoki.’<sup>619</sup>

I whakamārāma a Jackson rāua ko Tākuta Schöllmann i te ‘hikaka o te Karauna ki te whakapā atu’ ki Te Rūnanga Nui mō te wāhi ki te whakawhanake i ētahi huarahi ‘hautūtanga, kāwanatanga me te mana whakahaere o ā rātou kaupapa,’ i whakaarohia hoki me pēhea e ‘nui ai te kauneke ki tētahi taumata whitake e hāngai ana ki ngā āhuatanga matua o te hōtaka mahi kua tūtohua.’<sup>620</sup> Ko tā Tākuta Bean rāua ko Nathan i kī mai ai ki a mātou kāore anō ngā taipitopito o te hōtaka mahi ‘kia tau (e ai ki ētahi whakaaro, kei te tīmatanga tonu mātou)’ ka mutu, i roto tonu mai i te hōtaka mahi te hōkai kia rite tonu te kōrerotia o

614. Mark Bradley to Andrea Schöllmann, 6 December 2022 (supplementary bundle for cross-examination (doc B35)), p 18

615. Raniera Procter to Kelvin Davis, 3 February 2023 (Rōia Karauna, supporting documents (doc B30), p 2887)

616. Kōrero taunaki a Jackson rāua ko Schöllmann (doc B28), p 32

617. Kōrero taunaki a Jackson rāua ko Schöllmann (doc B28), p 33

618. Kōrero taunaki a Jackson rāua ko Schöllmann (doc B28), p 33

619. Kōrero taunaki a Jackson rāua ko Schöllmann (doc B28), p 33

620. Kōrero taunaki a Jackson rāua ko Schöllmann (doc B28), p 36



ngā take i whakaarahia e Te Rūnanga Nui.<sup>621</sup> Ko tā Tākuta Bean rāua ko Nathan i whakamōhio ai kāore i whai hua te haere upoko noa ‘ki te “aha” o tētahi manatū ā-ture’, ā, hei tā rāua i whakapaua kētia ngā kaha o nāianeī ‘ki te “pēhea”, koia ko te aro ki ngā āhuatanga taumaha o te pūnaha hei kauneketanga ki tētahi anamata kāore anō kia tautuhia.’<sup>622</sup> Hei tā rāua ko tētahi ‘take matua’ ko te hautūtanga o te hōtaka mahi, ā, koia tētahi mea i kitea e te Tāhuhu hei whakatikatika mā Te Pae Roa me Te Matakahuki.<sup>623</sup>

I te otinga atu, i te korenga o tētahi Pepa Kāhui Minita i te tau 2022, ko te tūranga i ekea rā i te pānui ā-waha i te marama o Tihema 2022 kia whakaputaina tūmatawhānuitia ngā pūrongo a Te Pae Roa me Te Matakahuki, kia kaunekehia ngā aronga nui o te hōtaka mahi i mua i ētahi anō mahi, kia whakaaro āmua hoki ki tētahi hinonga motuhake.<sup>624</sup> Ko tā Jackson rāua ko Tākuta Schöllmann i kite ai, ‘ahakoa he āheinga kei reira ki te whakawhanake i te mana whakahaere me te rangatiranga Māori ki roto i ēnei mahi . . . mārakerake ana te kite kāore rāua i te whakakanohi i te hiahia o Te Pae Roa me ngā tāngata i kōrero rā ia, i te hiahia rānei o Te Matakahuki ki te whakatū i tētahi hinonga motuhake e whakahaere ana, e ārahi ana hoki i te Ara Reo Māori rānei me te Ara Kaupapa Māori.’<sup>625</sup>

I kī mai a Campbell rāua ko Maika, i te otinga atu, ko tā te Karauna he ‘pīrangī ki te whakahaere i te hōkai me te ahunga o ngā whakahoutanga e hāngai ana ki ngā Kura Kaupapa Māori’, ā, ‘ahakoa te rite tonu o tā mātou whai pānga atu, kei te Karauna tonu te tino rangatiratanga o ngā kauneketanga āmua.’<sup>626</sup> Ko tā Tākuta Dewes rāua ko Wright i tohe ai he mea whakahoahoa ngā whakahoutanga a te Karauna kia eke ki āna whāinga me ōna aronga nui, engari kua ki ērā nō Te Rūnanga Nui me ngā Kura Kaupapa Māori.<sup>627</sup> Hei tā rāua, ko te āhua nei ‘ka riro kē mā te Karauna e whakatau te “mana whakahaere me te rangatiratanga” e pīrangī nei ia kia tukuna ki te iwi Māori, tae ana ki te wā o tāna hōtaka whakahoutanga. Kei tōna iho, ko tā te Karauna e whakaaro tonu nei ko ia te mea tika ki te whakawā āhea te iwi Māori rite ai kia riro i a ia te mana whakahaere o te Ara Kaupapa Māori – mēnā āe rānei he wā e pērātia ai.’<sup>628</sup> I kī mai a Campbell rāua ko Maika e noho māharahara tonu ana rāua koi whakapākehātia e te hōtaka whakahoutanga ngā Kura Kaupapa Māori ki te pūnaha mātauranga auraki.<sup>629</sup> Ko tā Tākuta Dewes rāua ko Rawiri Wright i kī ai ki te whai tonu te Tāhuhu i āna whakahoutanga, kua ‘tūkinotia tonutia ngā Kura Kaupapa Māori, nā te mea kāore mātou e whaiwhakaarotia ana i ngā whakahoutanga.’<sup>630</sup>

621. Kōrero taunaki a Bean rāua ko Nathan (doc B31), p 37

622. Kōrero taunaki a Bean rāua ko Nathan (doc B31), p 37

623. Kōrero taunaki a Bean rāua ko Nathan (doc B31), p 37

624. Kōrero taunaki a Jackson rāua ko Schöllmann (doc B28), pp 30–31

625. Kōrero taunaki a Jackson rāua ko Schöllmann (doc B28), p 35

626. Kōrero taunaki a Maika rāua ko Campbell (doc A13), p 7

627. Kōrero taunaki a Dewes rāua ko Rawiri Wright (doc A12), p 6

628. Kōrero taunaki a Dewes rāua ko Rawiri Wright (doc A12), p 7

629. Kōrero taunaki a Campbell rāua ko Maika (doc B26), p [23]

630. Kōrero taunaki a Dewes rāua ko Rawiri Wright (doc A12), p 6

## 5.6 I KAUNEKE MAHI KAUPAPA HERE RĀNEI TE KARAUNA KI TE ‘WHAKAWHANAKE I TE ARA REO MĀORI ME TE ARA KAUPAPA MĀORI’ I TE TAU 2021 ME TE TAU 2022 ME TE Ū KI TE TUKANGA Ā-TIRITI?

Kia tahuri atu mātou ki tā mātou tātaritanga i te ōrite o tā te Karauna ū ki ngā tukanga ā-Tiriti i ā rātou mahi kaupapa here i te tau 2021 me te tau 2022. Hei timatanga, ka mātaihia ngā tuhinga matua e rua i te tukanga whakawhanake kaupapa here o tēnei wā – te Pepa Kāhui Minita o te marama o Hepetema 2021 me te pūrongo mātauranga o te marama o Ākuhata 2022. Ka whakakapi ake mā te kōrero mō te tautukunga ā-Tiriti o te tūranga kaupapa here i whakaaea rā e te Karauna i te mutunga mai o te pūrongo mātauranga o te marama o Ākuhata 2022, e ai ki ngā mōhiotanga i whākina mai rā e ngā kaiwhāki o te Karauna nō te wā o ō mātou whakawātanga i te weheruatanga o te tau 2023.

### 5.6.1 Te Pepa Kāhui Minita o te marama o Hepetema 2021

Ko tā ngā kaitono i whāki mai ai ki a mātou i mahuetia rātou i te whakawhanaketanga o te Pepa Kāhui Minita i te marama o Hepetema 2021. Mō te wāhi ki a ia, ko tā te Karauna i tohe ai ahakoa kāore ia i kawē uiuinga tūtahi me Te Rūnanga Nui i te pepa e whakawhanaketia ana, kāore hoki ia i takahi i te Tiriti. Hei tā te Karauna, i hāngai te huanui i whāia rā e ia ki te Tiriti nā te mea he rauemi āna mō ngā wawata o Te Rūnanga Nui nō ētahi whakapānga o mua i whai wāhi atu ai ki āna mahi. Kāore mātou i te whakaae ki te tohe nei, nā runga i ngā take kua whakatakotohia e mātou ki raro iho nei.

I kite mātou i mua he herenga pātuitanga, he herenga whakamaru hohe hoki tō te Karauna ki te uiui i ngā kaitono i mua i te whakatau kia kōkirihia te arotake a Ngā Kura mō Āpōpō, i te whanaketanga o Ngā Tikanga Whakahaere ka tahi, ka rua, i ngā mema e whakatūria ana ki te Rōpū Mahi Motuhake. Ehara i te mea he herenga tēnei e hāngai noa ana ki ngā whakatau kaupapa here whakamutunga, engari e hāngai ana hoki ki ngā ūpane matua i te whakawhanaketanga kaupapa here. I raro i ēnei mātāpono, kua herea te Karauna kia kehokeho te whakakakau i ngā whakatau kaupapa here e whakaaweawe nei i ngā Kura Kaupapa Māori, ka mutu, kia nui ake te whai wāhitanga o Te Rūnanga Nui ki te auhatanga kaupapa here, e ai ki tā mātou i matapaki ai i te upoko 3.

Kua whakakaurehia ēnei herenga ā-Tiriti e te āhua o te horopaki o tō te Karauna hononga ki Te Rūnanga Nui. I Te Tauākī Kawa, ka ū te Karauna ki te ‘whakapā wawē’ atu ki Te Rūnanga Nui, ki te mahi tahi hoki ki ngā kaitono i runga i ‘te wairua pāhekoheko, i te ngākaupono me te whakaute ngākau tahi.’<sup>631</sup> Waihoki, i āhukahukatia mataahotia Te Rūnanga Nui e te Karauna hei kaitiaki o Te Aho Matua i roto i te Ture Mātauranga me te Whakangungu 2020.<sup>632</sup> Me mātua whakamōhio, me whai wāhi atu hoki ngā kaitono ki ngā whakatau kaupapa here e taea ai e rātou tēnei tūranga mātuatua te whakahei hei kaitiaki.

631. The Tumuaki of Te Rūnanga Nui o Ngā Kura Kaupapa Māori o Aotearoa and the Secretary of Education ‘Te Tauākī Kawa – A Memorandum of Understanding’, 20 December 2019, p 2 (Rōia Karauna, supporting documents (doc B30), p 1146)

632. Education and Training Act 2020, s10

Hei āpiti ki tā mātou i tuhi ai mō te wāhi ki ngā Kura Kaupapa Māori i roto i te rāngai kura whakature. Ko tā Holsted i whāki mai ai ki a mātou, ‘mā te whakature me te pūtea tautoko katoa e puta ai ko ngā herenga nui ake ki te Kāwanatanga mō te wāhi ki te rāngai kura tēnā i ērā atu rāngai.’<sup>633</sup> Ahakoa te tika o tēnei, kia kaua ēnei haepapa ikeike e whakamahia ki te whakakapi i ngā mana tangatanga o te kāwanatanga. Mēnā ko ngā haepapa ikeike te whai, ko ngā herenga ikeike hoki te whai mō te wāhi ki te whakahohe i ngā mana kāwanatanga e whakahōnōre tonu nei i te mahinga tahitanga Tiriti – tae ana ki te tika o te whakapāpā ki Te Rūnanga Nui i mua i te whakaū i ngā whakatau kaupapa here, ka mutu, kia whakamōhiotia Te Rūnanga Nui ki ngā kaupapa here e whakaaweawe nei i ngā Kura Kaupapa Māori.

**5.6.1.1 I mahi tahi rānei te Karauna ki Te Rūnanga Nui ki te auaha i te anga kaupapa here i whakatakotoria ai ki te Pepa Kāhui Minita, i whakamōhiotia tikahia rānei ngā kaitono mō te wāhi ki ōna marau?**

Kāore he taipitopito o tētahi hōtaka mahi Ara Reo Māori i te Pepa Kāhui Minita i te marama o Hepetema 2021 – engari kē e tohutohua ana te Tāhuhu ki te whakawhanake tahi i ēnei me te Kāhui Tūtei. Heoi anō, ahakoa rā, he mea tīpako e te pepa tētahi whakatau matua i whakaaweawe tika atu i te whanaketanga kaupapa here me te whakaaweawe i ngā Kura Kaupapa Māori i tērā rā, mā te whakarite i ngā tawhā whai tikanga e rua mō te wāhi ki te hōtaka mahi Ara Reo Māori e heke mai nei. Tuatahi ake, ko te whakatau kia kaua e whāia tētahi hinonga kāwanatanga whai mana motuhake mō te wāhi ki te Ara Reo Māori (Ara Kaupapa Māori rānei). Tuarua, i whānui te anga i whakatakotoria rā ki te Pepa Kāhui Minita – kua rarawhitia e te hōtaka mahi e heke mai nei ngā ākongā Taumata 1 katoa.

I runga i te mōhio ki ngā pānga o ēnei tawhā ki ngā kaupapa here e heke mai nei me te whakaaweawe i ngā Kura Kaupapa Māori, he herenga pātuitanga, he herenga whakamaru hohe hoki ō te Karauna kia whai tūranga whaitake ngā kaitono ki te auaha i ngā tawhā i whakatakotoria rā ki te Pepa Kāhui Minita. I te korenga o tērā, ko te iti rawa mā te Karauna he whakakakau ki ngā kaitono nōna e whakamana whakatau ana mō te wāhi ki te anamata o te whakaaweawenga o ngā mahi kaupapa here i ngā Kura Kaupapa Māori, ka whakaaturia ai i roto i taua Pepa Kāhui Minita.

Ehara i te mea kāore noa iho ngā kaitono i whai kōkuhu ki te anga whakawhanake kaupapa here i whakatakotoria rā ki te Pepa Kāhui Minita, kāore hoki rātou i whakamōhiotia mō ngā tawhā matua o te anga i mua i te whakapūmautanga o rātou e Te Kāhui Minita.

Tuatahi ake, ahakoa i tohungia ngā kaitono e te Karauna ko te ‘Ara Reo Māori’ te hōkai o te pepa whai mana, ka hē tāna tuku i ētahi mōhiotanga motuhenga mō ngā marau o te Pepa Kāhui Minita i mua i te whakaaetanga ōna (tirohia te wāhanga 5.4.3.4). Kāore te Karauna i whāki atu ki ngā kaitono ko te whāinga o te Rāngai Māori, hei wāhanga o te rautaki rāngaimahi tuatahi (engari i whakarōa atu

---

633. Kōrero taunaki a Holsted (doc B29), p8

ki te tau 2040), ko ia hei tūāpapa ki te hōtaka mahi Ara Reo Māori, tae ana ki te Ara Kaupapa Māori.

Tuarua, ahakoa te whakatau i te marama o Hepetema 2019 kia kaua e whakatūria tētahi hinonga whai mana motuhake ki te whakahaere i tētahi Ara Kaupapa Māori whakarara, 18 marama te roa i hē tā te Karauna whakakakau i tāna whakatau ki Te Rūnanga Nui. Ko tā te Taraiipiunara o Te Raki i whakatau ai mō te wāhi ki te hoatanga Tiriti ‘me rite tonu te whakawhitiwhiti whakaaro me te whakatau tahi i ngā kaupapa.’<sup>634</sup> I taua wā rā, i tāoki katoa ngā whakawhitinga whakaaro mō te pātai whai tikanga e pā ana ki te whakakaupapatanga a te Karauna i te Tūtohunga 4(a) – ehara hoki i ngā kaitono te hē, otirā te hunga i kaha ki te kimi mōhiotanga.

Ahakoa ēnei tono, i whakakakau noa iho te Karauna ki ngā kaitono i te marama o Āperira 2021 i muri mai i tā te Rōpū Mahi Motuhake whakapuaki kaumingo-mingo mō te wāhi ki te urupare a te Karauna. Kia pēnei noa te kī, ko te tikanga kua kore i pēnei rawa te roa ki te Karauna ki te whakakakau i tāna whakatau – inarā nā runga i te mōhio kua hia kē nei ngā tono a ngā kaitono kia whakamāramatia ake. Ko te iti rawa mā te Karauna, i ngā arawātea e whai iho nei, ko te whakakakau i tāna whakatau kia kaua e whakatūria tētahi manatū Ara Kaupapa Māori whai mana motuhake:

- ▶ ngā hui a Toi Rangapū Kaupapa Māori i tū rā i ngā marama o Mei, o Hūrae, me Tihema 2020 i te wā i whakaaraha e ngā kaitono ētahi take e pā ana ki te whakatārewatanga o tō rātou rangatiratanga me te tono mōhiotanga atu anō mō te mahi a te Karauna mō ngā ‘ara whakarara’;
- ▶ te hui whakamahere whatunga i tū rā i te 16 me te 17 o Hepetema 2020 i Te Rūnanga Nui e tono mōhiotanga ana mō te ara whakarara me tōna tūranga i roto i te angarau o Te Tari Ratonga Mātauranga; ka mutu,
- ▶ te reta nō te 15 o Tihema 2020 tērā i whakakakautia ai e ngā kaimahi o te Tāhuhu o rātou māramatanga ki ngā wawata o Te Rūnanga Nui, tae ana ki tōna hiahia kia hāngai ngā whakaritenga ki te Tūtohunga 4(a).

Inā te taurite o tēnei whanonga a te Karauna ki tērā o āna whakakakau koretake i mua atu i te mutunga o tāna whakatau ki te whakahē i te Tūtohunga 4(a) a te Rōpū Mahi Motuhake i te tau 2019 (tērā i matapakihia ai e mātou i te upoko 4, i te wāhanga 4.3.2). I te rite tonu o tā ngā kaitono ngana ki te kimi mōhiotanga atu anō, e mārakerake ana tā mātou kite e whakakeke pokerenoa ana te Karauna ki te whakakakau i tāna whakatau ki ngā kaitono. He whanonga tēnei e whakahāwea ana i te pūahoahoanga i whakaturea rā e te hoatanga Tiriti me te tauākī nā te Karauna tonu i whakamana i Te Tauākī Kawa kia whakapā wawe atu, i roto hoki i te ngākaupono ki Te Rūnanga Nui. Nā reira hoki ngā kaitono i kore ai e whai mōhiotanga e taea ai e rātou te tū hei kaitiaki mō Te Aho Matua.

Kāore mātou e whakaae ana kia whakaeatia te herenga o te Karauna ki te whakapā atu ki Te Rūnanga Nui kia whakawhanakehia ngā tawhā o te Pepa Kāhui Minita o te marama o Hepetema 2021 e te tātaritanga tara-ā-whare a te Tāhuhu i ngā manako o Te Rūnanga Nui, e ai ki te whakapāpā nō mua atu i te whanaketanga

634. Te Rōpū Whakamana i te Tiriti o Waitangi, *Tino Rangatiratanga Me Te Kāwanatanga: The Report on Stage 2 of the Te Pāpārahī o Te Raki Inquiry* (Wellington: Legislation Direct, 2022), p 76

o te Pepa Kāhui Minita. E kitea ana i te tātaritanga tara-ā-whare a te Karauna i ngā wawata o Te Rūnanga Nui i mōhio pai te Karauna i te whāia e ia tētahi tukanga whakahohe e ātete ana ki ngā manako o Te Rūnanga Nui, ka mutu, i hē tāna whakamōhio atu e aha ana te aha.

Ko tā te Karauna hoki i whāki mai ai kāore i tika kia uiuia ngā kaitono mō te wāhi ki te marau o te kaupapa here o te Pepa Kāhui Minita o te marama o Hepetema 2021 i mua i tōna whakaaetanga, he nui nō te matatapu o ngā tukanga a Te Kāhui Minita, he hiahia hoki nōna kia whakaaea te tīmatanga o tētahi hōtaka mahi Ara Reo Māori e Te Kāhui Minita i mua i te tīmatanga o ngā uiuinga ā-waho. Kāore e ea ngā whakatātaretanga i tēnei tohe. Ahakoa rā mēnā rānei i horokukū te Karauna ki te tuari i te hukihuki o te Pepa Kāhui Minita tonu, kua taea tonutia e ia te whakarato ngā kōkuhunga a ngā kaitono mō te anga kaupapa here o roto me te tuari i ngā taipitopito matua mō te anga i mua i te tukunga o te Pepa Kāhui Minita. Kua wātea kia wānangahia ngā marau o ngā Pepa Kāhui Minita i mua i te whakaaetanga o ngā pepa whai mana, mēnā he ngākau tōrangapū e ora ana – ko tā te Minita Tuarua tonu i kī ai i muri mai i te whakaaetanga o te Pepa Kāhui Minita i te marama o Hepetema 2021 e uruhau ana ia kia whai kōkuhunga a Te Rūnanga Nui ki ngā pepa whai mana e heke mai nei.<sup>635</sup> Waihoki, ko te iti rawa mā te Karauna, ko te whai arawātea kia whakamōhioatia rawatia ngā kaitono mō te wāhi ki te kaunehanga o ngā mahi kaupapa here mā te whakaatu atu ki a rātou te hukihuki o te Pepa Kāhui Minita i mua i te whakaaetia ōna. E ora ana ngā herenga o te hoatanga Tiritiahakoa ngā tikanga a Te Kāhui Minita – ko te iti rawa mā te Karauna, kia tuarhia ngā marau o te pepa whai mana ki Te Rūnanga Nui i mua i te tuku i te pepa whai mana ki Te Kāhui Minita, i te korenga o tētahi tukanga e āhei ai Te Rūnanga Nui te auaha i te anga kaupapa here i whakatakoria rā i reira.

Hei whakarāpopoto, ko tā mātou e whakatau nei kua takahia e te Karauna ngā mātāpono mahinga tahitanga me te whakamaru hohe o te Tiriti i te korenga ōna i uiui tika i ngā kaitono mō te wāhi ki te anga kaupapa here i whakatakoria rā ki te Pepa Kāhui Minita, ka mutu, i te korenga tonutanga ōna e whakakakau pai atu ki ngā kaitono mō te wāhi ki te ahunga o te mahi kaupapa here.

### **5.6.1.2 I tika rānei tā te Karauna whakamārama i te Ara Kaupapa Māori me te Ara Reo Māori?**

Ko tētahi nawe nui o tētahi kaitono e pā ana ki te Pepa Kāhui Minita o te marama o Hepetema 2021, hei tāna i whakamārama ai, ko te kōmitimititanga o te Ara Kaupapa Māori me te Ara Reo Māori. Ko tā mātou i kite ai i te wāhanga 4.2.4.2 o te upoko 4, i te whakatūnga o te Rōpū Mahi Motuhake, kua herea te Karauna ki te whakatūturu i te tautuhinga o ngā Kura Kaupapa Māori ki Ngā Tikanga Whakahaere hei whai mā te Rōpū Mahi Motuhake. Ko te take i pēnei ai, i raro i ngā mātāpono o te mahinga tahitanga me te whakamaru hohe, me mātua whakakaupapa kaupapa here motuhake te Karauna e urupare nei ki ngā hiahia o ngā Kura Kaupapa Māori. E whaitake ana hoki taua herenga tonu ki ngā tawhā

<sup>635</sup> Associate Minister of Education (Māori Education) meeting with Education officials, 4 October 2021 (supplementary Crown disclosure (doc B40), p31)

whakawhanake kaupapa here i whakaritea ai i te Pepa Kāhui Minita i te marama o Hepetema 2021.

Ko tā ngā kaiwawao o te Karauna i tohe ai kāore i whakatauria kētia te hōkai o te hōtaka mahi. I tā rātou tāpaetanga, kua pai mēnā i auahatia ia e Te Pae Roa kia whai wāhi atu ai ētahi atu kaupapa mahi mō te Ara Kaupapa Māori. He mea whakataukī nā ngā kaiwhāki o te Karauna tā te Pepa Kāhui Minita whakaara i te hiahia kia whakawhānuihia te mahi tāutunga i roto i te rāngai Ara Reo Māori whānui.<sup>636</sup> Ko tā mātou e kite nei he āhuatanga tēnei e hāngai ana ki Ngā Tikanga Whakahaere mō te Rōpū Mahi Motuhake o Ngā Kura mō Āpōpō. Ahakoa kāore he paku aha i ngā Tikanga e whakahē nei i tā te Rōpū Mahi Motuhake arotahi ki ngā hiahia o ngā Kura Kaupapa Māori, engari mō te whakatūturu, kāore kau. Ko te rite ki tā te Pepa Kāhui Minita o te marama o Hepetema 2021, kāore kau he taurangi e mea ana mā te mahi a Te Pae Roa, ahakoa kua nōhia ngā tūru e whā o ngā mea e iwa e Te Matakahuki (e ai ki tā te Karauna i tuku ai), e hua ake ai te auahatanga o tētahi kaupapa here tautuhi mō ngā Kura Kaupapa Māori – inarā nā te mea kua mau tonu i ngā Minita te tino rangatiratanga ki te whakatau kaupapa here.

Hei tā mātou he takohanga takarepa tā te Karauna toro i roto tonu i te Pepa Kāhui Minita ki te hiahia kia whakawhānuihia te mahi tāutunga i te rāngai Ara Reo Māori. Kua mōhio kē ngā Kura Kaupapa Māori ki a rātou anō – he whiringa ara whakahaere-whaiaro-Māori rātau, ko Te Aho Matua te tūāpapa, he hiahia, he wawata tautuhi hoki ō rātou (tirohia te wāhanga 5.3). Hei whakapūmau i tēnei, ko tā te Rōpū Mahi Motuhake he karanga kia auahatia tētahi hinonga tautuhi Ara Kaupapa Māori. I whakamaharatia tōaitia te Karauna e ngā kaitono ki ō rātou wawata mō tētahi ara whakarara i muri mai i te putanga o te pūrongo a te Rōpū Mahi Motuhake. Ka tae ana ki te marama o Hepetema 2021, kua pau kē te wā kia whakawhānuihia te mahi tāutunga. Ka mahue tā te Karauna whakamahi i te Pepa Kāhui Minita i te marama o Hepetema 2021 ki te kōkiri i ngā tino mahi kaupapa here mō te Ara Kaupapa Māori, tae ana ki ngā Kura Kaupapa Māori. I hē i a ia. Ko tā mātou e mataara nei he āhuatanga māori noa hoki tēnei whakarereanga nei i hua mai ai te hē o te Karauna ki te whakapā tika atu ki ngā kaitono i te whakaritenga o te anga kaupapa here i whakatakotoria rā ki te Pepa Kāhui Minita (ko tā mātou i kite ai koia tērā i takahi atu ai i ngā mātāpono o te mahinga tahitanga me te whakamaru hohe o runga ake).

I whānui rawa noa iho te hōkai o te Pepa Kāhui Minita i te marama o Hepetema 2021. Atu i tētahi kōrero poto mō Te Aho Matua, ko ngā take katoa i tūtohungia ai e ia ka kōrerohia tonutia i roto i te hōtaka mahi e kitea ana i ngā takiwā rumaki Taumata 1 i te nuinga o te wā. Ahakoa he pai ngā takunetanga o te Karauna ki ngā ākongā Māori i te nuinga o te wā e taunakihia nei i roto i tēnei pepa whai mana, kua hia kē nei ngā tau e nanaiore nei te whānau o te Kura Kaupapa Māori kia whakatūturuhia tōna mana mā tētahi urupare kaupapa here tautuhi. Tē aro i te Karauna tērā karanga, he whakahohe kē nāna i tōna mana kāwanatanga nui ake i

---

636. Kōrero taunaki a Jackson rāua ko Schöllmann (doc B28), p 4

te rāngai kura whakature me te kore i whakahōnore i ngā herenga ki te hoatanga Tiriti.

He whakatenatena tērā ka rangona i te Karauna e ū nei ki tētahi kaupapa mahi kaupapa here kē atu ināianei mō te Ara Kaupapa Māori (e ai ki te rongotanga o ngā kōrero whakakapi i te marama o Hune 2023). Ahakoa tā mātou pōwhiri i ngā whakatau a te Karauna o nāianei, ko tā mātou e whakatau nei hei whakaute i te Pepa Kāhui Minita i te marama o Hepetema 2021, kāore i tutuki tā te Karauna whakarato mō te wāhi ki te whakawhanake kaupapa here tautuhi mō te Ara Kaupapa Māori (kei roto hoki i tērā ko ngā Kura Kaupapa Māori) nōna e whakarite ana i ngā tawhā mō te hōtaka mahi Ara Reo Māori, i konei takahia ai ngā mātāpono mahinga tahitanga me te whakamaru hohe o te Tiriti.

### 5.6.2 Te pūrongo mātauranga o te marama o Ākuhata 2022

Ko tētahi ahunga mai o te nawe mō ngā kaitono, ko te tukanga i toro atu ai rātou ki te pūrongo mātauranga o te marama o Ākuhata 2022. Ko tā ngā kaitono mō te pūrongo a Te Matakahuki, tērā i āta whakapau kaha ai ki te whakarite i te angawā iti noa iho nei, i kīia ai he hākihākiā noa. He mea whakarato nā te Whakaaetanga Takawaenga i te marama o Mei 2022 ki Te Rūnanga Nui (me te toenga o Te Matakahuki) kia whakaritea tētahi pūrongo e pā ana ki ō rātou wawata mō te Ara Kaupapa Māori. Ko tā te Whakaaetanga i tuhi ai hoki ko te takohanga ngākau tahi o ngā ohu ki te whakapai ake i tō rāua hononga, koia rā i whakamāramahia ai e ngā ohu e rua hei hononga ā-Tiriti. He mea āhukahuka hoki Te Rūnanga Nui e te Tāhuhu hei kaitiaki mō Te Aho Matua me te tūranga ‘whai tikanga’ o ngā Kura Kaupapa Māori mō te wāhi ki te whakarauora i te reo Māori me ngā tikanga.

Ko tā mātou e whakatau nei ko tā te Taraipiunara o *Te Whānau o Waipareira* whakakōrero i ngā herenga mahinga tahitanga e hāngai pū ana ki tēnei take. He mea whakamārama te hoatanga Tiriti e tērā Taraipiunara hei mārenatanga – e mea ana ko tā te Karauna me te iwi Māori ‘he mātua mahi tahi ki te whakatau raru i runga i te ngākaunui, i te ngākaupono me te ngākau makuru, he rangahau whakahohetia ētahi whakataunga auaha, ka mutu, he kimi arawātea kia whakamarohi tētahi i tētahi.’<sup>637</sup> Nā runga i te whakaurunga o tēnei paerewa, ehara i te mea nā te hoatanga Tiriti i mate ai te Karauna ki te whakarato ki Te Rūnanga Nui tētahi arawātea ki te kōrero mō te pūrongo o te marama o Ākuhata 2022. Engari kē, ko tā te Karauna he whakarawe i Te Rūnanga Nui e taea ai e ia te whakarato ētahi kōkūhanga whai tikanga ki te pūrongo me te whakahei i ōna herenga hei kaitiaki mō Te Aho Matua. Koirā te ngākau makuru me te ngākau tahi ki te whakatau raru i pohewatia ai e te mahinga tahitanga ā-Tiriti. Hei āpiti atu, e whakamaru hohe ai me mātua whakatūturu e te Karauna kia whai tūranga whai tikanga a Te Rūnanga Nui ki te auaha kaupapa here e whakaaweawe nei i ngā Kura Kaupapa Māori. Pērā i te Pepa Kāhui Minita i te marama o Hepetema 2021, kua kōkūhua e mātou te pūrongo o te marama o Ākuhata 2022 ki tēnei, hei ūpane matua i te whakawhanaketanga kaupapa here.

637. Te Rōpū Whakamana i te Tiriti o Waitangi, *Te Whānau o Waipareira Report* (Wellington: Legislation Direct, 1998), p 222

Kua tōaitia ēnei herenga i ngā takohanga i whakatauria ai e te Karauna i roto i Te Tauāki Kawa. Ahakoa rā tā te Karauna mau ki ngā herenga ture pākaha o te Whakaaetanga Takawaenga mā te whakarato i te pūrongo a Te Matakahuki ki te Minita Tuarua hei āpitihanga ki te pūrongo mātauranga o te marama o Ākuhata 2022, ko tā mātou e whakaaro nei i hē tā te Karauna mau ki te iho o te Whakaaetanga Takawaenga, ki te whakaaetanga Tauāki Kawa o mua, ki ngā herenga Tiriti hoki o te Karauna.

Ahakoa tā Te Pae Roa whai wāhi atu ki ngā whakaritenga kaupapa here e whā i te pūrongo mātauranga o te marama o Ākuhata 2022 (ō rātou whakaputanga o mua rānei) nō te marama o Mei 2022, i pānuhia tuatahitia e Te Rūnanga Nui te katoa o ngā whakaritenga e whā i te 1 o Ākuhata 2022, nōna i whai e 48-hāora noa iho ki te whakarato i tāna kōrero whakahoki mō te hukihuki o te pūrongo mātauranga (engari i tuarhia e Te Pae Roa tonu te Whakaritenga Tuawhā, tōna whakaputanga o mua rānei ki Te Matakahuki). Ko tā ngā whanonga a te Karauna he tātā kau atu i tōna takohanga kia ‘whakapāpā wawe’ i raro i Te Tauāki Kawa. Ahakoa he mea whakatū te ohu o Te Pae Roa e te Tāhuhu, me ngā pūkenga nō te ao o te Ara Reo Māori me te Ara Kaupapa Māori, kāore ia i whai kanohitanga mō ngā Ara Kaupapa Māori nui rawa atu – inarā ngā mema o Te Matakahuki. Ko tā mātou e whakaaro nei, ahakoa tā Te Matakahuki kōwhiringa ki te whakatahi atu i te hōtaka mahi, ka mahue te whakamōhio wawe atu ki ngā kaitono mō ēnei whiringa kaupapa here, inarā te wāhi ki te waitohunga o te Whakaaetanga Takawaenga i te 24 o Mei 2022.

Ehara i te mea ko tā te Whakaaetanga Takawaenga he whakarato noa iho i te pūrongo a Te Matakahuki ki te Minita Tuarua. I tōna takenga, he tuamaka kē i te taura tāwekeweko i waenganui i ngā ohu. He mea whakaae nā te Karauna ko tā ngā kaitono whakaae kia hoki anō ki te hōtaka mahi i mahia i roto i te ngākaupono.<sup>638</sup> Tae noa atu ki te marama o Mei e 2022, he rite tonu tā te Karauna ngoikore ki te whakarato i ngā kaitono – inarā nā runga i te hē o te Karauna ki te whakamōhio atu ki ngā kaitono ngā whakatau kaupapa here matua, hei tā mātou kua kite nei. Ahakoa ēnei hanepītanga, mā roto mai i te Whakaaetanga Takawaenga, ko tā ngā kaitono he kōwhiri kia nui ake te wā me ngā rauemi hei whakaū māna ki tēnei mahi kaupapa here – me te whakapono ka whakapāpā te Karauna ki a ia e ai ki ngā mātāpono o te pono me te tika. Heoi anō, i hē tā te Karauna whakahōnore i tērā mahi ngākaupono. I hē tāna whakamōhio ki ngā kaitono mō te whanaketanga kaupapa here whai tikanga e haere ana, tāna tuari rānei i te katoa o ngā whakaritenga e whā ki ngā kaitono i te mutunga rā anō o ngā whakawhanaketanga. I te whakaratonga o ngā whakaritenga kaupapa here ki ngā kaitono, he poto rawa atu te wā ki a rātou ki te whakaware ki ngā kōrero o roto. Ahakoa i pai pea tā te Karauna mau ki ngā herenga ture o te Whakaaetanga Takawaenga, i whakahāwea rawatia tōna pūtake whānui.

I *Te Pūrongo Whakamutunga mō ngā Kerēme MV Rena and Motiti Island* (2015) ko tā te Rōpū Whakamana i kite ai e pakari ai te uiuinga me mātua whakatūturu te Karauna kia tika te whakamōhioatia atu o te iwi Māori e taea ai e ia ētahi urupare

638. Tuhinga kape kōrero 4.1.6, pp76, 225



whaitake te tuku.<sup>639</sup> Mēnā ko te takunetanga o te Karauna kia whai pānga atu ngā kaitono ki te pūrongo mātauranga o te marama o Ākuhata 2022, ka mahue tāna whakarato ki ngā kaitono ngā mōhiotanga me whai e ia kia tika katoa tāna urupare atu ki te tono a te Karauna i tētahi angawā e tika ana. Ko Te Rūnanga Nui tērā e whakakanohi nei i ngā whānau Kura Kaupapa Māori, ka mutu, e tika ana kia riro mā rātou te heipūtanga pai rawa atu ki te tuku āwhina whai mōhiotanga ki te whakawhanake kaupapa here e whakaaweawe nei i tō rātou pae o te rangatiratanga. E tika ana hoki kia riro mā rātou ētahi whakaaro e tuku mō te wāhi ki ngā hiahia o nāianei o ngā Kura Kaupapa Māori – mei kore ake tērā pūkenga, kāore te Karauna i tahanga ki te whakawhanake kaupapa here whai tikanga.

I tāpaetia ki Te Rūnanga Nui tētahi pūrongo hukihuki e whai wāhi nei te whanaketanga kaupapa here tino whatutoto kihai i mōhiotia e ia i mua, ka mutu, i whākina rā ia kia urupare atu ki tērā pūrongo i tētahi angawā poto rawa atu. Ko tā ēnei take e rua he tohu kāore i rawaka tō Te Rūnanga Nui arawātea ki te whakarato kōrero whakahoki mō tērā pūrongo hukihuki, ki te whakaaweawe rānei i te tukanga whakawhanake kaupapa here i whakakanohitia rā e ia. Ka mutu, ahakoa tā Te Matakahuki whakarato i tāna pūrongo whakamutunga i te 29 o Hūrae me tāna kōrero whakahoki i te 3 o Ākuhata, he mea tuku te pūrongo mātauranga o te marama o Ākuhata 2022 ki te Minita Tuarua i te 4 o Ākuhata. I runga i te mōhio ki ēnei angawā popoto nei, ko tā mātou e āwangawanga nei kāore i rahi te wā ki ngā āpiha ki te ruku ki te hōhonutanga o te pūrongo whakamutunga a Te Matakahuki, o ngā kōrero whakahoki rānei a ngā kaitono mō te hukihuki o te pūrongo mātauranga, o te whaiwhakaaro atu rānei ki ngā hiraunga, i konei kua whakatinahia te āheinga o ngā kaitono ki te whakaaweawe ā-kiko nei i te pūrongo.

Nōna e whakamārama nei i ngā whakaritenga o ngā uiuinga kounga, ko tā te Taraipiuana o Te Ture Whenua Māori i kī ai ko tētahi ‘whakaritenga matua mō te wāhi ki ngā uiuinga kounga ko tō te Karauna herenga ki te whakarongo me te ngākau tuwhera, ka mutu, kia “rite ki te panoni, ki te tīmata anō rānei”<sup>640</sup>. E kehokeho ana ki a mātou kāore te tuinga hukihuki a te Tāhuhu i te pūrongo mātauranga i te marama o Ākuhata 2022 i ngākau tuwhera. Engari rā, i whakatauria kētia te nuinga o ngā whakaritenga nō te marama o Mei 2022 haere ake nei. Kāore i a Te Matakahuki te tino āheinga ki te whakaaweawe i tāna marau. I te whakakorenga o te kōkuhanga o te āhuatanga kāhiti o Te Marautanga o Te Aho Matua i te Whakaritenga Tuatahi me te panonitanga i tūtuhia ai mō te wāhi ki te whakaratonga ahurei, tērā e whakataukītia nei e te Karauna i mahia nā runga i te pūrongo a Te Matakahuki,<sup>641</sup> kāore ngā whakaaro o te ohu e kitea ana i tētahi o ngā whiringa kaupapa here, i te tohutohu mutunga rānei a te Tāhuhu i te pūrongo o te marama o Ākuhata 2022. He mea whakaitiiti ngā mahi nui a ngā kaitono hei whakarāpopototanga, hei āpitihanga anō hoki.

639. Te Rōpū Whakamana i te Tiriti o Waitangi, *The Final Report on the mv Rena and Motiti Island Claims* (Lower Hutt: Legislation Direct, 2015), p 12

640. Te Rōpū Whakamana i te Tiriti o Waitangi, *He Kura Whenua ka Rokohanga: Report on Claims about the Reform of Te Ture Whenua Māori Act 1993* (Wellington: Legislation Direct, 2016), p 155

641. Kōrero taunaki a Jackson rāua ko Schöllmann (doc B28), p 26

E whakaaro nei mātou ki te kōwhiringa a te Tāhuhu kia te āpitihia te pūrongo a Te Matakahuki ki te pūrongo mātauranga o te marama o Ākuhata 2022, tēnā i te tāpae i a ia ki te Minita Tuarua hei whiringa kaupapa here ‘Whakaritenga Tuarima’ torohū, he mea whakaiti i te āheinga o tā ngā kaitono tūtuhunga kia puta ko ngā hua whitake. Ahakoa i ātete ia ki te hōkai o te Ara Reo Māori whānui i whakatūria rā e te Minita Tuarua mō te hōtaka mahi, ko te painga atu mēnā i whakaaturia te tūtuhunga a ngā kaitono hei whiringa kaupapa here torohū – e ai ki ngā haepapa Tiriti o ngā āpiha ki te whakahaere i ngā kōkūhunga whitake a ngā kaitono mō te wāhi ki te whakawhanake kaupapa here.

Hei tā te Karauna e tuhi nei, i whakaetia e te Tāhuhu ngā panonitanga kua āta whāia i whakapuakina ai e Te Matakahuki ki te whakarāpopototanga o ōna whakaaro i tāpaetia ai i te pūrongo.<sup>642</sup> Engari, hei tā mātou i kōrero ai i te wāhanga 5.5.3.1, kāore te Karauna i whakarerekē i te tohutohu e ai ki ngā māharahara nui i whakapuakina rā e Te Matakahuki i āna kōrero whakahoki noa, tae ana ki ngā māharahara i te ngarohanga o tāna pūrongo i ngā Whakaritenga Tuatoru me te Tuawhā.<sup>643</sup> Ahakoa rā i whakaaea ērā panonitanga kua āta whāia ki te whakarāpopototanga o te pūrongo a Te Matakahuki, i a ia e kore nei e panoni i te marau o te tohutohu i te pepa whai mana, i ngā whiringa whakahoutanga rānei, ehara kau i te whakakanohitanga whitake o ngā kōkūhunga. Kāore hoki ia e whakakāhore ana i ngā arawātea whāitiiti i whakawarea ai e ngā kaitono ki ngā whiringa kaupapa here i tāpaetia ai i te pūrongo. E takarepa tonu ana te whai wāhitanga o te Karauna ki te whanaketanga o te pūrongo mātauranga o te marama o Ākuhata 2022.

Koinei ngā take e whakatau nei mātou he mea takahi e te Karauna ngā mātaūpono o te mahinga tahitanga me te whakamaru hohe i te hē o tāna whakauru tika atu i Te Rūnanga Nui ki te whakawhanaketanga o te pūrongo mātauranga o te marama o Ākuhata 2022.

### **5.6.3 Te tūranga ā-kaupapahere o te Karauna i te putanga o te pūrongo mātauranga o Ākuhata 2022**

Kāore he whakataunga ōkawa i puta i te Kāhui Minita i te putanga o te pūrongo mātauranga o Ākuhata 2022, ahakoa ngā hukihukitanga maha i tuhia. Nā runga i tēnei, kāore anō he whakatinanatanga kaupapahere whitake kia hua mai nō muri mai i te putanga o te pūrongo.

E mōhio ana mātou ki ētahi atu āhuatanga mō te tūranga ā-kaupapahere o te Karauna nō te haeretanga ake o ā mātou whakawākanga i te pito o te tau 2023, nā ngā kōrero a ngā kaiwhāki Karauna ki a mātou. I kī mai a Holsted i te haeretanga ake o ngā whakawākanga, e ū ana ināianei te Karauna ki tētahi ara mahi mātauranga Kaupapa Māori ka arahina e Te Matakahuki, e Te Rūnanga Nui rānei i roto i te mahere mahi Ara Reo Māori. Heoi anō, kāore anō te Rōpū Whakamana kia whakamōhiohia ki ngā kōiriiri o te whakataunga, otirā ia, ki ngā mana whakatau o

642. Tuhinga kape kōrero 4.1.6, p148

643. Maika to Schöllmann (supplementary bundle of documents (doc B38), p[17])

roto o Te Matakahuki.<sup>644</sup> I ngā whakataunga o mua a te Karaunga ki Te Pae Roa, i mau tonu te Karauna ki te mana ki te whakatau me te whakatinana kaupapahere. Kāore mātou i whiwhi taunakitanga e tohu ana ka rerekē pea tērā mō te wāhi ki tētahi ara mahi mātauranga Kaupapa Māori.

I whakaae hoki ngā minita ki te tuku pūtea ki Te Rūnanga Nui hei whakawhanake paearu māraurau tumuaki mō te Kura Kaupapa Māori.<sup>645</sup> I tohu hoki rātou e tuwhera ana hoki rātou ki te kāhiti Te Marautanga o Te Aho Matua me te arotake i ngā take me ngā hiahia me te pūtea motuhake hei whakatutuki i ōna anō whāinga.<sup>646</sup> I kī mai a Tākuta Bean rāua ko Nathan i te whai a Te Rūnanga Nui me te Tāhuhu kia whakarite i ētahi mahi ki te kauneke i ngā take whare ā-kura. Ko ētahi āhuatanga ka kapi mai ko te whakarite i tētahi rōpū hei whakamahere kura hou me te wāhi ki te kōhanga reo, tae rawa ki ngā hātepe whakatū kura me te whakawhanake i tētahi tauākī kaupapahere mō ngā whare Kura Kaupapa Māori koia ko te tūāpapa i whakatauria tahitia ai mō te whakamaheretanga, te whaka-haerenga me te whakatinanatanga o ngā mahi hanga whare o te Kura Kaupapa Māori.<sup>647</sup> Hei āpiti atu, kua tukuna e Te Rūnanga Nui te mahere rautaki 30-tau ki te Karauna. I kī a Tākuta Bean rāua ko Nathan e kōkiri tonu ana te Tāhuhu i te ratonga o tēnei mahi ka whai ake.<sup>648</sup>

He tānga manawa o roto i ēnei tauākī. Heoi anō, he mahi e tārewa tonu ana i tēnei wāhanga tōmua nei, ahakoa ngā tau maha e whakatairangatia nei tēnei mahi e Te Rūnanga Nui. I ēnei tauākī, e whakatau nei mātou i te iti o te ngākau titikaha o te Karauna ki te kaupapahere tūtahi mō te Kura Kaupapa Māori, te mātauranga Kaupapa Māori rānei, ngā āhuatanga e taea ai rānei e te kaitono te whakatinana ngā mana whakahaere mō ngā tautuhinga kaupapahere. Ko te āhua ia, ahakoa kua puta ēnei tauākī, ko taua āhuatanga anō rā. E ai ki ā mātou whakamahukitanga kei ngā wāhanga e whai ake nei, he takahanga ēnei whakarite o Te Tiriti.

### **5.6.3.1 He tika rānei tā te tūranga kaupapahere o te Karauna whakamārama i te Kaupapa Māori me te mātauranga Ara Reo Māori?**

I whakatau rā mātou i te wāhanga 5.6.1.2 o runga ake kāore rā te Pepa Kāhui Minita e whakamārama tika i te mātauranga Ara Kaupapa Māori me te mātauranga Ara Reo Māori. I tēnei wāhanga, ka tahuri mātou ki te tātari i te tūranga kaupapa here Karauna i te putanga o te pūrongo mātauranga o Ākuhata 2022.

Pērā i tā mātou e matapaki nuitia nei, he haepapa tō te Karauna, e ai ki ngā mātāpono o te mahinga tahinga me te kaitiakitanga, ki te whakawhanake i tētahi urupare kaupapahere motuhake ki ngā hiahia o te Kura Kaupapa Māori. Ka nui ake te haepapa ki te Karauna nā ngā manarite-kore mātauranga ki te Māori, e mōhio ana mātou ka pai ake mā te Kura Kaupapa Māori. Pērā i tērā i aro ai i a mātou i runga ake nei, me whakatinana e te Karauna ōna mana kāwanatanga e ai

644. Tuhinga pitopito kōrero a Holsted (doc B29(b)), p 11; Ngā tāpaetanga whakakapi a te Karauna (paper 3.3.4), p 21

645. Kōrero taunaki a Bean rāua ko Nathan (doc B31), p 15

646. Kōrero taunaki a Bean rāua ko Nathan (doc B31), p 19

647. Kōrero taunaki a Bean rāua ko Nathan (doc B31), p 15

648. Kōrero taunaki a Bean rāua ko Nathan (doc B31), p 19

ki te kōtuinga Tiriti, nā runga i ōna mana nui i te wāhanga ture o te rāngai kura – kāore te Karauna e wātea ki te whakatinana kau noa i ōna mana whakahaere i tēnei kaupapa Māori.

E rua kē atu ngā mātāpono Tiriti – ngā kōwhiringa me te tōkeketanga – ka whai wāhi mai i te arotakenga o te tūranga kaupapahere o te Karauna. E ai ki tā mātou i matapakitia ai i te upoko 3, i whakatauria e te Taraipiunara mō *Te Urewera* he haepapa Tiriti tō te Karauna ki te tuku ratonga tōkeke e whakatutuki tika ana i ngā hiahia o te Māori, kua noa mā te tuku i te momo ratonga ōrite ka tukuna ki te tauwi. I te horopaki mātauranga, e whakaponu ana mātou ko tētahi wāhanga o tēnei haepapa ko tā te Karauna aro ki ngā hiahia motuhake o te Kura Kaupapa Māori mā te kaupapahere motuhake ka urupare i aua hiahia rā.

I whakatauria e te Taraipiunara *Hauora* me tiaki te mātāpono o te kōwhiringa i te wāteatanga me te whaihuatanga o ngā whakataunga kaupapa Māori i te rāngai pāpori.<sup>649</sup> He haepapa tō te Karauna ki te whakatūturu i te mātauranga Ara Kaupapa Māori, tae atu rā ki te Kura Kaupapa Māori, hei kōwhiringa wātea, tōnui hoki mā te tamariki Māori – tae atu rā ki te whakawhanaketanga o te kaupapahere tōtika, whaihua hoki.

Nā konā e whakatau nei mātou

- ▶ Kua takahia e te Karauna ngā mātāpono o te hoatanga, te tōkeketanga, me te kaitiakitanga me te kōwhiringa i te korenga ōna e whakatinana i te kaupapahere me te rautaki tūtahi mō:
- ▶ te hātepe whakatū whare Kura Kaupapa Māori hou;
- ▶ te tautoko ā-rauemi nei i Te Marautanga o Te Aho Matua;
- ▶ te whakamahere whatunga mō te whanaketanga o te Kura Kaupapa Māori i te pae roa; me
- ▶ ngā rawa e hiahiatia ana e te Kura Kaupapa Māori.

### **5.6.3.2 Ka rawaka rānei tā te tūranga kaupapahere Karauna tuku mana whakahere mō te Kura Kaupapa Māori ki Te Rūnanga Nui?**

Ko te pātai mō te taumata o te mana whakahaere o Te Rūnanga Nui ki te horopaki kaupapahere Kura Kaupapa Māori ka titikaha ki te manawa o te hoatanga Tiriti. I whakatauria e te Taraipiunara *Te Urewera*, i ngā wāhi e pīrangi ana te Māori, kua herea te Karauna ki te mahi tahi ki a rātou ki te whakarato tauwhiro hapori, e whakaponu nei mātou ka kapi mai hoki ko te mātauranga.<sup>650</sup>

Hei tā mātou, ko te haepapa Tiriti o te kaitiakitanga ka whai wāhi mai ki tēnei horopaki. I whakatauria e te Taraipiunara Māori Community Development Act me whai wāhi tika te mana whakahaere Māori i tēnei haepapa, arā, me kōnumi te kāwanatanga me te tino rangatiratanga. I matapaki hoki mātou i te upoko 3 te āhua o tō te Karauna haepapa ki tiakitanga o te Kura Kaupapa Māori hei

649. Te Rōpū Whakamana i te Tiriti o Waitangi, *Hauora: Report on Stage One of the Health Services and Outcomes Kaupapa Inquiry* (Lower Hutt: Legislation Direct, 2023), p 35 (as cited in ngā tāpaetanga whakakapi a ngā kaikere me (paper 3.3.3), p 86)

650. Te Rōpū Whakamana i te Tiriti o Waitangi, *Te Urewera*, 8 vols (Lower Hutt: Legislation Direct, 2017), vol 8, p 3783

whakatinanatanga o te kāinga, koia ko tā te Karauna whakaū i te whai wāhitanga whitake o Te Rūnanga Nui ki te hangahanga kaupapahere e whai pānga ana ki te Kura Kaupapa Māori.

Ko te whai wāhitanga mai o te ako mātauranga ā-ture tētahi wāhanga e tika ana te noho mai a te mana kāwanatanga o te Karauna. Ko te whakakoretanga mai o te tūranga o te Karauna he unu i tōna haepapa ki te tiaki me te tautako i ngā tamariki Māori katoa. Heoi anō, mō te wāhi ki te Kura Kaupapa Māori, ka whakatinana kaha rawatia e te Karauna ōna mana kāwanatanga. Ko te āhua nei e whakapono ana te Karauna he horopaki kaupapahere te rāngai mātauranga whakature e whai mana ai ko ia anake ki te whakatau kaupapahere. Ehara tērā i te āhuatanga o te hoatanga Tiriti. Ko ngā āhuatanga kaupapahere ka pā ki te Kura Kaupapa Māori ka noho ki te horopaki rangatiratanga o te kaitono. He urupare tōtika te Kura Kaupapa Māori, hei wāhanga o tā te iwi Māori whānui mahi ki te whakarauora i te reo, i te ahurea me ngā mātāpono Māori, ki te ūnga a te Karauna ki tētahi pūnaha e tūkinō nei i te Māori. I te horopaki o te kōnumitanga o ngā mana whakahaere e rua, ko te Tiriti te whakaetanga. Me whakatau tahi e ngā rōpū e rua ngā kaupapahere haere ake nei. Kāore e āhei ana te Karauna kia whakaae noa ki te whakarongo ki ngā whakaaro o te Māori (pērā i tāna i mahi ai i te pūrongo Te Matakahuki), engari ka mau tonu ki tōna āheinga ki te hanga kaupapahere ki tāna e hiahia ai. I te Ākuhata 2022, koinei te āhuatanga i puta – ā, i whakanau mārika a Te Pae Roa rāua ko Te Matakahuki i te Pūranga Tuatahi engari koia tonu te kōwhiringa i whakatinanahia ai e nga Minita. Me mutu tēnei āhuatanga.

E aro nei i a mātou, pērā i tā mātou i aro ai i wāhanga kē atu o te pūrongo, ehara Te Rūnanga Nui i te kiripānga takitahi ka pāngia e te mautanga o te Karauna ki ōna mana whakatau kaupapahere i te taiao mātauranga. Heoi anō tā mātou he whakatau kau noa i ngā takahanga e ai ki te kerēme kei mua i a mātou – koia e whāiti mai nei ā mātou whakataunga ki Te Rūnanga Nui. Ko te āhua ia, ka whai kōrero anō te Rōpū Whakamana mō te whakatairitetanga o te mana whakahaere i waenganui i te Karauna me te Māori i te rāngai mātauranga whānui i te pakirehua Ratonga me ngā Putanga Mātauranga e kainamu mai ana. Mō te wāhi ki te kerēme kei mua i te aroaro, e whakatau nei mātou Kua takahi te Karauna i ngā mātāpono Tiriti o te hoatanga me te kaitiakitanga mā āna whakaritenga kaupapahere mohoa, koiarā ko te mana ki te whakatau i ngā āhuatanga kaupapahere ka pā ki Kura Kaupapa Māori, kāore e tuarihia ana ki Te Rūnanga Nui, te māngai mō ngā whānau Kura Kaupapa Māori.

#### 5.6.4 Te Whakatoiharatanga

I tēnei wāhanga, ka whakarārangi mātou i ngā whakatoiharatanga i hua i ngā takahanga Tiriti a te Karauna nō muri mai i tāna aro i te pūrongo Kura mō Āpōpō i te tau 2019, tae atu rā ki tāna whanake tonutanga i ngā kaupapahere e tipu ai te mātauranga Ara Reo Māori me te mātauranga Ara Kaupapa Māori i te tau 2021 me te tau 2022. Ko tētahi o ngā pāpātanga e tino kitea ana ko ngā tūkinotanga ki te whanaungatanga i waenganui i te Karauna me Te Rūnanga Nui, koia ka matapakina hōhunutia i te upoko 6. I tua atu i tēnei, e whā ngā āhuatanga whakatoihara matua e whakatau nei mātou i hua mai i ngā takahanga Tiriti a te Karauna.

Tuatahi, ko te korenga o te Karauna i āta whakauru mai i Te Rūnanga Nui ki āna whakataunga matua, otirā ia ki te whakamōhio i a rātou ki te āhua o tā ngā whakatau nei whakawhāiti i tōna āheinga ki te hāpai tika i te Kura Kaupapa Māori hei kaitiaki mō Te Aho Matua. E ai ki a Campbell i te pōuri kē te kaitono mō ngā marama e 18, ka mutu, e whakaae nei mātou he tika tēnei kōrero (tirohia te wāhanga 5.6.1.1). I kauneke rā a Te Rūnanga Nui (me te marama tonu) mō te kotahi tau me te hāwhe ānō nei i te whakatūria he momo hinonga kāwanatanga motuhake, otirā ia, he rite tonu tāna tonu pārongo i te Karauna mō āna mahi kaupapahere, i te korenga o ngā whakahounga kōrero marama. I ū tonu tēnei āhua pōkakukaku mō te ahunga o te kaupapa i te awere tonutanga a te Karauna i Te Rūnanga Nui nō te whakawhanaketanga o te pepa Kāhui Minita o Hepetema 2021; i te Oketopa 2021 i ki mai a Tākuta Dewes ki a mātou kāore te kaitono i paku mōhio ki te rautaki pae-tawhiti a te Karauna mō te Kura Kaupapa.<sup>651</sup> I tēnei horopaki, nā whai anō i mimiti ai te whakapono o te kaitono ki Te Tāhuhu. I pēhi rā te Karauna i te kaitono ki tētahi tūranga, ahakoa rā āna mahi nui i te pūrongo Te Matakahuki, i whāiti rā te arawātea ki te whakaaweawe i te pūrongo mātauranga o Ākuhata 2022, i ngā whakataunga kaupapahere rānei i hua mai i reira – i te mutunga iho he moumou wā ā rātou mahi nui ki te hapahapai e ai ki a Campbell rāua ko Maika.<sup>652</sup>

Tuarua, nā te whanonga o te Karauna i tūkinotia ai te rongu me te mana o Te Rūnanga Nui me te Kura Kaupapa Māori whānui. Ko te whenumi tonutanga a te Karauna i te Kura Kaupapa ki te mātauranga Ara Reo Māori he whakataurekareka i te mana o te Kura Kaupapa Māori me tōna ahurei hei kōwhiringa mātauranga taketake. Kua aro i te Karauna te tūkinu me te whakahāwea kua hua i a ia.<sup>653</sup> Hei āpiti hoki, nā te horanga whānui o te Pepa Kāhui Minita o Hepetema 2021 i pēhia ai Te Rūnanga Nui ki tētahi āhuatanga i mate rā ia ki te parahau i tāna kaupapa motuhake. Ko tētahi taura nui o te whanonga whakataurekareka o te Karauna ko te pānuitanga o Hōtaka Mahi Ara Reo Māori i te Pēpuere 2022. I tētahi pūrongo nā One News, kua mau tā Minita Tuarua Davis ki i kōrero tahi Te Tāhuhu ki Te Matakahuki mō te 14 marama, otirā, i tuku arawātea ki a rātou ki te ārahi i te whanaketanga o tētahi pūnaha mō te mātauranga Ara Reo Māori/Ara Kaupapa Māori, engari i whakanaua e Te Matakahuki i te mutunga iho.<sup>654</sup> He kōpūrau te wairua o tēnei tauākī nā te Minita Tuarua – pērā i tā mātou i matapaki nui ai, kāore he kōrero tahi whai take ki te kaitono i puta mō te mahere mahi i mua i te whakatauria ōna e te Kāhui Minita. Ā, he rite tonu tā te kaitono kimi pārongo e tika ai tāna whakatau. Me te aha, ka mate rā te kaitono ki te parahau tūmatawhanui i tōna tūranga ki te whakatawhiti i a ia me te whakamārama i ngā raruraru o te whakawhenumi i te mātauranga Ara Reo Māori me te mātauranga Ara Kaupapa Māori.<sup>655</sup> Ko tā Rawiri Wright mai ki a mātou, he hātepe whakawehewehe tēnei

651. Kōrero taunaki a Dewes (doc A1), p 24

652. Kōrero taunaki a Campbell rāua ko Maika (doc B26), p [20]

653. Ngā tāpaetanga whakakapi a te Karauna (paper 3.3.4), p 11

654. Worthington, 'Work on Māori Education Review Continues without Key Groups' (Campbell and Maika, supporting documents (doc B26(a)), p 274)

655. Worthington, 'Work on Māori Education Review Continues without Key Groups' (Campbell and Maika, supporting documents (doc B26(a)), pp 274–275)

mō te iwi, ā, i hua ake ngā whakaaro rerekē ki te wehenga o te mātauranga Ara Reo Māori, me ngā whakahounga ture e tika ana kia tōnui ai ngā rōpū e rua, he whakamātautau hoki i te whanaungatanga tūmatawhāiti, whanaungatanga ngaio.<sup>656</sup>

Ko te ara tuatoru o te whakatoiharatanga i hua ai ka taunaki i a ia anō. Koia ko te tōkeketanga o te mana i waenganui i te kaitono me te Karauna. Kāore noa iho e whakaūngia ana te mana o te kaitono e tika ana ki a ia mō te wāhi ki te kaupapahere ka e pā ki te Kura Kaupapa Māori. Ko te kaupapahere ka whai pānga ki ngā whānau Kura Kaupapa Māori ka whakatauria e te Karauna, kaua e tētahi hātepe whakatau takirua e whakaūngia ai e te hoatanga Tiriti. He momo whakatoiharatanga tonu anō tērā. Nā te whakawhānui a te Karauna i tāna kāwanatanga ki te rāngai mātauranga whakature i whakatōririki ai i te rangatiratanga o te kaitono.

Ko te ara tuawhā o te whakatoiharatanga i hua ai i ngā takahanga Tiriti a te Karauna ko ngā takarepatanga i ngā kaupapahere mohoa e whai pānga ana ki te Kura Kaupapa Māori, e whakaae nei hoki te Karauna kei reira. I whāki mai a Holsted i ā mātou whakawākanga, kāore e hāngai ana ngā kaupapahere mohoa me ngā pou-tarāwaho whakatureture ki te Kura Kaupapa Māori.<sup>657</sup> E ai ki tā mātou e whakatau nei nā te korenga o tētahi kaupapahere tūtahi me te whenumitanga o te kaupapahere mātauranga Kura Kaupapa Māori ki te kaupapahere mātauranga Ara Reo Māori i pēnei ai. Nā te korenga tonutanga o tētahi kaupapahere kua āta hangā mai e ai ki ngā hiahia me ngā tūmanako motuhake o te Kura Kaupapa Māori e tārewa nei ngā wero mohoa ki te Kura Kaupapa Māori – āpaia rā i ngā take hanga whare, te whakatūnga kura me te tautoko ā-marautanga. Kua whakaae te Karauna me whai urupare ki ētahi o ēnei take (tirohia te wāhanga 4.2.2.2). Ko te korenga tonutanga o Te Rūnanga Nui i whai mana motuhake i ēnei kaupapahere ka whai wāhi nui ki tēnei āhuatanga. Hei māngai a Te Rūnanga Nui mō ngā whānau Kura Kaupapa – e mōhio ana ia ki ngā hiahia o ngā kura me panonitanga me haere ake e tōnui ai te Kura Kaupapa. Mā te korenga tonutanga o te mana whakahaere o Te Rūnanga Nui ki ngā āhuatanga kaupapahere e takarepa ai te whaihuatanga o aua kaupapahere, otirā ia, te angitutanga o te Kura Kaupapa Māori. Ka matapaki mātou i ētahi mahi e tika ai tēnei āhuatanga wairuatoa i te upoko 7.

656. Kōrero taunaki a Rawiri Wright (doc B22), p 23

657. Tuhinga kape kōrero 4.1.6, p 59





## UPOKO 6

### TE AHO KOHUNGA

#### 6.1 WHAKAPUAKITANGA

I tēnei upoko, ka kōrerohia tētahi kaupapa matua o tēnei kerēme, arā ko te hononga i te Karauna me ngā kaitono. Inarā, ko tā mātou arotake i ngā hua o ngā mahi a te Karauna ki te hononga o Te Rūnanga Nui me Te Karauna.<sup>1</sup>

#### 6.2 NGĀ TŪRANGA O NGĀ KĀHUI

##### 6.2.1 Te tūranga o ngā kaitono

E ai ki ngā kaitono, he iti noa iho kua whakatutukihia i te hononga ki te Tauākī Kawa e anga whakamua ai te huatau o te Kura Kaupapa Māori, o Te Rūnanga Nui rānei.<sup>2</sup> I te tukanga arotake me te whakapai o te o Ngā Kura mō Āpōpō, kua arokorehia, kua whakatikaihia hoki ngā kaitono. Kua whakangongoa tā Te Rūnanga Nui whai wāhi ki te kaupapa.<sup>3</sup> Hei tā ngā kaitono, nā Te Tāhuhu 'e kore nei te Karauna e mārāma ā-wānanga nei ki Te Kura Kaupapa Māori, ki tā rātou kaupapa ahurei me Te Aho Matua.<sup>4</sup> E ai ki ngā kaitono, kua hē rawa atu nei i te Karauna tētahi hononga kua raru kē i te kōhukihuki.<sup>5</sup> Kāore ngā mahi whakatika i te hononga o ngā pāti i muri i te hui takawaenga i paku whai hua, ko te pūrongo a Te Matakahuki me te wānanga kia tautuhi anō i te hononga i te tau 2022 tētahi mea i hua ai i taua hui rā.<sup>6</sup> Ko ngā kaitono e tohe ana me mātua panoni i te 'mātauranga hirahira me te ahurea' i roto i te Karauna e anga whakamua ai.<sup>7</sup> E puāwai ai te pitomata o te Kura Kaupapa Māori, e anga whakamua ai hoki (me ētahi atu mea) 'me mātua tau te rangimārie me te māramatanga ki te Karauna.'<sup>8</sup>

##### 6.2.2 Te tūranga o te Karauna

Ahakoā kāore te Karauna i takahi i te Tiriti i te tukanga arotake me te whakahou i a Ngā Kura mō Āpōpō, e whakaae ana ia i te take 'kāore tana whanonga i eke

---

1. Tauākī whakataunga take (paper 1.4.1), p [2]

2. Ngā tāpaetanga whakakapi a ngā kaikereme, 12 June 2023 (paper 3.3.3), p 53

3. Ngā tāpaetanga whakakapi a ngā kaikereme (paper 3.3.3), p 152

4. Ngā tāpaetanga whakakapi a ngā kaikereme (paper 3.3.3), p 9

5. Ngā tāpaetanga whakakapi a ngā kaikereme (paper 3.3.3), pp 153, 162–163

6. Ngā tāpaetanga whakakapi a ngā kaikereme (paper 3.3.3), p 22

7. Ngā tāpaetanga whakakapi a ngā kaikereme (paper 3.3.3), p 166

8. Ngā tāpaetanga whakakapi a ngā kaikereme (paper 3.3.3), p 9

ki tōna taumata tika.<sup>9</sup> E whakaae ia i ana hē i ngā hui me ngā whakawhitinga kōrero.<sup>10</sup> E ai ki te Karauna, ‘e hāngai katoa ana te Tauākī Kawa ki te hononga i waenga i Te Rūnanga Nui me te Tāhuhu,<sup>11</sup> heoi e mea ana ia ‘kāore anō tana takune . . . kia whai hua.’<sup>12</sup> E ai ki te Karauna, ko te mahi tuatahi ko te ‘whakaae i te whakataunga i waenga i ngā pāti e tau ai anō te whakapono, e pai ake ai hoki te anga whakamuatanga o ngā whāinga pāhekoheko me ngā wawata motuhake.’<sup>13</sup>

### 6.3 | ANGITŪ RĀNEI TE HUI WHAKAWHANAUNGATANGA I MURI I TE HUI TAKAWAENGA?

Hei āpiti atu ki te pūrongo a Te Matakahuki, ko tā te Whakaaetanga Hui Takawaenga (ka kitea i te wāhanga 5.5.42.1) he whakakotahi i Te Rūnanga Nui me te Tāhuhu ki tētahi hui kotahi-rā noa iho te roa kia ‘tautuhia anō te hononga’.<sup>14</sup> He mea whakamōhio mai e Campbell rāua ko Maika te manako nui kia whanakehia tētahi ‘rautaki mahuki’ e ‘kōrerohia motuhengatia’ nei ngā kūrururu o te Kura Kaupapa Māori e ‘āta titiro ana ki te āhua o tētahi hononga Tiriti e whai wāhi ana te ōrite o te mana whakahaere o tēnā, o tēnā.’<sup>15</sup>

I tū te wānanga kotahi rā te roa i te 20 o Hūrae 2022 i whai wāhi ai a Te Rūnanga Nui me ngā āpiha matua o te Tāhuhu (‘Hui Whakawhanaungatanga’).<sup>16</sup> E ai ki ngā miniti i whakaae ngā tira e rua ki tētahi rārangi mahi whāinga roa me ētahi mahi hei whakatutuki wawe mā rātou kātahi rātou ka tautuhi i ētahi wāhanga hirahira e hāngai ana ki Te Rūnanga Nui.<sup>17</sup> Tērā hoki tētahi ‘huatau rangapū’ i tautuhia i ngā miniti e whai wāhi nei te whai wāhitanga o te tika, o te pono me te aroha, me te whakaritenga kia kaua te Karauna e mahi ‘i ētahi mahi ki Te Rūnanga Nui’ engari kia mahi ngātahi kē me Te Rūnanga Nui.<sup>18</sup>

Nā Andy Jackson (Hekeretari Tuarua, Kaupapa Here i te Tāhuhu) mātou i whakamōhio ko ngā hui i waenga i ngā kaimahi o te Tāhuhu me Te Rūnanga Nui i arohia ai ngā mahi i whakaaetia i te Hui Whakawhanaungatanga tētahi aronga nui, heoi he kaupapa tēnei e tārewa tonu ana, ka mutu, he mea kopou ētahi kaimahi ki te ‘tautoko i te hononga o te Tāhuhu ki Te Rūnanga Nui.’<sup>19</sup> Nō roto i tētahi miniti i tuhia ai i te 22 o Hūrae 2022 mō te hononga ‘e tau haere ana i te hui

9. Ngā tāpaetanga whakakapi a te Karauna, 19 June 2023 (paper 3.3.4), p 82

10. Ngā tāpaetanga whakakapi a te Karauna (paper 3.3.4), p 10

11. Ngā tāpaetanga whakakapi a te Karauna (paper 3.3.4), p 32

12. Ngā tāpaetanga whakakapi a te Karauna (paper 3.3.4), p 10

13. Ngā tāpaetanga whakakapi a te Karauna (paper 3.3.4), p 7

14. Mediation Agreement, 24 May 2022 (paper 2.5.11(b)), pp 4–5

15. Kōrero taunaki a Hohepa Campbell rāua ko Mahinarangi Maika, 17 April 2023 (doc B26), p [23]

16. ‘Minutes of the 20 July 2022 Hui Whakawhanaungatanga’, 20 July 2022, p [2] (Rōia Karauna, supporting documents (doc B30), p 2106)

17. ‘Minutes of the 20 July 2022 Hui Whakawhanaungatanga’, pp [3]–[4] (Rōia Karauna, supporting documents (doc B30), pp 2107–2108)

18. ‘Minutes of the 20 July 2022 Hui Whakawhanaungatanga’, p [3] (Rōia Karauna, supporting documents (doc B30), pp 2106–2107)

19. Kōrero taunaki a Andy Jackson, 22 November 2022 (doc A14), pp 7–8, 13

takawaenga, waihoki, e ai ki ngā kōrero mō te Hui Whakawhanaungatanga i 'tino pai te tīmatanga o te hui tahi e whakatauirā ana i te kōtuinga'.<sup>20</sup>

E ai ki a Tākuta Dewes rāua ko Rawiri Wright, i 'whakapau kaha' rāua i te hui me te Tāhuhu i tērā wā, heoi ko te 'pōuri' tērā i rangona tonuhia ai i te korenga o te Tāhuhu i 'āhukahuka i tō rātou hononga' ki Te Rūnanga Nui.<sup>21</sup> Hei tā rāua 'kāore i tūturu tā te Tāhuhu whai wāhi ki te kaupapa – i te kōrero mātou ki ētahi rōpū i a mātou e kūare ana ki ētahi atu mahi māminga e whakahaerehia tonuhia ana'.<sup>22</sup> E ai ki a Iona Holsted (Hēkeretari o Te Tāhuhu o te Mātauranga) ka mahue te āta aroturuki ngā mana nui o runga i te hononga e tika ai te karawhiunga o te Whakaaetanga Hui Takawaenga.<sup>23</sup> E whakaae ana mātou – ki te take i kōrerohia ai i te wāhanga 5.6.2, ahakoa i ū tonu te Karauna ki ana herenga ture, i whai tonu rātou i tā rātou i pīrangi ai i whakahāweatia ai te wairua o te takune o te Hui Whakawhanaungatanga otirā te hononga ki Te Rūnanga Nui.

He mea tuku e Te Rūnanga Nui ana āwangawanga ki a Holsted i te 28 o Hepetema 2022, e mea ana 'kāore anō tā tātou ngana ki te whakahaumanu i tō tātou hononga kia paku anga whakamua' kātahi ka tautuhia ētahi māharahara i ahu ai i te Hui Whakawhanaungatanga, pēnei i tā rātou i ki ai 'he hua i tohipa' ki te whakanui, ki te ako hoki i ngā kōrero mō Te Rūnanga Nui me ō rātou manako.<sup>24</sup> Nāwai, i te 10 o Noema 2022, i whakatauhia e Te Rūnanga Nui kia tukua tonuhia tā rātou tono kōhukihuki ki te Taraipunara.<sup>25</sup>

#### **6.4 HE AHA NGĀ WHAKAWEAWENGA O NGĀ WHANONGA A TE KARAUNA I TAU AI KI TE HONONGA O NGĀ TIRA E RUA?**

Hei tā ngā kōrero o runga, kua hē te hononga i waenga i te Karauna me ngā kaitono i te hē o te whanonga a te Karauna. I te 2018 ki te 2022, e ai ki ngā taunakitanga tērā ētahi tauira o te whanonga kino e kore nei te whakapono i waenga i ngā kāhui e rua e noho ki tōna taumata teitei.

##### **6.4.1 Te takahitanga o Te Tauākī Kawa**

E hia kē nei ngā āheinga i tau rā ki mua tonu i te Karauna hei whakanui i Te Tauākī Kawa i te tukanga whakapai me te arotake i Ngā Kura mō Āpōpō. Nā te whakahounga o tēnei tikanga i te tau 2019 i whakatūhia ai tētahi anga hononga i waenga i ngā tira i kitea rā tētahi mahere mahi me tētahi mahere hui, i manakohia ai kia wawe ngā hui mō ngā take i mōhiotia e ngā tira (tirohia te wāhanga 4.3.2.6). Ko tētahi o ngā take o te Ture Mātauranga me te Whakangungu 2020 ko te whakatū, ko te whakahaere hoki i tētahi pūnaha mātauranga e 'whakanui nei i Te Tiriti o

20. 'Minutes of the Māori Medium and Kaupapa Māori Education Implementation Leadership Group', 22 July 2022, p [5] (Rōia Karauna, supporting documents (doc B30), p 2113)

21. Kōrero taunaki a Cathy Dewes rāua ko Rawiri Wright, 10 November 2022 (doc A12), p 5

22. Kōrero taunaki a Dewes rāua ko Rawiri Wright (doc A12), p 5

23. Tuhinga kape kōrero 4.1.6, p 274

24. Cathy Dewes and Rawiri Wright to Iona Holsted, 28 September 2022, pp [4]–[5] (Rōia Karauna, supporting documents (doc B30), pp 1845–1846)

25. He manatū rōia a ngā kaikereme, 10 November 2022 (paper 3.1.32)

Waitangi, e tautoko ana hoki i ngā hononga i waenga i te Māori me te Karauna.<sup>26</sup> Ahakoa ēnei herenga, kāore tonu te Karauna i hui me Te Rūnanga Nui i mua i tā rātou whakataui i ētahi whakataunga nui, tae noa atu ki te whakatūnga o te Arotakenga o Ngā Kura mō Āpōpō me te whakataui i te pito mutunga o te tau 2019 kia whakarērea ngā Tūtōhunga a te Taskforce 4(a).

Ahakoa ētahi hua pai i te hononga o ngā kaitono ki ētahi atu nō roto i te Tāhuhu, kua tino hē nei te hononga whānui ki te Tāhuhu. E ai ki a Tākuta Dewes kāore noa iho te hononga 'i paku whai hua' i te waitohunga o Te Tauākī Kawa i te tau 1994.<sup>27</sup> Hei tā Campbell, 'he ōpaki, he tene' noa iho te tukanga a te Tāhuhu kia whai wāhi ki ngā hui.<sup>28</sup> I whakaae a Maika he 'uaua kia kōrerohia' ngā take maha o te Kura Kaupapa Māori i te Tāhuhu e whakawehea ana kia noho kē ki ō rātou ake wahi taratahi mahi ai.<sup>29</sup>

E ai ki ngā kaiwhāki o te Karauna, he nui kē tā te Tāhuhu whai wāhi ki Te Tauākī Kawa, pēnei i ngā hui i whai wāhi ai ētahi kāhui o te Tāhuhu i kopoua ai a Darren Nathan (Pou Ārahi Matua, Hononga me te Mātauranga Māori ki te Tāhuhu) i te marama o Āperira 2020 me te whakaritenga o ētahi huarahi whakawhitiwhiti kōrero i Te Rūnanga Nui ki ngā hautū o te Tāhuhu.<sup>30</sup> E ai ki a Tākuta Daryn Bean (Hēkeretari Tuarua, Mātauranga Māori i te Tāhuhu), 'kua rerekē te āhua' o tā te Tāhuhu whai wāhi ki Te Rūnanga Nui i ngā tau tata kua taha ake nei, e tīmata ana i te kopounga o Nathan i te marama o Āperira 2020 kia whakahaerehia e ia te hononga o te Karauna ki Te Rūnanga Nui. Hei tāna, 'kua tino tutuki' ngā mahi nō roto i te mahere hui (e ai ki tāna e mōhio ana).<sup>31</sup>

Ahakoa ēnei panonihanga, kāore i tutuki tā te Tāhuhu āta hui i te taha o Te Rūnanga Nui. I tino raru a Te Rūnanga Nui i ngā kaupapa here a te Karauna i raru ai hoki te Kura Kaupapa Māori kātahi rātou ka pōuri i te nui o ngā mahi i tutuki ai i a rātou i te korenga o te Te Rūnanga Nui i paku mōhio – ko te whanaketanga o ngā whakaritenga kaupapa here o te pūrongo mātauranga i te marama o Ākuhata 2022 tētahi tauira. Nā konā i whakahaekia ai te ngākaunui i waenga i ngā tira e rua i kore ai Te Rūnanga Nui e whakapono ki ngā mahi a te Tāhuhu. Ahakoa te painga o te rite tonu o te hui tahi i waenga i te Tāhuhu me te Rūnanga Nui, ehara i te mea mā te maha o ngā hui e kouna ai ngā hui mēnā kāore i te kōrerohia ngā pitopito matua i aua hui rā. Hei tauira, i te 16 me te 17 o Hepetema 2020, hei whakautu i te Tūtōhutanga 4(a) (tirohia te wāhanga 5.4.2.4) e rua rā ngā āpiha o te Tāhuhu i hui ai me Te Rūnanga Nui heoi kihai rātou i whakamōhio atu i te korenga o te Karauna e whakaae kia whakatūhia tētahi tira motuhake.

I marama te Karauna ki te whakakore haeretanga o te whakapono. Nā Holsted tonu i whāki i ētahi wā kāore te Karauna i whakamana i te tautineitanga o te hononga pono me Te Rūnanga – i āna ake kupu 'i ētahi wā kāore mātou i ū ki tā mātou

26. Education and Training Act 2020, s 4

27. Kōrero taunaki a Cathy Dewes, 13 April 2023 (doc B14), p 2

28. Kōrero taunaki a Hohepa Campbell, 17 December 2021 (doc A9), p [3]

29. Kōrero taunaki a Mahinarangi Maika, 12 October 2021 (doc A4), p 5

30. Kōrero taunaki a Daryn Bean rāua ko Darren Nathan, 5 May 2023 (doc B31), pp 10–11

31. Kōrero taunaki a Bean rāua ko Nathan (doc B31), pp 10–11

i kī taurangi ai.<sup>32</sup> Nō muri mai i te rongotanga o ngā taunakitanga a ngā kaitono i mōhio ai a Holsted kua hē kē ake te hononga i tāna i whakaaro ai.<sup>33</sup>

#### 6.4.2 Kōrero takarepa me te kōpaka o te kōrero pono

I takarepa tā te Karauna whakawhitiwhiti kōrero ki Te Rūnanga Nui i ngā tau o te 2018 ki te 2022, ka mutu, i kōpaka i a rātou te pono me te tika o te kōrero. E mārāma ana te kitea o tēnei mahi a rātou i ngā kōrero whakahoki rangirua a te Tāhuhu ki te pūrongo Ngā Kura mō Āpōpō me te korenga ōna i whakamōhio atu ki ngā kaitono kāore te tira motuhake e whakatūhia. I te 5 o Tihema 2019, ko te hui i te taha o Minita Davis me te hui i te taha o te Toi Rangapū Mātauranga Māori i te tau 2020 ētahi taurua e rua noa iho nei o te āheinga kia tohungia ngā kaitono e te Karauna kāore te tira motuhake e tū (tirohia te wāhanga 5.6.1.1). Me pēhea hoki e kore ai ka kore te Karauna e whakaponotia e Te Rūnanga Nui i a rātou e ngana nei ki te whakawhanake i te Kura Kaupapa Māori, heoi kotahi tau me te haurua te roa te Karauna e kaiponu nei i ngā pitopito kōrero mō te anamata o tā rātou kaupapa?

He mea whāki mai e Tākuta Dewes i tana whākinga tuatahi i te marama o Oketopa 2021, i mua i te taenga o te pepa Minita i te marama o Hepetema 2021 ki ō rātou ringa, i te kaiponutia e te Tāhuhu ana whakaritenga ahakoa te rite tonu o te tonoa o aua pitopito kōrero.<sup>34</sup> Hei tāna 'kua tino nunumi atu te whakapono.'<sup>35</sup> I whakaae a Tākuta Bean rāua ko Nathan ki te horopaki nei i a rāua e mea ana 'kāore e tino whākina ana ngā mahi a te Tāhuhu ki Te Rūnanga Nui', e tautoko ana hoki i te kōrero 'nāwai, nāwai kua kore e whakaponotia.'<sup>36</sup> I whakaae a Holsted 'ko te kōpaka o te whakawhitinga kōrero' tētahi aukatinga matua i whai wāhi ai a Te Rūnanga Nui ki Te Pae Roa.<sup>37</sup>

Kāore i tū atu i te ngākaupono, koia tērā ko tētahi wāhanga matua e tutuki ai ngā hononga Tiriti, otirā ko te 'pono ki tōna taumata tiketike' e ea ai te wāhi ki te kōtuinga Tiriti.<sup>38</sup> Nā te korenga o te Karauna i whakawhiti kōrero kia pono, kia tika ki te Rūnanga Nui i whakakorehia ai te pono o ngā kaitono ki te Karauna kia whakamōhio atu i ngā pitopito kōrero mō tā rātou kaupapa. He nui ngā hīrautanga ka tau ki te oranga o te hononga o ngā tira me te āheinga ki te mahi tahi. Ka kōrerohia ētahi huarahi hei whai kia whakatikahia anō te hononga i te upoko tuawhiti.

#### 6.4.3 Te kore whakanui i te mana o Te Rūnanga Nui me Te Kura Kaupapa Māori

He rite tonu tā te Karauna whakamōhio atu i ana ake whakaarotau ki Te Rūnanga Nui tēnā i te mahi tahi me te Rūnanga Nui mō ngā take kua tautuhia. I whakaae a Tākuta Bean ki tēnei momo whanonga.<sup>39</sup> Ko tā tēnei mahi nō roto i te Karauna he

32. Kōrero taunaki a Iona Holsted, 5 May 2023 (doc B29), p 6

33. Tuhinga kape kōrero 4.1.6, p 60

34. Kōrero taunaki a Cathy Dewes, 12 October 2021 (doc A1), p 26

35. Kōrero taunaki a Dewes (doc A1), p 26

36. Kōrero taunaki a Bean rāua ko Nathan (doc B31), pp 11–12

37. Tuhinga pitopito kōrero a Iona Holsted, 22 May 2023 (doc B29(b)), p 9

38. *New Zealand Maori Council v Attorney-General* [1987] 1 NZLR 641 (CA), p 664

39. Kōrero taunaki a Bean rāua ko Nathan (doc B31), pp 8–9

whakatairanga i ngā whāinga a te Karauna i mua i te paku whakaaro atu ki ērā a Te Kura Kaupapa Māori e hē haere nei te hononga o ngā kāhui nei. Nā konā hoki e kaha kitea nei te kore whakanui i te mana tūturu o Te Rūnanga Nui hei kanohi o Te Kura Kaupapa Māori, hei kaitiaki hoki o Te Aho Matua. He mea kite tēnei āhuatanga i te Tāhuhu e tono ana ki Te Rūnanga Nui kia whai wāhi ki tana hōtaka mahi, kia hono hoki ki a Te Pae Roa ahakoa kāore i āta kōrerohia ngā pitopito kōrero ki Te Rūnanga Nui e taea ai e rātou tētahi whakataunga te whakatau, kātahi te Tāhuhu ka tono ki Te Rūnanga Nui kia whakahoki kōrero atu mō te pūrongo mātauranga o te marama o Ākuhata 2022 i roto noa i te 48 hāora.

Ahakoa tonu, nā ngā kaiwhāki tonu o te Karauna mātou i whakamōhio ki tā rātou mihi i te āhua o Te Rūnanga Nui e noho nei hei kaitiaki o Te Aho Matua, me te āhukahuka hoki i te nui o te hoatu a ngā kaitono ki ngā ākonga Māori, otirā ki te hapori Māori whānui.<sup>40</sup> I kite tonu mātou i ngā pūmanawa nui o ngā raukura i whakangungua i roto i te Kura Kaupapa Māori me te mōhio hoki ki te hiranga o tēnei kaupapa kia tiakina rawatia te reo Māori me te mātauranga Māori. He taura pono tēnei e kitea rawatia nei ngā hua nui. Kua eke ki te taumata o Angitu, kua nā te tautoko a te Karauna heoi nā te manawanui o te Te Rūnanga Nui me ngā whānau o te kura. Heoi anō, ahakoa tēnei angitu, i ki a Tākuta Dewes ‘kāore anō kia rongohia’ tā te Karauna ‘whakapono ki te Kura Kaupapa Māori’ me te āheinga kia mahia ngā mahi e tutuki ai te kaupapa.<sup>41</sup> E mārāma ana mātau ki te take e pēnei nei te āhua o ngā kaitono – inarā i muri i te kitenga o te āhua o ētahi o ngā imēra nō roto i te Tāhuhu (tirohia tā Jackson imēra mō ‘Te Aho Matua’, i kōrerohia ai i te wāhanga 5.5.4.2, he mahi tīkai, he mahi whakaiti koia). He mea whāki e Rāwiri Wright, ‘te āhua nei i mōhio te Tāhuhu ki te huarahi mātauranga tika hei takahi mā te Māori ka kōkirihia ai e rātou tā rātou ake whakaritenga, ahakoa ngā whakaaro, ngā tūtohutanga rānei a Te Rūnanga Nui.’<sup>42</sup> E ai ki a Tākuta Dewes, he whakahīhi, he whakatuanui, he whakaparahako tērā momo waiaro.<sup>43</sup> I ki hoki ia ‘kāore anō te tū tahi me te kōtuinga tūturu kia whakatutukihia, ka mutu, kua tāmia rawatia Te Rūnanga Nui me Te Kura Kaupapa Māori e te Karauna me ngā aronga, ngā kaupapa here, ngā whāinga hoki a te Tāhuhu.’<sup>44</sup> Hei tā Tākuta Dewes, ‘he kahawai mātou e kaingia ana e te makō.’<sup>45</sup>

He maha ngā āhuatanga e kitea whānauhia nei ko tēnei take mana ōrite kore te uho o tēnei pakirehua. Ahakoa te mōhio ā-ture nei ko ia tērā hei kaitiaki o Te Aho Matua, kāore anō Te Rūnanga Nui kia āhei te whai wāhi kia tika ki ngā kaupapa here e hāngai pū ana ki tana kaupapa puiaki. I kite pū mātou i ngā pūmanawa o ngā raukura o Te Kura Kaupapa Māori, me te hiranga o tēnei kaupapa kia tiakina te

40. Kōrero taunaki a Holsted (doc B29), pp 4–5; Kōrero taunaki a Bean rāua ko Nathan (doc B31), p 4

41. Kōrero taunaki a Dewes (doc A1), p 18; Kōrero taunaki a Cathy Dewes, 24 January 2021 (doc A8(a)), p 6

42. Kōrero taunaki a Rawiri Wright, 12 October 2021 (doc A2), p 24

43. Kōrero taunaki a Dewes (doc A8(a)), p 6

44. Kōrero taunaki a Dewes (doc A1), p 18

45. Kōrero taunaki a Dewes (doc A1), p 12; Kōrero taunaki a Cathy Dewes, 31 March 2023 (doc B1(a)), p 13

reo Māori me te mātauranga Māori. Nā te kōroiroi o te Karauna kia āhukahukatia te rangatiratanga o ngā hapori Kura Kaupapa Māori e whakakanohitia ana e Te Rūnanga Nui e rangona kinotia nei te tikai ki tēnei mahi hirahira. Ki a mātou ake nei, kāore e taea tēnei hononga te whakatika kia taurite rā anō te mana o tēnā, o tēnā e tau tahi ai ngā tira e rua ki te pae kotahi noa nei.

#### **6.4.4 E taea ana rānei te whakakaha te hononga i waenga i te Karauna me ngā kaitono?**

He rite tonu tā ngā kaitono ki atu mēnā i tautokohia ki ngā rauemi tika tēnā i te hāpai kē i ngā kaupapa here, ā kāti, mā Te Rūnanga Nui me ngā whanau o te kura te Kura Kaupapa Māori e eke ai ki ngā taumata o te angitu. He iti noa iho te whakapono o ngā kaitono ki te Karauna e kore nei e whakapono ka puta he paku aha i te mahi tahi. Nā Tākuta Dewes ēnei kare ā-roto i whakapuaki i tana taunakitanga tuatahi: ‘Kei a mātou kē te rongoā mā mātou. Ki te pōturi te huringa o te ihu o te waka, ka mimiti haere ngā Kura Kaupapa Māori i raro i te mana o Te Tāhuhu o te Mātauranga me te Ture Mātauranga a te Kāwanatanga.’<sup>46</sup>

Pēnei i tā mātou i whakamārama ai i te wāhanga 5.6.3.2, ko te tikanga o te wāhi ki Te Kura Kaupapa Māori i te wāhanga o ngā kura me mātua tutuki, ko tērā e kitea nei te āheinga o te Karauna me ngā kaitono ki te whakatū kaupapa here. He huarahi kei mua i te aroaro e taea nei e te Karauna me ngā kaitono te whakatika tō rātou hononga i te kōtuinga Tiriti e hiahia ana kia anga whakamua. Kia hoki ake ki te whakatauaiki i te pūrongo o *Te Whānau o Waipareira* mō te kōtuinga Tiriti e mea ana he mārenatanga kē.<sup>47</sup> E tika ana kia kīia te kōrero kihai te hononga i waenga i te Karauna me ngā kaitono i pērā rawa i te mārenatanga, ahakoa Te Tauāki Kawa. E rite ana te hononga rā ki tētahi taura tāwekeweko i te whanonga a te Karauna. Heoi anō, he oati mau roa te Tiriti. E kore rawa tētahi kāhui e āhei te whakarere i tērā atu nā runga tonu i ngā tautohe me ngā whakahē.

Mā te whakatutuki i ngā wawata o ngā kaitono me te Karauna mō te Kura Kaupapa Māori te take e anga whakamua ai tēnei waka tikoki kua hē. Kua whakaae te Karauna kāore ngā whakaritenga kaupapa here o mohoa nei i te tika i tēnei horopaki, ka mutu, e ngākau titikaha ana rātou ki te whakatū i tētahi ara mahi mātauranga Kaupapa Māori. Hei tā Jackson rāua ko Andrea Schöllmann (Kaitohu, Kaupapa Here i te Tāhuhu), ‘e hikaka tonu ana te Karauna ki te whai wāhi ki Te Rūnanga Nui kia whanakehia te hautūtanga, te mana motuhake, me te mana whakahaere o ā rātou kaupapa.’<sup>48</sup> Ki te hiahia te Karauna ki te whakahaumanu i tana hononga ki Te Rūnanga Nui, mā ēnei panonihanga e pai ai te tīmatanga o te whakahaumanutanga. Heoi, me whai hua ēnei kī taurangi. Me whakanui ka tika e hua ai ko ngā hua nui e tautoko ana i te angitu o te Kura Kaupapa Māori e whai wāhi ai hoki te whakahaerenga o te rangatiratanga o Te Rūnanga Nui me ngā whānau o te kura. Kua hoea kēhia te waka o kī taurangi kiko kore, waihoki, ko te

46. Kōrero taunaki a Dewes (doc A1(a)), p 26

47. Te Rōpū Whakamana i te Tiriti o Waitangi, *Te Whanau o Waipareira* (Wellington: Legislation Direct, 1998), p 222

48. Kōrero taunaki a Andy Jackson rāua ko Andrea Schöllmann, 5 May 2023 (doc B28), p 36

whakahounga o Te Tauākī Kawa tērā e wawatatia ana hei āheinga hirahira ki ngā pāti kia whakahouhia ngā oati kia whakaūngia tō rātou hononga, kia whakahaerehia hoki ngā 'akoranga' i ahū noa i te pūrongo o *Matua Rautia*, e ai ki a Holsted.<sup>49</sup> Ki a mātou ake nei e tika ana ia tangata kua kopoua kia noho ki te tēpu e tūturu ai te whakahounga o tētahi hononga e pūmau ai te putanga o ngā hua pai mō te Kura Kaupapa Māori te take.

I te upoko e whai ake nei, ka kōrerohia te anga whakamuatanga o ngā kaitono me te Karauna kia whakatikaina tō rāua hononga, kia puta hoki ētahi tūtohunga e kitea ai e te Karauna tētahi rongoā hei whakatika i ngā whakahāweatanga i ahū ai i ana mahi takahi i te Tiriti.

---

49. Kōrero taunaki a Holsted (doc B29), p 23



## UPOKO 7

### TE AHO WHĪTIKI

#### 7.1 WHAKAPUAKITANGA

I tēnei upoko nei, tuatahi ake ka whakaatuhia tētahi whakarāpopototanga o ō mātou kitenga i tēnei pūrongo. Kātahi mātou ka kōrero e pā ana ki ā mātou tūtohunga mō ētahi huarahi hei takahi mā te Karauna e tika ai te whakahāweatanga o ngā kaitono e tana takahi i ngā mātāpono Tiriti, ki reira herea ai te aho whīтики kia ū, kia mau, kia ita.

#### 7.2 TE WHAKARĀPOPOTOTANGA O NGĀ KITENGA

I tēnei pūrongo, kua kitea e mātou te āhua o te whanonga a te Karauna ki te tukanga arotake me te tukanga arotake me te whakahou i a Ngā Kura mō Āpōpō i takahia ai ngā mātāpono o te Tiriti i ngā horopakī maha. I te wāhanga 4.2.4, i te whakatūnga o te arotakenga o Ngā Kura mō Āpōpō i kite mātou i te takahitanga o ngā mātāpono Tiriti e te Karauna, inarā ko te kōtuinga me kaitiakitanga i te korenga o rātou i:

- ▶ kōrero ki Te Rūnanga Nui i mua i te whakatau kia whakatūhia te arotakenga o Ngā Kura mō Āpōpō; i mana ai ngā tikanga hei whai mā te Taskforce; me te kopou i ngā mema o te Taskforce;
- ▶ tautuhi i te Kura Kaupapa Māori, i Te Rūnanga Nui rānei i ngā tikanga hei whai mā te Taskforce;
- ▶ kopou i tētahi mema kia tū ki te Taskforce hei mātanga mātauranga Kaupapa Māori.

Mō te tōmuri o te whakataunga i te tau 2019 kia whakakorehia te Tūtohunga 4(a), i te wāhanga 4.3.3 i kite mātou i te takahitanga o ngā mātāpono Tiriti e te Karauna, inarā ko te kōtuinga me kaitiakitanga i te korenga o rātou i:

- ▶ kōrero ki ngā kaitono i mua i te whakatau kia whakakorehia te Tūtohunga 4(a);
- ▶ whai wāhi ki ngā tautuhinga o te tūtohunga a te Taskforce, tae noa ki tana whakatūpatotanga mō ngā tūtohutanga Tiriti;
- ▶ kōrero tōtika mō tana whakahoki kōrero ki te pūrongo a te Taskforce.

I te wāhanga 5.6.1, i kite mātou i te takahitanga o ngā mātāpono Tiriti, inarā ko te kōtuinga me te kaitiakitanga i tana kaupapa here mahi i te tau 2020 me te whanaketanga o te pepa Minita i te marama o Hepetema 2021 i te korenga o rātou i:

- ▶ āta kōrero ki ngā kaitono mō te aronga o te kaupapa here mahi, i whai wāhi ai tā te Karauna whakakore i te tūtohunga 4(a);

- ▶ pātai ki ngā kaitono mō te anga o te kaupapa here i whakaritea ai i te pepa Minita i te marama o Hepetema 2021;
- ▶ āta tautuhi i te whanaketanga o te kaupapa here i a rātou e whakarite nei i ngā herenga e hāngai ana ki te hōtaka mahi i te pepa Minita i te marama o Hepetema 2021.

I takahi hoki te Karauna i ngā mātāpono Tiriti e whai wāhi nei te kōtuinga me te kaitiakitanga i te korenga o rātou i toro i te ringa pōwhiri ki Te Rūnanga Nui i te whanaketanga o te pūrongo mātauranga i te marama o Ākuhata 2022, e ai ki tā mātou i kite ai i te wāhanga 5.6.2.

I te wāhanga 5.6.3, i kōrerohia ētahi anō takahitanga o ngā mātāpono Tiriti i ngā whakaritenga kaupapa here o mohoa nei a te Karauna, i muri i te pūrongo mātauranga i te marama o Ākuhata 2022. Kua takahia e te Karauna ngā mātāpono Tiriti, inarā ko te kōtuinga, ko te mana taurite, ko te kaitiakitanga me ngā whiringa i kore ai e whai wāhi te whakaurunga o tētahi rautaki matawhaiaro me ētahi kaupapa here e hāngai ana ki:

- ▶ te hātepe whakatū whare Kura Kaupapa Māori hou;
- ▶ te tautoko ā-rauemi nei i Te Marautanga o Te Aho Matua;
- ▶ te whakamahere whatunga mō te whanaketanga o te Kura Kaupapa Māori i te pae roa; me
- ▶ ngā rawa e hiahiatia ana e te Kura Kaupapa Māori.

Hei whaiwhai noa ake i ngā kōrero, kāore Te Rūnanga Nui i whai wāhi ki ngā whakataunga whakamutunga o ngā whakaritenga kaupapa here a te Karauna o mohoa nei, otirā ko rātou, ko Te Rūnanga Nui kua roa nei e whakakanohi ana i ngā whānau o Te Kura Kaupapa Māori, otirā koia tērā ko tētahi anō takahitanga o ngā mātāpono Tiriti i raro i te kaitiakitanga me te kōtuinga.

I te wāhanga 5.6.4, i kite mātou i ngā takahitanga nei i te whakahāweatanga o ngā kaitono i whai wāhi ai:

- ▶ te hekenga haere tonutanga o te hononga kihai noa iho i pai i mua i waenga i ngā kāhui me te whakapono kore o ngā kaitono ki te Tāhuhu;
- ▶ te aukatinga o tā Te Rūnanga Nui āhei ki te whakatairanga i te Kura Kaupapa Māori;
- ▶ te hekenga haeretanga o te mana o Te Rūnanga Nui me te whakapātaritaritanga o te mana o Ngā Kura Kaupapa Māori;
- ▶ tētahi kaupapa here me tētahi anga ture Kura Kaupapa Māori kāore e whai hua;
- ▶ ētahi whakaritenga kāore e whai mana ngā kaitono i raro i te kōtuinga Tiriti kia waihangahia ētahi kaupapa here e hāngai pū ana ki te Kura Kaupapa Māori.

### 7.3 NGĀ TŪTOHUNGA

E tahuri nei mātou ki te kōrero mō ā mātou tūtohunga hei whakatika i ngā whakahāweatanga i tau ai ki runga i ngā kaitono i ngā takahitanga mātāpono Tiriti a te Karauna. Ka tīmata i tā mātou tūtohunga kia whakatūhia tētahi hinonga mātauranga Kaupapa Māori motuhake kua kōrerohia i ngā taunakitanga o tēnei

pakirehua. E whakaaro nei mātou he whāinga-roa tēnei tūtohunga – ka roa tonu te huarahi kia whakamanahia ngā tautuhinga e whakatūhia ai tētahi momo hinonga pēnei nei te nui.

He nui tonu ngā mahi hei whakatutuki e ea ai tēnei tūtohunga whāinga-roa. Me mātua mahi te Karauna me ngā kaitono i nāia tonu nei ki te whakatika i te hononga kua roa nei e kino ana, ki te hoahoa-ngātahi hoki i tētahi kaupapa here whai hua e whakatutuki nei i ngā hiahia ahurei o te Kura Kaupapa Māori. Ki te tika te kawenga o tēnei hoahoa-ngātahi, ka tika te hononga i waenga i te Karauna me Te Rūnanga Nui e ū ai ngā hua e pīrangihia ana e Te Kura Kaupapa kia puāwai ai rātou. Kāore he hua o te whanga kia tū tētahi hinonga motuhake e tīmata ai tēnei mahi. Ki te kore e tika te hononga i waenga i te Karauna me Te Rūnanga Nui, kāore te mahi tahi a ngā kāhui e rua e tutuki i raro i te mana o tētahi hinonga motuhake.

Me kōrero mātou mō te whakapaohotanga o te Pūtea 2024 o nāia tata ake nei, otirā te 3.6 ōrau pikinga o te pūtea i tukuna ki ngā kura me te mātauranga kōhungahunga. \$1.5 piriona hoki i tukuna ki ngā whenua mātauranga e tū ai ngā kura, ki te tono kaiako, ki te puritanga hoki o ngā kaiako.<sup>1</sup> Ahakoa kei tua kē tēnei whakapaohotanga i tā mātau pakirehua kōhukihuki, e manako nei mātou ka whai wāhi ētahi o taua pūtea ki ngā Kura Kaupapa Māori hei whakamahi mā rātou ki te whakaea i ētahi take taumaha kei mua i te aroaro i ō rātou kura.

### 7.3.1 He ohu mātauranga Kaupapa Māori

I te uho o tēnei pakirehua nei ko te Tūtohunga 4(a) a te Rōpū Mahi Motuhake. He mea tono e tērā tūtohunga tētahi ara ōrite hei takahi mā te ara Kaupapa Māori e tautokona ana e tētahi tira mana whakahaere motuhake nō Ngā Kura ā-Iwi me Te Rūnanga Nui.<sup>2</sup> Kātahi tētahi ‘whakaritenga hou’ ka tonoa e Te Pae Roa e tū kaurera ake ai te mana motuhake o te Māori ‘i te ara Kaupapa Māori me te mātauranga Māori i ngā horopaki katoa.’<sup>3</sup> I tono a Te Matakahuki kia tū tētahi kāhui mātauranga Kaupapa Māori motuhake e tukua nei ngā mahi e hāngai ana ki te pūtea, ki te marau, ki ngā rawa, ki te whakarite kōtuitui me te wāhi mahi.<sup>4</sup> Ehara tēnei tono kia tū tētahi momo kāhui mātauranga Māori motuhake i te tono hou – ko te Whakapuakitanga Matawaia i te tau 1998 tētahi tauria.<sup>5</sup>

1. Vote Education, ‘Budget 24’, Ministry of Education, <https://www.education.govt.nz/our-work/publications/budget-2024>, last modified 4 June 2024

2. Tomorrow’s Schools Independent Taskforce, *Our Schooling Futures: Stronger Together/Whiria Ngā Kura Tūātititini* (Wellington: Ministry of Education, 2019), p 53 (application for urgency, supporting documents (doc A6), p 644)

3. Te Pae Roa, ‘The Future of Kaupapa Māori and Māori medium education: Report Back and Independent Advice Following Te Pae Roa’s Engagement Process’, 4 April 2022, p [9] (Rōia Karauna, supporting documents (doc B30), p 1938)

4. Te Matakahuki, ‘The Future of Kaupapa Māori Education: Te Matakahuki Report to the Associate Minister (Māori Education)’, 29 July 2022, pp [9], [11], [12] (Rōia Karauna, supporting documents (doc B30), pp 2336, 2338, 2339)

5. Richard Benton, ‘The Matawaia Declaration: Some Educational and Administrative Implications’, Te Wahanga Maori Working Paper, no 9 (1988), p 1

Ā waho nei, te āhua nei e whakamanahia ana te Tiriti e tēnei momo rōpū whakahaere. Kua kite mātou i ngā whakaritenga kaupapa here o mohoa noa nei a te Karauna, e kore nei te mana o ngā whakataunga whakamutunga mō ngā kaupapa here o te Kura Kaupapa Māori e tukua ki ngā kaitono kia takahia ngā mātāpono Tiriti. Mā tētahi kāhui mātauranga Kaupapa Māori motuhake ōkawa, e whai wāhi nei hoki a Te Rūnanga Nui e whakarite ngā whakaritenga e taea ai e rātou te mana whakahaere o ngā kaitono te whakahaere e whakamanahia ai hoki tō rātou mana motuhake.

I te wā o ā mātou hui, kāore i tino mārāma te tūranga o te Karauna mō te anamata o tētahi rōpū whakahaere mātauranga. I muri mai i te putanga o te pūrongo mātauranga i te marama o Ākuhata 2022, nā Minita Hipkins rāua ko Minita Tuarua Davis i tohutohu e hiahia ana ki te kōkiri i te whakatūnga o te kāhui ture motuhake mō te ara Kaupapa Māori me te ara Reo Māori.<sup>6</sup> Kāore he angawā, kāore he tai pitopito, kāore hoki he huarahi anga whakamua i whakapūmautia, ahakoa tā te Kāhui Minita kī, ‘me whaiwhakaaro te whakatūnga o tētahi kāhui motuhake whai muri i ētahi atu mahi e hāngai ana ki te hōtaka mahi’, ka mutu, e ai hoki ki a Minita Hipkins ‘me tautoko tētahi momo kāhui pēnei i ngā Māori katoa i te pūnaha mātauranga.’<sup>7</sup> E ai ki a Andrea Schöllmann (Kaitohutohu, Kaupapa Here i te Tāhuhu) ‘e pōwhiri tonuhia ana’ a Te Matakahuki ki te mahi i tā rātou ‘whakarite kāhui ture motuhake e ai ki tā rātou e whakaaro nei’ heoi kāore i āta whakamāramahia ngā momo mahi hei whakatutuki mā tēnā, mā tēnā.<sup>8</sup> Nā te rerekē haeretanga o te Kāwanatanga i panonihia ai pea ngā whakaaro o te Karauna.

I muri i ngā tini wānanga mā te arotake i tohungia ai e te Karauna, he mea tūtohu e te Taskforce tētahi kāhui ara Kaupapa Māori motuhake. E tautokona ana hoki ētahi kāhui motuhake e ngā kāhui matua e rua nei i roto i te ao mātauranga Māori – arā ko Te Pae Roa me Te Matakahuki. I ētahi pūrongo motuhake e toru nei, katoa i whai wāhi ai ngā whakaaro o te Māori, nāna tonu i whakamōhio kua tohungia te Karauna kia waihangahia tētahi momo kāhui ara Kaupapa Māori motuhake e whai ai te Māori i tōna tino rangatiratanga i te ao mātauranga. E āhukahukahia ana e mātou te hiahia kia whakatūhia tētahi momo kāhui motuhake mō te ara Kaupapa Māori. Heoi anō, ko Te Rūnanga Nui koia te kaitono i mua tonu i a mātou. Kāore anō mātou kia rongu i ētahi atu kaitono e kī ana he ratonga ara Kaupapa Māori rātou, ā, e whaitake ana kia whai wāhi ki te whakatū i tētahi kāhui motuhake. E mōhio pū ana hoki mātou ki te āhua o ngā tohe a ētahi e whakahē ana i tētahi kāhui pērā. E tika ana kia tohea tērā kaupapa.

E herea ana ā mātou tūtohunga ki ngā kaitono i mua i a mātou. Nō reira, e tūtohu nei mātou kia titikaha te Karauna ki te whakatū i tētahi kāhui ara Kaupapa Māori motuhake, e whai wāhi nei te Rūnanga Nui. Me mahi tahi te Karauna me te Māori ki te whanake i te kāhui e manokohia ana i a ia e wānanga nei i ana mahi me ngā tautuhinga o tōna anga, o tōna korahi me te whakahaerenga ōna. Ka hiahia pea te Karauna ki te whakamahi i ētahi pūrongo a Te Pae Roa me Te Matakahuki

6. Ngā tāpaetanga whakakāpi a te Karauna, 19 June 2023 (paper 3.3.4), p 76

7. Kōrero taunaki a Andy Jackson rāua ko Andrea Schöllmann, 5 May 2023 (doc B28), pp 31, 33

8. Kōrero taunaki a Jackson rāua ko Schöllmann (doc B28), p 32

hei tūāpapa o tēnei mahi. Pēnei i tā mātou i kī ai i mua, he tūtohunga whāinga roa tēnei. Me mātua whakaaro ake te kaupapa here whanake mahi i te taha o Te Rūnanga Nui hei whāinga poto kia arongia ai ngā hiahia o te Kura Kaupapa Māori (ka kōrerohia i raro iho nei), i runga i te mōhio ka roa tēnei mahi whakatū kāhui motuhake.

E mārāma ana ka nui ake pea ngā wānanga i te pakirehua Ratonga Mātauranga me ngā Hua tēnei te haramai nei e tutuki ai te whakatūnga o te kāhui motuhake nei, i runga i te hua o ngā taunakitanga i tau ai ki mua tonu i te aroaro. Heoi anō, ki a mātou nei he arawātea kia whai wāhi ētahi ki te whakawhanake i tētahi kāhui pēnei i tōna tīmatanga rā anō.

### 7.3.2 Te whakarauoratanga o te hononga o ngā kāhui

I mua i te panonihanga o tētahi kaupapa here whaitake ki te tautoko i te Kura Kaupapa Māori, me mahi tahi te Karauna me Te Rūnanga Nui ki te whakarauora i te hononga i hē ai i te tukanganga arotake me te whakahou i a Ngā Kura mō Āpōpō. E kimi tohutohu ana ngā kaitono e rua me te Karauna i te Taraipiunara kia mōhio ai ki te ara anga whakamua e tika ai te hononga.<sup>9</sup>

Tuatahi ake, e tūtohu nei mātou i te Karauna kia whākina āna takahitanga mātapono Tiriti ka whakapāha ai ki ngā kaitono. Ki a mātou nei koinei te mahi tuatahi e tīmatatia ai te whakatika haeretanga o te hononga me te mana o te Karauna. Inarā, me pōwhiri e te Karauna tērā hapa, me whakapāha hoki ia i te koretake o tana whakawhitiwhiti kōrero ki Te Rūnanga Nui i te tukanganga arotake me te whakahou i a Ngā Kura mō Āpōpō, i heke kino ai te hononga o ngā kāhui nei. Me tautoko te whakapāha nei e ngā mahi a te Karauna kia whai tikanga ai tā Te Rūnanga Nui whai wāhi ki te whakatū kaupapa here e whai wāhi ana ki te Kura Kaupapa Māori – ka kōrerohia i te wāhanga 7.3.3.

Tuarua, e takoto ai te tūāpapa o te whakatika haeretanga o te hononga o te Karauna me ngā kaitono, me mātua tautuhi anō i te hononga. E mōhio pū ana kāore i tutuki i ngā tau, inarā te wānanga tautuhi anō i te hononga i muri mai i te Whakaetanga Takawaenga a ngā kāhui nei i te tau 2022. I te arotakenga me te tukanganga arotake me te whakahou i a Ngā Kura mō Āpōpō, kāore anō tā te Karauna mahi tahi me Te Rūnanga Nui kia eke ki te taumata e whakanuia ai te kōtuinga Tiriti. Me titikaha te Karauna ki te āta whakawhitiwhiti kōrero ki Te Rūnanga Nui e taea ai e rātou te whai wāhi ki ngā tukanganga kaupapa here e pā nei ki te Kura Kaupapa Māori. E whai wāhi nei tā te ranga hautū o te Karauna āta whakarongo e mārāma ai rātou ki ngā āwangawanga o Te Rūnanga Nui. E tutuki ai tērā, me mārāma pū aua āpiha rā ki te Kura Kaupapa Māori, ki ō rātou tino hiahia, ki tōna tūranga hei whakatinanatanga o te tino rangatiratanga i roto i te mātauranga ki te āhua hoki o tō rātou rōpū whakahaere e kaha ū nei ki tō rātou ao Māori. I ngā taunakitanga, e mārāma ana te kitea o te kore mārāma o ngā āpiha o te Tāhuhu, me te kōroiroi o aua āpiha matua kia whai wāhi ki Te Rūnanga Nui hei kāhui e here nei ki ngā mahi o te kōtuinga Tiriti.

9. Ngā tāpaetanga whakakapi a ngā kaikereme, 12 June 2023 (paper 3.3.3), pp 170–171; Ngā tāpaetanga whakakapi a te Karauna (paper 3.3.4), pp 84–85

Ehara i te mea mā mātou e tūtohu me pēhea koia tā te Karauna whakatauirā i ana whakatutukihanga ki ngā kaitono pēnei i te mārāma, i te whai rānei i ana hae-papatanga Tiriti mō Te Rūnanga Nui me te Kura Kaupapa Māori. E whaiwhakaaro nei mātou ki te arawātea mā te whakahounga o te whakaetanga o Te Tauākī Kawa e taea ai e ngā kaitono te whāki atu ki te Karauna i ō rātou hiahia kia whakahau-manuhia anō te pono i ngā kāhui nei, tae noa atu ki ētahi atu momo herenga. Ki te hiahia, hei tīmatanga e taea nei e ngā kāhui te whakamahi ngā mātāpono i tonoa ai e ngā kaitono kia whakakaurerahia tō rātou hononga ā haere ake nei.<sup>10</sup> E whaiwhakaaro nei hoki mātou ki tētahi momo hātepe whakahoanga, me whai wāhi ngā raukura ka tika. He raukura taumata rau kua puta i te Kura Kaupapa Māori e mātau ana ki te whakatairanga i te anga whakamua o te kaupapa. Me anga te titiro a Te Rūnanga Nui ki te angitu o te kaupapa, me whai wāhi hoki ngā raukura ki ngā wānanga nei e pūmau ai te hononga ki tua rā anō o te awe māpara. E whaiwhakaarohia ana tēnei whakaetanga, ahakoa ka tutuki mā te whakahounga o Te Tauākī Kawa, mā tētahi atu huarahi rānei, me hui rangatira ki te rangatira – me whai wāhi te Hēkeretari o te Mātauranga. I tua atu i konei, he mea nui kia aroturukingia e ngā ranga hautū o ia taha o te hononga o te Tāhuhu me Te Rūnanga Nui, inarā te wāhi ki te tika o ngā wānanga whakawhiti kōrero. Hei tā Iona Holsted, Hēkeretari o te Mātauranga ki te Tāhuhu, ka mahue te whai i tēnei i muri tonu i te Whakaetanga Takawaenga i te marama o Mei 2022.<sup>11</sup>

Hei whakarāpopototanga, e tika ai te waka tēnei kua tikoki nā te hē o te hononga o ngā tira i tā te Karauna takahi i ngā mātāpono Tiriti, e tūtohu nei mātou kia mahi tahi te Karauna me ngā kaitono ki te tautuhi anō. Me pēnei te āhua o te tautuhi anō i te hononga:

- ▶ me titikaha te Karauna ki te āta kōrero ki Te Rūnanga Nui e whaitake ai te whai wāhitanga o Te Rūnanga Nui ki ngā mahi kaupapa here e tau nei ki te aroaro o te Kura Kaupapa Māori;
- ▶ me titikaha te Karauna ki te āta whakamārama ki ngā āpiha me ngā kaihautū o te Tāhuhu e mahi tahi nei me Te Rūnanga Nui e mārāma pū ai rātou katoa ki ngā hiahia ahurei o te Kura Kaupapa Māori;
- ▶ me titikaha kia whai wāhi te Hēkeretari o te Mātauranga ki te kaupapa nei hei tira e noho tahi ai ko te rangatira ki te rangatira ki te wānanga i te hononga; ā,
- ▶ kia aroturukingia e ngā kāhui e rua nei te hononga i waenga i te Tāhuhu me Te Rūnanga Nui ā haere ake nei, tae noa ki te tika o ngā whakawhitinga kōrero

### 7.3.3 He ara whakarara te ara Kaupapa Māori

He mea tonu e ngā kaitono kia tūtohungia te Karauna kia mahi tahi me Te Rūnanga Nui me te Kura Kaupapa Māori e whanakehia ai tētahi 'anga whakarara' mō te Kura Kaupapa Māori te take.<sup>12</sup> I tā mātou aromatawai, i tōna taumata tike-tike, e tonu nei kia rua ngā herenga; arā ko te whanaketanga o ngā kaupapa here

10. Ngā tāpaetanga whakakapi a ngā kaikereme (paper 3.3.3), p171

11. Tuhinga kape kōrero 4.1.6, p 274

12. Ngā tāpaetanga whakakapi a ngā kaikereme (paper 3.3.3), p172

kua āta whāia e hāngai ana ki te Kura Kaupapa Māori kia āhei ai tōna angitu me te whai wāhi nui a Te Rūnanga Nui ki te whakarite i taua kaupapa here.

E whaitake ana ngā herenga e rua kia whakatikaina te whakahāweatanga o ngā kaitono – inarā te iti o tō rātou mana i ngā kaupapa here kua tau ki te Kura Kaupapa Māori me te takarepa o taua kaupapa here. Kia ora rā anō te hononga, mā reira e tīmata ai te waihanga kaupapa here e hāngai pū ana ki te Kura Kaupapa Māori. Me mātua whai wāhi a Te Rūnanga Nui ki te waihanga i taua kaupapa here rā.

E tūtohu nei mātou i te Karauna kia mahi tahi me Te Rūnanga Nui (e whakanohi nei i te whānau o te Kura Kaupapa Māori) kia whakaritea ētahi kaupapa here e hāngai pū ana ki te Kura Kaupapa Māori, e kōrero ana mō:

- te hātepe whakatū whare Kura Kaupapa Māori hou;
- te tautoko ā-rauemi nei i Te Marautanga o Te Aho Matua;
- te whakamahere whatunga mō te whanaketanga o te Kura Kaupapa Māori i te pae roa; me
- ngā rawa e hiahiatia ana e te Kura Kaupapa Māori.

Me whakarite ngātahi ēnei kaupapa here e ngā kāhui e rua nei, otirā e te Karauna me ngā kaitono e tapatahi ai te mahi, te wairua, te pāhekoheko, me ngā whakataunga i te whanaketanga o tēnei kaupapa here, ka mutu, kia tau rā anō i ngā tira e rua ngā kōrero me ngā whakataunga, mā reira e tau tika ai te kaupapa here. E mōhio nei mātou ki tā te Karauna whakaae kia wehea ngā wāhanga mahi i te Hōtaka Mahi Ara Reo Māori mō te Ara Kura Kaupapa Māori e ārahina ana e Te Matakahuki.<sup>13</sup> He tika pea tēnei ara whakarite mahi e tutuki ai te tūtohunga. Ki a mātou nei, kia ea rā anō te hononga me kōkiri tēnei kaupapa here ā kō kō tonu ake nei. Kia kua noa iho e whakapōreareatia e ngā whakaaro o tētahi kāhui kāwanatanga motuhake, heoi e mārāma ana ka roa pea tēnei tukanga. Me whai kaupapa here whaitake te Kura Kaupapa Māori ināianei, kua ā muri ake nei.

Ko tētahi mahi e pīrangihia ana e ngā kaitono ko te kāhitingia o Te Marautanga o Te Aho Matua, hei marau ā-motu.<sup>14</sup> E mārāma ana mātou ki ētahi tūraru e hāngai ana ki tēnei, tae noa ki te whakamahinga o Te Marautanga o Te Aho Matua e ētahi nō waho atu i te Kura Kaupapa Māori Te Aho Matua.<sup>15</sup> Ki a mātou nei, kia kua te Taraipūnara e aromatawai i ērā tūraru, e tono rānei kia kāhitingia te marautanga. E mōhio ana mātou ki ngā whakaaro o te Karauna kia kāhitingia te marautanga, ka mutu, e pōwhiritia nei te Karauna me ngā kaitono ki te wānanga tonu i tērā take.<sup>16</sup> Heoi anō, ko tētahi take matua e hiahia nei ngā kaitono kia kāhitingia Te Marautanga o Te Aho Matua ko te kaha tautokona ōna hei marautanga.<sup>17</sup> Ko te manako ka tautokona tēnei kaupapa e tā mātou tūtohunga kia tū tētahi kaupapa here tūtahi hei tautoko māna i te marautanga.

13. Tuhinga pitopito kōrero a Iona Holsted, 22 May 2023 (doc B29(b)), p11; Ngā tāpaetanga whakakapi a te Karauna (paper 3.3.4), p74

14. Ngā tāpaetanga whakakapi a ngā kaikereme (paper 3.3.3), p172

15. Ngā tāpaetanga whakakapi a te Karauna, (paper 3.3.4), pp78–79

16. Kōrero taunaki a Daryn Bean rāua ko Darren Nathan, 5 May 2023 (doc B31), p19

17. Te Rūnanga Nui, 'Analysis of Education Work Programme and Tomorrow's Schools Reforms' (Hohepa Campbell and Mahinarangi Maika, supporting documents (doc B26(a)), p7)

### 7.3.4 Ā ngā kaitono utu me ētahi atu take

E tono nei ngā kaitono kia pikautia e te Karauna tā rātou pire i ngā whakaritenga, i ngā whakahaerenga me te kaewnga o tēnei kerēme.<sup>18</sup> E ai ki te Karauna, e whakaae ana rātou kia pikautia e rātou ngā utu a ngā kaitono e ai ki ngā tikanga o te tahua pūtea Mana Wāhine.<sup>19</sup> E mārara ana e whai nei tēnei i ngā tūtuhunga whāingapoto o te pakirehua *Whakatika ki Runga* (2023) mō te kimi pūtea a te kaitono i runga i te whakapono koirā te ara tika e ea ai ngā utu a te kaitono.<sup>20</sup>

Kua tono hoki ngā kaitono kia oti i a rātou ko te Karauna tētahi pūrongo e aro ana ki ngā take nui e mōhio ai rātou ki ngā rangahau hei whai e whanakehia ai te Kura Kaupapa Māori, tae noa ki te pūrongo o ngā tukanga kohi raraunga a te Karauna me te tātaritanga e hāngai ana ki te Kura Kaupapa Māori.<sup>21</sup> E whakaae ana te Karauna ki te take ‘e tika ana, ka whai hua hoki’ ēnei pūrongo, heoi me whakaraupapa te hōtaka mahi ka tika.<sup>22</sup> Ki a mātou nei, he hua o roto i ngā pūrongo e aro nei ki ngā take nui, heoi e mōhio ana hoki kāore e tino hāngai ana ki te whāititanga o tēnei pakirehua. Nō reira, kāore ā mātou tūtuhunga mō tēnei take. Kua tono hoki ngā kaitono kia whakaeangia te whakahāweatanga o te Kura Kaupapa Māori e te Karauna i te iti noa o te pūtea i tukua i ngā tau o te 1990 ki te 2021.<sup>23</sup> Kei waho kē tēnei tono i te korahi o tēnei pakirehua, e arongia kēhia ana i te tukanga arotake me te whakahou i a Ngā Kura mō Āpōpō. Nō reira, kāore ā mātou tūtuhunga i tēnei take.

E rongō ana mātou i te tono a ngā kaitono kia whakapā anō ngā tira nei ki te Taraipiunara mō te anga whakamua o te whakahaerenga o ā rātou tūtuhunga, tae noa ki tā ngā kaitono whakamohio atu mēnā e hiahia ana rātou ki te whai i tētahi pakirehua whakaarotau mō ngā take o tā rātou kerēme kāore anō kia ea.<sup>24</sup> Kua tau kē ngā tūtuhunga a te paewhiri mō ngā take kerēme i te whāititanga o tēnei pakirehua, ā, he māori noa iho tēnei ki te Taraipiunara. Heoi anō, e kite nei i te āhua o te hononga i waenga i ngā kāhui nei e whai wāhi nei pea ki te pakirehua kaupapa Ratonga Mātauranga me ngā Hua tēnei te ara mai nei. Kāore e kore ka tono whakamōhiotanga te paewhiri.

## 7.4 KŌREO WHAKAKAPI

Hei whakakapi ake, koia ēnei ko ā mātou tūtuhunga hei whakaea i ngā whakahāweatanga i tau rā ki ngā kaitono i te takahitanga o ngā mātāpono Tiriti e te Karauna. E tūtohu nei mātou i te Karauna kia:

- ▶ whakapāha ki ngā kaitono i tā rātou takahi i ngā mātāpono Tiriti.

18. Ngā tāpaetanga whakakapi a ngā kaikereme (paper 3.3.3), p173

19. Ngā tāpaetanga whakakapi a te Karauna (paper 3.3.4), p92

20. Te Rōpū Whakamana i te Tiriti o Waitangi, *Whakatika ki Runga: A Report on the Crown's Obligations to Fund Claimants in the Waitangi Tribunal* (Lower Hutt: Legislation Direct, 2024), p137

21. Ngā tāpaetanga whakakapi a ngā kaikereme, (paper 3.3.3), pp172–173

22. Ngā tāpaetanga whakakapi a te Karauna (paper 3.3.4), p90

23. Ngā tāpaetanga whakakapi a ngā kaikereme, (paper 3.3.3), p50

24. Ngā tāpaetanga whakakapi a ngā kaikereme (paper 3.3.3), p174

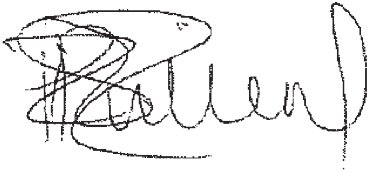


- ▶ mahi tahi me ngā kaitono ki te tautuhi anō i te hononga o te Tāhuhu me Te Rūnanga Nui.
- ▶ whakarite ngātahi me ngā kaitono i ngā kaupapa here mō te Kura Kaupapa Māori e kōrerohia ai:
  - te hātepe whakatū whare Kura Kaupapa Māori hou;
  - te tautoko ā-rauemi nei i Te Marautanga o Te Aho Matua;
  - te whakamahere whatunga mō te whanaketanga o te Kura Kaupapa Māori i te pae roa; me
  - ngā rawa e hiahiatia ana e te Kura Kaupapa Māori.
- ▶ titikaha ki te whakatū i tētahi kāhui ara Kaupapa Māori motuhake – ko te korahi pū me ngā āheinga hei waihanga mā te Karauna, mā nga kaitono me ngā kiripānga Māori.

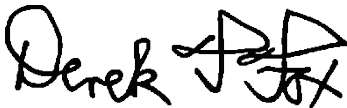
*Kia tīkina ake ki te kupu, koia ko te kupu,  
 ko te kupu ka tau ki runga ki tēnei pūrongo.  
 He kupu kia pūrangiaho,  
 he kupu ka matatika,  
 he kupu ka takoto hei whakamānawa i te tuituinga kōrero,  
 i te tuituinga whakaaro.  
 Mānawa mai te whakarārangihia o te kōrero.  
 Mānawa mai te hōhonutanga o te whakaaro.  
 Mānawa mai te tapanga kupu  
 ‘Kei Ahotea te Aho Matua!’  
 Koia kotia! Koia hāpinetia!  
 Tēnei te whiri ka ū.  
 Tēnei te whatu ka mau.  
 Whiria te Aho Tāmiro, ka mau.  
 Whiria te Aho Tāwai, ka mau.  
 Whiria te Aho Kārure, ka mau.  
 Whiria te Aho Tuapuku, ka mau.  
 Whiria te Aho Tuamaka, ka mau.  
 Whiria te Aho Kohunga, ka mau.  
 Whiria te Aho Whītiki, ka ū, ka mau.  
 Tēnei te Aho Whītiki te rangitāmiro nei  
 i ngā muka kōrero o tā tēnā whatukura,  
 o tā tēnā māreikura i takoha mai ai.  
 Whatua mai, e hika, tō pueru hei whakakākahu i te kaupapa.  
 Whakatānikotia mai, e kara, ki ngā miro i tāwaitia  
 ki te kōkōwai hei whakamīharo mai mā te tini, mā te mano.  
 Kia oti ngā tau o tō kahu,  
 koia hoki hei tohu i ngā mātāpono o Te Tiriti o Waitangi,  
 ka here ai, kia mau ai ki te ao tūroa nei, e.*



Whakapūmautia ki *Te Whanganui-a-Tara* i te 25 o te Hūrae 2024



Kaiwhakawā Rachel Mullins, Tumuaki Pakirehua



Derek Fox, Mema



Ahorangi Susy Frankel FRSNZ, Mema



Ahorangi Rawinia Higgins, Mema



Herewini Te Koha, Mema





## KUPUTAKA

- anga* model  
*anganui* address  
*aparau* bureaucracy  
*ara Kaupapa Māori* Kaupapa Māori Education  
*ara Reo Māori* Māori Medium Education  
*ara whakarara* parallel path  
*Aratohu Tikanga Whanonga* Code of Conduct  
*arawātea* opportunity  
*aromātai* assess, assessment  
*aronga torohū* potential scope  
*haepapa* responsibility  
*hakahakiā* meaningless, worthless  
*hāngaitanga o te Tiriti* Treaty consistency  
*hāpono* prove  
*hārakiraki* inconsistent  
*hātepe* procedure  
*herenga* duty  
*hīkaro* distil  
*hīrautanga* repercussions, entanglement  
*hiwa* activate  
*Hōtaka Mahi Mātauranga* Education Work Plan  
*hōtaka whakatutuki* implementation programmes  
*hoto* suspicious  
*huatau* concept  
*hui taumata* summit (hui)  
*huringa pōti* electoral cycle  
*hūrokuroku* uninterrupted  
*i whaihua tā rātou whakapaunga kaha ki te whakahuihui* rendering their effort at engagement redundant  
*Kāhiti* Gazette  
*kāhitingia* to be gazetted  
*karawhiti* assemble, form up  
*kauneketanga tōmua* initial steps  
*Kaunihera Kaiako o Aotearoa* Teaching Council of New Zealand  
*kaupapa mahi* workstream  
*kawatau* expectation  
*kawenga* accountability  
*kiripānga* stakeholder(s), affected party(ies)  
*ko te Tiriti te whakaaetanga* Treaty standard is consent  
*kōaro* prejudice

*kōhukihuki* urgent  
*Komiti Hauora ā-Pāpori a Te Kāhui Minita* Cabinet Social Wellbeing Committee  
*Komiti Whiri Take Mātauranga, Take Hunga Mahi* Education and Workforce Committee  
*Komiti Whiriwhiri* Select Committee  
*kōrero takarepa* poor communication  
*Kōwheori* COVID-19  
*kōwhiti* discretionary  
*(kura) ahurei* special character (school)  
*(kura) tūhāhā* distinct (school)  
*māha* satisfied  
*mana* ultimate authority  
*mana kaitiriwā* intervention (school)  
*mana whakatopatopa* assumed leadership  
*manarite-kore* inequality, disparity  
*manatōpū* incorporated society  
*manatu* memorandum  
*Manatū Mātauranga Reo Māori* Māori Medium Education Authority  
*marau* curriculum  
*māraurau* eligibility  
*marautanga* curriculum  
*marohi* propose  
*mātanga mōwaho* external consultant  
*matatini* complex  
*mātauranga hāpori* State education  
*mātauranga whakature* compulsory schooling  
*mātuatua rā* significantly  
*Ohu Mātanga Hāpai* Technical Advisory Group  
*Pae Whiriwhiri Tohutohu Rāngai Huhua* Cross-Sector Advisory Panel  
*paearu māraurau tumuaki* tumuaki eligibility criteria  
*paetoru* tertiary  
*Paewhiri Tohutohu* Advisory Panel  
*pānga torohū* potential impact  
*pepa whakamārama* briefing note  
*Pokapū Mātauranga* Education Hub  
*popono* demand (desire)  
*pou-tarāwaho* framework  
*pūahoaho* transparent  
*pūnaha tiaki* mechansim  
*puriwāhi* placeholder  
*putanga i whakaaetia* agreed outcomes  
*rāngai* sector  
*Ratonga me ngā Putanga Mātauranga* Education Services and Outcomes  
*Right Honourable* Hōnore Mauroa  
*rōpū kāwana motuhake* autonomous governance body  
*Rōpū Mahi Motuhake* Independent Taskforce

*tahanga* ill-equipped, naked  
*tāhonotanga* interface  
*takune* intend  
*takunetanga* event  
*tapeke* subsume  
*tau tahua* budget years  
*taupua* interim  
*tautauāmoa* unilateral  
*tautiaki* maintenance  
*tautika-kore* inequity  
*tautuhi anō* reset  
*tautuku ā-Tiriti* Treaty compliance  
*tauutu* counter (argument)  
*tawhā* parameters  
*Te Kōmiti Kopou me Ngā Tohu Hōnore a Te Kāhui Minita* Cabinet Appointments and Honours Committee  
*te tukanga arotake me te whakahou i a Ngā Kura mō Āpōpō* Tomorrow's Schools review and reform process  
*tikanga whakamaru* safeguard (tūingoa)  
*Toi Rangapū Kaupapa Māori Ara Reo Māori* Māori Medium Education Peak Bodies  
*Toi Rangapū Kaupapa Māori* Māori Education Peak Bodies  
*tōnanawe* delay  
*tongi mahi* action point  
*tūāre* phase, stage  
*tukinga whaipānga* conflict of interest  
*tūranga kaupapahere o te Karauna* Crown's policy position  
*ture whānuitanga* terms of scope  
*tūroa* persistent  
*tūtahi* bespoke  
*tūtohunga* recommendation  
*uiui* consult  
*uiuinga* consultation  
*Umanga Mātauranga Motuhake* Education Support Agency  
*ūnga ki te tokoiti o te ōwehenga kaiako ki te tauria e kapo tikahia ai te reo Māori* low staff to student ratios are maintained to facilitate the efficient acquisition of te reo Māori  
*upane* step (procedure)  
*uruhi* impose  
*utanga* responsibility, obligation  
*whāinga paetawhiti* stretch target  
*whakaarotau* priority  
*whakakakau* communicate  
*whakamahere whatunga* network planning  
*whakamōrahi* maximise  
*whakangongo* neglect, disregard, pay no attention  
*whakapāpā* engage

## KUPUTAKA

*whakapuaki nui* refer variously  
*whakapuaki tonutanga* ongoing advocacy  
*whakaranu tahi* assimilate  
*whakaratonga* provisions  
*whakarere* dismiss  
*whakatau* find (in terms of ruling)  
*whakatau wenerau* resolution clause  
*whakatewhatewha* investigate  
*whakatinanatanga* delivery  
*whakatōririki* minimise, reduce  
*whakawākanga* hearings  
*whatunga kura tūmatanui* State-schooling network



APPENDIX

**ENGLISH TEXT OF REPORT CHAPTERS 3 TO 7**

## ABBREVIATIONS

app	appendix
CA	Court of Appeal
DPMC	Department of the Prime Minister and Cabinet
doc	document
ESA	Education Service Agency
EWP	Education Work Programme
Hon	Honourable
IMPB	Iwi-Māori Partnership Boards
KME	Kaupapa Māori Education
Ltd	limited
MEA	Māori Education Authority
MME	Māori Medium Education
MOE	Ministry of Education
p, pp	page, pages
RMWG	Rāngai Māori Workforce Group
ROI	record of inquiry
s, ss	section, sections (of an Act of Parliament)
sch	schedule
sec	section (of a book or report)
TAM	Te Aho Matua
TPR	Te Pae Roa
TRN	Te Rūnanga Nui
UNDRIIP	United Nations Declaration on the Rights of Indigenous Peoples
v	and (in a legal case name)
vol	volume
Wai	Waitangi Tribunal claim

Unless otherwise stated, footnote references to briefs, claims, documents, memoranda, papers, submissions, and transcripts are to the Wai 1718 record of inquiry. A copy of the index to the record is available on request from the Waitangi Tribunal. All URLs in footnotes were accurate at the time of going to print.

## CHAPTER 3

### TE AHO KĀRURE

#### 3.1 INTRODUCTION

As introduced in chapter 1, claimants in this inquiry argue that the Crown's conduct and decisions throughout the Tomorrow's Schools review and reform process have breached its Treaty obligations to Te Rūnanga Nui and Kura Kaupapa Māori. Specifically, claimants expressed concern about:

- ▶ the Crown's decision to establish the independent Tomorrow's Schools Review Taskforce;
- ▶ the Crown's responses to the Taskforce's 2019 report (*Our Schooling Futures: Stronger Together: Whiria Ngā Kura Tūātitini*), especially Recommendation 4(a) to have an autonomous governance body for Kaupapa Māori education; and
- ▶ the Crown's 2021 and 2022 policy work to 'grow Māori-medium and Kaupapa Maori education.'

The claimants argue they, and the Kura Kaupapa education pathway in general, have experienced prejudice because of the Crown's actions and omissions throughout the Tomorrow's Schools review and reform process.<sup>1</sup>

While the Crown does not agree it breached the Treaty, it did seek guidance from the Tribunal on how best to uphold its Treaty obligations in respect of its relationship with Te Rūnanga Nui.<sup>2</sup> Both parties acknowledge their relationship was fractured and ask for support from the Tribunal on how this could be reset. The claimants also asked the Tribunal to recommend specific remedies in its report.<sup>3</sup>

In order to assess the claim before us and make findings and recommendations, we set out here the Treaty principles and duties we consider most relevant to this urgent inquiry. While discussing each principle, we draw on the parties' submissions, as well as previous Tribunal jurisprudence, particularly relating to the Crown's education legislation, policy and regulatory frameworks.

#### 3.2 JURISDICTION

The Treaty of Waitangi Act 1975 sets out the jurisdiction of the Waitangi Tribunal. Section 6(1) of the Act provides that any Māori may make a claim to the Tribunal

---

1. Claimant counsel, closing submissions, 12 June 2023 (paper 3.3.3), pp 160–164

2. Crown counsel, closing submissions, 19 June 2023 (paper 3.3.4), p 51

3. Claimant counsel, closing submissions (paper 3.3.3), pp 164–174

that they have been, or are likely to be, prejudicially affected by any legislation, policy or practice of the Crown that is inconsistent with the principles of the Treaty.

If the Tribunal finds a claim is well-founded in ‘all the circumstances of the case’, it may recommend to the Crown ways to compensate for, or remove, the prejudice, or to prevent others from being similarly affected in the future. To determine whether a claim is well-founded, the Tribunal must be satisfied that:

- ▶ the claimant has established a claim falling within one or more of the matters referred to in section 6(1) of the Act; and
- ▶ the claimant is, or is likely to be, prejudicially affected by such matters; and
- ▶ any such matters were, or are, inconsistent with the principles of the Treaty.

For a claim to be granted an urgent inquiry, a higher standard of criteria must be met. The Tribunal takes the following factors into account:

- ▶ the claimants can demonstrate they are suffering, or are likely to suffer, significant and irreversible prejudice as a result of current or pending Crown actions or policies;
- ▶ there is no alternative remedy that, in the circumstances, it would be reasonable for the claimants to exercise; and
- ▶ the claimants can demonstrate they are ready to proceed urgently to hearing.

Other factors the Tribunal may consider include whether:

- ▶ the claim or claims challenge an important current or pending Crown action or policy;
- ▶ an injunction has been issued by the courts on the basis that the claimants have submitted to the Tribunal the claim or claims for which urgency has been sought; and
- ▶ any other grounds justifying urgency have been made out.<sup>4</sup>

### 3.3 RELEVANT PRINCIPLES AND DUTIES

#### 3.3.1 Tino rangatiratanga

Article 2 of te Tiriti guaranteed Māori tino rangatiratanga over their land, villages, forests and other taonga. In other words, it guaranteed to Māori the right to live as Māori in terms of their cultural values and practices. The claimants argue Kura Kaupapa Māori represent the exercise of tino rangatiratanga in the modern context.<sup>5</sup> In particular, they allege the Crown has undermined and prejudiced the mana of Kura Kaupapa Māori and their whānau and undermined their exercise of tino rangatiratanga.<sup>6</sup> For its part, the Crown does not accept it has denied the claimants’ right to exercise rangatiratanga in this context.

Previous Tribunals have commented on how tino rangatiratanga intersects with education. In the *Mokai School Report* (2000), the Tribunal found ‘the treaty

---

4. Waitangi Tribunal, *Guide to the Practice and Procedure of the Waitangi Tribunal* (Wellington: Waitangi Tribunal, 2023), pp13–14

5. Claimant counsel, opening submissions, 26 April 2023 (paper 3.3.1), p7

6. *Ibid*, p31

principle of tino rangatiratanga’ was ‘relevant to the interactions between the Crown and Mokai community over the State education of Mokai children’. The Tribunal’s view was based on the assessment that the Mokai community hold tino rangatiratanga and that State education plays a critical role in fulfilling the ‘Crown’s duty actively to protect the taonga of Māori language and knowledge.’<sup>7</sup>

Similarly, the *Te Whanau o Waipareira Report* Tribunal (1998) found in its consideration of the Crown’s responsibility to partner with non-iwi groups in the provision of social services that: ‘Rangatiratanga resides in a community. While legal structures may be established by Maori groups for their own purposes, they merely reflect or approximate the locus of rangatiratanga, and the legal structure should not be mistaken for the community.’<sup>8</sup>

In *Matua Rautia: The Report on the Kōhanga Reo Claim* (2013), the Tribunal found that although the Kōhanga Reo Trust could not be strictly defined as the ‘community’, through its relationship with its Kōhanga Reo membership, ‘the Trust has been charged to exercise *their* rangatiratanga and kaitiakitanga at a national level for the purposes of promoting the kaupapa of the movement with the Crown so as to improve matters of policy, regulation and funding’.<sup>9</sup> The Kōhanga Reo Tribunal determined that as a consequence of this relationship the Crown must, in Treaty terms, share responsibility and control with kōhanga reo and the Trust, as representative of its membership, in the development of a policy framework that respects the kaupapa of kōhanga reo.<sup>10</sup>

Various Tribunals have found the principle of tino rangatiratanga guarantees Māori the right to control their own social and political processes, and to the extent that is practicable and reasonable, Māori should be given the opportunity to fix and determine their own policy.<sup>11</sup> In particular, the Tribunal considered in the *Mokai School* report that this right of self-determination was relevant in the context of education. The *He Kura Whenua ka Rokohanga: Report on Claims about the Reform of Te Ture Whenua Māori Act 1993* Tribunal (2016) added that ‘Māori should develop reforms to their own institutions.’<sup>12</sup>

We see the Tomorrow’s Schools review and reforms in the same light. The Kura Kaupapa Māori movement is an expression of tino rangatiratanga. It is a direct Māori response to a compulsory State education system the claimants say did not

---

7. Waitangi Tribunal, *The Mokai School Report* (Wellington: Legislation Direct, 2000), p 13

8. Waitangi Tribunal, *Te Whanau o Waipareira Report* (Wellington: GP Publications, 1998), p 2

9. Waitangi Tribunal, *Matua Rautia: The Report on the Kōhanga Reo Claim* (Wellington: Legislation Direct, 2013), p 93

10. Ibid, p 66; Waitangi Tribunal, *Ko Aotearoa Tēnei: A Report into Claims concerning New Zealand Law and Policy Affecting Māori Culture and Identity, Te Taumata Tuarua*, 2 vols (Wellington: Legislation Direct, 2011), vol 2, p 450

11. Waitangi Tribunal, *The Mokai School Report*, pp 12–13; Waitangi Tribunal, *Whaia te Mana Motuhake/In Pursuit of Mana Motuhake: Report on the Māori Community Development Act Claim* (Wellington: Legislation Direct, 2015), p 29

12. Waitangi Tribunal, *He Kura Whenua ka Rokohanga: Report on Claims about the Reform of Te Ture Whenua Māori Act 1993* (Wellington: Legislation Direct, 2016), p 129

provide for tamariki and whānau Māori and thus directly engages the Crown's obligations to give effect to their tino rangatiratanga.<sup>13</sup>

### 3.3.2 Kāwanatanga

The Crown acquired kāwanatanga in article 1 of the Treaty. The Tribunal has frequently interpreted this as an authority to govern and make laws.<sup>14</sup>

*The Report on the Aotearoa Institute Claim concerning Te Wananga o Aotearoa* (2005) Tribunal applied this principle to the education sector, finding that kāwanatanga empowers the Crown to determine tertiary education policy.<sup>15</sup> That Tribunal added that good kāwanatanga fundamentally depended on the 'Crown having a fully informed understanding and respect for what a wānanga is'. In *Matua Rautia*, the Tribunal considered that the Crown may determine early childhood education policy 'in accordance with the principles of effective government and for the benefit of all New Zealanders'.<sup>16</sup>

In *Ko Aotearoa Tēnei: A Report into Claims concerning New Zealand Law and Policy Affecting Māori Culture and Identity* (2011), the Tribunal considered the Crown's exercise of kāwanatanga within the Treaty partnership must conform to the principles of good government. When commenting on the Crown's obligations regarding te reo Māori, that Tribunal found 'the State owes Māori two kāwanatanga duties: transparent policies forged in the partnership to which we have referred; and implementation programmes that are focused and highly functional'.<sup>17</sup>

In our view this reasoning also applies to the compulsory education sector. The Crown's kāwanatanga authority enables it to determine policy, including the reform of Tomorrow's Schools. We highlight three ways in which this jurisprudence on the exercise of kāwanatanga within the Treaty partnership applies to the current inquiry. First, the Crown, when exercising its kāwanatanga authority, has an obligation to ensure its policy decisions relating to Kura Kaupapa Māori are transparently communicated; second that the Crown must engage directly and specifically with the impacts its policy could have on Kura Kaupapa Māori when making those decisions; and thirdly, the Crown must work to create targeted and effective policy responsive to the specific needs of Kura Kaupapa Māori. The Crown has kāwanatanga responsibilities to facilitate education that supports all ākonga Māori, as Crown counsel emphasise.<sup>18</sup> Kura Kaupapa Māori exist within the context of a compulsory schooling system. Access to this system is not only

13. Wai 1718 amended statement of claim, 12 October 2021 (paper 1.1.1(c)), p [4]

14. Waitangi Tribunal, *Matua Rautia*, p 65; Waitangi Tribunal, *Whaia te Mana Motuhake*, p 25

15. Waitangi Tribunal, *The Report on the Aotearoa Institute Claim concerning Te Wananga o Aotearoa* (Wellington: Legislation Direct, 2005), p 35

16. Waitangi Tribunal, *Matua Rautia*, p 65

17. Waitangi Tribunal, *Ko Aotearoa Tēnei: A Report into Claims concerning New Zealand Law and Policy Affecting Māori Culture and Identity, Te Taumata Tuatahi* (Wellington: Legislation Direct, 2011), p 450

18. Crown counsel, closing submissions (paper 3.3.4), pp 13–14

a citizenship right, but a legal requirement.<sup>19</sup> In our view this aspect of compulsion heightens the kāwanatanga responsibilities of the Crown to adequately support Kura Kaupapa Māori. However, heightened does not mean unfettered. The Crown's increased kāwanatanga responsibilities are matched by heightened obligations to exercise that kāwanatanga in a way consistent with the Treaty partnership, by enabling Kura Kaupapa Māori whānau to exercise their rangatiratanga. We discuss the principle of partnership further in the following section.

### 3.3.3 Partnership

The principle of partnership seeks to balance the rights of Māori and the Crown to tino rangatiratanga and kāwanatanga, respectively. The claimants in this inquiry argue that Te Rūnanga Nui is a Treaty partner of the Crown.<sup>20</sup> As such, Te Rūnanga Nui has the right to choose how to organise itself, to be a co-designer of systems, to be consulted and to be treated in good faith.<sup>21</sup> The claimants argue the Crown's conduct in respect of the Tomorrow's Schools review and reform process breached these rights, and therefore, breached the principle of partnership.<sup>22</sup> Specifically, these allegations of breach included the Crown's:

- ▶ development of strategies independently of Te Rūnanga Nui;<sup>23</sup>
- ▶ failure to consult Te Rūnanga Nui and the nature of its decisions regarding the Taskforce's recommendation of a parallel pathway;<sup>24</sup> and
- ▶ conduct in the course of policy work in 2021 and 2022 to 'grow Māori medium and Kaupapa Māori education.'<sup>25</sup>

The claimants argue further that these alleged breaches have undermined the rangatiratanga of Te Matakahuki and are not an exercise of good kāwanatanga.<sup>26</sup>

In reports concerned with Māori education and social services more generally, the Tribunal has explored how the Treaty partnership should be characterised. The *Te Whanau o Waipareira* Tribunal, for example, framed this partnership using the metaphor of a marriage between the Crown and Māori, in which

broad and general vows express the desire and the intention of the parties to live together in mutual love and respect. The success of a marriage depends not on the ability of the parties to formulate or interpret vows advantageously to themselves, nor on their ability to enforce them in the case of dispute. Rather, it depends on their commitment to work through problems in a spirit of goodwill, trust, and generosity, actively seeking creative solutions, and taking opportunities to bolster each other.<sup>27</sup>

---

19. Education and Training Act 2020, s 35

20. Claimant counsel, closing submissions (paper 3.3.3), p 78

21. *Ibid*, pp 82–83

22. *Ibid*, pp 78, 91

23. *Ibid*, p 94

24. *Ibid*, p 107

25. *Ibid*, pp 136–137, 140–141, 151

26. *Ibid*, p 137

27. Waitangi Tribunal, *Te Whanau o Waipareira*, p 222

The *Ko Aotearoa Tēnei* Tribunal characterised partnership as needing to be ‘constantly rebalanced’.<sup>28</sup> Many subsequent tribunals have commented on the importance and requirements of this rebalancing exercise. In *Te Mana Whatu Ahuru: Report on Te Rohe Pōtae Claims* (2018–20) the Tribunal described the Māori–Crown relationship as a ‘partnership subject to ongoing dialogue’.<sup>29</sup>

The *He Pāharakeke, He Rito Whakakikinga Whāruarua: Oranga Tamariki Urgent Inquiry* Tribunal (2021) adopted this focus on negotiation and mutual accommodation, articulating the Treaty partnership in a way we think captures the essence of the claim before us; ‘neither party could act in a manner that fundamentally affects the other’s spheres of influence without consent, unless there were exceptional circumstances’.<sup>30</sup>

Just as rangatiratanga is acknowledged as placing restrictions on kāwanatanga, the Tribunal has long found the Crown’s authority to make laws and govern qualifies the degree to which rangatiratanga can be exercised in the context of the modern nation state. As the *Māori Electoral Option Report* Tribunal (1994), referencing the *Ngāi Tahu Report* Tribunal (1991), noted:

if we look beyond the strict literal meaning of the treaty to its broader principles, it is clear that the exercise of tino rangatiratanga, like kawatananga, cannot be unfettered; the one must be reconciled with the other. In constitutional terms this could be seen as entitling Maori to a measure of autonomy, but not full independence outside the nation state that they helped to create in signing the Treaty.<sup>31</sup>

However, as the *Te Paparahi o Te Raki* Tribunal (2022) more recently observed, despite the limitations the Treaty partnership imposed on the extent of Māori autonomy, the relationship between the partners

should always have been based on dialogue and shared decision making, as well as independent decision making where appropriate and where both parties agreed to this. Where unilateral Crown consultation has left hapū and iwi feeling disempowered, but trapped in processes that seem to them to offer the shadow of participation rather than the substance, it has not met the test of partnership.<sup>32</sup>

Several Tribunals have considered the Treaty partnership in the context of education and the revitalisation of te reo Māori. The *Wananga Capital Establishment Report* Tribunal (1999) found that ‘this claim offers real opportunity for the Crown

28. Waitangi Tribunal, *Ko Aotearoa Tēnei: Te Taumata Tuatahi*, p19

29. Waitangi Tribunal, *Te Mana Whatu Ahuru: Report on the Te Rohe Pōtae Claims*, 6 vols (Wellington: Legislation Direct, 2023), vol 1, p 210

30. Waitangi Tribunal, *He Pāharakeke, he Rito Whakakikinga Whāruarua: Oranga Tamariki Urgent Inquiry* (Wellington: Legislation Direct, 2021), pp18–19

31. Waitangi Tribunal, *Maori Electoral Option Report* (Wellington: Brooker’s Ltd, 1994), pp 3–4

32. Waitangi Tribunal, *Tino Rangatiratanga me te Kāwanatanga: The Report on Stage 2 of the Te Paparahi o Te Raki Inquiry* (Wellington: Legislation Direct, 2022), p 76



as a Treaty partner to acknowledge and remedy part of the shortfall in its meeting of Māori expectations, aspirations and rights in education.<sup>33</sup>

In recent years, the Tribunal has continued to affirm the Treaty partnership and define its character in the specific context of education. The *Ko Aotearoa Tēnei* Tribunal found that partnership means supporting Māori to contribute to ‘initiatives, ideas and energetic leadership.’<sup>34</sup> The *Te Urewera* Tribunal (2017) found ‘wherever hapū and iwi are willing and able, the Crown must work in partnership with them’ to provide education services.<sup>35</sup>

In *Hauora: Report on Stage One of the Health Services and Outcomes Kaupapa Inquiry* (2019), the first report of the Tribunal’s ongoing Kaupapa inquiry into health services and outcomes, the Tribunal emphasised the particular importance of partnership when assessing the Treaty compliance of State policy and practice. The *Hauora* Tribunal concluded the principle of partnership recognises Māori have the right to choose how they organise themselves and how or through what organisation they express their tino rangatiratanga. We note this duty also speaks to the Treaty principle of options (discussed at section 3.3.6). In *Hauora*, the Tribunal found partnership is especially relevant where Māori are seeking an effective role in developing and implementing policy. Moreover, the Tribunal found the Crown’s requirement to partner with Māori is heightened where disparities in outcomes exist.<sup>36</sup> We consider this finding is of particular significance for our inquiry.

Various contemporary legal instruments have been implemented to reinforce and protect the Treaty partnership in the compulsory education sector. We note, for instance, the refreshed *Tauākī Kawa*, the recent mediation agreement between Te Rūnanga Nui and the Crown, and the Crown’s responsibility to give effect to ‘Te Tiriti o Waitangi’ in the Education and Training Act 2020.<sup>37</sup> As we explained in section 2.1.4, *Te Tauākī Kawa* is a commitment to the relationship between the Crown and Te Rūnanga Nui and sets out the guidelines governing that relationship. We consider the careful wording in *Te Tauākī Kawa* emphasises the significance of the partnership between the Crown and Te Rūnanga Nui. For example, the original *Tauākī Kawa* (1994) provided for an engagement plan of scheduled meetings to drive mutual accountability.<sup>38</sup> The revised 2019 *Tauākī Kawa* provides a joint objective of supporting the revitalisation of te reo Māori and tikanga Māori and also acknowledges the role of identity, language and culture in educational success. Further, the revised *Tauākī Kawa* includes principles to govern the Crown–Te Rūnanga Nui relationship, engagement and work plans, and a dispute

---

33. Waitangi Tribunal, *The Wananga Capital Establishment Report* (Wellington: GP Publications, 1999), p 45

34. Waitangi Tribunal, *Ko Aotearoa Tēnei: Te Taumata Tuarua*, vol 2, p 450

35. Waitangi Tribunal, *Te Urewera*, 8 vols (Lower Hutt: Legislation Direct, 2017), vol 8, p 3783

36. Waitangi Tribunal, *Hauora: Report on Stage One of the Health Services and Outcomes Kaupapa Inquiry* (Lower Hutt: Legislation Direct, 2019), pp 28–29

37. Education and Training Act 2020, ss 4(d), 9

38. *Te Tauākī Kawa* 1994 (application for urgency, supporting documents (doc A6), p 230)

resolution clause for the resolution of any issues.<sup>39</sup> The mediation agreement provided, among other things, for a reset of the relationship between the Ministry of Education and Te Rūnanga Nui.<sup>40</sup>

Finally, we note one of the purposes of the Education and Training Act 2020 is to establish and regulate an education system that ‘honours Te Tiriti o Waitangi and supports Māori–Crown relationships.’ The Education and Training Act also confirms Te Rūnanga Nui are the kaitiaki of Te Aho Matua.<sup>41</sup> We discuss the significance of these instruments further in later chapters of this report.

We also note the commitments the Crown entered into when Aotearoa New Zealand became a signatory to the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) in 2010, are largely consistent with the Crown’s partnership obligations. Article 14 of UNDRIP explicitly outlines the rights of indigenous peoples ‘to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.’<sup>42</sup>

### 3.3.4 Active protection

The principle of active protection is closely linked with the Crown’s partnership obligations.<sup>43</sup> It is well established that the Crown’s duties under the Treaty are not merely passive but include an obligation to actively protect Māori rights and interests guaranteed under the Treaty.<sup>44</sup> This protective guarantee was made clear in the Treaty’s preamble and in article 3.<sup>45</sup>

In respect of the issues raised in this inquiry concerning the Tomorrow’s Schools reforms and the Kura Kaupapa Māori movement, claimants consider the Crown’s balancing of its Treaty responsibilities against its other obligations to be inadequate.<sup>46</sup> Claimants submit the present situation requires the Crown to uphold a standard of ‘vigorous and active protection.’<sup>47</sup>

---

39. The Tumuaki of Te Rūnanga Nui o Ngā Kura Kaupapa Māori o Aotearoa and the Secretary for Education, ‘Te Tauāki Kawa – A Memorandum of Understanding’, 20 December 2019, pp [3]–[4] (Crown counsel, supporting documents (doc B30), pp 3–4)

40. Mediation Agreement, 24 May 2022 (paper 2.5.11(b)), p 4

41. Education and Training Act 2020, s 10

42. United Nations General Assembly, *United Nations Declaration on the Rights of Indigenous Peoples: Resolution Adopted by the General Assembly*, 2 October 2007, A/RES/61/29, art 14

43. Waitangi Tribunal, *Te Tau Ihu o te Waka a Maui: Report on the Northern South Island Claims*, 3 vols (Wellington: Legislation Direct, 2008), vol 1, p 4; Waitangi Tribunal, *The Maniapoto Mandate Inquiry Report* (Wellington: Legislation Direct, 2020), p 14; Waitangi Tribunal, *Waikanae: Report on Te Ātiawa/Ngāti Awa Claims – Pre-publication Version* (Wellington: Waitangi Tribunal, 2022), pp 15–16

44. Waitangi Tribunal, *Hauora*, p 30; Waitangi Tribunal, *The Whakatōhea Mandate Inquiry Report* (Lower Hutt: Legislation Direct, 2018), p 23; Waitangi Tribunal, *Tū Mai te Rangi! Report on Crown and Disproportionate Reoffending Rates* (Lower Hutt: Legislation Direct, 2017), p 21; *New Zealand Maori Council v Attorney-General* [1987] 1 NZLR 641 (CA), p 664

45. Waitangi Tribunal, *Te Mana Whatu Ahuru*, vol 1, p 211

46. Claimant counsel, closing submissions (paper 3.3.3), p 65

47. *Ibid*, p 58

In the *Report of the Waitangi Tribunal on the Te Reo Māori Claim* (1986), the Tribunal found the principle of active protection applied to Māori language and culture. It observed the principle required ‘more than merely leaving the Maori people unhindered . . . [It] requires steps to be taken to ensure that Maori people have and retain their full exclusive and undisturbed possession of their language and culture.’<sup>48</sup>

In some circumstances, the Tribunal has found that, to fulfil its duty of active protection, the Crown must take ‘especially vigorous action for its protection.’<sup>49</sup> Usually, this is limited to circumstances where ‘taonga is in a vulnerable state.’<sup>50</sup>

However, as the Tribunal found in *Whaia Te Mana Motuhake/In Pursuit of Mana Motuhake: Report on the Māori Community Development Act Claim* (2015), the Crown’s obligations under the principle of active protection are multifaceted and include ‘the need to ensure that Māori are not unnecessarily inhibited by legislative or administrative constraints.’<sup>51</sup> Moreover, ‘where the respective spheres of authority held by the Crown and Māori overlap . . . the principle of active protection should be applied so as to reflect the appropriate level of Māori authority.’<sup>52</sup>

The *Hauora* Tribunal found the Crown’s duty of active protection is increased where ‘adverse disparities in health status between Māori and non-Māori are persistent and marked.’<sup>53</sup> Therefore, we endorse the *Hauora* Tribunal’s findings that where the Crown is, or should be, cognisant of disparities, active protection may require the Crown to tailor its resources to redress these.

The Te Rohe Pōtae Tribunal stated the Crown is obliged to use its kāwanatanga powers to actively protect the Māori rights and interests guaranteed under articles 2 and 3 of the Treaty.<sup>54</sup> On a plain reading of the te reo text of article 2, tino rangatiratanga is guaranteed to Māori over whenua, kāinga and taonga.<sup>55</sup> While active protection is not restricted to these classes of interests, the words of the Treaty do impose a particular duty on the Crown for these classes of interests.

The claimants told us repeatedly about the taonga quality of Kura Kaupapa Māori and Te Aho Matua. There is complex existing jurisprudence on Māori education as taonga. The Wananga Capital Establishment Tribunal found that wānanga were taonga albeit in the modern form:

It is clear that te reo Maori and matauranga Maori are taonga. Wananga is given life by these taonga, and in the reciprocal nature of the Maori world, wananga also serves

---

48. Waitangi Tribunal, *Report of the Waitangi Tribunal on the Te Reo Maori Claim*, 3rd ed (Wellington: Brooker’s Ltd, 1993), p 20; Waitangi Tribunal, *Matua Rautia*, pp 61–62

49. Waitangi Tribunal, *Maori Electoral Option Report* (Wellington: Brooker’s Ltd, 1994), sec 3.4

50. Waitangi Tribunal, *He Pāharakeke*, p 18; Waitangi Tribunal, *Matua Rautia*, p 67

51. Waitangi Tribunal, *Whaia te Mana Motuhake*, p 30

52. *Ibid*, p 31 (citing Wai 2417 RO1, doc B20 Gilling, *Paddling their Own Waka or Rowing the Government’s Boat? The Official System for Māori Socio-Economic Development in the Post 1945 Period*)

53. Waitangi Tribunal, *Hauora*, p 32

54. Waitangi Tribunal, *Te Mana Whatu Ahuru*, vol 1, p 216

55. Treaty of Waitangi Act 1975, sch 1

to give life to te reo and matauranga. Each is dependent on the others to nurture, sustain, and develop. Wananga as a system of learning, and a repository of matauranga Māori, is a taonga in its own right . . .<sup>56</sup>

The Tribunal noted modern institutions claiming status as wānanga need to demonstrate the standards and values captured by that ancient process.<sup>57</sup> In *Matua Rautia*, the Tribunal was not willing to find kōhanga reo were taonga. Rather, they ‘consider[ed] kōhanga reo to be an essential vehicle for the transmission of the taonga itself (which is te reo), and for the exercise of rangatiratanga over it’.<sup>58</sup>

This Tribunal is now considering Kura Kaupapa Māori, which sits in the middle of this education pipeline and is the only part of that pipeline wholly within the compulsory schooling sector. We understand the finding of the Wananga Capital Establishment Tribunal that wānanga is a taonga. Wānanga, as an ancient process of learning, was a system entered into in adulthood by those chosen by tohunga for their specific skills. There is no direct historical parallel for Kura Kaupapa Māori like there is for wānanga. Education of children took place in the papakāinga. The ‘teachers’ were the parents, aunties, uncles, grandparents and older whānau members. Everyone was invested in the education and nurturing of the children. As the late Professor Wharehuia Milroy said in the Kōhanga Reo inquiry:

‘Engari kia mōhio mai koutou, ko taua reo rā he wairua anō kei roto, he wairua anō hei ārahi i ngā tamariki, i ngā mokopuna. Koinei ka kī ake ahau ki te kupu i hoatu ai au ki a koutou: ‘mātua rautia’.

Ko ngā ‘mātua’, kei te mōhio – anei ngā mātua, anei e nohonoho ake nei, ngā mātua. Te ‘rau’, – anei te rau e noho ake nei. E hia rau? Kotahi rau. Engari ‘mātua rautia’.

But, for your information, within that language is a certain message, an essence that guides the children, the grandchildren. That’s why I say the words I uttered earlier to you all, ‘mātua rautia’ – let the child be guided by many parents.

The term ‘mātua’ you know – here are the parents, here they are sitting here, the parents. The term ‘rau’ – here are the multitudes sitting here. How many hundred? One hundred. Anyway – ‘mātua rautia’ – let the child be guided by many parents.<sup>59</sup>

This is the essence of Kura Kaupapa Māori. Kura Kaupapa Māori captures the educational values present in the pre-colonisation kāinga and attempts to restore those educational practices, within the constraints of a modern compulsory schooling context. Claimant witnesses told us Kura Kaupapa Māori are a response to colonisation, an expression of rangatiratanga – Dr Dewes said Māori ‘have

56. Waitangi Tribunal, *Wananga Capital Establishment*, p 48

57. Ibid

58. Waitangi Tribunal, *Matua Rautia*, p 67

59. Wai 2336 RO1, transcript (translation) 4.2.1, p5. Professor Milroy gave his evidence to the Kōhanga Reo Tribunal in te reo Māori. The English translation was completed by Pānia Papa.

the blueprint for the appropriate provision of care for our children, for language revitalisation and for teaching Māori knowledge.<sup>60</sup>

Claimant counsel argue ‘the philosophy underlying Kura Kaupapa Māori that the Kāinga is the Kura and the Kura is the Kāinga – one is an extension of the other, the two are inextricably linked and they operate as one in order to raise the child.’<sup>61</sup> We heard about the lifetime commitment of whānau involved in Kura Kaupapa Māori from raukura Te Wehi Wright, who now has children attending Kura Kaupapa. At the kura he attended as a child, Te Kura Kaupapa Māori o Ruamata, a school existed for students’ families to learn the reo. There was a conscious consistency between what was taught at home and at school.<sup>62</sup> He told us:

Āe, ko te reo te mauri o te mana Māori, engari āe, ko te kura hei kāinga, ko te kāinga hei kura. Me Māori te mana kia Māori te mauri. Ko Te Aho Matua te tāhuhu o tōku whare. Tamaiti akona ki te Kura Kaupapa, tū ana ki te ao, tau ana!

The kura is a home, home is a kura, and the mana should be Māori, mauri should be Māori. And Te Aho Matua is the ridgepole of my house. A child that was taught at Kura Kaupapa will stand proudly in this world.<sup>63</sup>

The Oranga Tamariki Tribunal found the article 2 guarantee of tino rangatira-tanga over kāinga gave rise to a ‘right of cultural continuity.’<sup>64</sup> While the Tribunal’s inquiry was focused on the kāinga as manifested through the family home, it acknowledged the wider meanings of the term. The Tribunal described kāinga as ‘much more than simply a place where a whānau may live . . . it is the place where cultural identity is formed, nurtured and sustained.’<sup>65</sup> That is Kura Kaupapa Māori. Like wānanga, the papakāinga in traditional times was a repository of te reo Māori and matauranga Māori, where tamariki Māori were nurtured and taught. Kura Kaupapa Māori and the relationship between home and school is the modern manifestation of the papakāinga. Not only do kura revitalise the traditional values of education in the kāinga – they serve as a continuation of kāinga for students and whānau.

As such, the Crown has a particular duty of active protection towards Kura Kaupapa Māori, as a manifestation of kāinga. We discussed above how the place of Kura Kaupapa Māori in the compulsory schooling sector heightens the kāwanatanga responsibilities of the Crown to support Kura Kaupapa Māori. Importantly, however, the heightened responsibility of active protection the Crown has towards

---

60. Rawiri Wright, brief of evidence, 29 March 2023 (doc B8), p 7; Cathy Dewes, brief of evidence, 31 March 2023 (doc B1(a)), p 9

61. Claimant counsel, closing submissions (paper 3.3.3), p 72

62. Te Wehi Wright, brief of evidence, 2 April 2023 (doc B2(a)), pp 2–3, 5

63. Transcript 4.1.4, p 303. Te Wehi Wright gave his evidence to the Kura Kaupapa Māori Tribunal in te reo Māori. The English translation was completed by Paiheke McGarvey.

64. Waitangi Tribunal, *He Pāharakeke*, p 12

65. *Ibid*, p 14

Kura Kaupapa Māori should not be used as a proxy for the overreach of kāwanatanga powers. We consider this duty of active protection means the Crown must:

- ▶ generate specific policy responsive to the particular needs of Kura Kaupapa Māori;
- ▶ ensure Te Rūnanga Nui as representatives of Kura Kaupapa Māori whānau have a meaningful role in shaping policy affecting kura, so that policy can support Kura Kaupapa to thrive; and
- ▶ communicate transparently with Te Rūnanga Nui about policy work, so it can effectively advocate for Kura Kaupapa Māori.

### 3.3.5 Equity

The principle of equity requires the Crown to act fairly and impartially towards Māori and arises from article 3 of the Treaty. It is closely linked to active protection, as the exercise of kāwanatanga requires the Crown to act, to the fullest extent practicable, to achieve equitable outcomes for Māori.

The claimants argue the Crown has demonstrated ‘a simplistic understanding of equity’ by limiting its interpretation to socio-economic measures.<sup>66</sup> Instead, claimants argue, the Crown should be contemplating ‘what does an equitable framework look like for Kura Kaupapa Māori based on their own vision and their needs?’<sup>67</sup>

The Kōhanga Reo Tribunal defined equity as the ‘right to address disparities’.<sup>68</sup> The Māori Community Development Act Tribunal elucidated that equity does not mean treating citizens the same, but the Crown must rather ‘treat each group . . . fairly vis-a-vis each other and in doing so, it must do all in its power not to create (or exacerbate) divisions and damage relationships’.<sup>69</sup>

The *Te Urewera* Tribunal found that under article 3, ‘the Crown has a clear obligation to provide aid and social services to Māori on the same basis as other New Zealanders.’<sup>70</sup> Therefore, the Crown must ensure ‘equitable provision’ (‘providing everyone with the services that best meet their needs’), not simply ‘equal provision’ (‘providing everyone with the same type and level of service’). Put simply, education for Māori ‘must meet the needs of hapū and iwi, rather than just New Zealanders in general’. This distinction is especially important where Māori are facing disparities, the Tribunal emphasised.<sup>71</sup> Overall, the *Te Urewera* Tribunal found where the Crown provides education and other social services to non-Māori, it must also provide them to Māori ‘in similar or equivalent circumstances’.<sup>72</sup>

In our view, as the outlined arguments and jurisprudence have demonstrated, the Treaty principle of equity is of particular importance to this inquiry.

---

66. Claimant counsel, closing submissions (paper 3.3.3), p 19

67. Ibid

68. Waitangi Tribunal, *Matua Rautia*, p 67

69. Waitangi Tribunal, *Whaia te Mana Motuhake*, p 32

70. Waitangi Tribunal, *Te Urewera*, vol 8, p 3770

71. Ibid, p 3774

72. Ibid

### 3.3.6 Options

The Tribunal has stated that articles 2 and 3 can be interpreted as guaranteeing Māori the right to ‘choose their social and cultural path.’<sup>73</sup> In short, this means Māori may choose to ‘continue to govern themselves along customary lines, or to engage with the emerging settler society, or both.’<sup>74</sup> The Crown must ensure the social and cultural pathways chosen by Māori, ‘at the least, receive the same level of support as other New Zealanders.’<sup>75</sup>

Claimants argue the principle of options ‘protects the right of Māori to continue living according to indigenous traditions and worldviews while also participating in wider society and culture, according to their wishes.’<sup>76</sup> They cited the Tribunal’s finding in *Hauora* that, in practical terms, the principle of options requires the Crown to ‘protect the availability and viability of kaupapa Māori solutions in the social sector as well as so-called mainstream services in such a way that Māori are not disadvantaged by their choice.’<sup>77</sup>

The Kōhanga Reo Tribunal considered that the principle of options requires the Crown to ensure Māori are ‘fully informed about the advantages and disadvantages’ of pursuing a particular education pathway (in that instance, an early childhood education pathway predicated on full immersion in te reo Māori). Among other things, the Crown is required to fund adequate research on educational outcomes so it can inform itself and Māori about full immersion.<sup>78</sup>

---

73. Waitangi Tribunal, *Report of the Waitangi Tribunal on the Muriwhenua Fishing Claim*, 3rd ed (Wellington: GP Publications, 1996), pp 193–195

74. Waitangi Tribunal, *Te Mana Whatu Ahuru*, vol 1, p 212

75. Waitangi Tribunal, *Matua Rautia*, p 68

76. Claimant counsel, closing submissions (paper 3.3.3), p 86

77. *Ibid*, quoting Waitangi Tribunal, *Hauora*, p 35

78. Waitangi Tribunal, *Matua Rautia*, p 68





## CHAPTER 4

### TE AHO TUAPUKU

#### 4.1 INTRODUCTION

Tomorrow's Schools is the system of administration, governance, and management for all compulsory schooling in New Zealand, including Kura Kaupapa Māori. It was introduced in 1989. The Tomorrow's Schools system allows individual schools to manage themselves through the board of trustees model, with some oversight from Crown agencies like the Education Review Office.<sup>1</sup> School boards manage funding provided by the Ministry for staff salaries and school property and set goals for the governance and operation of their school within national education guidelines.<sup>2</sup> For instance, schools are independently responsible for the specifics of the curriculum they provide, so long as it conforms to the broader national curriculum set by the Ministry – for Māori Medium schools, this is Te Marautanga o Aotearoa.<sup>3</sup>

In 2018, Cabinet established an Independent Taskforce (the Taskforce) to review Tomorrow's Schools. The Taskforce was asked to determine whether the system worked, or whether there was a better alternative. This inquiry centres on that review and the Crown's response to it, from 2018 to 2022. The claimants argue that throughout this process the Crown breached its Treaty obligations by not adequately involving or considering Te Rūnanga Nui and Kura Kaupapa Māori. They also argue that, because of the Crown's actions, their relationship with the Crown is at breaking point.<sup>4</sup>

In this chapter, we address the claimants' grievances relating to the decision to initiate the Tomorrow's Schools review in 2018 and the Crown's initial response to the Taskforce's report in 2019 and 2020. In section 4.2, we examine the decision to initiate the review and establish the Taskforce. In section 4.3, we assess the Crown's immediate response to the Taskforce's Recommendation 4(a), which called for an autonomous governance body for Kaupapa Māori education, including through the passage of the Education and Training Act 2020.

Within each of these sections, we first set out the parties' positions on the relevant issue. We then proceed with our analysis of events, as informed by the

---

1. Tomorrow's Schools Independent Taskforce, *Our Schooling Futures: Stronger Together/Whiria Ngā Kura Tūātitini* (Wellington: Ministry of Education, 2018), pp 23, 25 (application for urgency, supporting documents (doc A6), pp 466, 468)

2. Independent Taskforce, *Our Schooling Futures*, pp 23, 25 (application for urgency, supporting documents (doc A6), pp 466, 468)

3. *Ibid*, p 24 (p 467)

4. Wai 1718 amended statement of claim, 12 October 2021 (paper 1.1.1(c)), p [23]

evidence provided to us by the Crown and the claimants. We begin with the decision to initiate the review.

## **4.2 THE CROWN'S DECISION TO REVIEW TOMORROW'S SCHOOLS**

The Tribunal has been asked to consider whether the Crown's actions in establishing the review complied with its Treaty obligations. Specifically, the Tribunal will determine whether the Crown considered or involved Te Rūnanga Nui and Kura Kaupapa Māori sufficiently in these decisions. At the outset, it is important for us to note the Taskforce is not the Crown. The Taskforce is an advisory body only, whose members conducted the review in their capacity as independent experts.<sup>5</sup> We will not be evaluating the Treaty consistency of its actions, but instead those of the Crown, which include:

- ▶ Cabinet's decision to initiate the Tomorrow's Schools review through the Education Work Programme 2018 (the EWP 2018);
- ▶ Cabinet's approval of Terms of Reference for the Taskforce; and
- ▶ the Minister of Education's appointment of members to the Taskforce.

### **4.2.1 The parties' positions**

#### **4.2.1.1 The claimants' position**

The claimants submit the Crown's conduct since 2018 has 'breached its obligations to Te Rūnanga Nui and Kura Kaupapa Māori under Te Tiriti'.<sup>6</sup> These include its duties to act in partnership with the claimants and respect their tino rangatiratanga.<sup>7</sup> The claimants acknowledge the Crown's kāwanatanga right to undertake a review of the Tomorrow's Schools system.<sup>8</sup> However, they say the Crown failed to consider the unique needs of Te Rūnanga Nui and Kura Kaupapa Māori when commencing the review and convening the Taskforce. In doing so, they allege the Crown failed to uphold its obligations to Te Rūnanga Nui as a Treaty partner.<sup>9</sup> In particular, the claimants argue:

- ▶ the Crown failed to consider Kura Kaupapa Māori and Te Rūnanga Nui in its decision to commence the review through the EWP 2018, or to consult the claimants prior to this decision;
- ▶ the Crown failed to consult with the claimants about the scope or nature of the review or to mention Kura Kaupapa Māori and Te Rūnanga Nui in the Terms of Reference; and
- ▶ the Crown failed to consult with the claimants about the Taskforce's membership before its announcement, or to offer Te Rūnanga Nui a place on the Taskforce.<sup>10</sup>

5. Ministry of Education, 'Terms of Reference for the Review of Tomorrow's Schools', 2018, annex B (application for urgency, supporting documents (doc A6), pp 433–434)

6. Claimant counsel, opening submissions, 26 April 2023 (paper 3.3.1), p 34

7. Ibid, pp 34–35

8. Claimant counsel, closing submissions 12 June 2023 (paper 3.3.3), p 97

9. Ibid

10. Ibid, p 100

#### **4.2.1.2 *The Crown's position***

The Crown submits it did not breach the Treaty in initiating the Tomorrow's Schools review or establishing the Taskforce. In response to the claimants' arguments about not being consulted prior to the introduction of the EWP 2018, the Crown emphasises the EWP 2018 has oversight over the entire education portfolio, consisting of at least 14 separate workstreams.<sup>11</sup> The Crown states while no bespoke engagement with the claimants took place regarding the development or commencement of the EWP 2018, the claimants were kept informed of the EWP 2018's implementation as it progressed, including through Māori Education Peak Bodies' Hui in 2019 and 2020.<sup>12</sup>

The Crown also argues it 'acted reasonably, in good faith, and in line with Tiriti obligations' when developing the Terms of Reference for the Taskforce and appointing its members.<sup>13</sup> The Crown emphasises that the Terms of Reference directed the Taskforce to consider ways to give 'active expression to Te Tiriti' – including through Māori Medium education, a term intended to include Kura Kaupapa Māori.<sup>14</sup> In the Crown's view, while the commissioning documents did not specify Kura Kaupapa Māori or Te Rūnanga Nui, the terms were generalised to an appropriate level, given the scale of the review.<sup>15</sup> The Crown also submits the Taskforce members were appointed to reflect an appropriate mix of skills for the review, as well as an 'ethnic and gender balance'.<sup>16</sup> The Crown further notes the Ministry established a Cross-Sector Advisory Panel (Advisory Panel) to advise the Taskforce, which included current Te Rūnanga Nui Chief Executive Hohepa Campbell.<sup>17</sup>

#### **4.2.2 *The wider context***

Before we begin our analysis of the Crown's decision to initiate the Tomorrow's Schools review, it is important to establish the broader context for the Crown's decision. Three key contextual factors relevant to the Crown's conduct from 2018 onwards need to be highlighted. The first is the state of the relationship between the parties at the beginning of 2018 and the second is the challenges that Kura Kaupapa Māori faced then, which Crown witnesses in this inquiry accept existed (and in some cases continue to exist). The third factor is the aspirations the new Government, formed at the end of 2017, had for Māori education.

##### **4.2.2.1 *The relationship between the parties at the beginning of 2018***

While our inquiry is necessarily limited to events from 2018 onwards, the relationship between the Crown and Te Rūnanga Nui has evolved and changed over the preceding decades, since the first Kura Kaupapa was established in 1985 (which we

---

11. Crown counsel, closing submissions, 19 June 2023 (paper 3.3.4), p 56

12. *Ibid*, p 57. See the glossary entry for 'Māori Education Peak Bodies' at p 381.

13. Crown counsel, closing submissions (paper 3.3.4), p 58

14. *Ibid*, p 59

15. *Ibid*, p 60

16. *Ibid*, p 58

17. *Ibid*, p 59

discuss in chapter 2). In 1994, Te Rūnanga Nui and the Ministry signed Te Tauākī Kawa. The document stated the Ministry acknowledged the role of Te Rūnanga Nui as the 'kaitiaki . . . of the kaupapa of Kura Kaupapa Māori'. The agreement noted the Ministry would meet with Te Rūnanga Nui 'at least once each term to prioritise matters of policy and implementation' to be addressed by Kura Kaupapa Māori and Te Rūnanga Nui that term.<sup>18</sup> In 1999, the Crown added section 155B to the Education Act 1989, statutorily recognising Te Rūnanga Nui as 'te kaitiaki' of Te Aho Matua.<sup>19</sup>

In 2012, the Secretary for Education and then Tumuaki of Te Rūnanga Nui Toni Waho signed a renewed version of Te Tauākī Kawa. That agreement applied to the December 2012 to December 2017 period.<sup>20</sup> In that agreement, the parties committed to work together '[i]n a spirit of co-operation, good faith and mutual respect', 'to ensure early engagement on issues of known mutual interest' and '[t]o respect the independence of each party and their respective roles, responsibilities and accountabilities.'<sup>21</sup> The relationship was to be implemented through an agreed work plan detailing the projects the parties would collaborate on.<sup>22</sup> The parties agreed to an engagement plan requiring quarterly meetings to 'discuss areas of shared concern or interest including the progress of the work plan.'<sup>23</sup> However, Te Tauākī Kawa had in-built limits. It did not override or limit the legislative rights and obligations of the Crown, or the functions, duties and powers of Ministry officials or Ministers. Importantly, it did not limit the ability of the Crown to make policy or introduce legislation.<sup>24</sup> Nonetheless, Dr Daryn Bean (Deputy Secretary, Māori Education at the Ministry) referred to Te Tauākī Kawa as 'the cornerstone' of the Crown's relationship with Te Rūnanga Nui.<sup>25</sup> We discuss the impacts of the Crown's conduct on this relationship in more detail in chapter 6.

Despite the applicability of Te Tauākī Kawa in this period and the recognition of Te Rūnanga Nui in statute, the claimants feel their relationship with the Crown leading into 2018 was fraught. In the words of Mr Campbell, 'Kura Kaupapa Māori and Te Rūnanga Nui have been suppressed by the Government since the establishment of the first Kura Kaupapa Māori.'<sup>26</sup> In particular, the claimants told us about one event that captured the state of the relationship: the Crown's 2017 'tidy up' of the Education Act 1989. Since 1989, section 155 solely pertained to Kura Kaupapa Māori, recognising them as designated special character schools with distinct establishment provisions. As part of the 'tidy up', section 155 was subsumed into

---

18. Te Tauākī Kawa 1994 (application for urgency, supporting documents (doc A6), p 230)

19. Education Act 1989, ss 155–155F (application for urgency, supporting documents (doc A6), p 269)

20. The Tumuaki of Te Rūnanga Nui o Ngā Kura Kaupapa Māori o Aotearoa and the Secretary for Education, 'Te Tauākī Kawa – A Memorandum of Understanding', 20 December 2019, pp [2]–[4] (Crown counsel, supporting documents (doc B30), pp 2–4)

21. *Ibid*, p [2] (p 2)

22. *Ibid*, p [3] (p 3)

23. *Ibid*

24. *Ibid*, p [4] (p 4)

25. Daryn Bean to Hohepa Campbell, 10 February 2022 (doc A11(a)), p 7

26. Hohepa Campbell, brief of evidence, 12 October 2021 (doc A5), p 3

section 156 – the provision relating to all special character schools. Te Rūnanga Nui was not consulted or informed of the amendments until they had been enacted, which the claimants say caused them distress.<sup>27</sup> In its closing submissions, the Crown acknowledges that co-locating Kura Kaupapa Māori in the same provision as special character schools ‘failed to recognise the value of the previous unique recognition of Kura Kaupapa Māori, Te Aho Matua or Te Rūnanga Nui as its kaitiaki.’<sup>28</sup> Furthermore, the Crown clarifies that while this amendment did not affect the legal process mandated by the Act, ‘any amendment should have involved engagement with Te Rūnanga Nui as the kaitiaki of Te Aho Matua both in tikanga and in statute.’<sup>29</sup> While this legislative change is not within our scope, we note it here as important context for the state of the parties’ relationship leading into 2018.

#### **4.2.2.2 *The challenges Kura Kaupapa Māori faced as at 2018***

During this inquiry, we heard a large amount of compelling evidence about the challenges facing Kura Kaupapa Māori. However, this evidence is largely outside of the inquiry’s scope as it is associated with Crown policies that existed prior to 2018 and is not directly relevant to the Treaty consistency of the Tomorrow’s Schools review and reform process. Due to the constraints of this urgent inquiry, we will not be making any findings on the fitness of the existing policy framework for Kura Kaupapa Māori as at 2018. However, we do consider that the challenges Kura Kaupapa Māori faced when the review was initiated are essential context for the Crown’s subsequent decisions around the review and reform. We therefore provide a summary of these challenges, as articulated by the claimants, here.

Mr Campbell told us that us ‘[f]or decades, we [Te Rūnanga Nui] have been saying the same things over and over to Crown officials and Ministers, there is no clear strategy to actively support the growth and development of Kura Kaupapa Māori.’ To Mr Campbell, the Crown’s subsequent response to the Tomorrow’s Schools review entrenched this ‘terrible state of affairs.’<sup>30</sup> One particular point of tension has been the amalgamation of Kura Kaupapa Māori into the wider Māori Medium sector. Mr Campbell explained ‘[f]or over 20 years’ Te Rūnanga Nui have requested a specific strategy from the Crown for the establishment and development of kura, to no avail. Instead, Kura Kaupapa have been ‘amalgamate[d]’ into the wider plan for the Māori Medium sector, marginalising the unique model of Kura Kaupapa Māori.<sup>31</sup> ‘The claimants’ dissatisfaction with the Crown’s level of support for Kura Kaupapa is also grounded in several specific grievances, which in the words of Mr Campbell have been ongoing ‘for decades.’<sup>32</sup> In this inquiry, the claimants told us:

---

27. Claimant counsel, opening submissions (paper 3.3.1), p 16

28. Crown counsel, closing submissions (paper 3.3.4), p 81

29. Ibid

30. Campbell, brief of evidence (doc A5), p 3

31. Ibid, p 20

32. Ibid, p 9

- ▶ the Ministry's property policy does not allow for fit-for-purpose buildings for Kura Kaupapa Māori;<sup>33</sup>
- ▶ the lack of a formal establishment process for Kura Kaupapa means whānau struggle to open new kura;<sup>34</sup>
- ▶ Kura Kaupapa Māori operate under a whānau governance model, that is inconsistent with the more restrictive board of trustees model;<sup>35</sup>
- ▶ professional learning development for kaiako has not been sufficiently resourced;<sup>36</sup>
- ▶ the Ministry has denied the request of Te Rūnanga Nui to make Te Marautanga o Te Aho Matua a national curriculum;<sup>37</sup>
- ▶ the creation of te reo teaching materials for Kura Kaupapa Māori has not been properly funded;<sup>38</sup> and
- ▶ funding for Kura Kaupapa Māori at a general level has been insufficient and inequitable.<sup>39</sup>

The claimants shared these grievances with us throughout the hearings and told us about the stress and harm these issues have caused them over the years. In particular, we were struck by the state of buildings and infrastructure shown to us at Te Kura Kaupapa Māori o Ngā Mokopuna and recognise the efforts of the whānau, tamariki and kaiako for the results they achieve despite those conditions. We acknowledge this evidence – the hearings were an invaluable experience for both the Tribunal and the Crown to hear first-hand the issues facing Kura Kaupapa Māori. We hope the Crown takes this evidence on board as it progresses work on kaupapa education settings, whatever that work may be.

We also note the Crown has largely accepted the existing policy framework as at 2018 created real challenges for Kura Kaupapa Māori. Ms Iona Holsted (Secretary for Education) accepted that the current policy and regulatory framework for Kura Kaupapa Māori is 'not fit for purpose'.<sup>40</sup> Dr Bean and Mr Darren Nathan (Chief Advisor, Relationship and Mātauranga Māori at the Ministry) acknowledged the Ministry's 'systems, policies, and processes were not designed for Māori grassroots development', like the Kura Kaupapa movement.<sup>41</sup> This discrepancy means challenges arise in the interface between the Crown education system and Kaupapa Māori education that must be navigated.<sup>42</sup> The witnesses credit the continued success of Te Rūnanga Nui and Kura Kaupapa Māori to its 'resilience and tenacity to challenge the system'.<sup>43</sup> The Crown also accepts the Ministry's conflation of Kura

---

33. Mahanga Pihama, brief of evidence, 14 April 2023 (doc B18(b)), pp 2–3

34. Sandra Walker, brief of evidence, 29 March 2023 (doc B3), p 4

35. Cathy Dewes, brief of evidence, 12 October 2021 (doc A1), p 14

36. Hohepa Campbell, brief of evidence, 17 December 2021 (doc A9), p [4]

37. Rawiri Wright, brief of evidence, 12 October 2021 (doc A2), p 17

38. Sandra Walker and Renee Wright, brief of evidence, 12 October 2021 (doc A3), p 12

39. Dewes, brief of evidence (doc A1), pp 5–6, 15–17

40. Transcript 4.1.6, p 59

41. Daryn Bean and Darren Nathan, brief of evidence, 5 May 2023 (doc B31), p 4

42. Ibid

43. Ibid

Kaupapa Māori with Māori Medium Education ‘did not distinguish between the holistic nature of Kura Kaupapa Māori, its unique philosophy of Te Aho Matua or its specialised curriculum (Te Marautanga o Te Aho Matua) and the mainstream sector’, causing harm and offence.<sup>44</sup> The witnesses also noted per-student equity funding increased by 50 per cent for Kura Kaupapa Māori in 2022.<sup>45</sup>

In its closings, the Crown notes this was a significant but appropriate increase. In our opinion, this statement from the Crown indicates at the very least that Kura Kaupapa Māori were previously operating at an unfair funding deficit.<sup>46</sup> The Crown also accepts in its closings that ‘many kura are in need of property investment’ and historical issues around property necessitate additional funding.<sup>47</sup> Ms Holsted also told us ‘development of resources in te reo Māori, underpinned by te ao Māori, including for Te Aho Matua has not kept pace with, or been as well supported as, those for English-medium education.’<sup>48</sup> She also acknowledged the claimants’ ‘lived experience’ that while mainstream schools are planned for and built to meet existing population needs, Kura Kaupapa Māori have ‘had to work hard to demonstrate viability’.<sup>49</sup> In her words, the Crown ‘has clearly not met the claimants’ needs and expectations over time.’<sup>50</sup>

As mentioned earlier, the bulk of these concerns are beyond the scope of the current inquiry. They are better suited to be heard in the wider Education Services and Outcomes inquiry. However, we draw attention to the claimants’ grievances to establish important context for the Crown’s subsequent decisions. While the Crown has not accepted every point the claimants make, the Crown has accepted there were real and pressing challenges facing Kura Kaupapa Māori at the time the Crown decided to initiate the Tomorrow’s Schools review.

#### **4.2.2.3 The Government’s aspirations for Māori education**

On 26 October 2017, a Labour Government was formed. The Right Honourable Chris Hipkins was appointed as Minister of Education, and the Right Honourable Kelvin Davis as Associate Minister of Education (Māori Education). In a briefing on Māori education prepared for the incoming Minister, Ministry officials advised that,

[t]o maximise New Zealand’s economic potential and improve social equity, the Government needs to ensure that Māori children, young people and adults are adequately equipped with the skills and knowledge to fully participate in the workforce, to support social, cultural, economic and individual wellbeing.<sup>51</sup>

---

44. Crown counsel, closing submissions (paper 3.3.4), pp 11, 46–47

45. Bean and Nathan, brief of evidence (doc B31), p 13

46. Crown counsel, closing submissions (paper 3.3.4), pp 46–47

47. *Ibid*, pp 91–92, 112

48. Iona Holsted, brief of evidence, 5 May 2023 (doc B29), p 6

49. Iona Holsted, speaking notes, 22 May 2023 (doc B29(b)), p 2

50. *Ibid*, p 3

51. Ministry of Education, ‘Māori Education – Briefing to the Incoming Minister’, 2017 (Hohepa Campbell and Mahinarangi Maika, supporting documents (doc B26(a)), p 260)

Officials advised that ‘Māori-medium kura delivers better results for Māori where attainment of NCEA Level 2, Level 3 and University entrance is on par with the total population. These areas of excellence can be maximised to support all Māori to succeed as Māori in education.’<sup>52</sup> The briefing paper noted ‘Māori-medium kura deliver exceptional results for Māori.’<sup>53</sup> The paper stated these results were heightened where:

- ▶ Māori identity, language and culture is highly valued and celebrated;
- ▶ the curriculum is delivered in and through the Māori language; and
- ▶ Māori identity, language and culture is embedded in the governance, leadership, teaching and learning and physical environment of the school.<sup>54</sup>

In these settings, even children ‘presenting with traditional “risk” factors achieve at levels comparable to other children and young people in Māori-medium education.’<sup>55</sup> However, the paper noted significant barriers for students wishing to participate in Māori Medium pathways, stating ‘[d]espite the exceptional results for Māori in Māori-medium kura, fewer than 19,000 Māori currently attend kura’ and ‘due to retention issues within the pathway, only a small portion of these Māori remain in kura for the duration of their schooling journey.’<sup>56</sup> While the paper noted there are opportunities to stimulate participation in Māori Medium pathways, it observed that ‘this in itself will not address the significant Māori education challenges.’ However, it emphasised that, in order to improve Māori education outcomes, ‘productive partnerships’ between the Crown and Māori are a critical factor.<sup>57</sup>

### **4.2.3 The Tomorrow’s Schools Independent Taskforce is established and conducts its review**

#### **4.2.3.1 Cabinet decides to review Tomorrow’s Schools**

In mid-February 2018, Cabinet approved the EWP 2018, covering policy objectives for the entire education sector at a high level. The EWP 2018 Cabinet paper noted ‘a focus on raising achievement for Māori learners’, including through ‘development of a strategic pathway for Māori-medium education.’<sup>58</sup> Minister Hipkins explained in the paper that the existing education system had ‘persistent inequities’ for Māori learners in mainstream schooling.<sup>59</sup> He noted the comparative success of learners

52. Ministry of Education, ‘Briefing to the Incoming Minister’ (Campbell and Maika, supporting documents (doc B26(a)), p 260)

53. Ibid (p 262)

54. Ibid (pp 262–263)

55. Ibid (p 263)

56. Ibid

57. Ibid (pp 263–264)

58. Cabinet Business Committee, ‘Education Portfolio Work Programme: Purpose, Objectives and Overview’, 14 February 2018, p 20 (Campbell and Maika, supporting documents (doc B26(a)), p 46)

59. Ibid, p 5 (p 32)



in Māori Medium education, but stated the pathway required strengthening to address teacher retention and capacity issues.<sup>60</sup> There was no specific mention of Kaupapa Māori education, Te Rūnanga Nui, or Kura Kaupapa Māori in the paper.<sup>61</sup>

The EWP 2018 included plans to review different parts of the education sector, including a review of Tomorrow's Schools by the Taskforce.<sup>62</sup> The scope of the review would be extensive, given the system governs settings for the entire compulsory schooling sector.<sup>63</sup> Minister Hipkins advised he wanted the review to ensure any resulting change to the Tomorrow's Schools system was 'constructive, based on sound evidence, and done in such a way schools and communities feel empowered'.<sup>64</sup> Significantly, he stated the Crown could not achieve success in the public education system 'just by dictating what ought to be done'.<sup>65</sup> In his view, success of the reform depended on broad engagement and shared ownership with educators, whānau, iwi and the wider community.<sup>66</sup> Rawiri Wright told us there was no engagement with the claimants about the prospect of a Tomorrow's Schools review prior to the Crown's public announcement.<sup>67</sup> Mr Campbell and Mahinarangi Maika (Strategic Advisor at Te Rūnanga Nui) advised us the claimants were not consulted about the contents of the EWP 2018 before it was approved by Cabinet.<sup>68</sup> Crown witnesses did not contradict this point in their evidence and the Crown accepts in closing submissions no such consultation occurred.<sup>69</sup> Rawiri Wright described the anxiety the prospect of a review caused amongst some at Te Rūnanga Nui. He told us the claimants were concerned the Taskforce could make significant recommendations about them without their input.<sup>70</sup>

#### **4.2.3.2 Cabinet approves Terms of Reference for the Taskforce**

After the review was announced on 21 February 2018, Cabinet moved quickly to establish its Terms of Reference.<sup>71</sup> Cabinet approved the Terms of Reference on 12 March 2018.<sup>72</sup> The Terms of Reference confirmed the broad scope of the review – the Taskforce would consider if the governance, management and administration settings for schooling of children aged 5–19 were fit for purpose.<sup>73</sup> Within that

---

60. Ibid

61. Ibid, pp 1–23 (pp 28–49)

62. Ibid, pp 22–23 (pp 48–49)

63. Ibid, p 11 (p 38)

64. Ibid

65. Ibid, p 4 (p 31)

66. Ibid

67. Rawiri Wright, brief of evidence, 13 April 2023 (doc B22), p 7

68. Hohepa Campbell and Mahinarangi Maika, brief of evidence, 17 April 2023 (doc B26), p [5]

69. Andy Jackson and Andrea Schöllmann, brief of evidence, 5 May 2023 (doc B28), p 5; Crown counsel, closing submissions (paper 3.3.4), p 57

70. Rawiri Wright, brief of evidence (doc B22), p 7

71. 'Ambitious Three-Year Work Programme for Education', The Beehive, 21 February 2018, <https://www.beehive.govt.nz/release/ambitious-three-year-work-programme-education>, accessed 10 November 2023

72. Jackson and Schöllmann, brief of evidence (doc B28), p 5

73. Ministry of Education, 'Terms of Reference for the Review of Tomorrow's Schools', pp 1–2 (application for urgency, supporting documents (doc A6), pp 429–430)

review, Cabinet instructed the Taskforce to focus on whether the system was able to ensure that ‘every learner achieves educational success’ and ‘promotes equity and excellence’ for all children.<sup>74</sup> Members of the Taskforce were asked to explore ways to give ‘active expression to te Tiriti o Waitangi’, by addressing the ability of Tomorrow’s Schools to meet the needs of Māori students, including by ‘assessing its effectiveness for Māori medium students.’<sup>75</sup>

The Taskforce’s review is described in the Terms of Reference as ‘an opportunity for all New Zealanders to provide their thoughts and experiences of the schooling system, and their advice on improvements and changes’, but did not specify consultation with Kura Kaupapa Māori.<sup>76</sup> However, Cabinet did provide the Taskforce with some direction on consultation during its review. The Taskforce was instructed to ‘undertake extensive and broad-based consultation so that the full spectrum of stakeholder views including learners and teachers, but also parents, whānau, iwi and Pasifika communities and employers are captured and reflected in the final report.’<sup>77</sup>

Significantly, the Terms of Reference also noted an Advisory Panel would be established by the Ministry to support the Taskforce.<sup>78</sup> The Advisory Panel was to include representatives from a variety of groups, including principals, teachers, students, Boards of Trustees, and whānau.<sup>79</sup> Unlike the Taskforce, which was designed to be independent, the role of the Advisory Panel was to ensure the Taskforce properly considered ‘the diversity of the schooling system, including the different types of schools and kura, the range of communities they serve, and the expectations and needs of those communities.’<sup>80</sup> The Terms of Reference noted the Advisory Panel would ‘include both English Medium and Māori Medium representatives’, but did not specify Kaupapa Māori representatives. They also did not specifically name Kura Kaupapa Māori or Te Rūnanga Nui representatives as members of the Advisory Panel.<sup>81</sup>

The Crown did not ask the claimants for their input on the Terms of Reference for the review before they were approved by Cabinet. Mr Campbell advised ‘Te Rūnanga Nui was not consulted in advance about the scope or nature of [the review] process.’<sup>82</sup> He also noted Te Rūnanga Nui and Kura Kaupapa Māori were not mentioned in the Terms of Reference.<sup>83</sup> The Crown did not dispute these

---

74. Ministry of Education, ‘Terms of Reference for the Review of Tomorrow’s Schools’, p 1 (application for urgency, supporting documents (doc A6), p 429)

75. *Ibid*, p 2 (p 430)

76. *Ibid*, p 3 (p 431)

77. *Ibid*, pp 2–3 (pp 430–431)

78. *Ibid*, p 7 (p 435)

79. *Ibid*

80. *Ibid*

81. *Ibid*, pp 1–7 (pp 429–435)

82. Hohepa Campbell, brief of evidence, 29 March 2021 (doc B12), p 16

83. *Ibid*

points.<sup>84</sup> However, Ministry officials Andy Jackson (Deputy Secretary, Policy at the Ministry) and Andrea Schöllmann (Director, Policy at the Ministry) explained that ‘Māori-medium education’ was an umbrella term intended to include Kura Kaupapa Māori.<sup>85</sup>

#### **4.2.3.3 *The Crown appoints members to the Independent Taskforce***

Cabinet approved Minister Hipkins’ appointment of members to the Taskforce on 28 March 2018.<sup>86</sup> The Minister advised Cabinet that the proposed members of the Taskforce would ‘provide for a reasonably well-balanced Taskforce in terms of gender, ethnicity and geographic representation, and an appropriate mix of skills and experience’ to undertake the review.<sup>87</sup> The appointed members were Bali Haque (Chair), Professor Mere Berryman, Barbara Alā’alatoa, Dr Cathy Wylie and Professor John O’Neil.<sup>88</sup> The Cabinet paper listed the qualifications of the five members and their various areas of expertise in the education sector. We note that the paper described Professor Mere Berryman as an academic whose work ‘aims to challenge the pervasive and historical discourses that perpetuate educational disparities for Māori students.’ However, the paper did not mention whether Professor Berryman had any expertise specifically in Kaupapa Māori education.<sup>89</sup>

Rawiri Wright informed us the claimants were not consulted about the Taskforce’s membership before it was decided.<sup>90</sup> Te Rūnanga Nui was also not offered a place on the Taskforce.<sup>91</sup> Dr Schöllmann and Mr Jackson confirmed this in their evidence, noting the selection of Taskforce members was informed by the advice of Ministry officials, who in turn had consulted other Crown agencies such as the Ministry for Women, Te Puni Kōkiri and the Ministry for Pacific Peoples for their nominations.<sup>92</sup> These witnesses also emphasised the expectation for Taskforce members to maintain ‘stringent independence from education agencies’ and manage any conflicts of interest.<sup>93</sup>

#### **4.2.3.4 *Ministry of Education officials organise the Cross-Sector Advisory Panel***

In April 2018, Ministry officials worked to organise membership of the Advisory Panel.<sup>94</sup> The Advisory Panel was large, with members representing a range of dif-

---

84. Jackson and Schöllmann, brief of evidence (doc B28); Crown counsel, closing submissions (paper 3.3.4)

85. Jackson and Schöllmann, brief of evidence (doc B28), p 3

86. *Ibid.*, p 6

87. Ministry of Education, ‘Appointments to the Independent Taskforce’, p 1 (application for urgency, supporting documents (doc A6), p 437)

88. *Ibid.*, p 2 (p 436)

89. *Ibid.*, p 3 (p 437)

90. Rawiri Wright, brief of evidence (doc B22), p 7

91. Jackson and Schöllmann, brief of evidence (doc B28), p 7

92. *Ibid.*, p 5

93. *Ibid.*, p 6

94. Kara Isaac to Kiritina Johnstone and Sarah Asher, 5 April 2018, p [1] (Crown counsel, supporting documents (doc B30), p 47)

ferent bodies affected by the Tomorrow's Schools system.<sup>95</sup> Forty-eight members were listed on the agenda for the first Advisory Panel meeting with the Taskforce in May 2018.<sup>96</sup> In their evidence, Mr Jackson and Dr Schöllmann noted the purpose of the Advisory Panel was to advise the Taskforce on strengths and challenges in the current system, changes required to ensure equity for all children and the impact of changes to the system on those currently under-served by it.<sup>97</sup>

While multiple members of the Advisory Panel were Māori or had experience in Māori Medium education, only one member was appointed to specifically represent Te Rūnanga Nui – its current Chief Executive, Mr Campbell.<sup>98</sup> Arihia Stirling and Sophie Tukukino were appointed to the panel as representatives of Ngā Kura ā Iwi.<sup>99</sup> Mr Jackson and Dr Schöllmann told us these individuals were included on the Advisory Panel to 'ensure that the voices of kaupapa Māori educators and Māori medium educators were represented'.<sup>100</sup> We also note three other members appointed were listed as being experts on mātauranga Māori and/or tikanga Māori.<sup>101</sup>

#### **4.2.3.5 The Independent Taskforce conducts its review**

The Taskforce began to hold meetings with the Advisory Panel and stakeholders for the purposes of its review from May 2018. The Taskforce met with the Advisory Panel five times in 2018 to discuss the review.<sup>102</sup> According to the agendas of these meetings, a range of topics were discussed. At the first hui, the Taskforce asked the Advisory Panel for its views on the change needed to achieve equitable outcomes in the Tomorrow's Schools system and their concerns with the existing system.<sup>103</sup> At subsequent hui, the Taskforce updated Advisory Panel members on its engagement process, asked them for input on the design principles of its report and requested feedback on the Taskforce's ideas for reform as its thinking progressed.<sup>104</sup> This included requests for the Advisory Panel's opinions on arrangements for the proposed Education Hubs.<sup>105</sup> In the words of Mr Campbell, who attended four of these hui in 2018 in his capacity as a member of the Advisory Panel, he was 'excited to hear and see Te Tiriti o Waitangi principles expressed by the Taskforce',

95. Kara Isaac to Kiritina Johnstone, Sarah Asher, Helen Walter, Pamela Cohen, and Fatulatetele Tolo, 4 April 2018, p [2] (Crown counsel, supporting documents (doc B30), p 48)

96. Tomorrow's Schools Independent Taskforce, 'Agendas for Tomorrow's Schools Independent Taskforce Meetings in 2018', 2018 (doc 6.2.1), p [5]

97. Jackson and Schöllmann, brief of evidence (doc B28), p 6

98. *Ibid*, p 7

99. Independent Taskforce, 'Agendas for Tomorrow's Schools Independent Taskforce Meetings in 2018' (doc 6.2.1), p [5]. See the glossary entry for 'Ngā Kura ā Iwi' at p 381.

100. Jackson and Schöllmann, brief of evidence (doc B28), p 7

101. Independent Taskforce, 'Agendas for Tomorrow's Schools Independent Taskforce Meetings in 2018' (doc 6.2.1), p [5]

102. Jackson and Schöllmann, brief of evidence (doc B28), p 7

103. Independent Taskforce, 'Agendas for Tomorrow's Schools Independent Taskforce Meetings in 2018' (doc 6.2.1), p [4]

104. *Ibid*, pp [14], [27]–[28], [45]–[46], [68]

105. *Ibid*, pp [45]–[46]. See the glossary entry for 'Education Hubs' at p 381.

including active protection, partnership and equity.<sup>106</sup> Mr Campbell informed the Taskforce about the challenges Kura Kaupapa Māori faced, including:

- ▶ the impact of the prescriptive requirements in the Education Act 1989 on whānau governance of Kura Kaupapa Māori;
- ▶ the under-resourcing of Te Rūnanga Nui, inhibiting its ability to support kura whānau;
- ▶ the deficiency in policy relating to the establishment of Kura Kaupapa; and
- ▶ the minimal resources available to support Kura Kaupapa learning programmes.<sup>107</sup>

The Taskforce also held hui with various education organisations to receive submissions about the Tomorrow's Schools system before releasing its draft report. Between May and October 2018, the members of the Taskforce (either together or separately) held nearly 200 meetings across the country with numerous groups – from staff and students at Silverstream Primary School in Dunedin, to the Aka Tokerau Māori Principals' Association in Kaikohe.<sup>108</sup> Several hui focused on engagement with Māori educators, learners and whānau.<sup>109</sup> On 25 July 2018, the Taskforce met with Te Rūnanga Nui and Ngā Kura ā Iwi, and on 6 September 2018 met with Te Kura Kaupapa Māori o Te Whānau Tahī.<sup>110</sup> These hui were also supplemented with online engagement open to the entire public.<sup>111</sup>

Mr Campbell, Rawiri Wright and Dr Dewes attended the 25 July 2018 hui with the Taskforce.<sup>112</sup> Notes from the hui record that Te Rūnanga Nui stressed the lack of adequate resourcing for Kura Kaupapa Māori, both in the sense of funding and in the sparsity of te reo teaching materials. It told the Taskforce about their system of whānau governance for the school, the importance of Te Aho Matua and their anxiety that Kura Kaupapa Māori were at 'crisis point', where the claimants' tino rangatiratanga was being challenged. Mr Wright expressed the need for regulations to support a separate parallel pathway for Kura Kaupapa Māori. Chair Bali Haque advised the kōrero given was appreciated and there was potential for the Taskforce to enhance the place of Kura Kaupapa Māori in the education system.<sup>113</sup> Dr Dewes and Mr Wright considered this hui to have gone well. They believed at the time the Taskforce's work could lead to positive outcomes for Kura Kaupapa.<sup>114</sup>

---

106. Campbell, brief of evidence (doc B12), p 14

107. Ibid, p 15

108. Tomorrow's Schools Independent Taskforce, '2018 Engagements', 2018, pp [2]–[3] (Crown counsel, supporting documents (doc B30), pp 3028–3029)

109. Ibid, pp [1]–[5] (pp 3027–3031)

110. Ibid, pp [1], [5] (pp 3027, 3031)

111. Independent Taskforce, *Our Schooling Futures*, p 9 (application for urgency, supporting documents (doc A6), p 452)

112. Independent Taskforce, 'Agendas for Tomorrow's Schools Independent Taskforce Meetings in 2018' (doc 6.2.1), pp [31]–[32]

113. Tomorrow's Schools Independent Taskforce, 'Draft Secretariat Notes', 25 July 2018 (Campbell, supporting documents (doc A5(b)), pp 2–3)

114. Rawiri Wright, brief of evidence (doc B22), pp 7–8; Cathy Dewes, brief of evidence, 12 April 2023 (doc B14), p 7

#### 4.2.3.6 *The Independent Taskforce releases its draft report*

On 16 November 2018, the Taskforce supplied Minister Hipkins with its draft report and recommendations.<sup>115</sup> The Taskforce stressed the starting point of its review was ‘that Te Tiriti o Waitangi is a foundation, in both moral and practical terms, of our schooling system’. A design principle of the draft report was that the education system should embody ‘genuine equity and partnership’ under the Treaty.<sup>116</sup> The draft report acknowledged the disparities in outcomes for Māori students in mainstream schooling, but noted the academic success of students in Kaupapa Māori settings – in the Taskforce’s words ‘[t]he Kura Kaupapa Māori response tells us that we can do something about the disparities.’<sup>117</sup>

However, the draft report also noted the Crown had not sufficiently supported the provision of Kaupapa Māori schooling.<sup>118</sup> In the Taskforce’s assessment, funding for school property and teacher development did not sufficiently prioritise Māori Medium or Kura Kaupapa Māori, with the result being children were denied access to those education options due to a lack of local availability.<sup>119</sup> The Taskforce also commented that Ka Hikitia, the Crown’s cross-agency strategy to provide equitable outcomes for Māori learners and ‘give practical effect’ to the Treaty in the education system, had failed to achieve the desired change.<sup>120</sup> Additionally, the report recognised that while Kura Kaupapa Māori operate within the board of trustees framework as legally required, the collective decision-making methods of Kura Kaupapa mean real power is shared amongst whānau.<sup>121</sup>

While the draft report made a range of recommendations, we highlight two interrelated recommendations we see as the precursor to the final report’s Recommendation 4(a), which called for an autonomous governance body for Kaupapa Māori education. First, the Taskforce recommended the Ministry develop ‘a Te Tiriti o Waitangi-led, future focused state schooling network planning strategy’ in consultation with iwi, rūnanga and kura (amongst other groups). Second, as part of that strategy, the Taskforce also recommended that ‘consideration be given to the formation of a dedicated national Education Hub for Kaupapa Māori settings that provides a strong and coherent parallel pathway within the overall network.’<sup>122</sup> The Taskforce noted the Kaupapa Māori Hub should

115. Office of the Minister of Education, ‘Tomorrow’s Schools Review: Report of the Independent Taskforce’, November 2018, p1 (Crown counsel, supporting documents (doc B30), p 95)

116. Independent Taskforce, *Our Schooling Futures*, p 33 (application for urgency, supporting documents (doc A6), p 476)

117. *Ibid*, p 30 (p 473)

118. *Ibid*, p 71 (p 514)

119. *Ibid*

120. *Ibid*, p 29 (p 472); Ka Hikitia – Ka Hāpaitia/The Māori Education Strategy (English), Ministry of Education, <https://www.education.govt.nz/our-work/overall-strategies-and-policies/ka-hikitia-ka-hapaitia/ka-hikitia-ka-hapaitia-the-maori-education-strategy>, accessed 10 November 2023. See the glossary entry for ‘Ka Hikitia’ at p 381.

121. Independent Taskforce, *Our Schooling Futures*, p 43 (application for urgency, supporting documents (doc A6), p 486)

122. *Ibid*, p 57 (p 500)

‘be co-designed and established with iwi Māori’ to ensure ‘ongoing support and promotion of Kaupapa Māori ākonga.’<sup>123</sup>

The claimants were generally positive about the draft recommendations. Dr Dewes was struck by the ‘strong references’ to the Treaty in the report and ‘felt the growing understanding within the Taskforce about the values of Kura Kaupapa Māori and its benefits’. The Taskforce, in her view, recognised the pressures Kura Kaupapa faced, including those caused by the Crown’s management of the settings Kura Kaupapa had to operate within.<sup>124</sup> To Mr Campbell, the recommendation for an Education Hub dedicated to Kaupapa Māori settings and a parallel pathway was an encouraging step forward, compared to the Ministry’s existing work in the wider Māori Medium space.<sup>125</sup>

#### **4.2.3.7 The Crown extends the Taskforce’s review**

In a Cabinet paper lodged in November 2018, Minister Hipkins advised Cabinet of the draft report, including its recommendation that the Crown establish a national Education Hub for Kaupapa Māori settings.<sup>126</sup> Minister Hipkins recommended the Taskforce’s tenure be extended to undertake a further round of public consultation on its initial recommendations, before issuing a final report. Further consultation was necessary because of the significance of the report and its ‘wide reaching implications.’<sup>127</sup> Minister Hipkins signalled that ‘[t]he Ministry of Education will sit alongside the Taskforce during this stage of consultation, to ensure it can listen to the emerging feedback to inform the Government response.’<sup>128</sup> The Crown was clear it would not make any policy in response to the Taskforce’s recommendations until the final report was issued.<sup>129</sup>

In the same Cabinet paper, Minister Hipkins advised that a ‘detailed policy analysis process’ would be undertaken in parallel with the Taskforce’s second stage of consultation to assess the Treaty implications of the Taskforce’s draft recommendations.<sup>130</sup> We note two pieces of such analysis available to us from the relevant period. In March 2019, Ministry staff prepared a paper for Associate Minister for Māori Development, the Right Honourable Nanaia Mahuta, discussing the potential impact of the Tomorrow’s Schools review on Kura Kaupapa Māori and Wharekura.<sup>131</sup> The paper detailed the extensive consultation the Taskforce had undertaken and highlighted the Taskforce’s findings that Kaupapa Māori schooling has not been sufficiently supported, a dedicated national Education Hub

---

123. Ibid, p 49 (p 492)

124. Dewes, brief of evidence (doc B14), p 7

125. Campbell, brief of evidence (doc B12), p 16

126. Office of the Minister of Education, ‘Tomorrow’s Schools Review: Report of the Independent Taskforce’, p 4 (Crown counsel, supporting documents (doc B30), p 98)

127. Ibid

128. Ibid

129. Ibid

130. Ibid, p 5 (p 99)

131. Ministry of Education, ‘Impact of the Review of Tomorrow’s Schools on Kura Kaupapa Māori and Wharekura’, 29 March 2019, pp 1–3 (Crown counsel, supporting documents (doc B30), pp 141–143)

for Kaupapa Māori settings should be explored and a ‘Te Tiriti o Waitangi-led’ State schooling network planning strategy should be developed.<sup>132</sup> The paper also noted a group called Community Schools Alliance had raised concerns Education Hubs would diminish the role of boards of trustees, thereby causing kura to ‘lose their independence’ and be directly controlled by the Crown.<sup>133</sup> We also note the concerns some iwi representative organisations raised with the Taskforce’s draft recommendations. The Mātauranga Iwi Leaders Group, as well as iwi representatives for Ngāpuhi and Ngāi Tahu ‘strongly opposed’ a single national Education Hub for Kaupapa Māori settings – contending any such central hub would need to be supported by more specific local Kaupapa Māori hubs.<sup>134</sup>

We also highlight a paper prepared by external consultant Guy Beatson, which the Ministry received on 16 November 2018.<sup>135</sup> The paper was intended to inform the Ministry’s response to the Tomorrow’s Schools review and surveyed 30 years of analysis from Māori academics and educators to distil 10 principles reflecting tikanga and te ao Māori perspectives on schooling.<sup>136</sup> Beatson wrote that under these principles, governance and decision-making in kura involves all whānau.<sup>137</sup> This distinct tikanga-based organisational form of Kura Kaupapa Māori should be recognised and applicable legislation should be flexible enough for it to operate.<sup>138</sup> The paper suggested changes to strengthen Kura Kaupapa Māori and Kura ā Iwi by recognising Kura Kaupapa as a distinct form of school in legislation, separate to special character schools; giving flexibility to Kura Kaupapa to choose the form and scope of whānau representation on boards of trustees/rūnanga; and recognising Te Marautanga o Te Aho Matua as equivalent to the general curriculum.<sup>139</sup>

#### **4.2.3.8 The Independent Taskforce conducts further consultation regarding its draft report**

In December 2018, the Ministry of Education released the draft report to the public.<sup>140</sup> Upon the draft report’s release, the Minister also sent a letter to all Kura Kaupapa, summarising the report and providing options for consultation in te roo Māori.<sup>141</sup> The Taskforce then conducted public consultation on its report between

---

132. Ministry of Education, ‘Impact of the Review of Tomorrow’s Schools on Kura Kaupapa Māori and Wharekura’, pp 1–3 (Crown counsel, supporting documents (doc B30), pp 141–143)

133. Ibid, p 2 (p 142)

134. Tomorrow’s Schools Independent Taskforce, ‘Summary Report of Submissions Received from Kura Kaupapa Māori Education Providers and Iwi Organisations’, August 2019, pp 10–11 (Crown counsel, supporting documents (doc B30), pp 959–960)

135. Guy Beatson, ‘Te Ao Māori and Tikanga Māori Perspectives and Schooling: A Think Piece’, 16 November 2018 (Crown counsel, supporting documents (doc B30), pp 60–92)

136. Ibid, pp i–17 (pp 63–81)

137. Ibid, p 11 (p 75)

138. Ibid, pp 10–11 (pp 74–75)

139. Ibid, pp 19–20 (pp 83–84)

140. Jackson and Schöllmann, brief of evidence (doc B28), p 7

141. Ministry of Education, ‘Impact of the Review of Tomorrow’s Schools Kura Kaupapa Māori and Wharekura’, p 2 (Crown counsel, supporting documents (doc B30), p 142)



January and May 2019.<sup>142</sup> The consultation process was advertised online, via newspapers and on the radio. The Taskforce provided an online survey seeking feedback on its draft report, received written and oral submissions and held over 100 meetings with stakeholders.<sup>143</sup> Many of these were general meetings open to the public and held in towns and cities across the country.<sup>144</sup> The Taskforce received over 3,000 survey responses and 2,000 written submissions on the draft report.<sup>145</sup>

During this period, the Taskforce met with Te Rūnanga Nui twice to discuss the draft report – on 18 January 2019 and 7 May 2019. It also received a formal written submission from Te Rūnanga Nui.<sup>146</sup> Additionally, Te Rūnanga Nui met with the Taskforce alongside other Māori Education Peak Bodies on 28 March 2019.<sup>147</sup> Much of the kōrero with the Taskforce focused on strengthening the Kaupapa Māori Education Hub recommendation, to provide a stronger voice for Te Rūnanga Nui in the management of Kura Kaupapa Māori settings. A large majority of members of Te Rūnanga Nui – 73 per cent – supported the written submission, which called for a parallel pathway for Kura Kaupapa Māori, entitled ‘He Ara Motuhake.’<sup>148</sup> The submission requested a ‘unique national Kura Kaupapa Māori Aho Matua Hub’ be established for Kura Kaupapa Māori, to develop clear, unambiguous and specific regulations so Kura Kaupapa Māori could flourish. The claimants stressed this parallel pathway was a Treaty right.<sup>149</sup> We note Ngā Kura ā Iwi supported the idea of a Kaupapa Māori Hub in its own submission but wanted to ensure local kura whānau and communities would retain a high degree of autonomy if it were established.<sup>150</sup>

After receiving this submission, the Taskforce discussed options for strengthening its Education Hub recommendation with Te Rūnanga Nui and Ngā Kura ā Iwi at their 7 May 2019 hui. Te Rūnanga Nui noted the draft report only recommended

---

142. Tomorrow’s Schools Independent Taskforce, ‘2019 Consultation’, 2019 (Crown counsel, supporting documents (doc B30), pp 588–591)

143. Independent Taskforce, *Our Schooling Futures* (Wellington: Ministry of Education, 2019), pp 98–99 (application for urgency, supporting documents (doc A6), pp 689–690)

144. Independent Taskforce, ‘2019 Consultation’ (Crown counsel, supporting documents (doc B30), pp 588–591)

145. Independent Taskforce, *Our Schooling Futures*, pp 98–99 (application for urgency, supporting documents (doc A6), p 687); Te Rūnanga Nui o Ngā Kura Kaupapa Māori o Aotearoa to Tomorrow’s Schools Independent Taskforce, 13 April 2019 (application for urgency, supporting documents (doc A6), p 246)

146. Dewes, brief of evidence (doc B14), p 6; Te Rūnanga Nui o Ngā Kura Kaupapa Māori o Aotearoa to Tomorrow’s Schools Independent Taskforce, 13 April 2019 (application for urgency, supporting documents (doc A6), p 246)

147. Minutes of Māori Education Peak Body Hui, 28 March 2019, p 11 (Crown counsel, supporting documents (doc B30), p 125). See the glossary entry for ‘Māori Education Peak Bodies’ at p 381.

148. Te Rūnanga Nui of Ngā Kura Kaupapa Māori o Aotearoa to Tomorrow’s Schools Independent Taskforce, 13 April 2019, p 1 (application for urgency, supporting documents (doc A6), p 246)

149. *Ibid*, p 7 (p 252)

150. Ngā Kura ā Iwi o Aotearoa to Tomorrow’s Schools Independent Taskforce, p 3 (Crown counsel, supporting documents (doc B30), p 3035)

‘investigation’ of a separate Kaupapa Māori hub, not the implementation of one.<sup>151</sup> Mr Campbell told the Taskforce that Kura Kaupapa groups should have a say in the makeup of the hub and Ngā Kura ā Iwi Chief Executive Ohia Watson stated mana motuhake was essential to the parallel pathway – Māori should determine its structure and processes.<sup>152</sup> In response, the Taskforce agreed with the claimants – their mana motuhake needed to be reflected in the form and function of the pathway’s governing body.<sup>153</sup> We note Tipene Chrisp, Senior Policy Manager of Māori Education at the Ministry, attended this meeting.<sup>154</sup> Dr Dewes felt the Taskforce really listened to the submission of Te Rūnanga Nui at this hui, the Taskforce acknowledged the claimants’ aspirations and it ‘fully understood’ the journey Kura Kaupapa Māori had taken over the years.<sup>155</sup> Te Rūnanga Nui was ‘delighted’ by the proposed recommendation of the Taskforce for a parallel pathway that would sit independent of the mainstream system.<sup>156</sup>

Between the release of the draft report in November 2018 and its receipt of the final report in July 2019, the Ministry also met directly with Te Rūnanga Nui once to discuss the draft report. On 11 June 2019, Te Rūnanga Nui presented its written submission on the draft report to Associate Minister Davis.<sup>157</sup> The Te Rūnanga Nui submission was accompanied by a petition in support, signed by 4,700 people.<sup>158</sup> The Associate Minister acknowledged the proposal for a parallel pathway and invited Te Rūnanga Nui to meet with him again after the final report was released ‘to discuss future opportunities for Kura Kaupapa Māori.’<sup>159</sup>

In July 2019, the Taskforce presented its final findings to the Minister of Education.<sup>160</sup> The bulk of the claimants’ grievances in this inquiry are sourced from the Crown’s response to the Taskforce’s final report. The content of the report and the steps the Crown took in response to it, will be discussed in section 4.3.

#### **4.2.4 Did the Crown establish the Tomorrow’s Schools review in a Treaty compliant manner?**

Having considered the events surrounding the establishment and completion of the Tomorrow’s Schools review, we now turn to assess the Treaty compliance of the Crown’s conduct during that process. Specifically, we ask ourselves whether the Crown adequately involved and considered Te Rūnanga Nui and Kura Kaupapa Māori in its decisions to initiate the Tomorrow’s Schools review, establish its Terms of Reference and appoint the Taskforce’s members.

---

151. Tomorrow’s Schools Review Taskforce, ‘Draft Secretariat Notes’, 7 May 2019, p [7] (Crown counsel, supporting documents (doc B30), p 584)

152. Ibid, p [6] (p 583)

153. Ibid, pp [4]–[5] (pp 581–582)

154. Ibid, p [2] (p 579)

155. Dewes, brief of evidence (doc B14), p 9

156. Ibid

157. Minutes of meeting of Associate Minister of Education (Hon Davis) and Te Rūnanga Nui o Ngā Kura Kaupapa Māori, 11 June 2019 (Crown counsel, supporting documents (doc B30), pp 594–595)

158. Ibid, p [2] (p 595)

159. Ibid

160. Jackson and Schöllmann, brief of evidence (doc B28), p 9

#### 4.2.4.1 *Did the Crown need to consult the claimants before reaching these decisions?*

As established in section 4.2.3, the Crown did not consult with the claimants before taking steps to establish the Tomorrow's Schools review. Te Rūnanga Nui was not asked for input on whether a review should take place before Cabinet approved the EWP 2018, nor was it consulted before Cabinet established Terms of Reference for the Taskforce. The Crown also did not seek the opinion of Te Rūnanga Nui on the composition of the Taskforce. The claimants were not told about the proposed review before Cabinet made its decision and announced it to the public.

Just as the determination of policy for the compulsory schooling sector is within the scope of the Crown's kāwanatanga powers, so too is the decision to conduct a review of existing policy. This is a point the claimants accepted.<sup>161</sup> However, as discussed in chapter 3, the Crown's kāwanatanga has limits. The Treaty partnership demands that the Crown's kāwanatanga powers be exercised in a way that respects rangatiratanga held by Māori – in this instance, the rangatiratanga held by Kura Kaupapa Māori communities and manifested through Te Rūnanga Nui. The Tribunal has often articulated this in the context of policy making. Where policy is made, the Crown has a Treaty duty to consult, and often to collaborate, with the affected Māori groups before decisions are reached.<sup>162</sup>

Final policy decisions are not the sole context in which the partnership principle operates. It also applies to key steps in the development of policy. The *Hauora* Tribunal described this as a duty to 'consult and partner with Māori genuinely in the design and provision of social services.'<sup>163</sup> We believe that this duty is activated in the current circumstances. While the Taskforce's recommendations were non-binding, the Crown intended its findings to form a basis for reform that would affect the entire compulsory schooling sector, including Kura Kaupapa Māori. The review's findings were one of the main vehicles (if not the main vehicle) through which the Crown would hear the concerns of education stakeholders about the Tomorrow's Schools system. The review in and of itself was an important step in the policy design process. Therefore, the Crown had an obligation, at the outset, to work in partnership with Māori education stakeholders, including Kaupapa Māori education stakeholders like Te Rūnanga Nui, when making decisions to establish the review.

We note that this obligation also flows from the principle of active protection. As we established in chapter 3, the Crown owes duties of active protection to Kura Kaupapa Māori, as a manifestation of kāinga in the broader sense. Part of that duty is to ensure Te Rūnanga Nui, as representatives of Kura Kaupapa Māori whānau, have a meaningful role in shaping policy affecting kura. We consider this

---

161. Claimant counsel, closing submissions (paper 3.3.3), p 97

162. Waitangi Tribunal, *He Pāharakeke, He Rito Whakakīkinga Whārua: Oranga Tamariki Urgent Inquiry* (Lower Hutt: Legislation Direct, 2021), pp 18–19; Waitangi Tribunal, *Hauora: Report on Stage One of the Health and Outcomes Kaupapa Inquiry* (Lower Hutt: Legislation Direct, 2019) pp 28–29

163. Waitangi Tribunal, *Hauora*, p 28

extends to involvement of Te Rūnanga Nui in important preliminary steps to the development of policy, such as the initiation of the Tomorrow's Schools review.

In this instance, the partnership and active protection duties owed to Te Rūnanga Nui were also heightened in four key respects. First, the Crown made a commitment in the 2012 *Tauākī Kawa* to engage early with the claimants on matters of mutual interest and to work with them in a spirit of 'mutual respect' and 'good faith'.<sup>164</sup> Second, the Education Act 1989 provided that Te Rūnanga Nui are the 'kaitiaki' of Te Aho Matua. To us, this statutory recognition is meaningless without Crown action to ensure Te Rūnanga Nui can fulfil this kaitiaki role.

Third, these duties are heightened by the Crown's own acknowledgement of the challenges facing Kura Kaupapa Māori as at 2018, which the Tomorrow's Schools review had an opportunity to address. Crown witnesses in our inquiry accepted that many of the problems raised by the claimants constituted real challenges facing Kura Kaupapa Māori, then and now, and require further work so Kura Kaupapa can grow and succeed (see section 4.2.2.2 above). To its credit the Taskforce's report ultimately spoke to many of these issues, in the absence of specific instruction from the Crown. Regardless, the Crown had a duty to take concrete steps to encourage the Taskforce to inquire into these problems, so its review had a higher chance of leading to meaningful solutions. One of these steps should have been involving Te Rūnanga Nui in the conversation around the decision to establish the review.

Fourth, the Crown's obligations were heightened by wider inequities present in the education system (which it has acknowledged). We note that in 2017, Ministry officials highlighted the need to 'maximise' the excellent outcomes in Māori Medium education, to improve outcomes for tamariki Māori in education generally by reducing barriers for access to Māori Medium schooling.<sup>165</sup> The paper specifically noted that Māori educational success was heightened where 'Māori identity, language and culture is embedded in the governance, leadership, teaching and learning' of kura – namely, in Kaupapa Māori education environments.<sup>166</sup> Additionally, in the EWP 2018, Minister Hipkins noted 'persistent inequities' for Māori learners in mainstream schooling, but the comparative success of Māori Medium education.<sup>167</sup> In other words, the Crown acknowledged it was undertaking a review of a system that was failing Māori and that Kura Kaupapa Māori were, at least in part, a solution to those failings. Just as the *Hauora* Tribunal found disparities in health outcomes for Māori heightened the Crown's partnership obligations,<sup>168</sup> the Crown's own acknowledgement of these educational disparities for Māori amplifies its partnership obligations to Te Rūnanga Nui.

---

164. 'Te Tauākī Kawa', p [2] (Crown counsel, supporting documents (doc B30), p 2)

165. Ministry of Education, 'Briefing to the Incoming Minister', pp 4–5 (Hohepa Campbell and Mahinarangi Maika, supporting documents (doc B26(a)), pp 263–264)

166. *Ibid*, p 4 (p 263)

167. Cabinet Business Committee, 'Education Work Programme', p 5 (Campbell and Maika, supporting documents (doc B26(a)), p 32)

168. Waitangi Tribunal, *Hauora*, p 29

In order to meet its Treaty obligations, the Crown needed to consult with Te Rūnanga Nui prior to deciding to undertake the review. At the very least the Crown should have informed the parties such a review was proposed. We also see this as precisely the early engagement the Crown committed to when agreeing to the 2012 Tauākī Kawa. Additionally, this would have been a useful juncture at which the Crown could have explained to the claimants the non-binding nature of the review – it could not directly lead to policy changes affecting the claimants. This is not to say Te Rūnanga Nui is the only body that should have been consulted prior to the Crown's decisions to establish the review. However, Te Rūnanga Nui and Kura Kaupapa Māori are the claimants before us and therefore our findings will be necessarily restricted to the duties they are owed.

To fulfil these partnership and active protection obligations, we would also expect the Crown to ask Te Rūnanga Nui for input on the Terms of Reference and the composition or skills profile of the Taskforce panel. We would expect the Crown to ask Te Rūnanga Nui what areas of focus in the review would best provide insight into the challenges facing Kura Kaupapa Māori, and in particular, allow them to maximise the excellent outcomes for Kura Kaupapa ākongā. This juncture of communication would also allow Te Rūnanga Nui to suggest focus points for the review around the resourcing and support of Te Marautanga o Te Aho Matua it thought were needed – an important opportunity for the group to manifest its role as kaitiaki. Gaining the direct input of Te Rūnanga Nui on the focus points of the review would have been the best way for the Crown to ensure the Taskforce's consultation and analysis meaningfully targeted the concerns of Kura Kaupapa Māori. For the same reasons, we believe Te Rūnanga Nui should have been asked for its insights on who may be best qualified to provide expertise on Kaupapa Māori education within the Taskforce's panel and prepare a report that accurately captures the challenges the Tomorrow's Schools system presents for Kura Kaupapa Māori.

Therefore, we find the Crown's failure to consult Te Rūnanga Nui prior to

- ▶ deciding to initiate the Tomorrow's Schools review in the 2018 EWP;
- ▶ confirming Terms of Reference for the Taskforce; and
- ▶ appointing the members of the Taskforce

to be a breach of the Treaty principles of partnership and active protection.

#### **4.2.4.2 Did the EWP 2018 or the Terms of Reference need to mention Te Rūnanga Nui and Kura Kaupapa Māori specifically?**

The claimants took issue with the lack of specific language referring to Kura Kaupapa Māori or Te Rūnanga Nui in both the Terms of Reference and the Cabinet paper launching the EWP 2018. As it stands, however, the term 'Māori medium' education was used in both documents. The Crown argues this term was intended to be inclusive of Kura Kaupapa Māori and more mainstream schools with over 50 per cent te reo immersion. It also argues the language used was appropriately generalised given the scope of the Tomorrow's Schools review. We disagree, specifically in the case of the Terms of Reference for the Taskforce.

As we mention in chapter 3, the principles of partnership and active protection require the Crown to formulate specific policy responsive to the needs of Kura Kaupapa Māori in its exercise of kāwanatanga. In the words of the *Ko Aotearoa Tēnei* Tribunal, the State owes Māori a kāwanatanga duty to create policy that is ‘focused and highly functional’.<sup>169</sup> Though the Taskforce itself was not the Crown, the Crown had a Treaty responsibility to direct the Taskforce in a way that gave the best chance for its review to meaningfully address the problems facing Kura Kaupapa Māori. That required bespoke mechanisms and safeguards to make sure the review addressed the needs facing Kura Kaupapa Māori. The Crown should have specifically directed the Taskforce to focus on whether the system adequately supports ākonga Māori in Kaupapa Māori education settings (including Kura Kaupapa Māori) and the provision of a Kaupapa Māori education pathway. The Crown also should have been more specific about the Kaupapa Māori education stakeholders the Taskforce needed to consult with and named Te Rūnanga Nui in that list.

For these reasons, we find that the Crown’s failure to specify Te Rūnanga Nui or Kura Kaupapa Māori in its Terms of Reference to be a breach of the principles of partnership and active protection, and specifically the Crown’s duty to exercise good kāwanatanga.

The Crown had well-placed intentions in making the Treaty compliance of the education system a focus of the Taskforce’s review, as well as the needs of Māori Medium learners and the ability of the system to promote equitable outcomes for all learners. However, there also needed to be a specific focus on the unique challenges facing Kura Kaupapa Māori. Although the Crown directed the Taskforce to engage with Māori broadly, further specificity was necessary to ensure Treaty compliance.

#### **4.2.4.3 Should the Crown have offered Te Rūnanga Nui a place on the Taskforce?**

The claimants note they were not asked to be a part of the Taskforce. We do not think this was necessary for Treaty compliance. The idea of an independent review of Government settings, conducted by those who are not currently stakeholders of that review, is a common principle of good government. Te Rūnanga Nui members could not and should not have been appointed to the Taskforce and then expected to refrain from advocating for Kura Kaupapa Māori.

Although the Crown was not required to appoint a member of Te Rūnanga Nui specifically to the Taskforce, it did need to ensure one of the panel’s members had expertise in Kaupapa Māori education. For the Taskforce’s review of the Tomorrow’s Schools system to have the best chance of generating accurate analysis of ways to improve the system for those learners, a Taskforce member needed to have this expertise. The Advisory Panel, that had members from Ngā Kura ā Iwi and Te Rūnanga Nui, was not a substitute for a member of the Taskforce having

---

169. Waitangi Tribunal, *Ko Aotearoa Tēnei: A Report into Claims concerning New Zealand Law and Policy Affecting Māori Culture and Identity, Te Taumata Tuatahi* (Wellington: Legislation Direct, 2011), p 450

this understanding. In saying this, we do not seek to detract from the expertise of the five members who ultimately conducted the Tomorrow's Schools review. We think they were suited to address the concerns of the wider compulsory schooling sector. We simply believe that a Kaupapa Māori education voice should have been added to that panel.

We note that the intimate nature of this sector means that any individual qualified to provide such a perspective likely has a history of involvement with Te Rūnanga Nui or Ngā Kura ā Iwi or ongoing contact with those groups in some way. However, we do not consider that this should have prevented such an appointment. The Crown was willing to appoint three former principals/teachers and one current principal as well as manage an identified conflict of one member, so we see no reason why a similar approach could not be taken with a Kaupapa Māori education expert.<sup>170</sup> The presence of a Kaupapa Māori education expert on the panel was too valuable and important to the Crown's partnership obligations, to allow any such concerns to bar appointment of a suitable expert.

Like with the failure to specify Kura Kaupapa Māori or Te Rūnanga Nui in the Terms of Reference, we find that failure to appoint a Taskforce member with this specific expertise was inconsistent with the Crown's duty to exercise good kāwanatanga and therefore a breach of the principles of partnership and active protection.

#### **4.2.4.4 Prejudice**

The Crown was required to consult the claimants specifically when taking steps to initiate the Tomorrow's Schools review – the approval of the EWP 2018, decisions on Terms of Reference for the review and appointment of Taskforce members to conduct the review. The Crown was also required under the Treaty to specifically require the Taskforce to focus on Kaupapa Māori education and the challenges facing Kura Kaupapa Māori in its Terms of Reference. It also should have appointed a member to the Taskforce with expertise in Kaupapa Māori education. The Crown failed to do so, in breach of the Treaty. Even though the Crown failed to do these things, the Taskforce ultimately conducted its review with impressive levels of consultation and active consideration of the needs of Māori learners – both generally, in Māori medium, and in Kura Kaupapa Māori specifically. This is mirrored by the claimants' experience – where they felt heard and understood by the Taskforce throughout the process and through the Taskforce's reports. As such, we find the prejudice arising from these breaches has been significantly ameliorated by the way the Taskforce ultimately conducted its review. Indeed, the success of the review and the soundness of the Taskforce's consultation process, makes the Crown's subsequent response to dismiss the Taskforce's recommendations even more concerning. This decision will be discussed in the next section.

In our assessment the claimants remain prejudiced in some respects, including by the absence of a clear voice with expertise in Kaupapa Māori education on the Taskforce. The omission of this voice placed a greater pressure on the

---

<sup>170</sup> Office of the Minister of Education, 'Appointments to the Independent Taskforce', pp [2]–[3] (application for urgency, supporting documents (doc A6), pp 437–438)

groups consulted, including Te Rūnanga Nui and other Kaupapa Māori education representatives, to reflect a perspective not provided by the Taskforce. We also consider the anxiety and stress the claimants reported feeling when the Taskforce was announced without their prior knowledge – reflecting their concern that the Taskforce could make significant decisions about Kura Kaupapa without them – was a direct consequence of the Crown’s failure to engage early with the claimants about the nature of the review. The Crown’s failure to engage also diminished the agency of Te Rūnanga Nui, who seek to manifest the rangatiratanga of kura communities. Causing this *mamae* was in and of itself a prejudicial effect and did not appropriately reflect the *mana* of Te Rūnanga Nui as a national voice for kura *whānau*. This poor engagement also contributed to the claimants’ sense of being out of step with the Crown in spite of Te Tauāki Kawa, which we explore in more depth in chapter 6.

### 4.3 THE CROWN’S RESPONSE TO THE INDEPENDENT TASKFORCE’S REPORT

In this section, we assess whether the Crown sufficiently considered and involved Te Rūnanga Nui and Kura Kaupapa Māori in its response to the Taskforce’s report – namely, in its decision not to pursue Recommendation 4(a). Recommendation 4(a) called for an autonomous governance body to support Kura Kaupapa Māori and facilitate a parallel pathway for Kaupapa Māori education. Two significant events in this period frame our analysis: the Crown’s public response to the report, released on 12 November 2019; and the passage of the Education and Training Act 2020 on 31 July 2020.

We note the claimants raised several concerns with the contents of the Education and Training Act 2020, beyond the fact it did not reflect the Taskforce’s recommendations. Some of these concerns will be mentioned for fullness at section 4.3.2.7. However, the scope of this inquiry is confined to the Crown’s response to the Taskforce’s report – not the broader legislative scheme underpinning the education system.<sup>171</sup> The recently established Education Services and Outcomes inquiry may be a more appropriate vehicle for these aspects of the claim.

In this section we assess the Treaty compliance of the process the Crown used to reach its decision not to pursue Recommendation 4(a) in its November 2019 response and to communicate that decision to the claimants. Specifically, we will consider:

- ▶ whether the Crown accorded sufficient weight to the Taskforce’s report before deciding not to pursue Recommendation 4(a);
- ▶ whether the Crown should have consulted the claimants before deciding not to pursue Recommendation 4(a); and
- ▶ whether the Crown adequately communicated its decision not to pursue Recommendation 4(a) to the claimants.

---

171. Statement of issues (paper 1.4.1), pp [1]–[2]



### 4.3.1 The parties' positions

#### 4.3.1.1 The claimants' position

The claimants argue the Crown failed to 'engage meaningfully and openly' with Te Rūnanga Nui during the Tomorrow's Schools reform process, undermining Te Tauāki Kawa.<sup>172</sup> They consider the Crown to have breached the Treaty by failing to consult with Te Rūnanga Nui before deciding not to proceed with Recommendation 4(a) in November 2019, stating the Crown 'unilaterally dismissed' the recommendation.<sup>173</sup> They accuse the Crown of opting to 'rehash' policies proven to undermine the potential of Kaupapa Māori schooling.<sup>174</sup> The Crown also failed to adequately consult the claimants before replacing the Education Act 1989.<sup>175</sup> The claimants argue the Crown's response to the Taskforce's recommendations was unclear and poorly communicated, in breach of its Treaty obligation to exercise good kāwanatanga.<sup>176</sup>

In the claimants' view, the Crown's consideration of Te Rūnanga Nui and Kura Kaupapa Māori when making these decisions was 'minimal'.<sup>177</sup> The claimants take issue with the lack of reference to Kura Kaupapa Māori in the Crown's public response to the Taskforce's report or the associated Cabinet papers.<sup>178</sup> Despite the clear mandate for change presented by Recommendation 4(a), the Crown instead focused its initial response on the mainstream schooling sector.<sup>179</sup> The claimants argue the Crown 'ignored' the critical issues facing Kura Kaupapa Māori in its response to the Taskforce.<sup>180</sup>

#### 4.3.1.2 The Crown's position

While the Crown acknowledges aspects of its engagement process 'fell short of best practice' during the Tomorrow's Schools reforms, it argues it did not breach the Treaty.<sup>181</sup> In the Crown's assessment, its November 2019 response to the Taskforce was consistent with the rationale of Recommendation 4(a) that greater agency and autonomy should be afforded to Kaupapa Māori education. However, the Crown chose to pursue this objective through different actions than the Taskforce proposed.<sup>182</sup> Instead of agreeing to the Taskforce's proposal for an autonomous governance entity, the Crown elected to progress work to 'strengthen both Kaupapa Māori and Māori Medium education', in a process led by representatives within those pathways.<sup>183</sup>

---

172. Claimant counsel, opening submissions (paper 3.3.1), pp 32–33

173. Claimant counsel, closing submissions (paper 3.3.3), pp 12, 107

174. *Ibid.*, p 12

175. *Ibid.*, p 107

176. *Ibid.*

177. *Ibid.*, p 106

178. Claimant counsel, opening submissions (paper 3.3.1), p 32

179. *Ibid.*

180. *Ibid.*

181. Crown counsel, closing submissions (paper 3.3.4), p 15

182. *Ibid.*, pp 61–62

183. *Ibid.*, pp 61–62

It is the Crown's position that the September 2019 Cabinet paper on the response took a 'reasonable' and 'considered' approach given the scale of change it addressed, including by explaining why the approach of strengthening the Māori Medium pathway was taken.<sup>184</sup> However, the Crown presented no evidence it consulted with the claimants prior to its public response to the Taskforce. The Crown also confirmed no 'bespoke consultation' occurred with the claimants before the replacement of the Education Act 1989, but that other engagement streams with Māori (including Kōrero Mātauranga, Māori Education Peak Bodies' Hui and the Taskforce's consultation process) informed the Crown's decision-making.<sup>185</sup> The Crown further notes the reform of the Education Act was not intended to be its final legislative response to the Taskforce's recommendations.<sup>186</sup>

### 4.3.2 The Crown's response to the Taskforce's report

#### 4.3.2.1 *The Taskforce's final report*

On 2 July 2019, the Minister of Education received the Taskforce's final report on Tomorrow's Schools.<sup>187</sup> Later that month, Associate Minister Davis was also provided a copy.<sup>188</sup> Like in the draft report, the Taskforce emphasised the centrality of the Treaty in its recommendations;<sup>189</sup> commenting the governance, management and administration of schooling must be founded in the Treaty.<sup>190</sup> The Taskforce stated its desired schooling system would embody the Treaty partnership, including the obligations arising from kāwanatanga, partnership, reciprocity, and active protection.<sup>191</sup> The report also noted an absence of trust between schools and education agencies.<sup>192</sup> In the Taskforce's view, success in the education system was not possible without trust – and much better connections between schools and government agencies were required.<sup>193</sup> We note this emphasis on trust reflects kōrero we heard during this urgent inquiry. The Crown states its intention was, and remains, to build trust between the Ministry and Kaupapa Māori education providers.<sup>194</sup> The claimants told us their trust had been completely eroded.<sup>195</sup> Whether the Crown's actions helped further a trust-based relationship is considered in chapter 6.

---

184. Crown counsel, closing submissions (paper 3.3.4), p 64

185. *Ibid.*, p 70. See the glossary entry for 'Kōrero Mātauranga' at p 381.

186. *Ibid.*, p 67

187. Ministry of Education, 'Supporting All Schools to Succeed: Reform of the Tomorrow's Schools system', 12 November 2019, p 9 (application for urgency, supporting documents (doc A6), p 708)

188. Ministry of Education, 'Briefing Note: Tomorrow's Schools Independent Taskforce Final Report', 24 July 2019, p 2 (Crown counsel, supporting documents (doc B30), p 628)

189. Tomorrow's Schools Independent Taskforce, *Our Schooling Futures: Stronger Together: Whiria Ngā Kura Tuātititini* (Wellington: Ministry of Education, 2019), p 4 (application for urgency, supporting documents (doc A6), p 595)

190. *Ibid.*, pp 4, 18 (pp 595, 609)

191. *Ibid.*, p 8 (p 599)

192. *Ibid.*, p 4 (p 595)

193. *Ibid.*

194. Iona Holsted, brief of evidence, 12 November 2021 (doc A7), pp 6–7

195. Cathy Dewes, brief of evidence, 23 December 2021 (doc A8(a)), p 10

The Taskforce observed in its report that Kaupapa Māori pathways have not had the same level of support as English Medium pathways.<sup>196</sup> To help address this issue, the Taskforce recommended the formation of an autonomous governance body to strengthen Kaupapa Māori education, with representation from Te Rūnanga Nui and Ngā Kura ā Iwi (Recommendation 4(a)).<sup>197</sup> The core purpose of that body would be to work with the Crown to support a parallel Kaupapa Māori education pathway.<sup>198</sup> The Taskforce stated ‘it is impossible to meet the Crown’s obligations under Te Tiriti o Waitangi without facilitation of a parallel Kaupapa Māori pathway’.<sup>199</sup> In the Taskforce’s view, ‘[t]his provision reduces fundamental inequities faced by Kaupapa Māori schooling’ and ‘will enable a more coherent approach’ to allow Kaupapa Māori schooling to reach its full potential.<sup>200</sup>

In terms of authority and responsibilities, the Taskforce envisaged that the autonomous governance body would work with the Crown on resourcing arrangements and processes to develop local networks of Kura Kaupapa Māori; and longer-term, potentially assume responsibility for providing curriculum and learning, assessment and policy advice, and resources to its member organisations.<sup>201</sup> The autonomous governance body would also have ‘the same authority/mana ōrite, and operate parallel to, the Education Support Agency’.<sup>202</sup> Under the Taskforce’s recommendations, the Education Support Agency’s local offices would have devolved decision-making powers and ‘maximum possible discretionary funding’ in order to (among other functions) support curriculum design, provide or broker business support (maintenance, human resources, procurement services) for schools/kura as requested, and oversee planning processes and make decisions about the network of schools/kura within their local areas.<sup>203</sup>

Compared to the Taskforce’s initial Education Hub recommendation in the draft report, Recommendation 4(a) was much more definitive and provided significant agency to Te Rūnanga Nui and Ngā Kura ā Iwi specifically. Instead of recommending the Crown ‘consider’ establishing a separate Education Hub for Kaupapa Māori settings with iwi Māori, the Taskforce now firmly recommended an autonomous body be formed from the two national Kaupapa Māori education bodies in the compulsory schooling sector. We note these changes directly reflect discussions between the Taskforce, Te Rūnanga Nui and Ngā Kura ā Iwi (discussed above at section 4.2.3.8).

We acknowledge the Taskforce also made wider recommendations about the entire compulsory schooling sector, that would in turn impact Kura Kaupapa Māori – including recommendations around improved and equitable resourcing

---

196. Independent Taskforce, *Our Schooling Futures*, p 50 (application for urgency, supporting documents (doc A6), p 641)

197. *Ibid*, p 53 (p 644)

198. *Ibid*

199. *Ibid*

200. *Ibid*

201. *Ibid*

202. *Ibid*

203. *Ibid*, pp 79–81 (pp 670–672)

for the schooling sector in general.<sup>204</sup> However, as we stated in section 4.2.2.2, the sufficiency of funding and resourcing for Kura Kaupapa is beyond the scope of the current urgent inquiry.

In September 2019, the Taskforce's final report was released to the public. The claimants told us they were 'delighted' by Recommendation 4(a). Upon reading the report, Dr Dewes 'thought how brave and committed that Taskforce was to advocate for a parallel pathway' for Kura Kaupapa Māori. She felt the Taskforce had listened to the claimants and understood them.<sup>205</sup> Similarly, Rawiri Wright saw the recommendation as 'tied in with what [Te Rūnanga Nui] had been advocating for – a parallel pathway for Kura Kaupapa Māori.'<sup>206</sup>

#### **4.3.2.2 The Crown prepares its response to the Taskforce's report**

Following receipt of the Taskforce's final report, the Ministry began formulating the Crown's response. Between July and September 2019, the Ministry briefed the relevant Ministers and developed multiple iterations of a Cabinet paper detailing the Crown's proposed response to the Taskforce. We do not set out every step in this iterative process, but instead highlight what we believe are key turning points in the Crown's engagement with the recommendation.

On 12 July 2019, officials provided Minister Hipkins with their initial analysis of the Taskforce's recommendations.<sup>207</sup> The Ministry appeared somewhat open to Recommendation 4(a) – proposing the Government 'agree with the intent and consider further alongside alternative options.'<sup>208</sup> They commented 'if established [the autonomous body] could play an important role in helping to improve educational outcomes for Māori and reducing racially-based inequities'. The implementation of Recommendation 4(a) would also represent an '[e]mpowering instrument to support Kaupapa Māori and Māori medium education pathways and solidify their value as part of the schooling system', provide 'challenge and oversight' as an autonomous entity and build 'expertise, capacity and capability'.<sup>209</sup> However, officials also noted further analysis was required to understand what this would mean in practice.<sup>210</sup> They identified that potential costs/risks of the proposed system could include that the recommendation 'could be seen as imposing an approach on Māori/iwi' rather than designing it with them; the time and resources to establish the entity; and the proposal may have 'broader implications

---

204. Independent Taskforce, *Our Schooling Futures*, p70 (application for urgency, supporting documents (doc A6), p661)

205. Cathy Dewes, brief of evidence (doc A1), p 22

206. Rawiri Wright, brief of evidence (doc B22), p 8

207. Grace Darkins, 'Government Response to Final Report of Tomorrow's Schools Independent Taskforce', 12 July 2019, pp1–3 (Crown counsel, supporting documents (doc B30), pp 596–598)

208. Ministry of Education, 'Annex One: Tomorrow's Schools Taskforce – Final Report Recommendations and Action Points', p 2 (Crown counsel, supporting documents (doc B30), p614)

209. Ibid

210. Ibid

for the approaches taken in other sectors (e.g. health, justice, etc). These were all matters to be considered.<sup>211</sup>

On 24 July 2019, the Ministry provided a briefing note to Associate Minister Davis and Minister Hipkins highlighting the Taskforce recommendations and action points with particular significance for ākonga and whānau Māori, including Recommendation 4(a).<sup>212</sup> Ministry officials categorised Recommendation 4(a) as a recommendation that ‘aim[s] to honour Te Tiriti o Waitangi and directly support equitable outcomes for ākonga and whānau Māori’ and described it as seeking to ‘support Kaupapa Māori pathways and iwi and Māori governance in education.’<sup>213</sup> Also attached to the briefing note was the Ministry’s initial analysis of the recommendations and action points.<sup>214</sup>

On 31 July 2019, the Ministry provided Minister Hipkins with the first draft of the Cabinet paper setting out the Crown’s response to the Taskforce report.<sup>215</sup> The paper’s main text noted the Minister is ‘interested in the Taskforce proposal to establish a new Kaupapa Māori body to govern and manage the Kaupapa Māori pathway’ and commented that any work in this area must be done in ‘genuine partnership with iwi/Māori.’<sup>216</sup> The draft paper proposed the response to Recommendation 4(a) be to ‘[a]gree with the problem identified by the Taskforce’ and ‘[d]irect officials to provide further advice by August 2020’ as part of a priority work programme to develop ‘Mātauranga Māori.’<sup>217</sup>

On 7 August 2019, Ministry officials met with Associate Minister Davis to discuss how the Ministry intended to progress the Taskforce report’s recommendations concerning Māori, including Recommendation 4(a).<sup>218</sup> In a memorandum of ‘early thoughts’ prepared for the hui, Ministry staff described the recommendation as a ‘priority’ and ‘an opportunity for us to explore ways to support iwi to exercise tino rangatiratanga in the education system.’ Significantly, officials noted the Ministry was scoping policy work on the action point and would like to engage

211. Ibid

212. Sohini Smith, ‘Tomorrow’s Schools Independent Taskforce Final Report’, 24 July 2019, pp1–7 (Crown counsel, supporting documents (doc B30), pp 627–634)

213. Ibid, p 4 (p 631)

214. Smith, annex 3 to ‘Tomorrow’s Schools Independent Taskforce Final Report’, pp1–7 (Crown counsel, supporting documents (doc B30), pp 635–641)

215. Angela Parker, ‘Government Response to Final Report of the Tomorrow’s Schools Independent Taskforce – Update on Cabinet Paper Drafting’, 31 July 2019, pp1–3 (Crown counsel, supporting documents (doc B30), pp 663–665); Andy Jackson and Andrea Schöllmann, ‘Appendix 1: Further Detail on the Government Response Cabinet Paper to the Taskforce’s Recommendation 4a’, 5 May 2023 (doc B28(a)), pp1–2

216. Office of the Minister of Education, ‘Government Response to the Final Report of the Tomorrow’s Schools Review Independent Taskforce’, 1 August 2019, p [13] (Crown counsel, supporting documents (doc B30), p 678)

217. Ibid, p [34] (p 699)

218. Kara Isaac to Andrea Schöllmann, ‘Tomorrow’s Schools Independent Taskforce Report: Information for Agency Meeting with Hon Kelvin Davis’, 7 August 2019, p [1] (Crown counsel, supporting documents (doc B30), p 710)

early with Kaupapa Māori education organisations and iwi to develop the work further.<sup>219</sup>

On 15 August 2019, the Ministry provided Minister Hipkins with a further draft of the Cabinet paper, which we believe marked a significant change in the Crown's approach to the recommendation.<sup>220</sup> Where Recommendation 4(a) had previously been a feature of the paper's main text, this draft no longer mentioned it. In fact, the main text made no reference to Kaupapa Māori education – instead invoking the broader language of 'Māori medium'. The draft stated the education system would work in partnership with Māori to help 'determine the look and feel of the education system', including by supporting 'a parallel Māori medium pathway'.<sup>221</sup> The draft stated this work would give 'practical effect' to the Treaty.<sup>222</sup> In the newly added 'Treaty of Waitangi implications' section (a placeholder in earlier drafts), the draft recorded the Government's response to the Taskforce's report 'reflects a commitment to honouring and giving practical effect to Te Tiriti o Waitangi' in the context of compulsory schooling and that '[t]his means supporting Māori ākonga and whānau to exercise appropriate levels of agency and authority in their own and local contexts, as well as in helping to determine the look and feel of the education system'.<sup>223</sup> This Crown response, the section explained, included supporting a parallel Māori Medium pathway as part of a wider programme of work to develop and support Māori education as a priority action.<sup>224</sup> In the appendix, the proposed response to Recommendation 4(a) remained to '[a]gree with [the recommendation's] intent and consider further alongside alternative options', but stated the Minister is 'interested in supporting a parallel Māori medium pathway'.<sup>225</sup>

After this point, the iterations of the Cabinet paper do not change significantly, or present any meaningfully different approach to Recommendation 4(a) other than the final form of the Cabinet paper (which we discuss in the next section). However, we note that in August 2019, Te Arawhiti provided feedback on one of the last versions of the Cabinet paper and 'sought clarification around how the Ministry will work with Māoridom to improve outcomes for Māori ākonga'

---

219. Isaac to Schöllmann, 'Information for Agency Meeting with Hon Kelvin Davis', pp [1]–[4] (Crown counsel, supporting documents (doc B30), pp 710–713)

220. Samantha Young, 'Government Response to the Final Report of the Tomorrow's Schools Independent Taskforce – Second Update on Cabinet Paper Drafting', 15 August 2019, pp 1–3 (Crown counsel, supporting documents (doc B30), pp 816–818)

221. Office of the Minister of Education, 'Government Response to the Tomorrow's Schools Independent Taskforce Final Report', 15 August 2019, p [7] (Crown counsel, supporting documents (doc B30), p 825)

222. Ibid

223. Ibid, p [11] (p 829)

224. Ibid

225. Ibid, p [30] (p 848)

and suggested the Ministry engage with ‘Māori broadly, and early[,] on options’ regarding Recommendation 4(a) due to its implications for Māori.<sup>226</sup>

It is notable that none of the draft Cabinet papers or briefing notes we saw highlighted or brought forward the Taskforce’s comment that ‘it is impossible to meet the Crown’s obligations under Te Tiriti o Waitangi without facilitation of a parallel Kaupapa Māori pathway’.<sup>227</sup>

#### **4.3.2.3 The Crown’s formal response to the Taskforce’s report**

In September and October 2019, Cabinet approved two papers on the Crown’s response to the Taskforce’s recommendations.<sup>228</sup> The first Cabinet paper canvassed the Crown’s broader policy response to the Taskforce’s report and was approved on 16 September 2019.<sup>229</sup> As in the previous drafts, the paper did not mention in its main body either an autonomous Kaupapa Māori governance body or Recommendation 4(a). Instead, the recommendation appeared in an appendix that recorded the Crown’s response as ‘[p]rogress further’, within a ‘[p]riority A’ timeframe of 12 to 18 months.<sup>230</sup> ‘Progress further’, the appendix explained, meant the Taskforce’s proposal ‘reaffirms existing practice, is already being progressed within an existing work programme, or there is scope to include in a work programme that is currently underway’.<sup>231</sup> The quotation of Recommendation 4(a) in the appendix is the only reference to Te Rūnanga Nui or Kaupapa Māori education in the entire paper.

In its main text and recommendations, the paper noted Minister Hipkins’ plan to direct Ministry officials to report back by June 2020 with ‘a plan for taking work forward to strengthen the Māori medium pathway, including the process for engagement with Māori’.<sup>232</sup> The paper argued that strengthening the pathway would be important to ensure the future education system is responsive to ‘the needs and aspirations of Māori learners/ākonga and their whānau’ and that

---

226. Samantha Young, ‘Government Response to the Final Report of the Tomorrow’s Schools Review Independent Taskforce – Update on Cabinet Paper Drafting and Agency Consultation’, 29 August 2019, p [5] (Crown counsel, supporting documents (doc B30), p973)

227. Independent Taskforce, *Our Schooling Futures*, p 53 (application for urgency, supporting documents (doc A6), p 644)

228. Office of the Minister of Education, ‘Reform of the Tomorrow’s Schools System: Paper Two – Legislative Provisions’, 16 October 2019, pp 1–23 (application for urgency, supporting documents (doc A6), pp 802–824); Office of the Minister of Education, ‘Reform of the Tomorrow’s Schools System – Paper 1 – Proposed Government Position’, 11 September 2019, pp [1]–[51] (Crown counsel, supporting documents (doc B30), pp 1049–1099)

229. Office of the Minister of Education, ‘Reform of the Tomorrow’s Schools System – Paper 1’, p [1] (Crown counsel, supporting documents (doc B30), p 1049); Jackson and Schöllmann, brief of evidence (doc B28), p 10

230. Office of the Minister of Education, ‘Reform of the Tomorrow’s Schools System – Paper 1’, p [40] (Crown counsel, supporting documents (doc B30), p 1089)

231. *Ibid.*, p [28] (p 1077)

232. *Ibid.*, p [26] (p 1075)

‘[w]ork in this area must be undertaken in partnerships with Māori’ and in the context of the Ministry’s refresh of Ka Hikitia and Tau Mai Te Reo.<sup>233</sup>

The paper’s ‘Treaty of Waitangi Implications’ section also referred to strengthening the Māori medium pathway, stating:

The proposed Government position on the reform of the Tomorrow’s Schools system reflects a commitment to honouring and giving practical effect to Te Tiriti o Waitangi in the context of the compulsory schooling system. This means supporting Māori learners/ākonga and whānau to exercise appropriate levels of agency and authority in their own and local contexts, as well as in helping to determine the look and feel of the education system. It also means advancing the Education Work Programme through genuine engagement and partnership with Māori.<sup>234</sup>

Importantly, we note this section also did not refer to the Taskforce’s statement that ‘it is impossible to meet the Crown’s obligations under Te Tiriti o Waitangi without facilitation of a parallel Kaupapa Māori pathway’.<sup>235</sup> As already noted, the Taskforce recommended that an autonomous governance body, formed from Te Rūnanga Nui and Ngā Kura ā Iwi, be established to work with the Crown to facilitate that pathway.

The second component of the Crown’s response to the Taskforce’s report during this period was to reform parts of the Education Act 1989 through the Education and Training Act 2020. The Crown’s pre-existing legislative agenda included replacement of the Education Act, but in October 2019 Cabinet approved modification of specific aspects of the Education and Training Act Bill in light of the Taskforce’s report.<sup>236</sup> We note these changes applied to the entire compulsory schooling sector, rather than Kura Kaupapa Māori specifically, and neither Kura Kaupapa Māori nor Te Rūnanga Nui were mentioned in the relevant Cabinet paper.<sup>237</sup> The Crown did not approve any legislative changes that would support implementation of Recommendation 4(a). Instead, Cabinet approved a mandatory Code of Conduct for boards of trustees and created a statutory objective for school boards to ensure schools ‘give effect to Te Tiriti’.<sup>238</sup> A Treaty clause was also introduced into the Bill that listed other provisions in the Act that contained

---

233. Office of the Minister of Education, ‘Reform of the Tomorrow’s Schools System – Paper 1’, p[19] (Crown counsel, supporting documents (doc B30), p1068). See the glossary entry for ‘Tau Mai Te Reo’ at p382.

234. *Ibid*, p[21] (p1070)

235. Independent Taskforce, *Our Schooling Futures*, p53 (application for urgency, supporting documents (doc A6), p644)

236. Office of the Minister of Education, ‘Reform of the Tomorrow’s Schools System: Paper two’, pp1–23 (application for urgency, supporting documents (doc A6), pp802–824); ‘Reform of the Tomorrow’s Schools System: Part Two’, minute of decision, Cabinet Social Wellbeing Committee, pp1–6 (application for urgency, supporting documents (doc A6), pp825–830)

237. Office of the Minister of Education, ‘Reform of the Tomorrow’s Schools System: Paper Two’, pp1–23 (application for urgency, supporting documents (doc A6), pp802–824)

238. *Ibid*, pp17–18 (pp818–819)



Treaty related ‘functions, duties, and powers.’<sup>239</sup> We note that there was also no proposal for the Act to restore to contents of section 155 of the Education Act 1989 (as described in section 4.2.2.1 above). However, this issue remains beyond our scope.

#### **4.3.2.4 *The Crown releases its response to the public***

On 12 November 2019, the Crown released a document detailing its response to the recommendations of the Tomorrow’s Schools Taskforce, entitled ‘Supporting all schools to succeed’.<sup>240</sup> On the same day, the Crown also released its September and October 2019 Cabinet papers on the response – the first relating to the Crown’s overall policy response and the second on legislative changes proposed to action that policy response (both of which we discuss in the previous section).<sup>241</sup> The disclaimer at the beginning of the ‘Supporting all schools’ document advised the reader that a ‘full set of decisions’ on the Taskforce’s report can be found in these two Cabinet papers, along with a third regarding the Teaching Council of New Zealand that is irrelevant to the current inquiry.<sup>242</sup> Therefore, we treat the ‘Supporting all schools’ document, along with these two Cabinet papers, as the officially and publicly communicated response of the Crown to the Taskforce’s report, as of November 2019.

The ‘Supporting all schools’ document added little information about the Crown’s response to Recommendation 4(a) that was not already included in Cabinet’s policy response paper. It also replicated existing ambiguities in the Cabinet paper. The document contained no mention of Kura Kaupapa Māori, Te Rūnanga Nui, or even Kaupapa Māori education in its main text, instead using the broader term ‘Māori medium education.’ The main text noted ‘[t]here is a particular need to further develop and strengthen the Māori medium pathway’,<sup>243</sup> and recorded its plan to do so as follows:

We need to ensure our future education system is more responsive to meeting the needs and aspirations of Māori learners/ākonga and their whānau. Work in this area must be undertaken in partnership with Māori and considered in the wider context of work by the Ministry of Education to refresh Ka Hikitia (the Māori Education Strategy) and Tau Mai Te Reo (the Māori Language in Education Strategy). The Ministry of Education will develop a plan for taking this work forward, including the process for engagement with Māori.<sup>244</sup>

---

239. Ibid, p19 (p 820)

240. Ministry of Education, ‘Supporting All Schools to Succeed: Reform of the Tomorrow’s Schools System’, 12 November 2019, p 53 (application for urgency, supporting documents (doc A6), p 752)

241. Ibid, pp1–49 (pp 700–748)

242. Ibid, p 2 (p 701)

243. Ibid, p 21 (p 720)

244. Ibid, p 33 (p 732)

As with the policy paper approved by Cabinet, the only specific mention of a Kaupapa Māori pathway, Te Rūnanga Nui, or Recommendation 4(a) was in the appendix, where Recommendation 4(a) is quoted in a list of all other Taskforce recommendations.<sup>245</sup> The Government responded to the recommendation with an instruction to ‘progress further’, meaning the Crown

[e]ither endorse or agree with the intent of the Taskforce proposal as it reaffirms existing practice, is already being progressed within an existing work programme, or there is scope to include in a work programme that is currently underway. Legislative changes will be progressed as appropriate in the Education and Training Bill (due to be introduced in November 2019).<sup>246</sup>

The claimants advised us they were not consulted or asked for input on the Crown’s November 2019 response to the Taskforce’s report before it was publicly released.<sup>247</sup> Mr Campbell said that in his view the Crown ‘unilaterally determined’ it would dismiss Recommendation 4(a), without consulting with Te Rūnanga Nui.<sup>248</sup> Mr Jackson and Dr Schöllmann confirmed the Crown did not work with the claimants when formulating its response. The Ministry also did not undertake any separate consultation or engagement in this period with education stakeholders, including Te Rūnanga Nui. Mr Jackson and Dr Schöllmann stated the Ministry had access to existing evidence available from Māori perspectives – principally sourced from the Taskforce’s own consultation process, Māori Education Peak Bodies’ hui and the Kōrero Mātauranga Education summits.<sup>249</sup> We note a Māori Education Peak Bodies’ hui did occur on 6 September 2019, which Te Rūnanga Nui attended amongst other Māori education organisations – but this hui took place before the Taskforce’s final report had been released publicly, as did the Kōrero Mātauranga summits.<sup>250</sup> As such, the Crown did not access any evidence from Māori in response to Recommendation 4(a) specifically when developing its response.

#### **4.3.2.5 Te Rūnanga Nui meets with the Crown in November and December 2019**

The claimants told us that upon the release of the ‘Supporting all schools’ document and associated Cabinet papers in November 2019, they believed the Crown intended to follow Recommendation 4(a) and establish an autonomous governance entity for Kaupapa Māori education.<sup>251</sup> The claimants were hopeful Te

---

245. Ministry of Education, ‘Supporting All Schools to Succeed: Reform of the Tomorrow’s Schools System’, p 44 (application for urgency, supporting documents (doc A6), p 743)

246. Ibid, p 38 (p 737)

247. Campbell and Maika, brief of evidence (doc B26), p [5]

248. Campbell, brief of evidence (doc A9), pp [6]–[7]

249. Jackson and Schöllmann, brief of evidence (doc B28), p 10

250. Jeff Gibson ‘Education Report: Education Summit Programme, Auckland 12–13 May’, 10 May 2018, p 3, <https://assets.education.govt.nz/public/Documents/Ministry/Information-releases/2018-releases/Document-10-1124779.pdf>

251. Campbell and Maika, brief of evidence (doc B26), pp [7]–[8]

Rūnanga Nui would become an Education Service Agency specifically for Kura Kaupapa.<sup>252</sup> We can see how the claimants' initial understanding the Ministry would follow Recommendation 4(a) would have been bolstered by *kōrero* between Mr Campbell and Minister Hipkins at the November 2019 briefing with Education Peak Bodies after the Crown's response was released. Mr Campbell explained that Minister Hipkins advised the Crown was committed to enhancing the *tino rangatiratanga* of kura in its Tomorrow's Schools reforms.<sup>253</sup>

This initial reaction is confirmed in a letter Te Rūnanga Nui sent to Minister Hipkins on 16 November 2019.<sup>254</sup> Te Rūnanga Nui congratulated the Government on its plan to strengthen the Māori Medium pathway for those *whānau* and *ākonga* who wanted it. The claimants were 'heartened' by Recommendation 4(a) and wrote to Minister Hipkins that 'it seems you have heard the voices of the 4700 [Te Rūnanga Nui] supporters who asked for the development of a unique parallel pathway for [Kura Kaupapa Māori] Aho Matua.' They advised they were looking forward to working with the Ministry on details for implementation.<sup>255</sup> No response from Minister Hipkins was provided in evidence.

On 5 December 2019, Te Rūnanga Nui met with Associate Minister Davis. In advance of this hui, Te Rūnanga Nui sent a letter to Associate Minister Davis outlining the issues it wished to discuss.<sup>256</sup> Significantly, the claimants communicated their desire that an autonomous governance structure be formed so Te Rūnanga Nui could facilitate a parallel pathway for Kura Kaupapa. They also made it clear they believed the Crown was willing to pursue this option by creating a Kaupapa Māori Education Service Agency. The claimants said they were 'encouraged' the parallel pathway and autonomous governance structure had 'found space' in the Ministry of Education's planning.<sup>257</sup>

Ahead of the hui, Ministry officials provided the Associate Minister with a briefing paper, explaining that Cabinet had decided not to follow Recommendation 4(a). In their words, 'Cabinet considered the Taskforce's recommendations and, rather than creating a "parallel pathway", agreed to "*strengthen* the Māori medium pathway"' (emphasis in original).<sup>258</sup> We received conflicting evidence from Crown witnesses in this inquiry as to whether the Crown's September 2019 Cabinet paper left scope for the Ministry to explore the parallel pathway the Taskforce envisioned. Ms Holsted told us the Crown chose the broader strategy of strengthening the Māori Medium pathway because 'further work was required to clarify whether

252. Campbell, brief of evidence (doc A5), p16

253. *Ibid*, p15

254. Cathy Dewes to Christopher Hipkins, 14 November 2019 (Rawiri Wright, supporting documents (doc B22(a)), p1)

255. Dewes to Hipkins, 14 November 2019 (Rawiri Wright, supporting documents (doc B22(a)), p1)

256. Cathy Dewes to Kelvin Davis, 1 December 2019, pp [1]–[2] (Crown counsel, supporting documents (doc B30), pp 1110–1111)

257. *Ibid*, p [1] (p 1110)

258. Eileen Paulin, 'Meeting with Te Rūnanga Nui o Ngā Kura Kaupapa Māori, 5 December 2019', 3 December 2019, p [4] (Crown counsel, supporting documents (doc B30), p 1117)

this parallel pathway should be for [Te Rūnanga Nui and Ngā Kura ā Iwi] or was something that needed to be considered more widely'.<sup>259</sup> Her evidence implied the Crown had decided to continue actively exploring the idea of a parallel Kaupapa Māori education pathway with the associated governance structure as called for by Recommendation 4(a).

The briefing paper to Associate Minister Davis, however, made it clear the Crown had decided not to establish a parallel pathway for Kaupapa Māori education or an autonomous body to oversee that pathway. We also note the Crown's overall position in this inquiry is that the Crown's response to the Taskforce was consistent with the rationale of Recommendation 4(a), but that the Crown chose to pursue this objective through 'different actions than the Taskforce proposed'.<sup>260</sup> We draw attention to Dr Schöllmann and Mr Jackson's evidence that the 'material effect' of Cabinet's September 2019 decision 'was that officials were asked to do further work on growing the Māori medium pathway (taken as a whole), rather than progressing a parallel pathway as defined in recommendation 4a'.<sup>261</sup> Having considered this evidence, it is clear to us the Crown's October and November 2019 response constituted a dismissal of Recommendation 4(a).

Here, we highlight the disconnect between the claimants' understanding of the Crown's response and the Crown's internal understanding of its position. This briefing paper made clear that Recommendation 4(a)'s call for an autonomous governance body would not be followed.<sup>262</sup> This accords with what Crown witnesses said about the Government's response to the Taskforce's report in our inquiry. Mr Jackson and Dr Schöllmann advised there were 'some key differences in the approach taken by Cabinet and the Taskforce's recommendation 4a'.<sup>263</sup> They observe the Crown 'did not agree to establish a governance entity including the two kaupapa Māori peak bodies' – instead they would focus on 'strengthening the whole Māori medium pathway, including kaupapa Māori education'.<sup>264</sup> We ask: if these 'key differences' were clear to the Crown at the time, then why were those differences not communicated clearly to the claimants?

The file note prepared by Mr Chrisp for the 5 December 2019 hui records there was 'little' discussion about the Crown's response to the Taskforce. However, Te Rūnanga Nui did raise a parallel pathway for Kura Kaupapa and the idea Te Rūnanga Nui could form a separate Education Service Agency. Despite this, Minister Davis failed to inform the claimants that Cabinet had decided not to pursue a parallel pathway for Kaupapa Māori education. The claimants also note they felt they were not being heard by Ministry officials or participating in key

---

259. Holsted, brief of evidence (doc B29), p17

260. Crown counsel, closing submissions (paper 3.3.4), pp 61–62

261. Jackson and Schöllmann, brief of evidence, 5 May 2023 (doc B28), p12

262. Paulin, 'Meeting with Te Rūnanga Nui o Ngā Kura Kaupapa Māori', p[4] (Crown counsel, supporting documents (doc B30), p1117)

263. Jackson and Schöllmann, brief of evidence (doc B28), p12

264. Ibid

workstreams.<sup>265</sup> Ministry staff who attended that hui advised Associate Minister Davis that they met with Te Rūnanga Nui fortnightly to address ‘immediate issues’ and that Te Rūnanga Nui was involved in both the Rāngai Māori group and the Māori Education Peak Bodies’ forum.<sup>266</sup> The Associate Minister observed there was a disconnect between the Ministry’s perspective on the engagement of Te Rūnanga Nui and the claimants’ perspective on that engagement – and advised he would like to meet with Te Rūnanga Nui more regularly.<sup>267</sup> The Associate Minister also recommended Te Rūnanga Nui raise its concerns through a submission to the select committee considering the Education and Training Act Bill. Rawiri Wright told us he felt Te Rūnanga Nui was effectively ‘brushed off’ at this hui.<sup>268</sup>

The claimants explained that after this hui, while they were engaging with the select committee process in the first half of 2020, they still believed the Crown would follow Recommendation 4(a), because of the wording of the appendix in the ‘Supporting all schools’ document. They noted that while the language in the Crown’s response documents was inconsistent, the appendix meant they held out hope there would be positive results for Kura Kaupapa Māori and further work would be done on the parallel Kaupapa Māori education pathway.<sup>269</sup> When questioned on this discrepancy, Dr Schöllmann told us misalignment between the main text and the recommendations appendix in a Cabinet paper was not unusual. However, she accepts communication of the practical impact of the Crown’s response to the claimants was inadequate.<sup>270</sup> We also note that between November 2019 and July 2020 there is no evidence of the Ministry explicitly informing the claimants that an autonomous governance body would not be formed. In fact, the claimants told us they were not aware the recommendation would not be pursued until they were sent a letter from Ms Holsted confirming this in April 2021.<sup>271</sup> Mr Campbell described it as ‘baffling’ that the Crown would decide to dismiss Recommendation 4(a) without officially confirming that decision.<sup>272</sup> We will discuss the events of 2021 and 2022 in more detail in chapter 5.

#### **4.3.2.6 The Tauākī Kawa refresh**

On 20 December 2019 the refreshed Tauākī Kawa (2019–2024) was signed. As discussed in chapter 2, Te Tauākī Kawa is a protocol between Te Rūnanga Nui and the Ministry of Education, first signed in 1994. The protocol acknowledges the role each party plays in relation to Kura Kaupapa Māori and seeks to establish

---

265. Tipene Chrisp to Kiritina Johnstone and Māhina Melbourne, 5 December 2019, p[1] (Crown counsel, supporting documents (doc B30), p 1122)

266. Ibid. See the glossary entry for ‘Rāngai Māori Workforce Group’ at p 382.

267. Ibid

268. Rawiri Wright, brief of evidence (doc B22), p 10

269. Campbell, brief of evidence (doc A5), p 16

270. Transcript 4.1.6, p 132

271. Campbell, brief of evidence (doc A5), pp 17–18

272. Campbell, brief of evidence (doc A9), p [6]

a framework that facilitates a beneficial relationship between the parties.<sup>273</sup> It provides the following joint objective:

The Parties agree that they share the objectives of supporting the revitalisation of te reo Māori and tikanga Māori and raising education outcomes for Māori and record their acknowledgement of the role of identity, language and culture in raising education outcomes for Māori learners of all ages.<sup>274</sup>

Under the terms of Te Tauākī Kawa, the relationship between Te Rūnanga Nui and the Ministry is governed by the following principles:

The Parties agree to work together:

- (a) In a spirit of co-operation, good faith and mutual respect,
- (b) To ensure early engagement on issues of known mutual interest,
- (c) To respect the independence of each party and their respective roles, responsibilities and accountabilities.<sup>275</sup>

Te Tauākī Kawa set up a relationship framework comprised of an engagement plan and an agreed work plan.<sup>276</sup> The engagement plan provided for quarterly and six-monthly meetings between the parties.

Importantly, Te Tauākī Kawa also included a resolution clause. According to this clause:

If one party considers the other is not complying with this agreement, then that party may give written notice to the other party that there is an issue to be resolved.

If the issue relates to this agreement and has not been resolved within 20 working days of receiving notice, the Tumuaki of Te Rūnanga Nui and the Secretary for Education will meet to work in good faith to resolve the issue.<sup>277</sup>

We note the timing of work towards this ‘refresh’ is significant, as it occurred simultaneously to the progression of Cabinet paper drafting on the Crown’s response to the Taskforce, as well subsequent hui between Te Rūnanga Nui and Associate Minister Davis (discussed in section 4.3.2.5 above).

Ms Holsted told us Te Tauākī Kawa was an attempt to learn from the findings of *Matua Rautia*, the Waitangi Tribunal’s report on the Kōhanga Reo claim, released in 2013.<sup>278</sup> In particular, she noted the appointment of Mr Nathan as the key manager of the Ministry’s relationship with Te Rūnanga Nui as a ‘learning.’<sup>279</sup> She

---

273. ‘Te Tauākī Kawa’, p [2] (Crown counsel, supporting documents (doc B30), p 1145)

274. Ibid

275. Ibid

276. Ibid, p 2 (p 1146)

277. Ibid, p 3 (p 1147)

278. Holsted, brief of evidence (doc B29), p 23

279. Ibid

considered this provided a single point of contact, enabling the Ministry to start working from the priorities of Te Rūnanga Nui.

Dr Bean spoke to the intention of Te Tauāki Kawa and noted it has not always been followed through, resulting in frustration and pain.<sup>280</sup> Dr Bean said the revised Tauāki Kawa was an attempt to ‘strengthen and reset the relationship’.<sup>281</sup> He noted this agreement focused on a joint objective and the Ministry worked with Te Rūnanga Nui over 18 months to develop the key areas of the Bilateral Outcomes Agreement appended to Te Tauāki Kawa, which was also signed on 20 December 2019. We observe that Dr Bean considered Te Tauāki Kawa as critical to the Ministry’s ongoing relationship with Te Rūnanga Nui.<sup>282</sup> However, when we questioned Dr Bean about the learnings the Ministry had taken from *Matua Rautia* as described by Ms Holsted, it was clear to us he was unfamiliar with the report.<sup>283</sup>

Mr Campbell and Ms Maika also told us that the relationship prior to the Tauāki Kawa refresh was ‘fractured’. Various claimants noted that they had good relationships with individuals at the Ministry. However they also described struggling to maintain these relationships due to high staff turnover rates at the Ministry.<sup>284</sup> There was hope from Te Rūnanga Nui, at this point in time, that Te Tauāki Kawa would ‘bring about real change in the way the Crown worked’ with it.<sup>285</sup> However, in the claimants’ opinion, the Crown’s commitment to Te Tauāki Kawa had not been fulfilled by the time of the hearing in 2023.<sup>286</sup> The state of the relationship will be discussed further in chapter 6.

#### **4.3.2.7 Te Rūnanga Nui presents its submission on the Education and Training Bill**

On 14 February 2020, Dr Dewes and Mr Campbell sent a written submission to the Education and Workforce Committee on behalf of Te Rūnanga Nui. Important context to their submission was an earlier legislative change in 2017 subsuming the then section 155 of the Act (relating to Kura Kaupapa Māori) within section 156 of the Act, without any consultation with Te Rūnanga Nui, which we discuss above at section 4.2.2.1. This was likely a contributing factor to the state of the relationship that we observed in the period relevant to our inquiry.

In its 2020 submission, Te Rūnanga Nui stated the Crown had ‘agreed to a parallel pathway’ for Kura Kaupapa Māori in response to the Taskforce’s Tomorrow’s Schools report, but the Bill itself provided insufficient ‘assurances or clarity’ to protect Te Rūnanga Nui and Kura Kaupapa Māori.<sup>287</sup> One of the concerns of Te Rūnanga Nui, for example, related to a lack of provisions for ‘the role, respon-

---

280. Bean and Nathan, brief of evidence (doc B31), p 9

281. Ibid

282. Ibid, p 10

283. Transcript 4.1.6, p 270

284. Claimant counsel, opening submissions (paper 3.3.1), p 63

285. Rawiri Wright, brief of evidence (doc A2), p 33

286. Campbell and Maika, brief of evidence (doc B26), pp [3]–[4]

287. Te Rūnanga Nui o ngā Kura Kaupapa Māori o Aotearoa, submission, 14 February 2020, p [7] (application for urgency, supporting documents (doc A6), p 260)

sibilities and funding’ of Te Rūnanga Nui to ‘effectively support’ Kura Kaupapa Māori.<sup>288</sup> Accordingly, it recommended the Crown establish a parallel pathway for Kura Kaupapa Māori, to be known as Poutiria Te Reo Mauriora, and asked that an ‘active protection mechanism’ be established for Te Rūnanga Nui to fulfil its statutory functions as well as to support and strengthen Kura Kaupapa Māori.<sup>289</sup> It said:

Kura Kaupapa Māori has never had the opportunity to design and manage its own, fit for purpose indigenous schooling model as defined within Te Aho Matua. Establishment of a parallel pathway would represent the realisation of a Tiriti o Waitangi right for Māori in the KKM Aho Matua space. Recognition of KKM Aho Matua as a unique, indigenous education option distinct from Māori Medium would lay the foundation for the establishment of an autonomous, KKM Aho Matua specific Service Centre (or whatever they be named in subsequent iterations) to cater for all KKM Aho Matua needs.<sup>290</sup>

Dr Dewes and Mr Campbell appeared before the select committee on 29 April 2020 to present the submission of Te Rūnanga Nui. The submission lasted 15 minutes and highlighted their concerns that the Taskforce’s recommendation for a parallel pathway was absent from the Bill.<sup>291</sup> It asked that the Bill be strengthened with mechanisms to protect ‘the indigenous rights of Māori and their communities to establish, manage and realise the aspirations of their tamariki with a tangata whenua model of education viz a viz Kura Kaupapa Māori Aho Matua.’<sup>292</sup> Without active protection mechanisms, the submission argued, there was no guarantee of equitable power and resource sharing.<sup>293</sup> The submission noted there appeared to be no evidence in the Bill that the State’s management of Kura Kaupapa Māori was going to change for the better. The submission also observed the Ministry was still yet to meet with Te Rūnanga Nui to discuss the development of a parallel pathway. They concluded by telling the select committee that if the concerns they had presented were not addressed in the Bill, ‘KKM will not have the ability to design, govern and manage the ongoing development of its own education option.’<sup>294</sup>

Dr Dewes told us none of the select committee members asked any questions or spoke in support of their submission, which she found perplexing. The failure to ask questions suggested to her that they did not fully understand their kaupapa, or did not want to understand.<sup>295</sup> Rawiri Wright told us neither the Ministry’s departmental report nor the select committee’s own report addressed the issues raised

---

288. Te Rūnanga Nui o ngā Kura Kaupapa Māori o Aotearoa, submission, p [7] (application for urgency, supporting documents (doc A6), p 260)

289. Ibid, p [2] (p 255)

290. Ibid, p [3] (p 256)

291. Cathy Dewes and Hohepa Campbell, oral submission on the TRN Education and Training Amendment Bill, 29 April 2020, p [1] (application for urgency, supporting documents (doc A6), p 262)

292. Ibid

293. Ibid

294. Ibid, p [3] (p 264)

295. Dewes, brief of evidence (doc A1), p 23



by Te Rūnanga Nui in its submission.<sup>296</sup> He advised this ‘was very disheartening’ as Te Rūnanga Nui had ‘tried to participate in good faith in every avenue possible, including those recommended by the Minister and still we are not heard.’<sup>297</sup>

The claimants emphasised the enactment of the Education and Training Act 2020 was an opportunity to rectify the 2017 revisions to (then) sections 155 and 156 of the Act.<sup>298</sup> Yet the Crown chose not to. A provision specific to Kura Kaupapa Māori akin to the original section 155 was inserted into the Act via the Education and Training Amendment Act 2023, passed in August 2023. At the time of our hearings, the Bill to amend the Act was before the House.<sup>299</sup> We will not make any findings of Treaty compliance or non-compliance on this point, as the 2017 law change is beyond the scope of our inquiry. We do note, however, the strain the 2017 change the Crown made without consultation would have placed on the parties’ relationship and the further strain caused by the Crown again failing to consult with the claimants before deciding to amend the Act in 2023.<sup>300</sup> The Crown was made aware, through select committee submissions by Te Rūnanga Nui, of hurt caused to Te Rūnanga Nui by the reforms. Inevitably, the Crown must have realised this would also impact their relationship.

#### **4.3.3 Did the Crown respond to the Taskforce’s report in a Treaty compliant manner?**

##### ***4.3.3.1 Did the Crown accord sufficient weight to the Taskforce’s report when deciding not to pursue Recommendation 4(a)? Did its degree of consultation before reaching this decision meet Treaty standards?***

In order to determine the Treaty compliance of the Crown’s November 2019 response, we must assess whether the Crown sufficiently considered Kura Kaupapa Māori or Te Rūnanga Nui when dismissing Recommendation 4(a).<sup>301</sup> A reasonable metric of this consideration is the evidence showing the Crown fully engaged with Recommendation 4(a) and its impacts on the claimants before making its decision. We conclude the Crown failed to do so in three ways, which we set out in turn.

First, we consider the Crown’s response failed to engage with the intent of Recommendation 4(a). It is clear from the evidence that on 16 September 2019, the Crown decided not to pursue the specifics of Recommendation 4(a). We note that this position was also evident in the earlier 15 August 2019 Cabinet paper draft. Instead of establishing an autonomous governance body formed from Te Rūnanga Nui and Ngā Kura ā Iwi to facilitate a parallel Kaupapa Māori education pathway, the Crown elected to generally strengthen the Māori Medium pathway. However, we also consider the Crown’s response contradicted the intent of Recommendation 4(a). The Crown’s argument (both in this inquiry and in November 2019) that it

---

296. Rawiri Wright, brief of evidence (doc B22), pp12–13

297. *Ibid*, p13

298. *Ibid*, p10

299. Crown counsel, closing submissions (paper 3.3.4), p81

300. Transcript 4.1.6, p78; Bean and Nathan, brief of evidence (doc B31), p19

301. Statement of issues (paper 1.4.1), p[1]

agreed with the intent of Recommendation 4(a), but simply chose to progress it through different steps, does not hold up to scrutiny.

The substance of Recommendation 4(a) was for the establishment of an autonomous Kaupapa Māori education governance body. Kaupapa Māori education was *the sole focus* of Recommendation 4(a). Subsuming that recommendation within a general response to ‘strengthen the Māori medium pathway’ and going on to state Recommendation 4(a) was still being progressed (as was done in the Cabinet paper’s appendix)<sup>302</sup> was misleading at best and disingenuous at worst. It signified the Crown’s failure to recognise the uniqueness of Kura Kaupapa Māori and the importance of Te Aho Matua as their founding document. The Crown’s November 2019 response therefore deliberately dismissed any meaningful follow-through of Recommendation 4(a). The Crown’s current position is that it is progressing the intent of Recommendation 4(a) through its more general work programme to grow Māori Medium education (including Kaupapa Māori education).<sup>303</sup> We disagree. If the Crown truly believes the intent of Recommendation 4(a) is being progressed, that suggests a fundamental misunderstanding of the recommendation and a failure to properly engage with it.

We found earlier in section 4.2.4 that the Crown was required to specify Kaupapa Māori education as a focus for its review in the Terms of Reference and also to specifically appoint a Taskforce member with expertise in Kaupapa Māori education. We apply that same reasoning to the Crown’s response to Recommendation 4(a). Here, specificity was required. The Crown cannot argue it agrees with an intentionally Kaupapa Māori and Te Rūnanga Nui specific recommendation by way of a generic promise to strengthen Māori Medium education. We also note that this approach contradicted not only the Taskforce’s recommendation, but also other independent advice the Crown received in the relevant period. Beatson’s paper suggested bespoke policy change for Kaupapa Māori education to strengthen Kura ā Iwi and Kura Kaupapa Māori. The Crown therefore received independent advice from two separate sources encouraging a policy approach within the Tomorrow’s Schools reforms tailored to Kaupapa Māori education specifically.

We acknowledge that the Crown has discretion to not follow advice it receives, in this instance the recommendations of the Taskforce. However, those kāwanatanga powers should only be exercised in a way consistent with the obligations of the Treaty partnership, including informed decision-making, good government and the duties of active protection. As we discussed in chapter 3, the Crown must engage specifically with the implications policy could have for Māori and communicate its analysis on that policy fully and transparently.

In this instance, the Taskforce provided the Crown with a specific recommendation to address the lack of support for Kaupapa Māori education, which was informed by consultation with the affected groups. If the Crown chooses to disagree with that recommendation (as it has done), it must communicate this

---

302. Office of the Minister of Education, ‘Reform of the Tomorrow’s Schools System – Paper 1’, p [40] (Crown counsel, supporting documents (doc B30), p1089)

303. Crown counsel, closing submissions (paper 3.3.4), pp 61–62

transparently. It should not suggest in its public response that the recommendation is being followed, when it is in fact pursuing an entirely different path.

As such, we find the Crown's November 2019 response breached the Treaty in so far as it failed to engage with the specifics of the Taskforce's Recommendation 4(a) and failed to transparently communicate that its broader response did not take up this aspect of the Taskforce's advice. These components of the Crown's response violated its *kāwanatanga* duties of good government and informed decision making. For that reason the Crown breached the Treaty principles of partnership and active protection.

Second, we do not consider the Crown's November 2019 response fully engaged with the warnings the Taskforce made around the Treaty compliance of the Tomorrow's Schools system. In formulating the Taskforce (as we discuss in section 4.2) the Crown engaged qualified members to review the compulsory schooling system – with the expected absence of a member specifically experienced in Kaupapa Māori education. The Crown took steps to ensure the Taskforce consulted widely and extensively with stakeholders throughout the education system. The Crown also directed the Treaty compliance of the education system be a focus of the Taskforce's work.

That Taskforce, informed by the consultation it undertook, then advised the Crown that it could not fulfil its Treaty obligations without facilitating a parallel pathway for Kaupapa Māori education. While the Crown did some analysis work on Recommendation 4(a), noting its governance body may be resisted by some Māori and identifying the recommendation 'aims to honour' the Treaty by supporting equitable outcomes for Māori learners, we have seen no evidence of the Crown's clear engagement with the Taskforce's statement on Treaty compliance.<sup>304</sup> In fact, the Crown went so far as stating in its final Cabinet paper that its response reflected a 'commitment to honouring and giving practical effect to Te Tiriti o Waitangi', without drawing attention to the Taskforce's warning about Treaty compliance.<sup>305</sup> In our view, the Crown explicitly requested that the Taskforce critique the Treaty outcomes of the compulsory schooling system and then buried the advice it received.

We emphasise the Taskforce is not the body mandated with determining whether the Crown's policy is consistent with the Treaty. However, where the Crown appoints a body with expertise in a policy system to advise whether that system is Treaty compliant and receives advice that it is likely in breach of the Treaty, the Crown must conduct fulsome analysis of that advice. If the Crown disagrees with that advice, it must be transparent about both the fact that it disagrees and provide reasoning as to why it disagrees. The Crown's failure to do so

---

304. Darkins, 'Government Response to Final Report of Tomorrow's Schools Independent Taskforce', pp [1]–[3] (Crown counsel, supporting documents (doc B30), pp 596–598); Sohini Smith, Kara Isaac to Andrea Schöllmann, 'Tomorrow's Schools Independent Taskforce Final Report', pp [1]–[7] (Crown counsel, supporting documents (doc B30), pp 627–634); 'Information for Agency Meeting with Hon Kelvin Davis' (Crown counsel, supporting documents (doc B30), p 710)

305. Office of the Minister of Education, 'Reform of the Tomorrow's Schools System – Paper 1', p [21] (Crown counsel, supporting documents (doc B30), p 1070)

here was inconsistent with the principles of partnership and active protection and the related duty of informed decision making in the exercise of kāwanatanga.

Third, we consider the Crown failed to engage fully with Recommendation 4(a) and its impacts on the claimants because it did not consult with Te Rūnanga Nui before reaching its decision to dismiss the recommendation. As discussed in chapter 3, the Treaty partnership requires the Crown to exercise its policy-making powers in a way that does not compromise the sphere of rangatiratanga. Where the Crown's decision could impact the claimants' sphere of rangatiratanga, the Crown has an obligation to consult its partner. In fact, where the decision at issue could 'fundamentally affect' that sphere, the Treaty partners must enter into the shared decision-making and dialogue the Treaty partnership envisions.<sup>306</sup> We believe the content of Recommendation 4(a) activates this obligation. Recommendation 4(a)'s proposed governance body could have provided the claimants with the control over settings for Kura Kaupapa Māori they had been consistently seeking. In particular, we note the recommendation's striking parallels with the He Ara Motuhake proposal discussed above at section 4.2.3.8. We consider this proposal to be a clear manifestation of rangatiratanga, backed up by the petition of 4,700 Kura Kaupapa Māori whānau. It is also notable that the Taskforce, upon receipt of that submission, chose to significantly strengthen its draft recommendation to reflect the claimants' rangatiratanga, resulting in Recommendation 4(a). Therefore, Recommendation 4(a) struck at the very heart of the claimants' rangatiratanga – and as such the Crown should not have decided against it before consulting with the claimants. Consulting with the claimants was also required under the principle of active protection, to ensure the claimants played a meaningful role in the development of policy affecting Kura Kaupapa Māori. We therefore find this omission to be in breach of the Treaty principles of partnership and active protection. The prejudice suffered by the claimants because of this Crown failure will be assessed when we consider the policy that resulted in 2022, in chapter 5.

In summary, we find that the Crown breached Treaty principles of partnership and active protection by failing to fully engage with Recommendation 4(a) before deciding to dismiss it in late 2019, including by failing to

- ▶ engage with specifics of Recommendation 4(a) in its public response to the Taskforce's report;
- ▶ properly engage with the Taskforce's warnings about Treaty compliance; and
- ▶ consult with the claimants before deciding to dismiss Recommendation 4(a).

#### **4.3.3.2 Should the Crown have communicated its decision not to pursue Recommendation 4(a) more clearly to the claimants?**

It is apparent to us that one of the core sources of frustration for the claimants in this inquiry is that for a prolonged period after the Crown released its response to the Taskforce's report, they believed the Crown intended to establish some form of autonomous governance body through which Te Rūnanga Nui could facilitate a

---

306. Waitangi Tribunal, *He Pāharakeke, He Rito Whakakikinga Whāruarua*, pp18–19

parallel pathway for Kura Kaupapa Māori. As discussed in section 4.3.3.4, this interpretation of the Crown's response documents in 2019 was reasonable. Nowhere in the main text of the 'Supporting all schools' document or associated Cabinet papers did the Crown plainly state that it would not pursue this governance body (despite this being the internal position of the Crown at the time). Indeed, Recommendation 4(a), which called for said governance body, was listed as 'progress further' in the relevant appendices.

We note that on multiple occasions from November 2019 to July 2020, the claimants advised the Crown they still believed the Government intended to pursue a parallel pathway for Kaupapa Māori education, facilitated by Te Rūnanga Nui. These instances are discussed fully in section 4.3.2 above, but include:

- ▶ the November 2019 letter from Te Rūnanga Nui to Minister Hipkins;
- ▶ the December 2019 meeting between Te Rūnanga Nui and Associate Minister Davis; and
- ▶ the February and April 2020 submissions of Te Rūnanga Nui on the Education and Training Bill, which were made available to the Ministry.

We find this lack of clear communication with Te Rūnanga Nui deeply concerning, particularly in light of the obligations the Crown chose to take on when refreshing Te Tauākī Kawa agreement in December 2019. In our opinion, the Crown's conduct in this respect violated its promise to engage early with Te Rūnanga Nui on matters of known mutual interest.

Under the Treaty partnership, the Crown and Māori must work together in good faith. An essential element of this is transparent communication. As we traversed in chapter 3, the Crown has been reminded of this obligation in the context of education time and time again. Previous Tribunal reports such as *Wananga Capital Establishment*, the *Te Wananga o Aotearoa* report, and the *Matua Rautia* report have all addressed barriers in Māori immersion education and stated these barriers impose a higher standard of conduct on the Crown in its exercise of kāwanatanga within the Treaty partnership. Unfortunately, we continue to see these barriers perpetuated in the compulsory setting (as both the Taskforce found and the Government itself acknowledged when it began its 2017 term – see sections 4.2.2.3 and 4.2.3.6 above). We also continue to see the Crown fall short of its kāwanatanga obligations in this sector.

The *Te Wananga o Aotearoa* Tribunal stated that communication is key to a successful Treaty relationship.<sup>307</sup> At the very least, the Crown must inform Māori of decisions which affect them clearly and in a timely manner. The Crown failed to do so in its response to Recommendation 4(a). Our belief is this was not just a case of the Treaty partners talking past one another. Associate Minister Davis, for example, was made aware that the claimants believed Recommendation 4(a) was being pursued. He was also aware the Crown did not intend to provide for a parallel Kaupapa Māori pathway, or an associated autonomous Kaupapa Māori governance body. He then failed to correct the claimants' belief at the subsequent

---

307. Waitangi Tribunal, *The Report on the Aotearoa Institute Claim concerning Te Wananga o Aotearoa* (Wellington: Legislation Direct, 2005), p 35

**App**

hui on 5 December 2019. We see this as a deliberate action by the Crown to not communicate its true intention regarding Recommendation 4(a) to Te Rūnanga Nui.

For the reasons set out above, we find that the Crown breached the principles of active protection and partnership by failing to transparently communicate its decision to dismiss Recommendation 4(a) in late 2019.

Given the claimants remained unaware the Crown had decided not to pursue an autonomous governance body as recommended by the Taskforce until April 2021, we will address the prejudice caused by this poor communication holistically in chapter 5, after the events of 2021 and 2022 have been discussed.

## CHAPTER 5

### TE AHO TUAMAKA

#### 5.1 INTRODUCTION

In the previous chapter, we found elements of the Crown's conduct in establishing the Tomorrow's Schools review breached the principles of the Treaty. We also found the Crown's process in deciding to dismiss Recommendation 4(a) in its November 2019 public response to the Taskforce breached Treaty principles. Here, we examine what the Crown did in lieu of following Recommendation 4(a) – namely, its work to 'grow Māori Medium and Kaupapa Māori education' in 2021 and 2022.

In September 2021, Cabinet approved development work on a work programme to 'grow Māori Medium and Kaupapa Māori Education' ('the September 2021 Cabinet Paper').<sup>1</sup> Cabinet approved various broad objectives for the work programme but directed Ministry staff to develop the specifics of the design and implementation of these objectives with a Māori Medium Oversight Group (later known as 'Te Pae Roa'), which the claimants declined to participate in.<sup>2</sup> The Tribunal has been specifically tasked with determining whether Kura Kaupapa Māori and Te Rūnanga Nui were sufficiently considered and involved in the development of the September 2021 Cabinet Paper, and in the development of policy options for implementation of a work programme in 2022.<sup>3</sup>

One of the conceptual challenges of reporting on this matter is that between September 2021 and the granting of this urgency in December 2022, very little concrete policy had been made to support the objectives set out in the September 2021 Cabinet Paper. The culmination of policy work to develop the specifics of the work programme was an August 2022 education report presenting Minister Hipkins and Associate Minister Davis with four options on pathways forward to 'grow Māori Medium and Kaupapa Māori Education'. The Ministers selected one option to be progressed, but Cabinet's approval was required before meaningful implementation work could occur. At the time this urgent inquiry was initiated, such Cabinet approval had not been obtained (and, as of writing, has yet to be

---

1. Cabinet Social Wellbeing Committee, 'Work Programme to Grow Māori Medium and Kaupapa Māori Education', minute of decision, 29 September 2021, pp1–2 (Crown counsel, supporting documents (doc B30), p1707)

2. *Ibid*, pp1–2 (pp1707–1708)

3. Statement of issues (paper 1.4.1), p[2]

obtained).<sup>4</sup> The Crown has indicated Cabinet’s future decisions will be informed by the Tribunal’s report.<sup>5</sup> The Crown nonetheless signalled during our inquiry the kinds of future policy it would like to explore, which we find encouraging. We discuss these statements in section 5.6.3 below. However, since hearings for this inquiry concluded, the Government has changed – it will therefore be a new Cabinet that decides the direction of this work.

The fact there is little substantive policy for us to assess is a result of the urgency process itself – the urgency was granted on the basis our findings could avert potential significant and irreversible prejudice, should work be progressed further.<sup>6</sup> Indeed, the Deputy Chairperson directed the inquiry to focus on the Treaty consistency of the Tomorrow’s Schools review and reform *process*, cognisant that policy work was ongoing.<sup>7</sup> As such, in this chapter we will assess two key junctures in the Crown’s ongoing process in developing this policy: the September 2021 Cabinet Paper and the August 2022 education report. To determine whether Kura Kaupapa Māori and Te Rūnanga Nui were sufficiently considered and involved in the development of policy in 2021 and 2022, we will consider a range of issues, including:

- ▶ the development and content of the September 2021 Cabinet Paper;
- ▶ the development of the August 2022 education report; and
- ▶ the Crown’s policy position in the wake of the August 2022 education report.

Finally, we note this chapter refers variously to Te Rūnanga Nui and the Kaupapa Māori education collective Te Matakahuki. We remind the reader Te Matakahuki, formed in 2020, represents the national Kaupapa Māori education providers Te Kōhanga Reo National Trust, Te Rūnanga Nui, Ngā Kura ā Iwi o Aotearoa and Te Tauihu o Ngā Wānanga.

## 5.2 PARTIES’ POSITIONS

### 5.2.1 The claimants’ position

The claimants consider the Crown’s policy development in the last five years has relegated Kura Kaupapa Māori to ‘an afterthought’.<sup>8</sup> The claimants specifically argue the Crown’s conduct in developing the September 2021 Cabinet Paper and supporting policy across 2022 breached principles of partnership, good faith, active protection, options and equity.<sup>9</sup>

In terms of the Crown’s process to develop the September 2021 Cabinet Paper, the claimants say Te Rūnanga Nui was not considered or involved in the definition

---

4. Andy Jackson and Andrea Schöllmann, brief of evidence, 5 May 2023 (doc B28), pp 30–31; Andy Jackson and Andrea Schöllmann, appendix to brief of evidence, 5 May 2023 (doc B28(b)), app 2, pp [1]–[2]

5. Crown counsel, closing submissions, 19 June 2023 (paper 3.3.4), p 19

6. Waitangi Tribunal, memorandum, 14 December 2022 (paper 2.5.15), p 17

7. *Ibid*, p 18

8. Claimant counsel, closing submissions, 12 June 2023 (paper 3.3.3), p 9

9. *Ibid*, pp 137, 140, 151



of the issues, parameters, or scope for the work programme.<sup>10</sup> The claimants say the Crown's 'belated' consultation with Te Rūnanga Nui about the proposals in the Cabinet paper in August and September 2021 was insufficient and hampered by a lack of information.<sup>11</sup>

The claimants also take issue with the objectives set out in the September 2021 Cabinet Paper, arguing the Crown formulated a 'poor' work programme at haste without considering the impact on the claimants.<sup>12</sup> The claimants specifically argue the September 2021 Cabinet Paper:

- ▶ was based on a 'poorly developed' Rāngai Māori goal that 'co-opted' a vision originally put forward by Te Rūnanga Nui and Ngā Kura ā Iwi;<sup>13</sup>
- ▶ did not provide for an autonomous governance body to support Kaupapa Māori education;<sup>14</sup>
- ▶ insisted on progressing a 'one-size fits all' legislative and policy scheme for the Māori Medium sector generally that amalgamated the unique needs of Kaupapa Māori education;<sup>15</sup> and
- ▶ provided for a Māori Medium Oversight Group that did not have adequate scope for the claimants' exercise of rangatiratanga or a specific enough focus on Kaupapa Māori education – hence their withdrawal in November 2021.<sup>16</sup>

The claimants also raise concerns with the Crown's process in developing further policy in 2022 to support the objectives set out in the September 2021 Cabinet Paper. The claimants say that after Te Rūnanga Nui – as part of Te Matakahuki – withdrew from the Oversight Group, it was not engaged further about the work programme, kept informed of the progress of policy work, or 'afforded any particular rights' in relation to its kaupapa.<sup>17</sup> The claimants say the Crown proceeded with the work programme without Te Matakahuki, undermining the reputation and rangatiratanga of Te Rūnanga Nui.<sup>18</sup> The claimants further assert the Crown delegated its Treaty responsibilities to the Technical Advisory Group and Te Pae Roa in the development of these policy options.<sup>19</sup>

The claimants consider the Crown's conduct continued to breach the Treaty after the parties signed a mediation agreement in May 2022.<sup>20</sup> One of the agreed outcomes of the mediation agreement was for Te Rūnanga Nui, either on its own or as part of Te Matakahuki, to prepare a report regarding the future of Kaupapa Māori education, to influence the Crown's ongoing work programme.<sup>21</sup> Te Matakahuki was then also given a 48-hour window to provide feedback on the

---

10. Ibid, p127

11. Ibid, p121

12. Ibid, p137

13. Ibid, p19

14. Ibid, p130

15. Ibid, p137

16. Ibid, pp128–129

17. Ibid, pp139–140

18. Ibid, p141

19. Ibid

20. Ibid, p143

21. Ibid, p141

August 2022 policy advice to Ministers.<sup>22</sup> The claimants argue these opportunities made no meaningful difference to the Crown's policy development, rendering their effort at engagement redundant.<sup>23</sup> The claimants describe the ongoing policy work as 'inherently designed to meet Crown priorities and prerogatives, not those of Te Rūnanga Nui and Kura Kaupapa Māori'.<sup>24</sup>

### 5.2.2 The Crown's position

The Crown's position is its conduct in developing the September 2021 Cabinet Paper and progressing policy work to support the work programme in 2022 did not breach the Treaty. The Crown argues this work was targeted towards 'improv[ing] equity and excellence', honouring the Crown's Treaty responsibilities and progressing the joint objectives contained in Te Tauāki Kawa.<sup>25</sup> The Crown's view is 'the work programme to grow Māori Medium and Kaupapa Māori education was – and remains – an opportunity' to better support Kura Kaupapa Māori and to provide for Te Rūnanga Nui to have greater 'agency and authority' over Kaupapa Māori education.<sup>26</sup> The Crown also argues the September 2021 Cabinet Paper was not a concrete work programme, but 'an introduction to what a work programme might cover' without restrictive limits.<sup>27</sup>

The Crown accepts no 'bespoke consultation' on the contents of the September 2021 Cabinet Paper occurred.<sup>28</sup> However, the Crown submits that processes subsequent to the Tomorrow's Schools review (presumably including the development of the September 2021 Cabinet Paper) were 'well-informed as to Te Rūnanga Nui views', due to existing engagement, including the consultation the Taskforce undertook.<sup>29</sup> The Crown also notes the inherent constraints of the Cabinet process – wherein officials may not disclose the contents of Cabinet papers without Ministerial consent. The Crown says '[m]aintaining the confidentiality of Cabinet processes is critical to the ability to conduct government'.<sup>30</sup>

The Crown considers the Rāngai Māori goal underpinning the work programme to be consistent with the vigorous action required to protect te reo Māori, even in the adapted form it ultimately took on.<sup>31</sup> The Crown's view is it was appropriate for the scope of the proposed work programme (including supporting policy and proposed legislation) to be at a scale that covered the Māori Medium education sector broadly.<sup>32</sup> The Crown argues it intended for differences between the pathways to be 'respected and provided for appropriately' within the work programme and the

---

22. Claimant counsel, closing submissions, 12 June 2023 (paper 3.3.3), p 144

23. *Ibid*, p 142

24. *Ibid*, p 164

25. Crown counsel, closing submissions (paper 3.3.4), pp 11–12

26. *Ibid*, p 13

27. *Ibid*, p 17

28. *Ibid*, p 57

29. *Ibid*, p 58

30. *Ibid*, p 11

31. *Ibid*, p 73

32. *Ibid*, p 20

specifics of the work programme were not pre-determined – it was up to those in the Oversight Group to ‘define the pathways and who is part of them.’<sup>33</sup> However, the Crown accepts its use of the term ‘Māori Medium’ to refer to the claimants and Kura Kaupapa Māori caused harm and offence.<sup>34</sup>

The Crown also submits the Māori Medium Oversight Group was ‘reasonable and capable of providing appropriately for the differences between [Māori Medium education] pathways.’<sup>35</sup> The group’s involvement represented an opportunity to shape ongoing policy development and, in the Crown’s words, “take the pen” on part of a process.<sup>36</sup> However, the Crown accepts the claimants’ withdrawal from the Oversight Group in November 2021 was born, in part, from the ‘low-trust context’ of the parties’ relationship.<sup>37</sup> The Crown also believes the claimants’ caution and apprehension regarding the Oversight Group to be understandable in the context of the limited information provided to the claimants in August and September 2021.<sup>38</sup> However, the Crown argues it was appropriate to continue with the Oversight Group in the absence of Te Matakahuki, as discontinuation would have threatened the opportunity to implement legislative change in the electoral cycle. The Crown emphasises it held seats open for Te Matakahuki.<sup>39</sup>

The Crown argues it did not breach the Treaty in its process to develop the August 2022 education report to Minister Hipkins and Associate Minister Davis. The Crown argues it did not delegate its Treaty responsibilities away, as it retained ultimate decision-making power over education policy.<sup>40</sup> The Crown acknowledges the Te Matakahuki report was prepared in ‘a very short timeframe’ but argues the reports prepared by Te Matakahuki and Te Pae Roa were ‘treated similarly’ in the August 2022 advice.<sup>41</sup> However, the Crown does note the relationship between Ministers and Te Pae Roa was different to its relationship with Te Matakahuki, since the former group was Ministerially appointed.<sup>42</sup> Regardless of this, the Crown argues the Te Matakahuki report was ‘influential and did shape the education report and subsequent draft Cabinet Papers.’<sup>43</sup>

The Crown also submits policy work is ongoing and it is therefore premature to assess the Treaty consistency of the Crown’s reforms. The Crown is confident ‘mutually acceptable’ outcomes can be reached through continued collaboration between Te Rūnanga Nui and the Crown.<sup>44</sup> As of the time of its closing submissions, the Crown proposed to ‘separate out’ Kaupapa Māori education from Māori Medium education work ‘into a distinct work-stream to be led by Te Rūnanga

---

33. *Ibid*, pp 17, 22

34. *Ibid*, p 11

35. *Ibid*, p 18

36. *Ibid*, pp 11, 26

37. *Ibid*, p 18

38. *Ibid*, p 74

39. *Ibid*, p 18

40. *Ibid*, p 21

41. *Ibid*, pp 75, 76

42. *Ibid*, p 76

43. *Ibid*, p 75

44. *Ibid*, p 22

Nui and/or Te Matakahuki.<sup>45</sup> Minister Hipkins' position, as articulated by Crown counsel, was that he 'wished to signal to progress towards the establishment of an independent statutory entity despite this being previously ruled out.'<sup>46</sup>

### **5.3 THE ASPIRATIONS OF TE RŪNANGA NUI FOR THE FUTURE OF KURA KAUPAPA MĀORI**

For us to evaluate whether the Crown sufficiently considered Te Rūnanga Nui and Kura Kaupapa Māori in its 2021 and 2022 policy decisions to 'grow Māori Medium and Kaupapa Māori Education', it is important to first outline what the claimants' own aspirations were and are for the growth of Kura Kaupapa Māori and why they hold these aspirations.

#### **5.3.1 A parallel pathway for Kaupapa Māori education**

Te Rūnanga Nui wish for a distinct and bespoke policy framework for Kaupapa Māori education and not one where Kura Kaupapa Māori simply forms one component of a policy response designed for Māori Medium education generally. Dr Dewes informed us that over the years, the Crown has failed to form a comprehensive support strategy for Kura Kaupapa Māori, either on its own or in conjunction with Te Rūnanga Nui, despite the claimants' efforts to produce strategies, reports and plans.<sup>47</sup> Mr Campbell advised that Te Rūnanga Nui want a plan for the 'continued establishment and development of kura', but the Ministry has not supported it – and argued this had marginalised the Kura Kaupapa Māori movement.<sup>48</sup> Of particular frustration for the claimants is the lack of a bespoke strategy for the funding and support of Te Marautanga o Te Aho Matua, the establishment of new Kura Kaupapa Māori, or the particular property needs of Kura Kaupapa.<sup>49</sup>

Crown witnesses in our inquiry acknowledged the ongoing advocacy for a bespoke policy response for Kura Kaupapa Māori. Dr Daryn Bean (Deputy Secretary, Māori Education at the Ministry) and Darren Nathan (Chief Advisor, Relationship and Mātauranga Māori at the Ministry) told us Te Rūnanga Nui has consistently stressed, since it was established in 1993, the risks it sees with Kaupapa Māori education being structurally included with Māori Medium and English Medium education.<sup>50</sup> These Crown witnesses also shared information about the four kinds of schools that fall within the broader definition of 'Māori Medium education' the Ministry employs, which is a term that reflects levels of immersion in te reo Māori. Just under half the students at Level 1 and Level 2 immersion are affiliated with the two national Kaupapa Māori education bodies – Te Rūnanga Nui and Ngā Kura ā Iwi. Roughly 2,000 students are taught at Kura Motuhake –

---

45. Crown counsel, closing submissions (paper 3.3.4), p 21

46. *Ibid*, p 76

47. Cathy Dewes, brief of evidence, 12 October 2021 (doc A1), pp 9–10

48. Hohepa Campbell, brief of evidence, 12 October 2021 (doc A5), p 20

49. Mahanga Pihama, brief of evidence, 14 April 2023 (doc B18(b)), p 2; Dewes, brief of evidence (doc A1), p 15; Sandra Walker and Renee Wright, brief of evidence, 12 October 2021 (doc A3), p 6

50. Daryn Bean and Darren Nathan, brief of evidence, 5 May 2023 (doc B31), p 5

Type of kura	Student numbers		
	Across levels 1 and 2	In level 1 (81–100%)	In level 2 (51–80%)
Kura kaupapa Māori (Te Runanga Nui)	6,888	6,878	10
Ngā Kura ā iwi	4,445	4,261	184
Kura motuhake	2,156	1,420	736
Rumaki reo rua	10,877	5,062	5,815
Total numbers	24,366	17,621	6,745

**Provision of Māori language immersion at levels 1 and 2 as of July 2022**

Source: Daryn Bean and Darren Nathan, brief of evidence, 5 May 2023 (doc B31), p 7

Māori-led kura unaffiliated to the two national Kaupapa Māori education bodies. Significantly, around 10,000 Māori Medium education students are taught in Rumaki Reo Rua units – te reo Māori immersion units that exist within mainstream English Medium schools.<sup>51</sup>

The claimants resist ‘conflation’ of Kura Kaupapa Māori and Kaupapa Māori education providers with mainstream schooling environments. Ms Maika told us the immersion level approach employed by the Ministry ‘does not distinguish between the holistic nature of kura kaupapa Māori, its unique philosophy of Te Aho Matua or its specialised curriculum (Te Marautanga o Te Aho Matua) and the wider mainstream sector.’<sup>52</sup> Dianne Pomare, Principal of Te Kura Kaupapa Māori o Ngā Maungārongo, stated the foundations of Kura Kaupapa Māori are in tikanga, to ‘ensure the survival of the Māori language, tikanga Māori, so that whānau, hapū and iwi will thrive.’<sup>53</sup> According to Dr Dewes, Kura Kaupapa Māori maintain ‘essential characteristics’ to ensure the survival and retention of Māori language and values, which include that:

- ▶ all whānau embrace Te Aho Matua, with one adult in each household being a te reo Māori learner or speaker;
- ▶ attendance at tribal hui is an integral aspect of the curriculum;
- ▶ low staff to student ratios are maintained to facilitate the efficient acquisition of te reo Māori;
- ▶ the school is situated on the marae to reinforce mana motuhake and the validity of Māori customs; and
- ▶ everything the child learns is derived from a Māori knowledge base and underpinned by Te Aho Matua.<sup>54</sup>

51. Bean and Nathan, brief of evidence (doc B31), p 7

52. Mahinarangi Maika, brief of evidence, 12 October 2021 (doc A4), p 7

53. Dianne Pōmare, brief of evidence, 3 April 2023 (doc B9(a)), p 7

54. Cathy Dewes, brief of evidence, 3 April 2023 (doc B1(a)), pp 8–9

Another key difference between Kura Kaupapa Māori and mainstream schooling options is governance – in kura, real authority lies with the whānau, as opposed to Boards of Trustees. Dr Dewes described it as operating ‘just like the marae, where everyone has an opportunity to contribute and take part in decision-making.’<sup>55</sup> Additionally, the establishment of new kura relies not on population growth, but rather on whānau aspirations.<sup>56</sup>

In summary, the claimants presented a range of rationales underlying their aspiration for a bespoke pathway for Kura Kaupapa Māori. They also explained at length why they believe this unique system of schooling should not be ‘conflated’ with other forms of Māori Medium education existing within the mainstream framework. In the words of Professor Graham Smith, ‘Kura Kaupapa Māori have been successful because of their unique characteristics and aspirations, and as an intervention by Māori, for Māori, in a Māori way.’<sup>57</sup> The uniqueness of the schooling option and its success, needs to be protected.<sup>58</sup>

### 5.3.2 An autonomously governed parallel pathway

The claimants have also been clear that their tino rangatiratanga with respect to Kura Kaupapa Māori must be manifested in the governance arrangements for the Kaupapa Māori education pathway, be that through an autonomous body formed from Ngā Kura ā Iwi and Te Rūnanga Nui as the Taskforce envisioned, establishment of Te Rūnanga Nui as an Education Service Agency, or some other form. Mr Campbell told us the claimants ‘seek to determine [their] own future, with the Crown in support.’<sup>59</sup> In Dr Dewes’ words, ‘Kura Kaupapa Māori is a tino rangatiratanga model of education.’<sup>60</sup> Rawiri Wright described the Kura Kaupapa Māori movement as an exercise of self-determination – ‘a socio-political response by Māori, for Māori to combat, challenge and reverse the impacts of colonisation.’<sup>61</sup> The movement ‘was and remains a deliberate step away from the State-run education system’ and a rejection of an education system that ‘underserved’ Māori.<sup>62</sup> Dr Dewes observed ‘[f]or too long Kura Kaupapa Māori have been arguing for a parallel pathway.’<sup>63</sup> Kura Kaupapa Māori are autonomous from the mainstream system and seek ‘an independent Kaupapa Māori education authority’ to reflect that autonomy and allow them to care for Kura Kaupapa Māori whānau and tamariki.<sup>64</sup>

---

55. Cathy Dewes, Rawiri Wright, and Renee Wright, brief of evidence, 3 April 2023 (doc B10(a)), p3

56. Renee Wright, brief of evidence, 13 April 2023 (doc B21), p5

57. Graham Smith, brief of evidence, 13 April 2023 (doc B19), p5

58. *Ibid*, p14

59. Hohepa Campbell, brief of evidence, 17 December 2021 (doc A9), p[15]

60. Dewes, brief of evidence (doc A1), pp3, 17

61. Rawiri Wright, brief of evidence, 30 March 2023 (doc B8), p7

62. Rawiri Wright, brief of evidence, 12 October 2021 (doc A2), p31; Smith, brief of evidence (doc B19), p3

63. Dewes, brief of evidence (doc A1), p24

64. Dewes, Wright, and Wright, brief of evidence (doc B10(a)), p9

#### 5.4 THE DEVELOPMENT OF THE SEPTEMBER 2021 CABINET PAPER

In this section, we examine the extent to which Te Rūnanga Nui was involved and considered in the development of the September 2021 Cabinet Paper. We outline the knowledge the Ministry already had about the claimants' aspirations for future policy relating to Kura Kaupapa Māori. We then consider the extent to which these aspirations shaped the issues, scope and parameters of the September 2021 Cabinet Paper, with a focus on:

- ▶ the Rāngai Māori goal underpinning the work programme;
- ▶ the September 2021 Cabinet Paper's alleged 'conflation' of Māori Medium and Kaupapa Māori education; and
- ▶ the absence of a proposal for an autonomous Kaupapa Māori education governance body in the September 2021 Cabinet Paper.

We then summarise the content of the September 2021 Cabinet Paper. We also set out how the Crown engaged with Te Rūnanga Nui prior to the Cabinet paper being released in 2021 and discuss the circumstances leading up to its decision not to participate in the Māori Medium Oversight Group provided for in the September 2021 Cabinet Paper.

We note that while the main purpose of the September 2021 Cabinet Paper was to set broad policy objectives for long-term planning in the Māori Medium education sector, the Cabinet paper also set out immediate issues to be addressed – including reviewing and updating Māori Medium education funding settings and investing in Māori Medium Education Peak Bodies through additional funding in Budget 2022.<sup>65</sup> We acknowledge the Crown's statements on how funding work has progressed. Mr Jackson and Dr Schöllmann advised funding equivalent to five leadership advisor roles has been provided to Te Rūnanga Nui and Ngā Kura ā Iwi.<sup>66</sup> In 2022, there was a 50 per cent increase in equity-based funding for Kura Kaupapa Māori.<sup>67</sup> Property funding for Māori Medium education and Kaupapa Māori funding has also increased from \$77 million to \$105 million between budget years 2021 and 2022.<sup>68</sup> However, the claimants' grievances around resourcing, funding and property are beyond the scope of this inquiry – as is the adequacy of the Crown's work to remedy those problems. These matters may be better addressed in the forthcoming Education Services and Outcomes inquiry.

##### 5.4.1 What information did the Crown have about the aspirations of Te Rūnanga Nui?

While the claimants argue they were effectively excluded from the formulation of the September 2021 Cabinet Paper, Andy Jackson (Deputy Secretary, Policy at the Ministry) and Dr Andrea Schöllmann (Director, Policy at the Ministry) described

---

65. Cabinet Social Wellbeing Committee, 'A Work Programme to Grow Māori Medium and Kaupapa Māori Education', 23 September 2021, p 3 (Crown counsel, supporting documents (doc B30), p1696)

66. Jackson and Schöllmann, brief of evidence (doc B28), p 13

67. Bean and Nathan, brief of evidence (doc B31), p 13

68. *Ibid*, p 16

the Cabinet paper as ‘informed by the key issues identified through previous engagement with Māori’. This engagement included ‘what was heard through Kōrero Mātauranga, the Tomorrow’s Schools consultation and through ongoing discussions with Māori medium and kaupapa Māori education stakeholders on other work programmes.’<sup>69</sup> These Crown witnesses accepted there was no bespoke consultation prior to the Cabinet paper being approved, but argued this was because ‘there was plenty of data and evidence already gathered from Māori during the EWP and Rāngai Māori work.’<sup>70</sup> Iona Holsted (Secretary for Education at the Ministry) told us the Crown ‘did not seek to embark on yet another consultation process’, as it had ‘already asked the question.’<sup>71</sup>

#### **5.4.1.1 *The desire for an autonomously governed parallel pathway***

We have previously discussed how Te Rūnanga Nui, on multiple occasions, made its aspirations for a bespoke policy framework (or ‘parallel pathway’) and the establishment of an autonomous body clear to the Ministry between 2018 and 2020. Specific instances include the claimants’ ‘He Ara Motuhake’ proposal (discussed in section 4.2.3.8), their request to become an Education Service Agency (discussed in section 4.3.2.5) and their submission to the select committee on the Education and Training Bill (discussed in section 4.3.2.7). As outlined in section 5.3, Te Rūnanga Nui saw both the parallel pathway and autonomous body as central to the growth of Kura Kaupapa Māori.

#### **5.4.1.2 *The involvement of Te Rūnanga Nui in the origins of the Rāngai Māori goal***

One of the streams of previous engagement identified by the Crown as informing the September 2021 Cabinet Paper was through the Rāngai Māori Workforce Group (RMWG), whose goal for participation levels in Māori Medium education was adapted and used as an anchor point for the work programme.<sup>72</sup>

In September 2018, the RMWG was formed to create a workforce strategy for the Māori Medium sector. The group included representatives from Te Rūnanga Nui and Ngā Kura ā Iwi, but also a range of other stakeholders beyond the Kaupapa Māori education space, like Te Ākatea and the Teaching Council of New Zealand. The RMWG chose to focus its strategy on Level 1 immersion education providers. In November 2019, the RMWG included an ‘aspirational goal’ in its workforce strategy to have 30 per cent of ākonga Māori engaged in Level 1 immersion by 2032.<sup>73</sup> We note that while the claimants were involved in the initial creation of this goal for the purposes of the workforce strategy, they stress this participation did not equate to Te Rūnanga Nui being content for the goal to form the basis of the

---

69. Jackson and Schöllmann, brief of evidence (doc B28), p 22

70. Ibid

71. Iona Holsted, brief of evidence, 5 May 2023 (doc B29), p 22

72. Jackson and Schöllmann, brief of evidence (doc B28), p 22

73. Ministry of Education, ‘Briefing Note: Rāngai Māori Workforce Group aspirational goal’, 21 February 2020, p 4 (Crown counsel, supporting documents (doc B30), p 1230); Jackson and Schöllmann, brief of evidence (doc B28), pp 15–16



policy framework set out in the September 2021 Cabinet Paper (see section 5.2.1 above).

#### **5.4.2 Preliminary policy work completed to strengthen Māori Medium education through 2020 to July 2021**

In section 4.3.2.4, we discussed how the Crown responded to the Taskforce's report by announcing its intention to 'strengthen the Māori medium pathway' in November 2019. Cabinet directed Ministry staff to report back in June 2020 with 'a plan for taking work forward to strengthen the Māori medium pathway, including the process for engagement with Māori'.<sup>74</sup> Crown witnesses said the onset of the COVID-19 pandemic in 2020 meant the focus of the Ministry's work necessarily pivoted to immediate issues associated with the COVID response.<sup>75</sup> The Ministry did not provide the plan in June 2020. Nonetheless, iterative policy work progressed within the Ministry throughout 2020 and the first half of 2021 that ultimately contributed to the September 2021 Cabinet Paper. In this section, we canvas this preliminary work and outline what the Ministry kept Te Rūnanga Nui apprised of during this time.

##### **5.4.2.1 February to July 2020: Adoption and extension of the Rāngai Māori goal**

After the Rāngai Māori Workforce Strategy was finalised in November 2019, Ministry officials began work analysing the goal and determining its potential impacts on policy streams, should it be adopted.<sup>76</sup> On 21 February 2020, Ministry officials presented a paper to Associate Minister Davis analysing the viability of the goal.<sup>77</sup> The Ministry suggested extending the goal to include Level 2 immersion would make the goal more achievable, but advised it may compromise the level of tikanga Māori and te reo Māori delivered.<sup>78</sup> On 24 February 2020, the Associate Minister suggested investigating the implications of extending the target from 2032 to 2040, but did not agree to including Level 2 immersion in the goal.<sup>79</sup>

Ministry officials advised the Associate Minister work was underway to develop a 'national network plan' for Māori Medium education, that would help inform the viability of the Rāngai Māori goal.<sup>80</sup> This Māori Medium Network Plan was a parallel piece of policy work to the September 2021 Cabinet Paper that ultimately

---

74. Office of the Minister of Education, 'Reform of the Tomorrow's Schools system – Paper 1 – proposed Government position', 11 September 2019, p[26] (Crown counsel, supporting documents (doc B30), p1075)

75. Bean and Nathan, brief of evidence (doc B31), p 19

76. Jackson and Schöllmann, brief of evidence (doc B28), pp15–16

77. Ministry of Education, 'Rāngai Māori Workforce Group Aspirational Goal', p1 (Crown counsel, supporting documents (doc B30), p 1227)

78. Ibid

79. Jackson and Schöllmann, brief of evidence (doc B28), pp16–17; Ministry of Education, 'Education Report: Work Programme to Strengthen the Māori Medium Education Pathway', 28 July 2020 (Crown counsel, supporting documents (doc B30), pp1338–1339)

80. Ministry of Education, 'Rāngai Māori Workforce Group Aspirational Goal', p 8 (Crown counsel, supporting documents (doc B30), p 1234)

resulted in an ‘information pack’ entitled ‘Te Tira Hou’ being released in April 2021 showing the discrepancy between the current Māori Medium network capacity and that needed to facilitate the Rāngai Māori goal.<sup>81</sup> We do not follow this policy stream in detail in this chapter, apart from mentioning instances where Te Rūnanga Nui engaged with the Ministry around its own network planning goals for Kura Kaupapa Māori. We do, however, think it is important to highlight a significant instance of miscommunication that occurred regarding this policy stream – as it no doubt contributed to a growing lack of trust between the claimants and the Ministry during this time. On 29 April 2020, Mr Campbell wrote to Dr Bean, advising Te Rūnanga Nui was ‘very distressed’ to learn the Ministry was planning a network review of all kura, which he believed could potentially lead to the merging or closure of kura.<sup>82</sup> Dr Bean told Mr Campbell he was mistaken, the Ministry was not conducting a network review – but rather was working to develop the Māori Medium Network Plan.<sup>83</sup> Dr Bean said this plan would help inform work towards the Rāngai Māori goal – and the Ministry intended to work closely with Te Rūnanga Nui on this mahi. However, Dr Bean did not inform Mr Campbell at this time that the Ministry was considering shifting the Rāngai Māori goal from 2032 to 2040.<sup>84</sup>

On 28 July 2020, Ministry officials updated Associate Minister Davis on work completed towards the programme to ‘strengthen the Māori medium education pathway’. Officials had further analysed the Rāngai Māori goal and advised the 2040 goal would be ‘more achievable’ but would still require ‘significant investment in infrastructure’. Associate Minister Davis agreed Ministry staff should proceed with developing a business case for meeting the 2040 goal.<sup>85</sup> Significantly, the paper also recorded that the Ministry was engaging in ‘ongoing dialogue’ with Māori Medium Education Peak Bodies (including Te Rūnanga Nui) on ‘strengthening the Māori medium pathway.’<sup>86</sup> It is interesting the paper also stressed the diversity within the Ministry’s Māori Medium education definition:

[t]here is significant diversity of Māori medium delivery, from kura kaupapa Māori affiliated to Te Rūnanga Nui, kura affiliated to Ngā Kura-a-Iwi, kura motuhake that don’t affiliate to any peak bodies, to where Māori medium provision is carried out in a different setting, such as rumaki units in English medium schools. This reinforces the

---

81. Bean and Nathan, brief of evidence (doc B31), p18; Ministry of Education, ‘Te Tira Hou – Māori Medium Education Network Information Pack: Level 1 Te Reo Māori Provision to 2040’, 1 April 2021 (Crown counsel, supporting documents (doc B30), pp1487–1573); Campbell, brief of evidence (doc A5), p 21

82. Hohepa Campbell to Daryn Bean, 29 April 2020, p 2 (Crown counsel, supporting documents (doc B30), p1273)

83. Daryn Bean to Hohepa Campbell, 30 April 2020, pp1–2 (Crown counsel, supporting documents (doc B30), pp1272–1273)

84. Bean to Campbell, pp1–2 (Crown counsel, supporting documents (doc B30), pp1272–1273)

85. Ministry of Education, ‘Work Programme to Strengthen the Māori Medium Education Pathway’ (Crown counsel, supporting documents (doc B30), pp1336–1337, 1339)

86. *Ibid* (p1339)

importance of getting the MME Network Plan right to inform appropriate investment and resourcing in this area.<sup>87</sup>

#### **5.4.2.2 *Te Rūnanga Nui develops its own 30-year network plan***

On 16 and 17 September 2020, Te Rūnanga Nui held a two-day hui with Mr Nathan and five other Ministry officials to discuss a potential 30-year growth plan for Kura Kaupapa Māori. Te Rūnanga Nui expressed a desire to ‘have engagement with the Ministry from the outset of a project or initiative, as partners and based on te Tiriti’.<sup>88</sup> It appears the Ministry informed Te Rūnanga Nui it was working towards an ‘Indicative Business Case’ for the growth of Māori Medium education (presumably the business case directed by Associate Minister Davis in July 2020).<sup>89</sup> The Ministry may have also informed Te Rūnanga Nui it was now working towards a 2040 date for the Rāngai Māori goal, but this was not made explicit in the evidence.<sup>90</sup>

In terms of network planning, Te Rūnanga Nui advised it would like to develop its own 30-year network plan for Kura Kaupapa.<sup>91</sup> Within the Ministry, there was some support for Te Rūnanga Nui to develop a specific 30-year Kura Kaupapa Māori growth plan. Officials prepared a memorandum noting initial steps they could take to help develop a business case for the plan, noting policy team work items it considered relevant.<sup>92</sup> During the hui, officials noted the Ministry was ‘looking to shift away from the term Māori Medium education to definitions [that] reflected the diversity within [the] sector’ through its Māori Medium Network Plan.<sup>93</sup> On 10 December 2020, Ministry staff provided Associate Minister Davis with an update on work towards the Māori Medium Network Plan, noting Te Rūnanga Nui had advised the Ministry ‘they prefer to work with us on their own 30-year network strategy rather than the initial ten-year focus of the National Māori Medium Network plan’. The paper further recorded that hui had been held ‘with a view to supporting both outputs’.<sup>94</sup>

During our hearings, the claimants told us about their experience at the 16 and 17 September 2020 hui. Mr Campbell shared that Te Rūnanga Nui ‘came away frustrated’ officials in attendance ‘did not understand’ the kaupapa of Te Rūnanga Nui.<sup>95</sup> His experience of that hui was despite the intention of Te Rūnanga Nui

87. Ibid (p 1341)

88. Meeting minutes for the Te Rūnanga Nui o ngā Kura Kaupapa Māori Rautaki Hui 16 and 17 Mahuru 2020, 16 September 2020 (Crown counsel, supporting documents (doc B30), p 1383)

89. Ibid (p 1379)

90. Ministry of Education, ‘Briefing Note: Meetings with Māori Medium Education Peak Bodies on Growing the Educational Pathway for Māori’, 28 July 2020 (Crown counsel, supporting documents (doc B30), p 1322)

91. Meeting minutes for the Te Rūnanga Nui Hui (p 1383)

92. Ibid (pp 1385–1386)

93. Ibid (p 1383)

94. Ministry of Education, ‘Briefing Note: Update on Māori Medium Network Plan’, 10 December 2020, p 4 (Crown counsel, supporting documents (doc B30), p 1415); ‘MOE and TRN Hui – Oral Report 2021’, 31 May 2021 (Crown counsel, supporting documents (doc B30), p 1608)

95. Campbell, brief of evidence (doc A5), p 20

‘to focus on our Tauāki Kawa with the Ministry, including the development of a long-term strategy, the Ministry was determined to fold us into its own existing work programme.’<sup>96</sup> Te Rūnanga Nui would go on to progress work on its 30-year strategy through to March 2022.<sup>97</sup>

After this meeting, Ms Maika wrote to the Ministry about policy barriers to a successful network plan for Kura Kaupapa Māori, including the need for a ‘fair and equitable policy and process for establishing new kura kaupapa Māori’ and the fact existing mainstream plans like the National Education Growth Plan 2030 and the School Property Strategy 2030 do not consider the aspirations for Kura Kaupapa Māori whānau to establish kura.<sup>98</sup> There is no evidence any significant policy work to implement the 30-year strategy of Te Rūnanga Nui ultimately occurred. According to Mr Campbell, after the hui Te Rūnanga Nui ‘continued to seek opportunities to discuss our network plan with the Ministry’ but ‘were not provided with any meaningful support or information.’<sup>99</sup> However, the Crown indicated to the Tribunal that, as of the time of hearings, it had received the strategy and was now ‘continuing this next phase of this work.’<sup>100</sup>

#### **5.4.2.3 The Ministry’s analysis of the aspirations of Te Rūnanga Nui**

On 25 November 2020, a memorandum was prepared for the Māori Medium Education Governance Board (a group of Ministry officials tasked with overseeing policy work in the Māori Medium education space) analysing the claimants’ aspirations for change. The paper recorded ‘Te Rūnanga Nui is seeking a parallel pathway for Kura Kaupapa Māori Te Aho Matua as a unique schooling option. They are not seeking a more general Māori language immersion education (Māori medium) parallel pathway.’<sup>101</sup> It noted ‘a range of options’ that could be explored to further the parallel pathway, with ‘varying degrees of devolved decision-making rights’, but that establishing a parallel pathway could lead to similar requests by others, such as iwi.<sup>102</sup> The paper advised greater decision-making rights would further tino rangatiratanga, help the Crown meet its Treaty obligations and strengthen the Crown–Māori relationship.<sup>103</sup> It also noted that depending on the

96. Hohepa Campbell, brief of evidence, 26 April 2023 (doc B12), p 21

97. Te Rūnanga Nui to Ministry of Education, ‘Outcome Agreement Report 4 – Te Rūnanga Nui o Ngā Kura Kaupapa Māori Annual Report for the Period Ending 31 December 2020’, 31 January 2021, p 6 (Crown counsel, supporting documents (doc B30), p 1454); Te Rūnanga Nui to Ministry of Education, ‘Te Rūnanga Nui o Ngā Kura Kaupapa Māori Annual Report for the Period Ending 31 December 2022’ (Crown counsel, supporting documents (doc B30), p 1896)

98. Te Rūnanga Nui o ngā Kura Kaupapa Māori o Aotearoa 15 and 16 September 2020 Meeting with Ministry of Education (Crown counsel, supporting documents (doc B30), p 1387). See the glossary entries for ‘National Education Growth Plan 2030’ and ‘School Property Strategy 2030’ at pp 381, 382.

99. Campbell, brief of evidence (doc B12), p 22

100. Bean and Nathan, brief of evidence (doc B31), p 19

101. Ministry of Education, ‘Analysis of Te Rūnanga Nui o Ngā Kura Kaupapa Māori Aspirations for Change in our Schooling System Using the Ka Hikitia Framework’, 25 November 2020, pp 3–4 (Crown counsel, supporting documents (doc B30), pp 1391–1392)

102. Ibid, p 4 (p 1392)

103. Ibid

degree to which decisions and functions are devolved, a parallel pathway option ‘could fundamentally change the way our education system is structured’ and the health sector’s experience implementing the *Hauora* report’s recommendation for a Māori Health Authority should inform future work in the Māori education space.<sup>104</sup> It further recorded that in 2019 Cabinet had chosen to strengthen the Māori Medium pathway generally, rather than pursue parallel pathway options.<sup>105</sup> The paper recommended the Governance Board complete further scoping work and ‘test the concept of a parallel pathway’ with the Minister and Associate Minister.<sup>106</sup>

The paper also addressed concerns associated with the inclusion of Kura Kaupapa Māori within the Māori Medium education definition as a matter of terminology. The paper noted Te Rūnanga Nui did not wish for Kura Kaupapa Māori ‘to be grouped with other providers of te reo Māori immersion education as part of the current definition of “Māori medium”’ and instead asked to be recognised as a ‘unique, indigenous education option’.<sup>107</sup> Ministry officials described how this aspiration supported the desired outcomes set out in Ka Hikitia. In their words, the change would allow the Ministry ‘to think about the specific funding needs of Kura Kaupapa Māori’ and support rangatiratanga by allowing Te Rūnanga Nui to decide how its schooling option is referred to by the Crown.<sup>108</sup> The paper also advised:

[m]oving away from the umbrella term ‘Māori medium’ will help our education system to better respond to the needs of different Māori groups in the contexts of their preferred learning approaches and philosophies (for example it will help us to better differentiate between the needs of Kura Kaupapa Māori Te Aho Matua, Kura ā Iwi, other iwi affiliated Kura, Rūmaki units etc).<sup>109</sup>

The paper observed the term was embedded in Ministry ‘funding, resourcing, reporting, data collection and policy development’ and therefore change would require a ‘complete shift’ and be ‘expensive and time consuming’.<sup>110</sup> A related recommendation was ‘scoping work to understand the implications of amending the definition for “Māori medium” be undertaken as part of any initial scoping work regarding a parallel pathway or pathways for Māori language immersion education’.<sup>111</sup>

Through the evidentiary process for this inquiry, this memorandum became available to the claimants. They noted they were unaware of any work done investigating or scoping options for the aspirations of Te Rūnanga Nui for a parallel

---

104. Ibid, pp4, 15 (pp 1392, 1403)

105. Ibid, p 4 (p 1392)

106. Ibid

107. Ibid

108. Ibid

109. Ibid, pp 4–5 (pp 1392–1393)

110. Ibid, p 5 (p 1393)

111. Ibid, p 4 (p 1394)

pathway, as recommended by the memorandum.<sup>112</sup> It is our understanding this scoping work did not proceed in any meaningful way, based on the evidence before us – potentially because in early 2021 the Associate Minister made it clear he wished for the work programme’s ambit to remain broad and concern all Māori Medium learners, which we discuss in section 5.4.2.6.<sup>113</sup>

On 15 December 2020, the Ministry provided Te Rūnanga Nui with a letter recording the Ministry’s understanding of its aspirations, based on the analysis contained in the 25 November 2020 memorandum. This is a document the claimants had requested in September of 2020.<sup>114</sup> Significantly, the Ministry articulated the claimants’ desire for an autonomously governed parallel pathway specifically for Kura Kaupapa Māori:

The Te Rūnanga Nui submissions on both the Tomorrow’s Schools Review and the Education and Training Bill consultation focussed on creating a parallel pathway for Kura Kaupapa Māori Te Aho Matua as a unique indigenous schooling option. We understand that you wish for more autonomy, self-determination and decision-making powers so that Kura Kaupapa Māori Te Aho Matua can grow and flourish in its own right.<sup>115</sup>

The memorandum went on to outline the kinds of decision-making powers Te Rūnanga Nui sought in the governance of this parallel pathway, including over the governance structures for Kura Kaupapa Māori, kura establishment processes, teacher training and support, curriculum development, as well as resourcing and funding.<sup>116</sup>

It is clear from this letter the Ministry was aware the claimants continued to pursue an autonomously governed parallel pathway for Kura Kaupapa Māori akin to the one recommended by the Taskforce, and yet failed to confirm the Crown had already decided to not pursue Recommendation 4(a)’s call for an autonomous governance body. We find this to be a critical point in the communication between the Crown and the claimants, which we discuss further in section 5.6.1.1 below.

#### **5.4.2.4 Te Rūnanga Nui requests information about the parallel pathway**

We remind the reader that during this 2020 to July 2021 period, Te Rūnanga Nui believed the Crown intended to continue to pursue an independent entity for Kaupapa Māori education.<sup>117</sup> Mr Campbell said Te Rūnanga Nui ‘relied upon’ the November 2019 response’s commitment to form an autonomous governance

---

112. Hohepa Campbell and Mahinarangi Maika, brief of evidence, 17 April 2023 (doc B26), pp [17]–[18]

113. Māori Medium Governance Board, hui notes, 3 March 2021 (Crown counsel, supporting documents (doc B30), p1475)

114. Ben O’Meara to Hohepa Campbell, 15 December 2020 (Crown counsel, supporting documents (doc B30), p1436)

115. Ibid (pp1437–1438)

116. Ibid

117. Cathy Dewes, brief of evidence, 23 December 2021 (doc A8(a)), p6

body during this time and continued to raise Recommendation 4(a) in various submissions and fora.<sup>118</sup> In his words, Te Rūnanga Nui were effectively 'left in the dark for the past 18 months.'<sup>119</sup> During this time, the claimants thought Te Rūnanga Nui may be established as an Education Service Agency for Kaupapa Māori education.<sup>120</sup> However, the claimants said they were told very little about work to create an Education Service Agency, despite Te Rūnanga Nui indicating it would like to be involved.<sup>121</sup> As we discussed in section 4.3.2.5, the claimants shared this aspiration with Associate Minister Davis in December 2019.

In May 2020, Ms Holsted and Dr Bean met with Māori Education Peak Bodies over Zoom, including Te Rūnanga Nui. Understandably, much of the conversation related to the COVID-19 pandemic. However, Dr Dewes shared her concerns the aspirations of those within the Māori Medium education sector were not being understood and heard by the Ministry, their Kaupapa Māori perspective and tino rangatiratanga were being side lined and there were still no mechanisms for active protection of Kaupapa Māori.<sup>122</sup> At a subsequent Peak Bodies' hui on 9 July 2020, Tipene Chrisp (Senior Policy Manager of Māori Education at the Ministry) was asked whether 'parallel pathways [was] an arching kaupapa' for all education strategies going forward. Mr Chrisp replied that the Ka Hikitia and Tau Mai Te Reo strategies 'speak to strengthening Māori medium pathways', but he did not provide any more specific information on the Crown's policy response.<sup>123</sup>

At the September 2020 hui regarding the Te Rūnanga Nui 30-year strategy (discussed above in section 5.4.2.2), the claimants invited Ministry officials to share their plan for achieving a parallel pathway for Kura Kaupapa Māori and asked for information on where Te Rūnanga Nui 'will sit' within the Education Service Agency structure.<sup>124</sup> In response, officials advised subsequent to the Taskforce's report, they had been 'directed to think about a parallel pathway for Māori-medium education.' Te Rūnanga Nui asked if key Māori education partners would be involved in setting up the 'parallel pathway' for Kura Kaupapa Māori and requested an update on that work. Officials advised because of the upcoming 2020 election 'decisions on matters such as a parallel pathway [were] not being taken' at the time.<sup>125</sup> Ministry officials further advised '[i]n time we expect to engage with Māori' on this work, but this had not been confirmed.<sup>126</sup>

At the Māori Education Peak Bodies hui held on 3 December 2020, Te Rūnanga Nui again asked for information about implementation work on the parallel

118. Campbell, brief of evidence (doc A9), p [6]

119. Ibid, p [15]

120. Maika, brief of evidence (doc A4), p 9

121. Rawiri Wright, brief of evidence (doc A2), p 7; Maika, brief of evidence (doc A4), p 3

122. Heather Maletino to Iona Holsted and Daryn Bean, 20 May 2020 (Crown counsel, supporting documents (doc B30), p 1285)

123. Māori Education Peak Bodies Forum Zui Thursday 9 July 2020 draft summary notes, 9 July 2020 (Crown counsel, supporting documents (doc B30), p 1317)

124. Meeting minutes for the Te Rūnanga Nui hui (Crown counsel, supporting documents (doc B30), pp 1381, 1384)

125. Ibid (p 1381)

126. Ibid

pathway – noting existing policy work ‘looks mainstream.’ Based on the hui notes provided, Ministry officials in attendance did not respond to this query.<sup>127</sup> At a 10 December 2020 hui between the Ministry and Te Rūnanga Nui, officials also failed to provide any further information on the status of the parallel pathway the claimants still believed the Ministry was intent on progressing.<sup>128</sup> On 31 January 2021, Te Rūnanga Nui again asked the Ministry to be involved in the work of Education Service Agencies, stating it ‘[had] not been provided any information’ about how the Education Service Agencies would work with Kura Kaupapa Māori.<sup>129</sup>

#### **5.4.2.5 The Taskforce queries the Crown’s policy response**

Te Rūnanga Nui was not the only body requesting details on the Ministry’s work to implement arrangements for an autonomously governed Kaupapa Māori education pathway. On 3 February 2021, the Taskforce itself wrote to Minister Hipkins. It told the Minister:

[o]ur recommendation for the establishment of an autonomous governance body to support Kaupapa Māori was identified in the government’s response as a priority to be progressed in the next 18–24 months. We have no information about how this recommendation is being progressed and are keen to know more.<sup>130</sup>

It is highly significant the Taskforce itself, upon reading the Crown’s November 2019 response to its report, believed the Crown intended to pursue the autonomous body called for in Recommendation 4(a). The fact it construed the Crown’s response this way speaks to just how poorly the Crown communicated its true intent regarding the Tomorrow’s Schools reform, which we found in section 4.2.3.1 to be a breach of Treaty principles.

Following an 11 February 2021 hui with Minister Hipkins where Taskforce members learned more about the Crown’s policy response, the Taskforce expressed concerns with the Crown’s approach to Recommendation 4(a). The Taskforce advised the Tomorrow’s Schools reforms work appeared ‘ad hoc’ and ‘is undermining sector faith that there is indeed a roadmap’ to implement the changes promised in the Crown’s November 2019 response. The Taskforce told the Minister it was concerned about there being ‘little or no progress . . . made’ towards the establishment of the autonomous body. The Taskforce noted that while ‘its intention may well have been captured by Māori Medium’ in a positive way, that ‘should not

---

127. Māori Education Peak Bodies Forum Hui 3 December 2020 summary notes, 3 December 2020 (Crown counsel, supporting documents (doc B30), p1410)

128. Minutes: Te Rūnanga Nui o Ngā Kura Kaupapa Māori and Te Tāhuhu Hui, 10 December 2020 (Crown counsel, supporting documents (doc B30), p1433)

129. Te Rūnanga Nui to Ministry of Education, ‘Outcome Agreement Report 4 – Te Rūnanga Nui o Ngā Kura Kaupapa Māori Annual Report’ (Crown counsel, supporting documents (doc B30), p1454)

130. Correspondence between the Tomorrow’s Schools Independent Taskforce and the Minister of Education, 2021 (doc 6.2.2), p [2]



compromise the growth of Kaupapa Māori settings' and the autonomous Kaupapa Māori education body should be implemented.<sup>131</sup>

On 6 April 2021, Minister Hipkins responded to Mr Haque's letter. He stated the Crown was 'strongly committed' to implementing the reforms agreed to in the 2019 Government Response paper.<sup>132</sup> Part of this response included the establishment of an Education Service Agency, which was initiated on 8 March 2021.<sup>133</sup> Turning to Recommendation 4(a), the Minister explained Cabinet's decision for the Crown's response to focus on strengthening the Māori Medium pathway.<sup>134</sup> The Minister did not specifically state the autonomous Kaupapa Māori education body called for in Recommendation 4(a) had been decided against, instead allowing that inference to stand by implication. Again, we see a Crown failure to clearly communicate its decision to not implement Recommendation 4(a), in this instance to the Taskforce itself.

#### **5.4.2.6 The Ministry confirms its position on Recommendation 4(a) with the claimants**

Based on the documentation before us, it appears the February 2021 correspondence from the Taskforce may have prompted the Ministry to reflect on the way it had been engaging with Te Rūnanga Nui about the policy response to Recommendation 4(a). On 4 March 2021, Ministry staff prepared an internal email outlining the Crown's response, recording the 'progress further' text used in the September 2019 Cabinet paper (see our discussion of this Cabinet paper in section 4.3.2.3).<sup>135</sup> Mr Chrisp responded that Te Rūnanga Nui had been 'very clear' – its aspiration for a 'parallel Kaupapa Māori pathway' meant an autonomous governing body of some description. He advised the Crown's response to strengthen the Māori Medium pathway 'incorporated some of this wording' but did not capture the 'underlying meaning' of an autonomous body.<sup>136</sup> We note this is consistent with our own analysis of the Crown's response (see section 4.3.3.2).

Mr Chrisp further stated in his email that in the year and a half since the Crown's public response to the Taskforce's report, Te Rūnanga Nui had interpreted the phrase as meaning an autonomous authority, whether that be in the form of an Education Service Agency or another structure.<sup>137</sup> Here, it appears Ministry staff crystallised the pattern of communication between the Crown and the claimants over the year and a half following the Crown's public response to the Taskforce's report. The claimants believed the autonomous body was still viable and a part of

---

131. *Ibid*, pp [5]–[6]

132. Chris Hipkins to Bali Haque, 6 April 2021, p1 (Crown counsel, supporting documents (doc B30), p1574)

133. *Ibid*

134. *Ibid*, pp 1–2 (pp 1574–1575)

135. Jolanda Meijer to Andrea Schöllmann, 4 March 2021 (Campbell, supporting documents (doc A11(a)), p18)

136. Tipene Chrisp to Jolanda Meijer and Andrea Schöllmann, 4 March 2021 (Campbell, supporting documents (doc A11(a)), p17)

137. *Ibid*

the Crown's agenda, whether through an Education Service Agency configuration or some other means. The claimants were also frustrated upon reading this email exchange when it became available to them through the Tribunal's evidentiary process – for them, it 'highlighted the lack of transparency inherent in the Crown's response to the Tomorrow's Schools Taskforce'.<sup>138</sup>

On 12 March 2021, Ms Holsted emailed Te Rūnanga Nui to inform it she had initiated consultation with Ministry staff on the establishment of a national level Education Service Agency (ESA), in response to another of the Taskforce's broader recommendations, which we do not discuss in detail in our report.<sup>139</sup> This proposal affected all learners – it was not a bespoke entity for Kaupapa Māori education as Recommendation 4(a) called for. Ms Holsted stressed the proposal was not a blueprint of the ESA and the Ministry intended to work with Te Rūnanga Nui on this.<sup>140</sup> On 15 March 2021, Te Rūnanga Nui responded to Ms Holsted's email, noting the Taskforce's conclusion 'it would be impossible to meet the Crown's obligations under Te Tiriti o Waitangi without facilitation of a parallel Kaupapa Māori pathway'.<sup>141</sup> Te Rūnanga Nui criticised the draft ESA proposal and asserted it failed to provide for the autonomously governed parallel pathway it had consistently advocated for through the Crown's Tomorrow's Schools reforms. The claimants told Ms Holsted the ESA proposal perpetuated the status quo, minimised Kura Kaupapa Māori and they felt 'completely absent from it'.<sup>142</sup> Rawiri Wright told us about his reaction to Ms Holsted's letter, sharing Te Rūnanga Nui had not discussed the ESA proposal with the Ministry and it simply looked like 'more of the same' – he could not see any positive change for Kura Kaupapa Māori arising out of it.<sup>143</sup>

On 8 April 2021, Ms Holsted responded to Te Rūnanga Nui about its concerns with the ESA proposal. She advised 'the Government did not accept all of the Taskforce's specific recommendations' and for some 'chose to achieve the underlying intent through different actions than the Taskforce proposed'.<sup>144</sup> She explained the Crown's response to Recommendation 4(a), agreed by Cabinet in 2019, was to focus on 'strengthening the Māori medium pathway, and support greater engagement by Māori/iwi in school governance'.<sup>145</sup> She referenced the

---

138. Hohepa Campbell and Mahinarangi Maika, brief of evidence, 17 April 2023 (doc B26), pp[17]–[18]

139. Ministry of Education, 'Establishing an Education Service Agency [working title only] within a Redesigned Ministry of Education: Overview of the Proposed Design', pp 1–4 (Campbell, supporting documents (doc A5(b)), pp 44–47)

140. Iona Holsted to Te Ururoa Flavell, Nepia Winiata, Angus Hartley, Hohepa Campbell, Rawiri Wright, Cathy Dewes, Watson Ohia, and Arihia Stirling, 12 March 2021, pp 1–2 (Campbell, supporting documents (doc A5(b)), pp 42–43)

141. Cathy Dewes to Iona Holsted, 15 March 2021, p 1 (Campbell, supporting documents (doc A5(b)), p 37)

142. *Ibid.*, p 2 (p 38)

143. Rawiri Wright, brief of evidence (doc A2), p 8

144. Iona Holsted to Cathy Dewes, 8 April 2021, p 1 (Crown counsel, supporting documents (doc B30), p 1595)

145. *Ibid.*

July 2020 education report and stated ‘Minister Davis has been clear throughout that Māori need to have authority over Mātauranga Māori and Māori-medium education.’<sup>146</sup> She referred to upcoming hui of Te Matakahuki members regarding ‘te reo Māori and mātauranga Māori/Indigenous education pathways’ and advised she was ‘keen to listen and engage . . . at the right time on how the Ministry can enable Māori agency and authority and support the collective vision.’<sup>147</sup> She clarified the ESA proposal was one for ‘the structural design of a government department’ so it could better fulfil its kāwanatanga role and she wanted to work with Te Rūnanga Nui on further development of the specifics of the ESA proposal.<sup>148</sup>

Mr Campbell advised us this letter from Ms Holsted was ‘the only clear, written statement’ Te Rūnanga Nui had received up to April 2021 that the Taskforce’s recommendation ‘would not be adopted in any form.’<sup>149</sup> Te Rūnanga Nui also had no idea about the report provided to the Minister in July 2020 referenced by Ms Holsted and ‘simply had no idea what the Ministry was doing.’<sup>150</sup> It was frustrated that report had gone to the Minister without input from Te Rūnanga Nui, despite the claimants requesting information about the Crown’s policy work throughout 2020.<sup>151</sup> Dr Dewes said it ‘was news’ to Te Rūnanga Nui that the Ministry had been progressing policy work to strengthen the Māori Medium pathway generally instead of pursuing Recommendation 4(a), and in the months following this correspondence, Te Rūnanga Nui continued to not ‘have any real sense’ of what the Crown was doing.<sup>152</sup>

#### **5.4.2.7 The Crown work in the first half of 2021 towards a broadly Māori Medium work programme**

On 3 March 2021, the Māori Medium Governance Board held a hui to discuss the ‘2021 MME Work Programme’. Hui notes record Associate Minister Davis signalled ‘an indicative scope’ of ‘all learners on the pathway, no matter the setting.’<sup>153</sup> The notes mentioned the need to clarify the definitions of Māori Medium education, with ‘[c]urrent thinking’ being Level 1 and Level 2 immersion. The notes indicate the Board discussed the extent the Ministry was willing ‘to devolve agency and authority’ within the work programme.<sup>154</sup> The notes record the will to support ‘Māori developing their own network plan.’<sup>155</sup>

---

146. Ibid

147. Ibid, p 2 (p1596)

148. Ibid

149. Campbell, brief of evidence (doc B12), p 23

150. Ibid

151. Mahinarangi Maika and Hohepa Campbell, brief of evidence, 17 May 2023 (doc B34), p 6

152. Cathy Dewes, brief of evidence, 13 April 2023 (doc B14), p 13

153. Māori Medium Governance Board hui notes, 3 March 2021 (Crown counsel, supporting documents (doc B30), p 1475). See the glossary entry for ‘Māori Medium Education Governance Board’ at p 381.

154. Māori Medium Governance Board hui notes, p 1 (Crown counsel, supporting documents (doc B30), pp 1475–1476)

155. Ibid, p 2 (p 1476)

On 7 April 2021, the Governance Board met again to discuss the work programme, noting they had identified ‘four enduring policy questions’ to inform the programme. The Governance Board expressed that unless the Ministry resolved these issues around scope, aspirations for Māori Medium pathways, productive partnerships and the interface between rangatiratanga and kāwanatanga, ‘they will keep arising within the context of not meeting our Te Tiriti o Waitangi obligations.’<sup>156</sup> The hui agenda further recorded that ‘[w]hānau hapū and iwi consistently told us that kaupapa Māori in education (for Māori, by Māori) and rangatiratanga are critical in that they want to have genuine choices that achieve their goals and aspirations’ and ‘[d]oing the same thing differently isn’t going to achieve the required shift.’<sup>157</sup> Interestingly, the Board also stated it needed to focus on ‘long term sustainable relationships and transparency driven by a shared understanding of outcomes.’<sup>158</sup>

The agenda also recorded the interest of Māori Medium Education Peak Bodies in ‘developing their own pathway’ for Kaupapa Māori education. For context, on 3 June 2021 the Māori Education Peak Bodies had decided ‘strengthening the “kaupapa” Māori Medium pathway takes priority’ in their work. The Peak Bodies identified Te Matakahuki as ‘leaders of the Kaupapa Maori pathway.’<sup>159</sup> The Governance Board stated it ‘seek[s] to support’ the Māori Medium Education Peak Bodies in this, but also needed to ‘support bilingual and immersion units’ and ‘support learners and whānau to exercise choice.’<sup>160</sup> The Governance Board recorded that ‘the scope and definitions must acknowledge the diversity of te reo Māori in every setting’ and the ‘specific aspirations and needs in different settings.’<sup>161</sup> In the Board’s words, the use of the term Māori Medium education ‘itself has become a problematic descriptor.’<sup>162</sup> The agenda further noted the Board proposed to ‘develop a common lexicon for use across the Ministry of Education [and] the education sector.’<sup>163</sup> That proposal, included in the appendix to the agenda, classified Kura Kaupapa Māori as part of the ‘Tau Mai’ pathway (i.e. 50 per cent and above te reo Māori immersion), essentially continuing to not differentiate between Kura Kaupapa Māori and te reo Māori immersion providers such as bilingual units within mainstream schools.<sup>164</sup>

---

156. Agenda for the Māori Medium Governance Board: Discussions on the Development of Te Ara Reo Māori – Māori Language Learning Pathways, 7 April 2021 (Crown counsel, supporting documents (doc B30), p1578)

157. Ibid (p1582)

158. Ibid

159. Ministry of Education, ‘Briefing Note: Outcomes of Māori Education Peak Bodies Meeting 3 June 2021’, 21 June 2021 (Crown counsel, supporting documents (doc B30), p1612)

160. Agenda for the Māori Medium Governance Board (Crown counsel, supporting documents (doc B30), p1581)

161. Ibid (p1579)

162. Ibid (p1581)

163. Ibid

164. Ministerial Strategy Session: Te Ara Reo Māori – Māori Language Learning Pathways, Appendix B to Māori Medium Governance Board Agenda (Crown counsel, supporting documents (doc B30), p1587)

Feedback from members of the Board indicated that Māori Education Peak Bodies should retain authorship over these terms – '[o]ur partners should have something to say about a common language', which should be 'co-create[d]' with Māori.<sup>165</sup> While the Board's feedback raised the possibility of two pathways – one strategy for Māori Medium kura represented through the Peak Bodies and one for bi-lingual immersion units in mainstream schooling – it also noted that in terms of scope of a future work programme, that decision is 'not the Crown's . . . to make'.<sup>166</sup>

The claimants told us about their experience of poor communication with the Crown during this time. Ms Maika said the Ministry did not willingly share critical information and policy decisions pertinent to Kura Kaupapa Māori with Te Rūnanga Nui. She felt this made it 'very difficult for Te Rūnanga Nui to ascertain what the Ministry has been doing or is proposing to do' in the course of its Tomorrow's Schools reforms. She advised Te Rūnanga Nui often had to resort to requesting information under the Official Information Act 1981.<sup>167</sup> We note in July 2021 the claimants requested a copy of the July 2020 education report, which they were not provided.<sup>168</sup> Mr Campbell summarised the experience of Te Rūnanga Nui throughout the Tomorrow's Schools reform process as feeling 'pre-determined' despite the claimants' numerous submissions and the Taskforce's recommendation for an autonomous parallel pathway for Kaupapa Māori education.<sup>169</sup>

### **5.4.3 Development of the September 2021 Cabinet Paper from July 2021 onwards**

#### **5.4.3.1 Associate Minister Davis requests a Cabinet paper be developed**

In mid-2021, Ministry officials began developing material to inform a Ministerial strategy session on 7 July 2021 with Associate Minister Davis and Minister Hipkins. Mr Jackson and Dr Schöllmann said this material was aimed at 'developing a framework for growing Māori medium and kaupapa Māori education options' in light of the fiscal constraints of the COVID-19 pandemic.<sup>170</sup>

A pack of informational slides prepared for a Māori Education strategy session with Minister Hipkins and Associate Minister Davis on 7 July 2021 provided further information about the Governance Board's proposals to grow Māori Medium education. The most relevant of these proposals was for 'Māori Medium legislation in lieu of a Māori Education Authority', with the introduction of a Bill focused on Māori Medium education.<sup>171</sup> The slide outlined the legislation sought

---

165. Minutes of Māori Medium Governance Board hui, 7 April 2021 (Crown counsel, supporting documents (doc B30), p 1592)

166. Ibid (pp 1592–1593)

167. Maika, brief of evidence (doc A4), p 8

168. Campbell, brief of evidence (doc A9), p [8]

169. Campbell, brief of evidence (doc A5), p 22

170. Jackson and Schöllmann, brief of evidence (doc B28), p 20

171. Annotated agenda for Māori Education Strategy session, 5 July 2021 (Crown counsel, supporting documents (doc B30), p 1633); Māori Education Strategy slides, 'Slide 3: Legislative and Funding Settings for Māori Medium Education (Working title)', 5 July 2021 (Crown counsel, supporting documents (doc B30), p 1636); Jackson and Schöllmann, brief of evidence (doc B28), p 20

to achieve a range of outcomes, including ākonga well-being, te reo Māori and mātauranga Māori fluency, and significantly, tino rangatiratanga, which the Board described as ‘Māori rights to exercise appropriate levels of agency and authority over the development and operation of MME, in partnership with the Crown.’<sup>172</sup> The slide noted several components needed to be addressed, including defining the scope of Māori Medium education, network planning and management, funding models and the education workforce. The strategy slides also advised that legislators should consider the possibility for kura to become new ‘entity types’ outside of the Crown framework.<sup>173</sup> The Board stated ‘Māori will need to own and drive the direction’ of any legislative change that may occur.<sup>174</sup> Mr Jackson and Dr Schöllmann told us this strategy session referred to ‘the clear need to do further work on definitions of key terms, and to do so with Māori.’<sup>175</sup>

After a Ministerial strategy session considering these slides, Associate Minister Davis directed staff to draft a Cabinet paper on the Māori Medium work programme.<sup>176</sup> The Associate Minister was clear he did not support a Māori Medium Education Authority – and Minister Hipkins indicated he was ‘nervous’ about establishing a new entity type.<sup>177</sup> Mr Jackson and Dr Schöllmann advised that, during this session, Ministers expressed the view that ‘effort should not be diverted from growing Māori medium teaching and learning to establishing new frameworks for governance.’<sup>178</sup> In the aftermath of this hui, Mr Chrisp shared his opinion with other Ministry staff that he had heard ‘constantly from Māori about the aspiration for greater agency and authority over’ Māori Medium education. He was ‘not sure steering people back to the Crown Entities framework and addressing frustrations on a point-by-point basis is going to be sufficient.’<sup>179</sup> Mr Chrisp noted there was a ‘mandate’ in this work to have conversations with a range of stakeholders, including Māori Medium Education Peak Bodies.<sup>180</sup>

#### **5.4.3.2 Ministry staff begin drafting the September 2021 Cabinet Paper**

In July 2021, the Ministry began targeted work towards developing the September 2021 Cabinet Paper. During this period there is evidence Ministry staff wanted to reflect some of the claimants’ discrete aspirations for legislative change within the Cabinet paper. On 4 August 2021, Māori Medium Governance Board member Ben O’Meara asked his colleagues whether the paper could include text exploring:

- ▶ the gazettal of Te Marautanga o Te Aho Matua;

---

172. Māori Education Strategy slides, ‘Legislative and Funding Settings for Māori Medium Education (Working title)’ (Crown counsel, supporting documents (doc B30), p1636)

173. Ibid

174. Annotated agenda for Māori Education Strategy session, 5 July 2021 (Crown counsel, supporting documents (doc B30), p1633)

175. Jackson and Schöllmann, brief of evidence (doc B28), p 4

176. Tipene Chrisp to Andrea Schöllmann and Megan Somerville, 7 July 2021 (supplementary Crown disclosure (doc B40), p10)

177. Ibid

178. Jackson and Schöllmann, brief of evidence (doc B28), p21

179. Chrisp to Schöllmann and Somerville (supplementary Crown disclosure (doc B40), p10)

180. Ibid

- the role of a Board of Trustees as a governance structure for kura;
- potential separate codes of conduct for kura;
- whether legislation should allow organisations like Te Rūnanga Nui to take on some of the intervention powers of the Ministry; and
- whether organisations like Te Rūnanga Nui should be able to set principal eligibility criteria.<sup>181</sup>

On 12 August 2021, Mr Chrisp expressed the need for the Cabinet paper to specifically address the Crown's response to Recommendation 4(a). Mr O'Meara replied that he understood the Taskforce as seeing the autonomous body as one that would 'have control over resources and operational policy settings' – which is different to the Cabinet paper's proposed establishment of a Māori Medium Oversight Group, whose proposals the Minister would reserve the right to decline.<sup>182</sup>

We have access to one version of the Cabinet paper draft, dated to 17 August 2021, though internal emails among Ministry staff indicate there were multiple iterations.<sup>183</sup> This draft had the same scope as the final Cabinet paper. Its discussion of matters in the compulsory schooling sector was scoped to 'Māori Medium' – which was defined in the paper as education where more than 80 per cent of instruction was delivered in te reo and the paper hinged on the adapted Rāngai Māori goal.<sup>184</sup> Specific reference to Kaupapa Māori education was only made in the context of the tertiary sector.<sup>185</sup> For the most part, this draft also lists the same issues to be addressed by the work programme and proposed legislation as the final paper (discussed below in section 5.4.3.4).

One notable difference in this earlier draft is instead of the Oversight Group designing an engagement plan, the Ministry prescribed an engagement approach with Māori that the Oversight Group would facilitate.<sup>186</sup> The Ministry would later change this approach based on advice from Te Arawhiti (discussed below). The draft also stated that establishing an autonomous statutory entity risked 'over-bureaucratizing' the core business of teaching and learning.<sup>187</sup>

Interestingly, there are two sections of this draft that refer to Te Rūnanga Nui (implicitly and explicitly) that were removed from the final Cabinet paper. First, the paper references 'challenging and difficult relationships' with some Māori Medium Education Peak Bodies. It stated the Ministry was committed to 'building the breadth and depth of these relationships'. While different stakeholders may not

---

181. Ben O'Meara to Andrea Schöllmann, Megan Somerville, and Tipene Chrisp, 4 August 2021 (supplementary Crown disclosure (doc B40), p12)

182. Ben O'Meara to Andrea Schöllmann, Tipene Chrisp, and Megan Somerville, 12 August 2021 (supplementary Crown disclosure (doc B40), p17)

183. Megan Somerville to Heather Maletino and Belinda Watt, 10 August 2021, p1 (supplementary Crown disclosure (doc B40), p44); Tipene Chrisp to Andrea Schöllmann and Daryn Bean, 17 August 2021, pp2–3 (supplementary Crown disclosure (doc B40), pp52–53)

184. 'Work Programme to Grow Māori Medium and Kaupapa Māori Education', draft Cabinet Paper, 17 August 2021, pp1–2 (supplementary Crown disclosure (doc B40), pp54–55)

185. *Ibid*, p1 (p54)

186. *Ibid*, pp3, 9 (pp56, 62)

187. *Ibid*, p10 (p63)

agree on the direction of work, ‘that should not be an impediment to making progress.’<sup>188</sup> Second, there was additional detail in the proposal for legislation dealing with establishment provisions, noting the role of Te Rūnanga Nui in this process should be confirmed, as it is the kaitiaki of Te Aho Matua under the Education and Training Act 2020.<sup>189</sup>

On 1 September 2021, the Ministry received feedback from the Child Wellbeing Unit (DPMC) on the draft Cabinet paper. They suggested clarifying why a standalone Māori Medium Education Authority has been ruled out. They observed ‘an implied contrast with the Government’s decision to establish a Māori Health Authority’ and considered the reasoning not to establish a Māori Medium Education Authority should be made explicit.<sup>190</sup> We note this decision to diverge from the Māori Health Authority approach in the education space was ultimately never clarified in the September 2021 Cabinet Paper, but that the Associate Minister’s comment about an entity ‘over-bureaucratizing’ the work was ultimately removed.

On 2 September 2021, Te Arawhiti provided feedback on a draft Cabinet paper. Te Arawhiti ‘*strongly encourage[d]*’ the Ministry to revisit the paper ‘to ensure the health of the Māori Crown relationship is at the forefront of policy development’ and be clear when contemplating a co-design process or a Māori-led process (emphasis in original).<sup>191</sup> Its advice included that the Ministry needed to engage with Māori much sooner:

We strongly feel that the Māori voice needs to come through in this paper and engagement approach. Māori Medium Education (MME) is a kaupapa Māori social movement with heightened risk associated with a lack of early engagement. The paper raises a number of challenges facing MME, but the paper would benefit from being clearer about what the key problem is. Because the problem definition is not clear and crucially, not rooted in what MOE has heard from Māori learners, providers and leaders - parts of the paper read too paternalistic and not in the spirit of partnership. Grounding the problem definition in what Māori are telling us would significantly strengthen the paper and deliver on our kāwanatanga role.<sup>192</sup>

Te Arawhiti noted the draft provided a prescribed engagement plan with Māori, but ‘a full engagement strategy needs to be separately developed in partnership with Māori.’<sup>193</sup> In the final version Associate Minister Davis directed an engagement

---

188. ‘Work Programme to Grow Māori Medium and Kaupapa Māori Education’, draft Cabinet Paper, p 10 (supplementary Crown disclosure (doc B40), p 63)

189. Ibid, p 8 (p 61)

190. Child Wellbeing Unit (DPMC) to Lynette Tamarapa, 1 September 2021, p 1 (cross-examination bundle for hearing three (doc B32), p 121)

191. Te Arawhiti to Lynette Tamarapa, 2 September 2021, p 1 (cross-examination bundle for hearing three (doc B32), p 123)

192. Ibid

193. Ibid



plan be developed by the Māori Medium Oversight Group, in conjunction with the Ministry. We discuss the contents of the Cabinet paper in the next section.

#### **5.4.3.3 Ministry officials engage with Te Matakahuki in August and September 2021 regarding the September 2021 Cabinet Paper**

On 9 August 2021, Ministry staff met with Te Matakahuki for the first time to discuss the work contemplated in the September 2021 Cabinet Paper. Mr Campbell told us that during the hui, the Ministry outlined a process for engagement to develop Māori Medium legislation.<sup>194</sup> At this stage, it hoped to undertake targeted consultation by November 2021 to develop a work programme. Staff also advised Te Matakahuki this work would not include the establishment of a Māori education authority. Te Matakahuki sought more information and expressed concern about being included in the Māori Medium umbrella, but advised it was willing to continue conversations.<sup>195</sup>

During this period, Ministry staff considered the amount of information to provide the claimants about the forthcoming Cabinet paper. On 1 September 2021, Dr Bean requested to send the A3 accompanying the draft Cabinet paper to Te Matakahuki.<sup>196</sup> We understand this A3 document set out a timeline for, and an approach to, legislation engagement.<sup>197</sup> Associate Minister Davis' office advised it could not be released 'as Cabinet hasn't determined the paper yet'. Staff further noted to 'be careful about future release' as it 'will raise expectations among peak bodies of their role in the kawanatanga domain'. Staff wrote the Minister 'sees the need for balance and partnership, and part of that is being clear about where rangatira can best contribute to Crown-centric processes.'<sup>198</sup> That same day, Ministry staff met again with Te Matakahuki. Officials indicated there were tight timeframes before approval of the work programme, but it could not go into detail about the programme. Te Matakahuki again expressed concerns about the lack of information and the Māori Medium approach, stating there needed to be a 'Mana Motuhake pathway for Kaupapa Māori'.<sup>199</sup> It also advised the Ministry it was unhappy with the 'rushed nature' of the engagement.<sup>200</sup>

On 13 September 2021, Dr Bean met with Te Matakahuki for the first time about the prospect of a Māori Medium Oversight Group as envisioned by the Cabinet paper. Mr Campbell recalled officials sought the speedy agreement of Te Matakahuki to be involved – and at this stage it declined to participate, noting its earlier concerns about being pulled into 'mainstream' Māori Medium education

---

194. Campbell, brief of evidence (doc A9), p [19]

195. Ibid

196. Daryn Bean to Andrea Schöllmann, 1 September 2021 (supplementary Crown disclosure (doc B40), p 21)

197. 'Māori Medium – Kaupapa Māori Pathways Legislation Engagement' (supplementary Crown disclosure (doc B40), p 68)

198. Morgan Watkins to Tipene Chrisp, 1 September 2021 (supplementary Crown disclosure (doc B40), p 20)

199. Campbell and Maika, brief of evidence (doc B26), p [31]

200. Ibid

and its inability to make an informed decision due to lack of information.<sup>201</sup> Dr Bean recorded the concerns of Te Matakahuki raised at the hui and noted Te Matakahuki ‘were clear’ it wanted an ‘autonomous kaupapa Māori pathway’.<sup>202</sup> In a follow-up email on 15 September 2021, Dr Bean acknowledged the unenviable position Te Matakahuki had been placed in, stating the Ministry was ‘seeking to achieve the impossible by asking you to agree to be involved with limited information and not enough time’.<sup>203</sup>

On 24 September 2021, Te Matakahuki met with Associate Minister Davis and Dr Bean. The Associate Minister noted that while the focus of the work programme was on Māori Medium, there was an opportunity to define Kaupapa Māori education within that. Members of Te Matakahuki indicated they were ‘receptive’ to the opportunity to support Kaupapa Māori education, but they still had concerns about being subsumed into Māori Medium.<sup>204</sup> Internal Ministry notes from the 24 September 2021 hui recorded the Cabinet paper was due to be lodged on 29 September 2021 and there was potential for it ‘to not go down well’. Officials noted they would do their best to support the group’s aspirations, but that only ‘realistic’ requests would be approved by Cabinet, commenting ‘there is not scope for a wish list with an open cheque book’.<sup>205</sup>

On 29 September 2021, Te Matakahuki wrote to Associate Minister Davis in the wake of the 24 September 2021 hui. It noted there was ‘considerable and growing concern about the lack of safeguard our collective kaupapa, represented through our Te Matakahuki rōpū, will be provided in the Government’s proposal for Māori-Medium education, including the proposed legislation’.<sup>206</sup> It told the Minister the legislation he was proposing did ‘not enable our desired mana motuhake parallel pathway and/or recognise our unique kaupapa Māori educational approach’.<sup>207</sup> It noted its concerns were raised in the meeting and left unresolved.<sup>208</sup> Te Matakahuki said it could not spend its limited resources on a Ministerial group associated with the mainstream sector – and its contribution should be focused exclusively on the Kaupapa Māori education represented by Te Matakahuki.<sup>209</sup> Te Matakahuki told the Crown it ‘must acknowledge its obligation to support dual pathways for mainstream and Kaupapa Māori’. It wrote it ‘remain[ed] unclear about significant aspects of the Government proposal’ and would be concerned if important decisions about the kaupapa were put to Cabinet without its input.<sup>210</sup>

---

201. Campbell and Maika, brief of evidence (doc B26), p [31]

202. Daryn Bean to Raniera Procter, Angus Hartley, Watson Ohia, Hohepa Campbell, Cathy Dewes, and Rawiri Wright, 15 September 2021 (Procter, supporting documents (doc B24(a)), p 1)

203. Ibid

204. Campbell and Maika, brief of evidence (doc B26), p [32]

205. ‘Associate Minister of Education (Māori Education) Meeting with Education Officials’, 27 September 2021 (supplementary Crown disclosure (doc B40), p 27)

206. Raniera Procter to Kelvin Davis, 29 September 2021 (Crown counsel, supporting documents (doc B30), p1691)

207. Procter to Davis (Crown counsel, supporting documents (doc B30), p1691)

208. Ibid

209. Ibid

210. Ibid (p1692)

The Cabinet paper was approved on the same day, 29 September 2021. While Crown witnesses acknowledged communication with Te Rūnanga Nui during this period could have been better, they defended the decision to lodge the Cabinet paper for approval without sharing its contents with Te Rūnanga Nui.<sup>211</sup> Dr Schöllmann and Mr Jackson stated

officials need to establish a starting position for the Crown with Ministers which would allow us to then work with the sector, in this case, Māori. Ministers need to seek permission from their Cabinet colleagues to embark on such a process prior to it starting. The September 2021 Cabinet Paper sought that permission.<sup>212</sup>

According to Ms Holsted, ‘Ministers of the Crown have responsibilities to check with their Cabinet colleagues before they embark on major work programmes.’<sup>213</sup> Dr Bean and Mr Nathan acknowledged discussions with Te Rūnanga Nui ‘must have felt fairly high level, with not a lot of detail.’<sup>214</sup> The claimants countered this argument by telling us input into Cabinet papers was more than possible – if there was a political will. Mr Campbell and Ms Maika advised that based on their past experience in other Crown projects, ‘the process can be flexible enough to at least discuss, if not agree, matters with key partners.’<sup>215</sup> We will comment on the validity of the Crown’s argument about Cabinet process and Treaty compliance in section 5.6.1.1 below.

#### **5.4.3.4 The September 2021 Cabinet Paper is approved by Cabinet**

Associate Minister Davis lodged the final version of the Cabinet paper on 23 September 2021.<sup>216</sup> Cabinet approved it on 29 September 2021.<sup>217</sup> The purpose of the paper was to obtain Cabinet’s agreement to the development of a work programme ‘to grow Māori Medium Education’ and ‘Kaupapa Māori pathways in tertiary education.’<sup>218</sup> For the purposes of the paper, ‘Māori Medium education’ was defined as teaching in the early learning and schooling sectors where more than 80 per cent of instruction is delivered in te reo Māori (Level 1 te reo Māori

---

211. Holsted, brief of evidence (doc B29), pp 18, 23; Bean and Nathan, brief of evidence (doc B31), p 26

212. Jackson and Schöllmann, brief of evidence (doc B28), p 22

213. Holsted, brief of evidence (doc B29), p 23

214. Bean and Nathan, brief of evidence (doc B31), p 23

215. Maika and Campbell, brief of evidence (doc B34), p 8

216. Cabinet Social Wellbeing Committee, ‘Work Programme to Grow Māori Medium and Kaupapa Māori Education’, Cabinet paper, 23 September 2021, p 13 (Crown counsel, supporting documents (doc B30), pp 1705–1706)

217. Cabinet Social Wellbeing Committee, ‘Work Programme to Grow Māori Medium and Kaupapa Māori Education’, Minute of Decision, 29 September 2021, p 1 (Crown counsel, supporting documents (doc B30), p 1707)

218. Cabinet Social Wellbeing Committee, ‘Work Programme to Grow Māori Medium and Kaupapa Māori Education’, Cabinet paper, p 1 (Crown counsel, supporting documents (doc B30), p 1694)

immersion).<sup>219</sup> References to Kaupapa Māori education were specific to the tertiary sector.<sup>220</sup> Proposals in the Cabinet paper relating to the compulsory schooling sector (the sector applicable to Kura Kaupapa Māori) were framed broadly, to include both Kaupapa Māori education and other te reo Māori immersion settings.

In the paper, Associate Minister Davis noted that Māori Medium education improves outcomes for Māori learners – in terms of educational achievement, te reo Māori and general well-being.<sup>221</sup> However Associate Minister Davis also stated Māori Medium education faces ‘deep and enduring challenges’, including ‘unmet demand, incomplete and unclear pathways’ and a ‘lack of centralised planning’. The Associate Minister argued these problems needed to be addressed with a ‘systematic and coherent approach’.<sup>222</sup>

To establish a goal for growth in Māori Medium education, Associate Minister Davis proposed using the ‘stretch target’<sup>223</sup> of 30 per cent of Māori learners participating in Māori Medium education early learning and schooling by 2040 ‘to provide a consistent basis for modelling and forecasting the work and investment that will be required to grow MME’.<sup>224</sup> We refer to this goal as ‘the Rāngai Māori goal’ in this chapter. The paper predicted achieving the Rāngai Māori goal would require an ‘intensive and concerted effort’ over a long period of time.<sup>225</sup> The Associate Minister directed six areas of focus for the work programme to reach this goal:

- ▶ network planning to grow available Māori Medium education schooling;
- ▶ development of the Māori Medium education workforce to increase the number of teachers;
- ▶ curriculum development, including a refresh of Te Marautanga o Aotearoa and work to make provision for Te Aho Matua in Māori Medium education;
- ▶ increased provision of teaching and learning resources;
- ▶ a review of funding settings for Māori Medium education models; and
- ▶ changes to governance arrangements to better support Māori communities to govern Māori Medium education services through tikanga Māori.<sup>226</sup>

In order to create a regulatory framework to support the growth of Māori Medium education, Associate Minister Davis also recorded his intention to introduce bespoke Māori Medium education legislation covering the following issues:

- ▶ Māori Medium education and Kaupapa Māori definitions – developing clear definitions for different types of Māori Medium education services and concepts associated with kaupapa and mātauranga Māori, and ensuring

---

219. Cabinet Social Wellbeing Committee, ‘Work Programme to Grow Māori Medium and Kaupapa Māori Education’, Cabinet paper, p1 (Crown counsel, supporting documents (doc B30), p1694)

220. Ibid, pp 1, 3 (pp 1694, 1696)

221. Ibid

222. Ibid, p1 (p 1694)

223. Ibid

224. Ibid, p 5 (p 1698)

225. Ibid, p1 (p 1694)

226. Ibid, pp 5–6 (pp 1698–1699)

they reflect Māori understandings of Māori concepts and aspirations for these services;

- ▶ Māori Medium education principles – setting out Māori Medium education principles in legislation to affirm, among other things, the Crown’s Treaty obligations to protect te reo Māori and the roles iwi and Māori should play;
- ▶ Māori Medium education establishment provisions – including Māori Medium education establishment provisions in Māori Medium education legislation and confirming the role of Māori Medium Education Peak Bodies and iwi in the establishment process; and
- ▶ Māori Medium education and Kaupapa Māori governance – reviewing governance arrangements for Māori Medium education services and investigating the development of a code of conduct for Māori Medium education governance based on tikanga Māori and providing clarity about the national governance roles of Māori Medium Education Peak Bodies and iwi in the oversight of Māori Medium education.<sup>227</sup>

He advised development of a work programme (including through the proposed legislation) would be undertaken by the Ministry in conjunction with a Māori Medium Oversight Group, including leaders from Māori Medium Education Peak Bodies, iwi and independent experts, who would ‘provide oversight of the engagement process and the subsequent development and implementation of the work programme.’<sup>228</sup> The Oversight Group would have ‘a direct channel of communications’ and would provide Associate Minister Davis with regular progress reports and ‘independent advice about any matters that it wishes to.’<sup>229</sup> Compared to the 17 August 2021 draft, the role of the Oversight Group was not limited to facilitating engagement.

A Technical Advisory Group would support the Oversight Group, providing ‘secretariat support, facilitate the necessary engagement and discussions at local, regional and national levels and navigate complex relationships.’<sup>230</sup> The Oversight Group was asked to work with the Ministry on an engagement approach with Māori stakeholders, including Te Rūnanga Nui, Ngā Kura ā Iwi and other Māori Medium education providers, both with and without national representative bodies.<sup>231</sup> The Associate Minister also recognised a ‘need to balance the roles of the Oversight Group with the Crown’s ongoing kāwanatanga responsibilities’ – noting some processes around briefing Cabinet, developing legislation and budget bids would ‘remain solely within the Crown’s domain.’<sup>232</sup>

---

227. Ibid, p7 (p 1700)

228. Ibid, p8 (p 1701); Cabinet Social Wellbeing Committee, ‘Work Programme to Grow Māori Medium and Kaupapa Māori Education’, minute of decision, p1 (Crown counsel, supporting documents (doc B30), p1707)

229. Cabinet Social Wellbeing Committee, ‘Work Programme to Grow Māori Medium and Kaupapa Māori Education’, Cabinet paper, p8 (Crown counsel, supporting documents (doc B30), p1701)

230. Ibid

231. Ibid, p9 (p 1702)

232. Ibid

In the paper, Associate Minister Davis also noted Māori had ‘expressed a strong aspiration to exercise greater levels of agency and authority in the planning and delivery of’ Māori Medium education.<sup>233</sup> It would therefore be important to ‘appropriately balance the tino rangatiratanga of iwi and Māori over te reo Māori and the education of Māori learners’ and the Crown’s ‘kāwanatanga responsibilities to provide high quality education and steward public finances.’<sup>234</sup> In the Cabinet paper, Associate Minister Davis said he wanted ‘to provide clarity about the national governance roles’ of Māori Medium Education Peak Bodies and iwi ‘in the oversight of’ Māori Medium education.<sup>235</sup>

The paper said the potential scope for the authority of Māori Medium Education Peak Bodies had a limit – the Crown would not establish a fully autonomous national governance body for Māori Medium education (and, by implication, for Kaupapa Māori education).<sup>236</sup> The Associate Minister stated he would not pursue development of a ‘stand-alone MME Authority’ or ‘a new non-Crown Entity organisation type.’<sup>237</sup> In his assessment, doing so risked distracting from ‘the tino rangatiratanga of whānau, hapū and iwi and the unique kaupapa and whakapapa of various MME services.’<sup>238</sup> The paper stated there was ‘sufficient flexibility within the current Crown Entity framework for education services to enable Māori agency and authority’ and ‘support the growth of’ Māori Medium education and it was ‘important’ to make it clear what was ‘off the table’ in order to manage stakeholder expectations.<sup>239</sup>

#### **5.4.3.5 The Ministry engages with Te Rūnanga Nui after approval of the September 2021 Cabinet Paper**

On 4 October 2021, Ministry officials had a hui about communication with Te Rūnanga Nui in the wake of the Cabinet paper being approved. Officials noted they did not want to ‘jeopardise the process’ by releasing the Cabinet paper too early, as Cabinet had yet to make decisions about funding. Officials noted Te Matakāhuki had not yet seen the Cabinet paper and were ‘suspicious’, but that it was the Ministry’s job ‘to help Te Matakāhuki understand how [the] Government makes decisions.’<sup>240</sup> Staff were confident Te Matakāhuki ‘should be fine’ upon

---

233. Cabinet Social Wellbeing Committee, ‘Work Programme to Grow Māori Medium and Kaupapa Māori Education’, Cabinet paper, p 4 (Crown counsel, supporting documents (doc B30), p1697)

234. Ibid, pp 4–5 (pp 1697–1698)

235. Ibid, p7 (p1700)

236. Iona Holsted, brief of evidence, 12 November 2021 (doc A7), pp 5–6

237. Cabinet Social Wellbeing Committee, ‘Work Programme to Grow Māori Medium and Kaupapa Māori Education’, Cabinet Paper, p 3 (Crown counsel, supporting documents (doc B30), p1696)

238. Ibid, pp 3, 9 (pp 1696, 1702)

239. Ibid

240. Associate Minister of Education (Māori Education) meeting with Education officials, 4 October 2021, p18 (supplementary Crown disclosure (doc B40), p30)

seeing the paper and the Minister was ‘happy for them to have input into future papers.’<sup>241</sup>

On the same day, Te Rūnanga Nui members provided their first briefs of evidence to the Tribunal in support of their application for urgency. These briefs show how little information the claimants had at that juncture about the state of policy work. Dr Dewes’ evidence was that ‘[a]t this very moment, the Ministry is withholding its strategies, its plans for us as Kura Kaupapa Māori. Despite our requests for information, they refuse to release it.’ She went on to say trust in the Crown had ‘completely dissipated’ because of this conduct.<sup>242</sup> Ms Maika confirmed Te Rūnanga Nui was ‘very unclear about what is happening’, ‘despite its clear relevance and inevitable impact on Te Rūnanga Nui and Kura Kaupapa Māori.’<sup>243</sup>

On 11 October 2021, Te Rūnanga Nui wrote to Minister Hipkins and Associate Minister Davis informing them it had filed an application for urgency with the Tribunal, which in part related to prejudice caused by the Tomorrow’s Schools reform.<sup>244</sup> The letter explained Te Rūnanga Nui had attempted to engage with the Ministry without success and that critical information ‘continues to be deliberately withheld’ from Te Rūnanga Nui about the proposed Māori Medium education workstreams.<sup>245</sup> The claimants acknowledged recent discussions they had had with the Ministry, but advised ‘without real assurances from the Government supported by appropriate information and partnership with us’ they had no choice but to file the urgent claim.<sup>246</sup>

The following day, on 12 October 2021, Associate Minister Davis responded to Te Matakahuki about its concerns. The Associate Minister began by acknowledging its desire for a ‘mana motuhake parallel pathway.’<sup>247</sup> He explained he was committed to building a better system for both Māori Medium and Kaupapa Māori education, by ‘growing the unique Māori Medium/Kaupapa Māori parallel pathways.’ He stated ‘[d]efining what those pathways are, and who is part of them, is not a role for the Crown.’ That work would be the foundation of the work programme and could only be done by Te Matakahuki. He welcomed the offer from Te Matakahuki to ‘engage and lead the work in the proposed legislation that relates to Te Matakāhuki.’<sup>248</sup> He wanted to alleviate concerns about decisions being made by Cabinet without Te Matakahuki. He noted being required to seek permission from Cabinet for the work programme and associated legislative reform, and assured Te Matakahuki no decisions had been made about the content of the work

---

241. *Ibid*, p 19 (p 31)

242. Dewes, brief of evidence, 12 October 2021 (doc A1), p 26

243. Maika, brief of evidence (doc A4), p 10

244. Cathy Dewes and Rawiri Wright to Chris Hipkins and Kelvin Davis, 11 October 2021, p 1 (Crown counsel, supporting documents (doc B30), p 1711)

245. *Ibid*, p 2 (p 1712)

246. *Ibid*

247. Kelvin Davis to Raniera Procter, appendix 1 to Ministry of Education, ‘Education Report: Māori Medium/Kaupapa Māori Engagement – Next Steps’, 14 October 2021, p 3 (Crown counsel, supporting documents (doc B30), p 1715)

248. *Ibid*

programme or legislation. Associate Minister Davis told Te Matakahuki ‘[n]one of these decisions can be made without a partnership with the Māori Medium and Kaupapa Māori education sector’ and invited Te Matakahuki to work with the Ministry to develop its contents – but did not specify the form that contribution would take.<sup>249</sup>

After the Cabinet paper was approved, Te Matakahuki met with Associate Minister Davis on 18 October 2021. Dr Bean said the purpose of this hui was to have ‘a fairly open conversation’ about the role of Te Matakahuki ‘in progressing a work programme focused on Māori education.’<sup>250</sup> He said officials ‘were clear’ the Ministry wanted Te Matakahuki to ‘lead this work, including the development of legislation.’<sup>251</sup> According to Dr Bean, Associate Minister Davis ‘intended to respect Te Matakahuki by them leading the work programme as a whole; but if they did not want to do that he would support them leading their kaupapa and others would lead the remainder.’<sup>252</sup>

Mr Campbell recalled that during that hui Te Matakahuki indicated it was ‘keen to lead kaupapa to redesign a system that works in the Kaupapa Māori space.’<sup>253</sup> However, Dr Dewes said ‘I was not confident’ the Crown’s proposal ‘was what [Te Matakahuki] actually wanted’, stating the engagement ‘seemed rushed and not well thought out’ in light of the aspirations of Te Rūnanga Nui.<sup>254</sup> While the claimants said they were given further information by officials at this hui, they were not provided with the Cabinet paper and felt they could not ‘make an informed decision’ about participation.<sup>255</sup> The claimants ‘tentatively indicated’ they could participate in the work programme, but only in a way that suited the vision and kaupapa of Te Matakahuki.<sup>256</sup> At the time, Crown officials, including the Associate Minister, took that to mean Te Rūnanga Nui had agreed to participate in the work programme.<sup>257</sup>

In a 22 October 2021 status report on progress towards the Māori Medium work programme, Ministry staff advised that in future communications with Te Rūnanga Nui, it ‘will be important to emphasise how the current Māori Medium work programme will address many of the concerns Te Runanga Nui have named’ and that ‘the parallel pathway is an option as part of the scope of this overall work programme.’<sup>258</sup>

---

249. Kelvin Davis to Raniera Procter, appendix 1 to Ministry of Education, ‘Education Report: Māori Medium/Kaupapa Māori Engagement – Next Steps’, p 4 (Crown counsel, supporting documents (doc B30), p1716)

250. Bean and Nathan, brief of evidence (doc B31), pp 23–24

251. *Ibid*, pp 23–24

252. *Ibid*, p 26

253. Campbell, brief of evidence (doc A9), p [20]

254. Dewes, brief of evidence (doc B14), p 13

255. *Ibid*, p 15

256. *Ibid*

257. Kelvin Davis to Cathy Dewes and Rawiri Wright, 28 October 2021 (Crown counsel, supporting documents (doc B30), p 1719); Holsted, brief of evidence (doc A7), p 7

258. MME Weekly Status report, 22 October 2021, p 5 (supplementary Crown disclosure bundle (doc B39), p100)



On 4 November 2021 Te Rūnanga Nui met with Associate Minister Davis to discuss its urgent claim and noted its ongoing concerns about a lack of information.<sup>259</sup> On 5 November 2021, the Associate Minister wrote again to Te Rūnanga Nui, this time providing it with a copy of the Cabinet paper. He reiterated that development of the work programme as set out in the Cabinet paper would involve ensuring settings were fit for Kaupapa Māori pathways and that he saw the Māori Medium work programme as an opportunity to address the issues set out in the urgent claim.<sup>260</sup> We discuss the claimants' response upon receiving the Cabinet paper in section 5.4.3.7 below.

#### **5.4.3.6 Crown witnesses' perspectives on the September 2021 Cabinet Paper**

Crown witnesses told us the September 2021 Cabinet Paper represented a 'starting position' for future work to develop concrete policy.<sup>261</sup> Ms Holsted advised us the September 2021 Cabinet Paper 'outlined a range of areas that needed work', with next steps being the formation of a Māori Medium Oversight Group to consult with Māori and work with the Crown in developing the specifics of the work programme.<sup>262</sup> She said the Cabinet paper represented 'a genuine attempt' to reshape the system to reflect the ambitions of Māori.<sup>263</sup> Dr Schöllmann and Mr Jackson advised the intention 'was always' for Te Matakahuki to lead the parts of the work within the Oversight Group that it wished to (relating to Kaupapa Māori education) – the precise shape of the work programme was for the Oversight Group to determine. They said it was 'regrettable' the claimants perceived the scope of the programme as 'pre-determined by the Crown' and acknowledged this could have been addressed with better communication from the Crown.<sup>264</sup>

Mr Jackson and Dr Schöllmann stated that while the Māori Medium terminology used in the Cabinet paper was not intended to be derogatory or minimise Kura Kaupapa Māori, they acknowledge the claimants' point that the wording did not 'recognise the unique role of kura kaupapa Māori as a distinct indigenous education option.'<sup>265</sup> Dr Bean and Mr Nathan recognised 'that reo is only one marker and there are significant differences learning in a full tikanga environment.'<sup>266</sup> Mr Jackson and Dr Schöllmann emphasised the Cabinet paper 'referred to the clear need to do further work on definitions of key terms, and to do so with Māori.'<sup>267</sup>

Regardless of the problems Crown witnesses accepted were inherent in the Māori Medium education terminology, they maintained that the broad scope of the September 2021 Cabinet Paper was not problematic. According to Ms Holsted,

---

259. Campbell and Maika, brief of evidence (doc B26), p [32]

260. Kelvin Davis to Cathy Dewes and Rawiri Wright, 5 November 2021 (Iona Holsted, supporting documents (doc A7(a)), p 22)

261. Jackson and Schöllmann, brief of evidence (doc B28), p 22

262. Holsted, brief of evidence (doc B29), p 20

263. Ibid

264. Jackson and Schöllmann, brief of evidence (doc B28), p 34

265. Ibid, p 3

266. Bean and Nathan, brief of evidence (doc B31), p 7

267. Jackson and Schöllmann, brief of evidence (doc B28), p 4

‘[s]upporting all Māori in education, and all Māori in the various forms of Māori immersion education, is the context and environment in which the Crown makes decisions.’<sup>268</sup> On the point that the Rāngai Māori goal, which speaks to Level 1 immersion settings, was the anchor point of the paper, she told us:

The aspiration is 30% Māori ākonga in immersion settings by 2040. That is a 300% increase on the current levels and requires concerted effort to achieve. The Minister and Cabinet have tasked the Ministry to do this with a lens on the whole of the system, including options that support the whole of the network of te reo and tikanga Māori education. Clearly, this cannot be done without kura kaupapa Māori. But it can also not be done without the Māori language and Māori medium elements in other parts of the education system. Neither should come at the expense of the other.<sup>269</sup>

#### **5.4.3.7 The claimants’ reaction to the September 2021 Cabinet Paper**

Te Rūnanga Nui received a copy of the Cabinet paper on 5 November 2021. During our hearings, the claimants shared their reaction upon finally receiving the paper. The claimants were shocked the Cabinet paper’s proposals had significant implications for Kura Kaupapa Māori and yet it was developed without the input of Te Rūnanga Nui. In Mr Campbell’s words, ‘the Crown has unilaterally determined its targets, purpose, scope and parameters [of the work programme] without having one discussion with Te Rūnanga Nui about it.’<sup>270</sup> He described the work programme as ‘an affront to the Tauāki Kawa’ that ‘ignores’ the unique aspirations of Kura Kaupapa Māori.<sup>271</sup>

Mr Campbell said that for Te Rūnanga Nui, the most significant aspect of the Cabinet paper was its stance ruling out a standalone Māori Medium Education Authority (and by implication the Kaupapa Māori Education Authority envisioned by Recommendation 4(a)). He described this as an ‘about-turn’ and ‘bad faith’ on the Crown’s part.<sup>272</sup> This reaction is unsurprising, given that due to the Crown’s poor communication through the ‘Supporting all schools’ document (discussed in section 4.3.2.3) the claimants had a totally reasonable expectation up to April 2021 that the Crown had decided to follow Recommendation 4(a). The claimants told us the Crown provided a ‘minimal’ rationale for this position in the Cabinet paper, which they characterised as demeaning for Te Rūnanga Nui.<sup>273</sup>

Dr Dewes told the Tribunal she did ‘not dispute the Government’s desire to create a work programme for Māori-medium schools’ but that Te Rūnanga Nui consistently had sought ‘an independent pathway which supports Kura Kaupapa Māori.’<sup>274</sup> The Crown’s continued effort to capture Kura Kaupapa Māori in a Māori Medium education policy response, in her opinion, suppressed the mana of Kura

---

268. Holsted, brief of evidence (doc B29), p 4

269. Ibid, p 3

270. Campbell, brief of evidence (doc A9), p [8]

271. Ibid, p [15]

272. Ibid, pp [14]–[15]

273. Ibid, p [7]

274. Dewes, brief of evidence (doc A8(a)), p 3

Kaupapa Māori.<sup>275</sup> Ms Maika and Mr Campbell advised the goal was ‘co-opted’ from the RMWG and it ‘completely ignores the perspectives and existing challenges faced by those on the ground in Kura Kaupapa Māori trying to protect the integrity of the Kaupapa.’<sup>276</sup> Professor Smith said while the target may be helpful in terms of te reo Māori revitalisation, it undermines schooling interventions like Kura Kaupapa Māori, which are about much more than language revitalisation.<sup>277</sup>

#### **5.4.3.8 *Te Matakahuki withdraws from the work programme***

On 15 November 2021, after reviewing the contents of the Cabinet paper, Te Matakahuki wrote to Associate Minister Davis, communicating its decision to withdraw from the work programme. Te Matakahuki told Associate Minister Davis:

We found, in the content of that paper, that concerns raised by us early in the discussions remain unresolved. Simply put, our repeated request was that we be recognised as Te Matakahuki, a collective of Kōhanga Reo, Kura Kaupapa Māori, Kura-ā-Iwi and Wānanga, quite distinct in its origins, purpose, kaupapa and construct. Te Matakahuki will not sit within the Māori medium definition (80%+ immersion) and therefore become assimilated into the bigger melting pot of non-Māori providers. We have been neglected for some time and are clear that our Kaupapa require he ara motuhake – a parallel pathway. Our agreement to participate was on the understanding that we would only engage in working on a legislation draft that relates to Te Matakahuki, and that we would determine the composition of the working group. The Cabinet paper suggests something quite different. Accordingly, we have taken a decision to withdraw.<sup>278</sup>

Dr Dewes told us Te Matakahuki decided to withdraw from the work programme because there was ‘no space for us to lead a discussion about the Kaupapa Māori pathway, because the framing of the Cabinet Paper was targeted entirely at the Crown’s new goal of 30 per cent of tamariki Māori in “Māori-medium” education by 2040.’<sup>279</sup> It was clear to Te Matakahuki significant decisions about the scope and parameters of the work programme had been made without it.<sup>280</sup>

Mr Campbell observed that ultimately, the scope of the Cabinet paper represented a ‘substantial difference’ to what had been relayed to them at hui with the Ministry from August 2021 onwards.<sup>281</sup> Te Matakahuki member Mereana Selby shared that the process outlined in the Cabinet paper ‘did not reflect the discussions [Te Matakahuki] had had with the Crown about only being able to lead work

---

275. Dewes, brief of evidence (doc B14), pp 15–16

276. Maika and Campbell, brief of evidence (doc B34), p 6

277. Smith, brief of evidence (doc B19), p 10

278. Raniera Procter to Kelvin Davis, 15 November 2021, pp 1–2 (Crown counsel supporting documents (doc B30), pp 1739–1740)

279. Dewes, brief of evidence (doc B14), p 18

280. Campbell, brief of evidence (doc A9), p [11]

281. Ibid

in the Kaupapa Māori space', and that the work programme appeared to be led by the Crown, contrary to Ministry officials' promises.<sup>282</sup> Ms Selby explained Te Matakahuki declined to participate to 'protect the integrity of our Kaupapa'.<sup>283</sup>

Dr Bean attributed the claimants' decision to withdraw from the work programme, in part, to the fact that officials had been unable to share the content of the Cabinet paper with the claimants earlier. He said the Cabinet paper ultimately 'fed into [the claimants'] scepticism and low trust, based on their previous experience of the Ministry'.<sup>284</sup>

## **5.5 THE DEVELOPMENT OF POLICY OPTIONS TO 'GROW MĀORI MEDIUM AND KAUPAPA MĀORI EDUCATION' IN 2022**

In section 5.4.3.4, we discussed Cabinet's approval of a work programme to grow Māori Medium and Kaupapa Māori education in September 2021. In this section, we consider the development of policy options and the decisions by the Crown relating to the work programme in 2022, particularly the Ministry's August 2022 education report.<sup>285</sup>

A consistent theme in this section is the level of control Māori should have over Kaupapa Māori education settings. While neither mātauranga Māori nor Kaupapa Māori education are or should be owned by the Crown, the Crown controls the policy settings that affect the sector. Two independent reports mentioned this issue and contributed to the August 2022 education report: the first was drafted by Te Pae Roa, the Crown's Māori Medium Oversight Group, and the second was drafted by Te Matakahuki. To provide essential context for the August 2022 education report, we begin this section by outlining the origins of the two independent reports. We then summarise the contents of the August 2022 education report in section 5.5.3.2 with a view to assessing whether Te Rūnanga Nui and Kura Kaupapa Māori were sufficiently involved and considered in the development of the report.

Later, in section 5.5.4, we turn to the development of the Cabinet papers between September and November 2022, including the Crown's interactions with the claimants during this period, and the ultimate position on policy the Crown reached at the time this urgency was granted in December 2022.

### **5.5.1 The Te Pae Roa report**

#### **5.5.1.1 *The Crown's decision to progress without Te Matakahuki***

After Te Matakahuki communicated its intention to withdraw, the Associate Minister decided to forge ahead with the work programme and the establishment of the Māori Medium Oversight Group without Te Matakahuki. Dr Bean and Mr Nathan told us '[c]onsideration was given to suspending the work programme due to the decision of Te Rūnanga Nui to withdraw and to seek urgency for its

---

282. Mereana Selby, brief of evidence, 13 April 2023 (doc B23), p 9

283. Selby, brief of evidence (doc B23), p 10

284. Bean and Nathan, brief of evidence (doc B31), p 26

285. Statement of issues (paper 1.4.1), p [2]

claim in the Waitangi Tribunal'.<sup>286</sup> In an email to Dr Bean and others, Deborah Mahuta-Coyle (later a member of the Oversight Group's Technical Advisory Group) advised that, in light of the negative reaction from Te Matakahuki to the September 2021 Cabinet Paper, the Minister should consider either:

- ▶ continuing without Te Matakahuki;
- ▶ '[t]esting the scope' to rectify some of the concerns and strengthen the relationship with Te Matakahuki by '[p]roviding an apology recognizing that the process and content of the cabinet paper does not reflect the intent of the partnership' and the possibility of reverting to Cabinet to 'demonstrate the movement that this is intended to be a partnership' and/or 'making a written commitment to working in partnership and being completely transparent (such as the wānanga approach)'; or
- ▶ suspending the work programme and legislative programme.<sup>287</sup>

Ultimately, the Ministers chose the first option. Dr Bean and Dr Nathan explained the Minister and Associate Minister chose to forge ahead because they 'considered the consequences of the delay to the Crown's responsibilities for Māori education were significant, and momentum needed to be continued'.<sup>288</sup> Mr Jackson and Dr Schöllmann said the Associate Minister was 'mindful of the consequences of delay (including the impact of not proceeding with the work programme on other interests in Māori medium and kaupapa Māori education) and the legislative window before the election closing'.<sup>289</sup> Nevertheless, the 'offer and opportunity' for Te Matakahuki to participate in the work programme and Oversight Group remained open.<sup>290</sup>

On 18 November 2021, Dr Bean wrote to Te Matakahuki, noting its decision to withdraw from participating in the drafting of new legislation for Māori Medium education.<sup>291</sup> He commented that 'Te Matakāhuki remains an important partner and will continue to have the opportunity to participate' and that he would be the key contact and undertook to provide updates regarding the programme.<sup>292</sup>

On 2 December 2021, Te Rūnanga Nui wrote separately to Ms Holsted and Dr Bean outlining specific concerns with the September 2021 Cabinet paper.<sup>293</sup> It requested the Ministry remove it and Kura Kaupapa Māori from the scope of the Māori Medium work programme and the Ministry engage with Te Rūnanga Nui directly as the kaitiaki of Te Aho Matua, noting it saw 'no need for a further Oversight Group over our kaupapa'.<sup>294</sup>

286. Bean and Nathan, brief of evidence (doc B31), p 27

287. Deborah Mahuta-Coyle to Daryn Bean, Belinda Watt, Adrienne Darrah, and Piripi Winiata, 10 November 2021 (Crown counsel, supporting documents (doc B30), pp 1737–1738)

288. Bean and Nathan, brief of evidence (doc B31), p 27

289. Jackson and Schöllmann, brief of evidence (doc B28), p 24

290. Holsted, brief of evidence (doc A7), p 7

291. Daryn Bean to Raniera Procter, 18 November 2021 (Crown counsel, supporting documents (doc B30), p 1747)

292. Ibid

293. Dewes and Wright to Holsted and Bean (Crown counsel, supporting documents (doc B30), pp 1798–1799)

294. Ibid (p 1800)

On 10 February 2022, Dr Bean replied to Te Rūnanga Nui, acknowledging the issues it raised in its 2 December 2021 letter.<sup>295</sup> Dr Bean communicated the Ministry remained committed to working with Te Rūnanga Nui and advised Mr Nathan would be in touch to organise a wānanga. However, the claimants told us by April 2022 the Crown had failed to engage with them further regarding their concerns with the September 2021 Cabinet Paper and Oversight Group.<sup>296</sup> Mr Campbell described the Crown's decision to press ahead with the work programme and Oversight Group, despite the claimants' 'serious concerns' as symptomatic of a fractured relationship between the Ministry and Te Rūnanga Nui.<sup>297</sup> Mr Campbell told us that by December 2021 the offer and opportunity to engage in the work programme and oversight group was 'too little, too late.'<sup>298</sup>

### 5.5.1.2 *The establishment of Te Pae Roa*

The September 2021 Cabinet paper (detailed in section 5.4.3.4) noted the Associate Minister's intention to establish a Māori Medium Oversight Group. Its brief was 'to provide oversight of the engagement process and the subsequent development and implementation of the work programme, including legislation.'<sup>299</sup>

In December 2021, the Cabinet Appointments and Honours Committee approved the appointment of five members to the Oversight Group.<sup>300</sup> They were Dr Wayne Ngata (chair), Jason Ake, Moe Milne, Rahui Papa and Miriama Prentice.<sup>301</sup> The Associate Minister's nomination described each member as having prior involvement and/or strong connections to whānau who were involved, in Kaupapa Māori education, experience in government and Ministry work programmes, and the ability to 'bring an independent view and voice to the leadership and oversight of this work programme.'<sup>302</sup> The Associate Minister was 'satisfied' the five appointments and the addition of further appointments (of members from Te Matakahuki) would 'provide for a well-balanced Group in terms of iwi, gender and geographic representation and an appropriate mix of skills and experience.'<sup>303</sup>

Once appointed, the Cabinet paper stipulated, the Oversight Group would choose its name and develop its own terms of reference, including a process

---

295. Daryn Bean to Hohepa Campbell, 10 February 2022 (Crown counsel, supporting documents (doc B30), p1847)

296. Hohepa Campbell, brief of evidence, 6 April 2022 (doc A11), p 4

297. Ibid, p 5

298. Campbell, brief of evidence (doc A9), p [12]

299. Cabinet Social Wellbeing Committee, 'Work Programme to Grow Māori Medium and Kaupapa Māori Education', Cabinet Paper, p 8 (Crown counsel, supporting documents (doc B30), p1701)

300. Appointments and Honours Committee, 'Appointments to the Māori Medium and Kaupapa Māori Education Oversight Group', Cabinet paper, 15 December 2021 (Crown counsel, supporting documents (doc B30), pp 1812–1815); Jackson and Schöllmann, brief of evidence (doc B28), p 24

301. Appointments and Honours Committee, 'Appointments to the Māori Medium and Kaupapa Māori Education Oversight Group', Cabinet paper, p 1 (Crown counsel, supporting documents (doc B30), p 1812)

302. Ibid, p 2 (p 1813)

303. Ibid

for appointing up to four additional members from Te Matakahuki, of which Te Rūnanga Nui is part.<sup>304</sup> Crown witnesses told us the seats were held open in response to the decision of Te Matakahuki not to participate in the Oversight Group and reflected the Associate Minister's preference that Te Matakahuki be involved.<sup>305</sup> This option was communicated to Te Matakahuki.<sup>306</sup>

The Oversight Group named itself Te Pae Roa and, in March 2022, Associate Minister Davis approved terms of reference developed by it.<sup>307</sup> The terms, in addition to reserving seats to Te Matakahuki, stated Te Pae Roa would 'provide advice and assurance' to the Associate Minister and partner with the Ministry in three areas: engagement and co-design with Māori, legislative reform and the proposed new work programme for Māori medium and Kaupapa Māori education.<sup>308</sup> The terms specified a non-exhaustive list of the types of assurance and advice Te Pae Roa would provide. Under engagement and co-design, it included 'assurances that the development of the legislation and the new work programme is undertaken in partnership with Māori' and 'assurances that the programme of engagement is mana-enhancing for both Māori and the Crown.'<sup>309</sup> Under legislative reform, it included that it would '[o]versee the formation of the legislation to ensure that the aspirations of the Māori medium and kaupapa Māori education sector have been addressed.'<sup>310</sup> Under the proposed new work programme, it included 'advice and assurances that the work programme is fit for purpose, and focused on growing kaupapa Māori education and creating space for them to express their own rangatiratanga.'<sup>311</sup>

On 9 February 2022, Associate Minister Davis announced the creation of Te Pae Roa as part of a 'revamp of the Māori medium and Kaupapa Māori pathways programme.'<sup>312</sup> In the press release, entitled '[a] new dawn for Māori education', Associate Minister Davis said 'the Kaupapa Māori Education pathway . . . has existed inside an education system that was not built for it, and therefore, cannot fully deliver on the aspirations Māori hold for the way we educate our future generations.'<sup>313</sup> The work would aim to see '30 per cent of Māori learners participating in Kaupapa Māori/Māori medium education by 2040' and see legislation likely introduced in early 2023.<sup>314</sup> As part of this, Te Pae Roa would soon begin

---

304. Ibid

305. Jackson and Schöllmann, brief of evidence (doc B28), p 24; Bean and Nathan, brief of evidence (doc B31), p 27

306. Daryn Bean, brief of evidence, 6 April 2022 (doc A10), p 12

307. Ministry of Education, 'Education Report: Terms of Reference for Te Pae Roa', 2 March 2022 (Crown counsel, supporting documents (doc B30), pp 1887–1891)

308. Ibid, p 3 (p 1889)

309. Ibid

310. Ibid

311. Ibid

312. Kelvin Davis, 'A New Dawn for Māori Education', press release, 9 February 2022 (Campbell and Maika, supporting documents (doc B26(a)), pp 318–320)

313. Ibid, p 1 (p 318)

314. Ibid

engagement with sector stakeholders and iwi ‘with the aim of creating a system built with Māori, for Māori and delivered by Māori.’<sup>315</sup> A ‘key focus’ of the engagement would be to ‘clearly understand the difference between what is now being defined as Māori medium education and Kaupapa Māori education. There are strong views on the different roles of both, so there is need to respect each one’. It recorded four positions on Te Pae Roa were being held open for Te Matakahuki.<sup>316</sup>

Notably, the Associate Minister described this work as a ‘change that kōhanga, kura and wānanga have fought for; and a change that whānau, hapū and iwi, parents and Māori communities want’. Mr Campbell and Ms Maika told us that this description put them in a ‘very difficult position’ considering their ‘serious concerns with the process and the proposal.’<sup>317</sup> We observe further that, at the time of this press release, Te Matakahuki (including Te Rūnanga Nui), who represented the majority of Kaupapa Māori education providers, had declined to sit on Te Pae Roa and participate in the drafting of new legislation for Māori Medium education. The press release appears gravely at odds with this.

On 10 February 2022, media reported on the absence of Te Matakahuki from Te Pae Roa; ‘[w]ork on Māori education review continues without key groups.’<sup>318</sup> Associate Minister Davis is referred to in the report as saying discussions with Te Matakahuki had lasted around 14 months and had concluded at the end of 2021 when Te Matakahuki declined to participate any further. He is quoted as saying ‘[w]hat I was offering was the opportunity to develop the system for Māori mediums/Kaupapa Māori education. I offered for them to lead it, to drive it’ but Te Matakahuki ‘ultimately at the end of last year declined to participate.’<sup>319</sup> Mr Campbell and Ms Maika refuted the accuracy of these statements, declaring the Associate Minister’s assertion that discussions had lasted 14 months to be ‘patently incorrect.’<sup>320</sup> We would agree – while the Ministry engaged with Te Rūnanga Nui on other matters during this period, very little meaningful discussion was had with Te Rūnanga Nui about the nature of the proposed work programme, as we canvassed in sections 5.4.2 and 5.4.3 above.

Te Pae Roa began meeting from December 2021 and later informed the Ministry of its intention to:

- ▶ work independently to engage with Māori, iwi and peak bodies with a view to providing the Associate Minister an independent report on the results of its engagement;

---

315. Davis, ‘A New Dawn for Māori Education’, p 1 (Campbell and Maika, supporting documents (doc B26(a)), p 318)

316. Ibid, pp 1, 2 (pp 318, 319)

317. Campbell and Maika, brief of evidence (doc B26), p [16]

318. Samantha Worthington, ‘Work on Māori Education Review Continues without Key Groups’, 10 February 2022, p 1 (Campbell and Maika, supporting documents (doc B26(a)), p 273)

319. Ibid, p 2 (p 274)

320. Campbell and Maika, brief of evidence (doc B26), pp [16]–[17]



- ▶ take a leading role in the development of policy advice to the Associate Minister and Cabinet on policy and legislative proposals, with the Ministry supporting but not driving this process; and
- ▶ focus the scope of its mahi on engagement with iwi and Māori communities and engaging with Te Matakahuki, rather than providers of te reo Māori immersion education in English Medium settings such as rumaki units and puna reo (though Te Pae Roa would go on to consult with puna reo).<sup>321</sup>

### 5.5.1.3 *First round of engagement and first report*

Te Pae Roa conducted its first round of consultation between 8 February and 23 March 2022.<sup>322</sup> At each hui it used the same presentation, which provided an overview of its role, the work programme and timelines, and the Associate Minister's vision for the future of Māori Medium and Kaupapa Māori education.<sup>323</sup> It also asked participants a series of questions, including how they would 'define Māori Medium/Kaupapa Māori education'.<sup>324</sup>

The Te Pae Roa engagements spanned multiple groups and regions within Aotearoa New Zealand. This included hui with (among others) Ngā Rangatira (jointly hosted by Kingi Tūheitia and Sir Tumu Te Heuheu), the National Iwi Chairs Forum, the Teaching Council of New Zealand and Ngā Puna Reo.<sup>325</sup> Regionally, Te Pae Roa also engaged with participants from Ōtepoti to Te Tai Tokerau.<sup>326</sup>

Following its first round of engagement, Te Pae Roa met with the Associate Minister on 31 March 2022 to discuss its findings.<sup>327</sup> The final report, of 4 April 2022, summarised what Te Pae Roa had heard during its consultation and made preliminary recommendations for how to improve Māori Medium and Kaupapa Māori education. Key themes identified, and pertinent to this inquiry, included participants' strong support for Māori determining 'the current and future direction' of Māori Medium and Kaupapa Māori education, that '[n]o participants

---

321. Ministry of Education, 'Education Report: Policy Development and Legislative Timing Implications for the Māori Medium/Kaupapa Māori Education Work Programme', 10 February 2022 (Crown counsel, supporting documents (doc B30), p1851); Te Pae Roa, 'The Future of Kaupapa Māori and Māori Medium Education: Report Back and Independent Advice following Te Pae Roa's Engagement Process', 4 April 2022, p[3] (Crown counsel, supporting documents (doc B30), p1932); Te Pae Roa, 'Supporting Māori Medium Education and Growing Kaupapa Māori Education: Second Report', July–August 2022, p25 (Crown counsel, supporting documents (doc B30), p2425). See the glossary entry for 'puna reo' at p382.

322. Te Pae Roa, 'The Future of Kaupapa Māori and Māori Medium Education: Report Back and Independent Advice following Te Pae Roa's Engagement Process', 4 April 2022, p[3] (Crown counsel, supporting documents (doc B30), p1932)

323. Ibid; see also Te Pae Roa Presentation (Bean, supporting documents (doc A10(a)), p[10])

324. Te Pae Roa, 'Report Back and Independent Advice following Te Pae Roa's Engagement Process', p[3] (Crown counsel, supporting documents (doc B30), p1932)

325. Ibid

326. Ibid

327. Cabinet Social Wellbeing Committee, 'Māori Medium and Kaupapa Māori Education – Te Pae Roa Report', Cabinet paper (Crown counsel, supporting documents (doc B30), p1923)

support the Ministry of Education continuing to govern the Māori medium continuum, and that participants had 'expressed concern at the Crown's assumed ownership and governance over Kaupapa Māori education and mātauranga Māori delivered outside of Kaupapa Māori settings'.<sup>328</sup> Overall, participants were also supportive of the Associate Minister's 30 per cent goal, but recognised achieving it could be harder in some areas.<sup>329</sup> Participants also identified regionally specific issues facing Māori Medium and Kaupapa Māori education, as well as challenges in the areas of funding, workforce, pathways and property, and curriculum.<sup>330</sup>

Overall, Te Pae Roa diagnosed these issues as 'symptomatic of a systemic issue – the Crown's assumed ownership and governance over Kaupapa Māori education and the use of mātauranga Māori (inclusive of te reo Māori) in English-medium settings'.<sup>331</sup> The issues were systemic because '[t]he Crown does not own Kaupapa Māori education or mātauranga Māori, yet 'the current system is designed in a way that sees the Crown control' them'.<sup>332</sup>

As a result, Te Pae Roa proposed a new structure that would 'enable iwi and Māori to exert their tino rangatiratanga and mana motuhake over kaupapa Māori education and mātauranga Māori in all education settings'.<sup>333</sup> Te Pae Roa envisaged this change would include the creation of a new entity, 'Takapau Whaiao', which would connect and support Kaupapa Māori education (defined as total immersion education governed and delivered by Māori) and Ara Māori (defined as Māori education provided outside of Kaupapa Māori).<sup>334</sup> Te Pae Roa also recommended changes in the areas of funding, workforce, curriculum, qualifications and property (maintenance and new builds).<sup>335</sup> Under these changes, the Crown would still have obligations 'under Te Tiriti' to Kaupapa Māori and Ara Māori education 'to support its growth, to enable and protect its place in Aotearoa'.<sup>336</sup>

In summary, Te Pae Roa recommended the Crown agree to:

- ▶ to develop new legislation to create a new system and structure for Māori education that is designed to enable its growth;
- ▶ to progress work on the new structure and system for the Māori education continuum;
- ▶ that Te Pae Roa and the Ministry work together to develop options for the new structure and system, including its roles and responsibilities with the intention to devolve decision-making processes and funding to this new structure; and

---

328. Te Pae Roa, 'Report Back and Independent Advice Following Te Pae Roa's Engagement Process', p [5] (Crown counsel, supporting documents (doc B30), p 1934)

329. Ibid, p [4] (p 1933)

330. Ibid, pp [5]–[8] (pp 1934–1937)

331. Ibid, p [9] (p 1938)

332. Ibid

333. Ibid

334. Ibid, pp [9]–[10] (pp 1938–1939)

335. Ibid, pp [12]–[13] (pp 1941–1942)

336. Ibid, p [11] (p 1940)

- ▶ that Te Pae Roa and the Ministry work together to develop options on a new system for the Māori education continuum which included, but was not limited to, funding, workforce development, qualifications, property and network planning, and curriculum.<sup>337</sup>

Dr Bean told us Te Pae Roa met with Te Matakahuki twice during this period; once before its first round of engagement and once after.<sup>338</sup> According to Dr Bean, at the first hui Te Pae Roa introduced itself and briefed Te Matakahuki on its upcoming engagement process.<sup>339</sup> At the second hui, on 29 March 2022, he said Te Pae Roa provided an overview of its engagement findings and a summary of the report it later provided to the Associate Minister.<sup>340</sup> Dr Bean told us Te Matakahuki was also provided a copy of the report after the hui and invited to engage further, including by joining Te Pae Roa.<sup>341</sup> The minutes of these meetings are not in evidence, but we note the claimants did not refute Dr Bean's account. Mr Campbell told us that in the two hui, Te Matakahuki explained its decision not to participate on Te Pae Roa, its view 'the process and scope would be detrimental' to its kaupapa, that it 'could not take responsibility for fixing the mainstream sector as it relates to Māori-medium education' and that it was 'pursuing and expecting direct engagement with the Crown on these issues' instead.<sup>342</sup> In its report, Te Pae Roa recorded the position of Te Matakahuki, including its decision not to participate and its preference for a parallel pathway for Kaupapa Māori education, 'to ensure our advice to the Minister is balanced and takes into account as much as possible the considerations of everyone in the sector.'<sup>343</sup>

In early May 2022, Associate Minister Davis presented the Te Pae Roa report to Cabinet.<sup>344</sup> He described the Te Pae Roa report as 'aspirational' and its findings 'high level',<sup>345</sup> and commented he did 'not want to establish a Māori Medium Education Authority that is another Ministry, a Ministry for Māori Medium/Kaupapa Māori education that governs only a small percentage of Māori learners'.<sup>346</sup> The Associate Minister recommended the Cabinet Social Wellbeing Committee note that Te Pae Roa would continue its engagement with Māori,

337. Ibid, p [14] (p1943)

338. Bean, brief of evidence (doc A10), p 5

339. Ibid

340. Ibid, pp 5, 6

341. Ibid, pp 6, 12

342. Hohepa Campbell, brief of evidence, 6 April 2022 (doc A11), p 4

343. Te Pae Roa, 'Report Back and Independent Advice Following Te Pae Roa's Engagement Process', p [5] (Crown counsel, supporting documents (doc B30), p1934)

344. Cabinet Social Wellbeing Committee, 'Māori Medium and Kaupapa Māori Education: Te Pae Roa Report', minute of decision, 4 May 2022, p 1 (Crown counsel, supporting documents (doc B30), p1949); Bean and Nathan, brief of evidence (doc B31), p 31

345. Cabinet Social Wellbeing Committee, 'Māori Medium and Kaupapa Māori Education – Te Pae Roa Report', Cabinet paper, 4 May 2022, p [1] (Crown counsel, supporting documents (doc B30), p1921)

346. Cabinet Social Wellbeing Committee, 'Te Pae Roa Report', Cabinet paper, p [8] (Crown counsel, supporting documents (doc B30), p1924)

independent of the Crown, agree that the Associate Minister would report back to Cabinet in July 2022 to seek agreement for next steps in the work programme, and note that Te Pae Roa would work with the Ministry to inform advice to the Associate Minister ahead of this report-back.<sup>347</sup>

#### **5.5.1.4 Second round of engagement and second report**

After completing its first report, Te Pae Roa worked with the Ministry to develop and refine its reform proposals.<sup>348</sup> We understand this took place between April and May 2022 and resulted in four packages which were presented by the Ministry to Te Pae Roa.<sup>349</sup> Te Matakahuki was not made privy to these packages during their development, which we discuss further in section 5.5.3.1.

Dr Bean and Mr Nathan told us the Ministry's role in supporting Te Pae Roa was limited to 'input papers' and workshops and, to preserve the independence of Te Pae Roa, officials did not provide policy advice.<sup>350</sup> The input papers related to the five areas identified in the first report of Te Pae Roa (workforce, funding, qualifications, property and network planning and curriculum). Dr Bean and Mr Nathan said '[i]n the main, this was provision of information about how the education system works currently in those dimensions and what might be involved in change'.<sup>351</sup>

From internal documents, we understand the Ministry had, by March 2022, developed seven options for reform 'to inform discussion with Te Pae Roa, following the completion of their independent engagement'.<sup>352</sup> The paper, presented by Mr Jackson, noted 'that policy development on legislative design and options' for Māori Medium and Kaupapa Māori education 'institutional arrangements needs to continue in parallel to Te Pae Roa's engagement given the tightness of legislative timelines and the significant nature of potential options being considered'.<sup>353</sup> While one of the options contemplated was a statutory entity for Māori education akin to the Māori Health Authority, the scope of this proposed entity (and indeed the other policy options contemplated) covered both Kaupapa Māori and Māori Medium education.<sup>354</sup> In May 2022, a Ministry status report for the month's progress on the Māori Medium and Kaupapa Māori education pathways programme

---

347. Cabinet Social Wellbeing Committee, 'Te Pae Roa Report', Cabinet paper, p [4] (Crown counsel, supporting documents (doc B30), p 1928)

348. Te Pae Roa, 'Supporting Māori Medium Education and Growing Kaupapa Māori Education: Second Report, July/August 2022', p 6 (Crown counsel, supporting documents (doc B30), p 2406); Ministry of Education, 'Education Report: Māori Medium/Kaupapa Māori Education: Options for a New Framework', 4 August 2022, p [8] (Crown counsel, supporting documents (doc B30), p 2267)

349. Te Pae Roa, 'Supporting Māori Medium Education and Growing Kaupapa Māori Education' (Crown counsel, supporting documents (doc B30), p 2406); Bean and Nathan, brief of evidence (doc B31), p 31

350. Bean and Nathan, brief of evidence (doc B31), p 31

351. Ibid

352. 'Paper Two: Māori Medium/Kaupapa Māori Education Legislative Design and Options', sponsored by Andy Jackson, 1 March 2022, p [1] (Crown counsel, brief of evidence (doc B30), p 1872)

353. Ibid

354. Ibid, pp [5]–[8] (pp 1876–1879)

recorded the '[s]tart and completion of Te Pae Roa/Te Tāhuhu workshop series to rapidly develop future system design options.'<sup>355</sup> In June 2022, an internal Ministry hui minute for the Māori Medium and Kaupapa Māori Education Implementation Leadership Group recorded that five options had been narrowed down in the Te Pae Roa workshops.<sup>356</sup>

In its second report (detailed below), Te Pae Roa described that it chose to only consider three of the four packages presented to it in workshops.<sup>357</sup> Te Pae Roa rejected Package One from the outset as 'it did not meet any of the criteria set out by both the Minister and Māori'.<sup>358</sup> Instead, of the options, Te Pae Roa determined it preferred Package Four – establishing an independent entity.<sup>359</sup> In its opinion, Package Four aligned best with the advice in its first report and feedback received during its first round of engagement with Māori. By comparison, it assessed Package Three, which involved devolving certain functions to recognised peak bodies and entities, provided insufficient rangatiratanga over Kaupapa Māori education as the Crown retained governance decision-making powers. In turn, Package Two, which would have established an entity within the Ministry, did not 'ensure uninterrupted Kaupapa Māori pathways could be established', which required 'a collective approach and a governance body to be accountable for delivery'.<sup>360</sup>

The four packages, presented to Te Pae Roa and refined through the workshops during this period, were substantively similar to the four packages later analysed and presented to Ministers in the August 2022 education report – with Package One requiring the least intensive policy change and Package Four establishing an independent statutory entity. During our hearings, Mr Jackson advised 'the four options are consistent between the two reports and this represents co-development of this advice with them during that period of time'.<sup>361</sup> However, we do not know if any specifics of these packages were altered by the Ministry when it was preparing the August 2022 education report, as we have not been provided the appendix to the second Te Pae Roa report setting out the packages in full. We discuss these packages, as ultimately presented in the August 2022 education report, in more detail in section 5.5.3.2 below.

Te Pae Roa decided to engage Māori on its preferred package – Package Four. Before commencing its second round of engagements, Te Pae Roa met again with Te Matakahuki and presented its proposal.<sup>362</sup> We do not have minutes of these hui.

---

355. 'Māori Medium and Kaupapa Māori Education Pathways Programme Status Report', 30 May 2022 (Crown counsel, supporting documents (doc B30), p 2009)

356. 'Minutes of the Māori Medium and Kaupapa Māori Education Implementation Leadership Group Hui', 8 June 2022 (Crown counsel, supporting documents (doc B30), p 2466)

357. Te Pae Roa, 'Supporting Māori Medium Education and Growing Kaupapa Māori Education', p 7 (Crown counsel, supporting documents (doc B30), p 2407)

358. *Ibid*, p 21 (p 2421)

359. *Ibid*

360. *Ibid*

361. Transcript 4.1.6, p 145

362. Te Pae Roa, 'Supporting Māori Medium Education and Growing Kaupapa Māori Education', p 29 (Crown counsel, supporting documents (doc B30), p 2429)

However, Te Pae Roa in its second report (summarised below) explained it received a letter from Te Matakahuki after the hui. It said the letter requested Te Pae Roa remove Kaupapa Māori from its work and inform those Te Pae Roa engaged with, that Te Matakahuki disagreed with its position.<sup>363</sup> In its second report, Te Pae Roa stated it did not agree to the first request but agreed with the second.<sup>364</sup> It also recorded its regret it could not come together with Te Matakahuki to provide the Associate Minister with joint advice. It said, '[i]t is because of this position, and Te Pae Roa's commitment to inclusiveness rather than exclusiveness, that Te Pae Roa and Te Matakahuki cannot collectively agree on a pathway forward. This is the fundamental difference between our advice and theirs.'<sup>365</sup>

Te Pae Roa undertook its second round of engagements on Package Four during July and August 2022, consisting of four webinars and 'targeted engagement with key stakeholders'.<sup>366</sup> In total, 144 people attended the online webinars.<sup>367</sup> Key stakeholders included the National Iwi Chairs Forum and Ngā Puna Reo.<sup>368</sup> In addition to responses during the hui, Te Pae Roa also received feedback via email during the engagement period.<sup>369</sup>

In documents supplied by the Crown we identified presentation slides Te Pae Roa used in this second round of engagements.<sup>370</sup> The presentation summarised feedback received during its first engagement series, conveyed Te Matakahuki would be submitting a separate report to the Minister with a different position to Te Pae Roa and sought feedback on its proposal to establish a statutory entity for Kaupapa Māori education. The slides said the entity would be responsible for making 'key decisions' and implementing a long-term strategy for Kaupapa Māori education.<sup>371</sup> The strategy would aim to 'increase the number of tamariki in Kaupapa Māori education and build uninterrupted Kaupapa Māori education pathways across Aotearoa'. The slides stated the entity would receive and be the 'decision-maker over' funding and would establish funding agreements with providers who would work with it to implement the long-term strategy.<sup>372</sup> The slides indicated '[e]quitable funding is important' and stated Te Pae Roa would need to

363. Te Pae Roa, 'Supporting Māori Medium Education and Growing Kaupapa Māori Education', p 29 (Crown counsel, supporting documents (doc B30), p 2429); see also Māhina Melbourne to Daryn Bean and Andy Jackson, 8 July 2022 (supplementary bundle of documents (doc B38), p [71])

364. Te Pae Roa, 'Supporting Māori Medium Education and Growing Kaupapa Māori Education', p 29 (Crown counsel, supporting documents (doc B30), p 2429)

365. Ibid

366. Ibid, p 21 (p 2421); Te Pae Roa, 'Hui Notes' (Crown counsel, supporting documents (doc B30), pp 2381, 2383, 2385, 2387, 2389, 2391, 2393, 2395, 2397)

367. Te Pae Roa, 'Supporting Māori Medium Education and Growing Kaupapa Māori Education', pp 21–23 (Crown counsel, supporting documents (doc B30), pp 2421–2423)

368. Ibid, pp 23–29 (pp 2423–2429)

369. Ibid, p 21 (p 2421)

370. Te Pae Roa, presentation slides (Crown counsel, supporting documents (doc B30), pp 2363–2380)

371. Ibid (p 2373)

372. Ibid (pp 2373, 2374, 2375)

work with the Ministry on a plan to achieve it.<sup>373</sup> Finally, the slides gave examples of areas the new entity could be responsible for which included curriculum, property and pathways, and workforce<sup>374</sup> but noted many ‘operational and technical components’ of the education system would remain with the Ministry.<sup>375</sup> It stated that where the Ministry and the entity worked together, it would do so in ‘Treaty Partnership – especially as we build transition points so tamariki can transfer from English Medium education to Kaupapa Māori education.’<sup>376</sup>

On 3 August 2022, Te Pae Roa provided its second report detailing feedback received during its second round of engagements, its analysis of the three packages of reform and its recommended next steps.<sup>377</sup> The first topic the report addressed was the issue of definitions. It communicated that Kaupapa Māori education should be for Māori to define, but in the interim used ‘Kaupapa Māori education’ to refer to institutions established and ‘led by Māori, its governance and leadership taking a by Māori for Māori approach, and te reo Māori as the dominant language (100%), ‘Ara Māori’ for ‘the delivery of mātauranga Māori and te reo Māori in English medium settings or settings outside Kaupapa Māori’, and ‘Māori Education’ to refer to both.<sup>378</sup>

Te Pae Roa highlighted that the benefits of Māori Education, in particular Kaupapa Māori education, extended beyond reo revitalisation alone and urged the Ministry to lend a ‘wider lens to the benefits of Kaupapa Māori Education – rather than always seeing it as a tool for reo revitalisation.’<sup>379</sup> Te Pae Roa explained:

... Māori education, and in particular Kaupapa Māori education is about much more than reo revitalisation. It is about Māori determining, for themselves, where, how, who and what it teaches Māori learners. It’s about governance being Māori, leadership being Māori, it’s about the role of iwi, whānau and hapū. Māori learners achieve better outcomes when they take a Kaupapa Māori learning pathway – not just because they learn in reo Māori, but because of the culture, leadership, governance and whānau involvement that Kaupapa Māori Education encapsulates.<sup>380</sup>

Te Pae Roa explained it viewed the Māori education pathway as a continuum, with Māori learners who learn mātauranga Māori and te reo Māori in English Medium settings at one end, and Māori learners in Kaupapa Māori settings at

---

373. Ibid (p 2375)

374. Ibid (p 2376)

375. Ibid (p 2377)

376. Ibid

377. Te Pae Roa, ‘Supporting Māori Medium Education and Growing Kaupapa Māori Education’, pp 1–29 (Crown counsel, supporting documents (doc B30), pp 2401–2429); Bean and Nathan, brief of evidence (doc B31), p 31; Jackson and Schöllmann, brief of evidence (doc B28), p 25

378. Te Pae Roa, ‘Supporting Māori Medium Education and Growing Kaupapa Māori Education’, p 3 (Crown counsel, supporting documents (doc B30), p 2403)

379. Ibid

380. Ibid

the other.<sup>381</sup> Its preferred reforms would look ‘after all Māori learners no matter where they sit’ on this continuum and seek ‘to grow and transition them along the pathway towards Kaupapa Māori education.’<sup>382</sup>

Accordingly, Te Pae Roa recommended the establishment of a new independent entity ‘representing Kaupapa Māori education’ to ‘govern, grow and support the Māori education pathway’<sup>383</sup> and ‘enable iwi and Māori to exert their tino rangatiratanga and mana motuhake over Kaupapa Māori education and in Ara Māori settings.’<sup>384</sup> Te Pae Roa envisaged the entity would have ‘full authority over the future investment, planning and strategy to grow Kaupapa Māori education now and into the future’ and work in partnership with the Ministry to support and transition Māori learners in English medium along the continuum towards Kaupapa Māori education settings.<sup>385</sup> The entity, like in its first report, would be called ‘Takapau Whaiao’.<sup>386</sup>

Overall, Te Pae Roa recommended the Associate Minister agree to it working with the Ministry to progress Package Four. This would involve designing the entity and refining its role, responsibilities and powers; drafting a partnership agreement for the entity and the Ministry regarding areas of cross-over; developing a transition plan to transfer powers and responsibilities to the entity; and drafting new legislation.<sup>387</sup> Finally, it sought agreement to hold a third round of engagement on the refined option at the end of the year and to provide a third report to the Associate Minister.<sup>388</sup>

The second Te Pae Roa report contributed to the Ministry’s August 2022 education report, which we summarise below at section 5.5.3.2. Next, we consider the other independent report, provided by Te Matakahuki, relevant to the Ministry’s advice.

## 5.5.2 The Te Matakahuki report

### 5.5.2.1 Mediation

On 12 October 2021, Dr Dewes on behalf of Te Rūnanga Nui filed an application for an urgent hearing with the Tribunal. On 23 and 24 May 2022, the parties attended mediation regarding the application, facilitated by the Tribunal and an agreement was reached (the ‘Mediation Agreement’).<sup>389</sup>

The recitals to the Mediation Agreement recorded the parties’ agreement that theirs was ‘a Tiriti o Waitangi | Treaty of Waitangi relationship’ to be ‘guided by

381. Te Pae Roa, ‘Supporting Māori Medium Education and Growing Kaupapa Māori Education’, p 4 (Crown counsel, supporting documents (doc B30), p 2404)

382. Ibid

383. Ibid

384. Ibid, p 5 (p 2405)

385. Ibid, p 4 (p 2404)

386. Ibid, p 3 (p 2403)

387. Ibid, p 29 (p 2429)

388. Ibid

389. Waitangi Tribunal, memorandum (paper 2.5.10), 1 June 2022 p 2; Crown counsel, memorandum concerning mediation, 14 April 2022 (paper 3.1.19), p 1; claimant counsel, memorandum, 14 April 2022 (paper 3.1.20), pp 2–3



principles of pono me te tika.<sup>390</sup> Importantly, the Mediation Agreement confirmed the parties had a ‘mutual commitment to improving the relationship.’<sup>391</sup> To enable a relationship reset, the Mediation Agreement provided that the parties were to attend a one-day wānanga and established a four-month period for the Crown and Te Rūnanga Nui to work together.<sup>392</sup> If this was successful, Te Rūnanga Nui would withdraw its urgency application from the Tribunal.<sup>393</sup>

Pertinent to the August 2022 education report, it also recorded that Te Rūnanga Nui (either on its own or as part of Te Matakahuki) would produce a report ‘articulating their view for future Kaupapa Māori education including their proposals for durable quality outcomes for tamariki Māori.’<sup>394</sup> To ‘have an opportunity to influence the policy process’, the report was to be provided to the Associate Minister by July/August 2022.<sup>395</sup> This was the date indicated in the agreement that a paper (which would become the August 2022 education report) was ‘intended to be presented to the Associate Minister for further decisions by Cabinet.’<sup>396</sup>

The Ministry would meet the ‘actual and reasonable costs’ of Te Rūnanga Nui to complete the report and provide support during the process.<sup>397</sup> The agreement noted the ‘principle for the provision’ of funding was ‘to be broadly equitable with resourcing provided to Te Pae Roa.’<sup>398</sup> The types of support included, for example, providing technical advisory support as needed/requested; facilitating workshops to assist Te Rūnanga Nui in the development and articulation of its proposals if required; and, subject to availability, providing information sought by Te Rūnanga Nui concerning (among other relevant topics) governance and legislation.<sup>399</sup>

The agreement stated Te Rūnanga Nui ‘consider that their views should be reflected in any paper taken to Cabinet by the Associate Minister in a similar manner to those of Te Pae Roa (and that Te Rūnanga Nui would have opportunity to comment on how their views are presented in that paper),’ but the agreement did ‘not guarantee any outcomes of any decisions to be made by the Associate Minister and/or Cabinet.’<sup>400</sup> It also recorded that the agreement made no undertakings on behalf of Te Pae Roa, but the Ministry would request for information already developed by the group be shared with Te Rūnanga Nui.<sup>401</sup>

### 5.5.2.2 *The Te Matakahuki report*

During June and July 2022, Te Matakahuki worked on its report. The Ministry provided support to Te Matakahuki in the development of its report through the

---

390. Mediation agreement, 24 May 2022 (paper 2.5.11(b)), p 2

391. *Ibid*, pp 4–5

392. *Ibid*

393. *Ibid*, p 5

394. *Ibid*, p 3

395. *Ibid*

396. *Ibid*, p 2

397. *Ibid*, pp 3–4

398. *Ibid*, p 4

399. *Ibid*, p 3

400. *Ibid*, pp 3–4

401. *Ibid*, p 4

provision of data.<sup>402</sup> With only eight weeks to complete it, claimant witnesses told us there was considerable pressure to reach the deadline in time. Ms Maika and Mr Campbell described that Te Matakahuki went to ‘significant efforts’ to produce its report, including working ‘extremely hard under pressure to meet the tight time-frames required by the Crown’s reform process’.<sup>403</sup> We also heard from Ms Maika and Mr Campbell that ‘it was hugely significant that the Kaupapa Māori groups had collectively come together for the first time to articulate a vision and proposed path for the future growth of Kaupapa Māori education’ and they were hopeful the Crown would also acknowledge its significance through its response.<sup>404</sup> Ms Selby told us ‘it was apparent that the process was flawed from the beginning’.<sup>405</sup> She commented the work was ‘ridiculously time pressured’ and ‘recall[ed] reflecting on the difference between ourselves and the Ministry in terms of resourcing this work, knowing that there were scores of officials working at the Ministry’s end while we did the best we could with the already otherwise-engaged few personnel that we had’.<sup>406</sup>

Te Matakahuki ultimately provided its report to the Associate Minister on 29 July 2022.<sup>407</sup> Similar to Te Pae Roa, Te Matakahuki recommended the creation of an independent body. Distinctly, however, this body would be solely responsible for Kaupapa Māori education, defined as ‘total immersion teaching and learning (100% te reo Māori) that privileges Māori knowledge and philosophy, delivered outside of Pākehā (mainstream) education, where Māori exercise authority and decision-making power over all aspects of delivery’.<sup>408</sup> Te Matakahuki described having a ‘duty to focus solely on Kaupapa Māori education’<sup>409</sup> and rejected its inclusion within the Crown’s ‘catch all’ Māori Medium definition.<sup>410</sup> Te Matakahuki also explained what quality education outcomes look like in Kaupapa Māori education (for ākonga, whānau, hapū and iwi, and for kōhanga, kura and wānanga as a system), and the conditions required to achieve these outcomes.<sup>411</sup>

Te Matakahuki explained its aspiration for the future of Kaupapa Māori education was for it to be ‘healthy, vibrant, valued and meeting local and national demand’ by 2040 and<sup>412</sup> ‘become the first choice of education pathway for all

402. Ministry of Education, ‘Education Report: Māori Medium/Kaupapa Māori Education: Options for a new framework’, 4 August 2022 (Crown counsel, supporting documents (doc B30), p 2267)

403. Mahinarangi Maika and Hohepa Campbell, brief of evidence, 10 November 2022 (doc A13), pp 4–5

404. Maika and Campbell, brief of evidence (doc A16), p 4

405. Selby, brief of evidence (doc B23), p 11

406. Ibid

407. Raniera Procter to Kelvin Davis, 29 July 2022 (Crown counsel, supporting documents (doc B30), p 2326)

408. Te Matakahuki, ‘The Future of Kaupapa Māori Education: Te Matakahuki Report to the Associate Minister (Māori Education)’, 29 July 2022, p[1] (Crown counsel, supporting documents (doc B30), p 2328)

409. Ibid

410. Ibid, p [4] (p 2331)

411. Ibid, pp [5]–[7] (pp 2332–2334)

412. Ibid, pp [3], [12] (pp 2330, 2339)

Māori.<sup>413</sup> It referred to its intention to develop a strategy and implementation plan to grow Kaupapa Māori education, ‘while setting an informed population target goal’ over the next 40 years to 2060.<sup>414</sup> It would include priorities of network planning;<sup>415</sup> workforce development;<sup>416</sup> curriculum and resourcing;<sup>417</sup> kaiako training registration and qualifications;<sup>418</sup> and ‘changing the hearts and minds of new and prospective whānau Māori to reclaim and revitalise their language, culture and identity’, including supporting whānau to on-ramp into Kaupapa Māori education from Kōhanga Reo and remain until the end of wharekura.<sup>419</sup>

Te Matakahuki stated the Crown had ‘assimilated Kaupapa Māori education into the wider education system and assumed ownership and control over it’ and asserted that ‘[u]nder Crown control Kaupapa Māori education has struggled to grow, flourish, and reach its greatest potential.’<sup>420</sup> For Kaupapa Māori education to grow and flourish, Te Matakahuki explained, there needed to be mana motuhake, meaning ‘the right to self-determination, governance authority, and autonomy by Māori and in this case Te Matakahuki over Kaupapa Māori education, a right conferred by Te Tiriti o Waitangi’.<sup>421</sup> In practice, this meant:

- ▶ statutory acknowledgement of Kaupapa Māori as a parallel pathway,
- ▶ Te Matakahuki obtaining statutory authority over Kaupapa Māori education,
- ▶ Crown devolution of all governance and administration of Kaupapa Māori education to Te Matakahuki, and
- ▶ Crown funding transferred to Te Matakahuki for disbursement.<sup>422</sup>

The centrepiece for these proposals was a recommendation to establish an independent Kaupapa Māori body with devolved functions related to (among other things) budget, curriculum, property, network planning and workforce.<sup>423</sup> It envisaged the initial board of the body would have eight members, appointed by Te Matakahuki according to its own tikanga,<sup>424</sup> and that accountability could be best achieved through a memorandum of understanding between the Minister and the board and a purchase agreement between the Ministry and the body.<sup>425</sup> It explained that, due to the time constraints in drafting its report, the details of its proposals would ‘need to be fully developed and risk assessed’.<sup>426</sup> We note Te

---

413. Ibid, p [1] (p 2328)

414. Ibid, p [12] (p 2339)

415. Ibid, p [13] (p 2340)

416. Ibid

417. Ibid, p [14] (p 2341)

418. Ibid

419. Ibid, p [12] (p 2339)

420. Ibid, p [2] (p 2329)

421. Ibid, p [4] (p 2331)

422. Ibid, p [4] (p 2331)

423. Ibid, pp [9], [11], [12] (pp 2336, 2338, 2339)

424. Ibid, p [9] (p 2336)

425. Ibid, pp [10]–[11] (pp 2337–2338)

426. Ibid, p [1] (p 2328)

Matakahuki outlined its membership was likely to expand and include ‘other rōpū who were committed to Kaupapa Māori education and seek to be represented at the governance and administration level’, suggesting the organisations responsible for electing the body’s board would not necessarily be limited to existing Te Matakahuki members only.<sup>427</sup>

Te Matakahuki stated it was aware Te Pae Roa intended to recommend establishing a statutory body that would cover both Kaupapa Māori and ‘Māori education taught in Pākehā medium settings’.<sup>428</sup> Te Matakahuki did not support this proposal and stated ‘[w]hether it was intended or not, this proposal directly challenges the mana motuhake of Te Matakahuki and its agency and authority over Kaupapa Māori Education and breaches our rights under Te Tiriti o Waitangi’.<sup>429</sup> The proposal, it contended, appeared to be based on incorrect assumptions about Māori Medium and Kaupapa Māori education, and could create issues of representation; ‘[i]n the worse-case scenario Te Matakahuki could end up as the minority voice in governance and decision-making regarding its own kaupapa’.<sup>430</sup>

Lastly, Te Matakahuki identified outstanding Waitangi Tribunal claims, including the Wai 1718 claim of Te Rūnanga Nui, as a ‘major barrier to the growth of Kaupapa Māori education’ and a ‘stark warning to Government that something is not right for Māori in the education space’.<sup>431</sup> Te Matakahuki alleged the Ministry had failed to uphold its relationship agreements with members of Te Matakahuki, including Te Tauākī Kawa and the Outcomes Agreement with Te Rūnanga Nui and stated the Crown’s work programme to grow Māori Medium and Kaupapa Māori ‘cuts across the existing claims processes exacerbating the issues already facing Kaupapa Māori education’.<sup>432</sup> By pushing through the legislation proposed in the September 2021 Cabinet Paper, the Crown risked breaching Te Matakahuki members’ ‘Te Tiriti o Waitangi right to tino rangatiratanga (self-governance and management) of their kaupapa and the Crown’s kāwanatanga duty of active protection of Kaupapa Māori education and te reo Māori’.<sup>433</sup>

Instead, it recommended introducing legislation to ‘enshrine Kaupapa Māori (as a parallel education pathway) and afford Te Matakahuki the right to govern and manage it’.<sup>434</sup> It envisaged the legislation could set out Kaupapa Māori principles, establishment of the statutory body and the functions and purpose of the statutory body.<sup>435</sup>

---

427. Te Matakahuki, ‘The Future of Kaupapa Māori Education: Te Matakahuki Report to the Associate Minister (Māori Education)’, 29 July 2022, p [1] (Crown counsel, supporting documents (doc B30), p 2328)

428. Ibid, p [14] (p 2341)

429. Ibid

430. Ibid

431. Ibid, p [7] (p 2334)

432. Ibid

433. Ibid, p [8] (p 2335)

434. Ibid

435. Ibid

In summary, Te Matakahuki recommended the Associate Minister consider its paper and note its advice to introduce legislation to enshrine Kaupapa Māori as a parallel education pathway and afford Te Matakahuki the right to govern and manage the pathway through an independent statutory body. It also asked the Associate Minister to note its proposal for system change involving the development of a strategy and implementation plan for the statutory body, equitable funding for Kaupapa Māori education and building and designing ‘an appropriate ecosystem to support Kaupapa Māori education.’<sup>436</sup>

### 5.5.3 The August 2022 education report

#### 5.5.3.1 *The Ministry shares its draft education report with Te Matakahuki*

The Ministry began drafting its advice to the Ministers in May 2022, before it received either the Te Matakahuki or Te Pae Roa reports.<sup>437</sup> On 12 July 2022, Mr Jackson sent talking points to Dr Schöllmann about the reforms.<sup>438</sup> It noted Te Pae Roa’s second report was likely to recommend establishment of a separate body to oversee Kaupapa Māori and Māori Medium education. It commented ‘[w]e agree’ with ‘much of what is in the TPR report, including the intent of agency and authority over Kaupapa Māori education’ and that ‘significant changes are needed’, beyond proposed in the September 2021 Cabinet Paper. It commented that the ‘overwhelming feedback’ from Māori was ‘that the Crown’s retention of power and control over the system is at the core of the problem’ and that it was clear the reforms could not be delivered without Te Matakahuki members.<sup>439</sup> Once it received the Te Pae Roa and Te Matakahuki reports, the Ministry worked quickly to complete its advice, including with summaries of each of the reports. Specifically, the timeline of events shows:

- ▶ On Friday 29 July 2022, the Ministry received the Te Matakahuki report.
- ▶ On Monday 1 August 2022, the Ministry shared a draft version of its education report with Te Matakahuki for feedback.<sup>440</sup> It explained the draft report was subject to change and requested Te Matakahuki provide feedback on 3 August 2022, within 48 hours.
- ▶ On 3 August 2022, Te Matakahuki provided its feedback on the draft education report to the Ministry.<sup>441</sup>
- ▶ On 4 August 2022, the Ministry provided its August 2022 education report to Minister Hipkins and Minister Davis.

436. *Ibid*, p [15] (p 2342)

437. Ministry of Education, ‘Draft Education Report: Māori Medium/Kaupapa Māori Education: Options for New Framework’, 14 July 2022 (Crown counsel, supporting documents (doc B30), p 2030); Transcript 4.1.6, p 146

438. Andy Jackson to Andrea Schöllmann, 12 July 2022 (supplementary bundle of documents (doc B38), p [81])

439. *Ibid* (pp [81]–[82])

440. Andrea Schöllmann to Hohepa Campbell and Mahinarangi Maika, 1 August 2022 (supplementary bundle of documents (doc B38), p [9])

441. Mahinarangi Maika to Andrea Schöllmann, 3 August 2022 (supplementary bundle of documents (doc B38), pp [114]–[115])

We understand the draft version of the education report shared with Te Matakahuki on 1 August 2022 contained the Ministry's analysis of the four packages of reform developed with Te Pae Roa, and this was the first time Te Matakahuki had seen these packages (aside from Package Four, which Te Pae Roa shared with Te Matakahuki, see section 5.5.1.4). Mr Campbell and Ms Maika told us they were 'not anticipating' how advanced the August 2022 education report was by the time they received the draft and were 'very surprised' at how much work had been completed 'about our Kaupapa without our input'.<sup>442</sup> They said receiving the draft, just three days after submitting their own report, made them feel like there was 'no way' their report could significantly influence the policy process 'when the Ministry had clearly already completed the bulk of its work and its Education Report prior to seeing the Te Matakahuki report'.<sup>443</sup> During our hearings, Dr Schöllmann admitted that the Ministry did not involve Te Matakahuki in the development of the packages in the same way it had Te Pae Roa.<sup>444</sup> In an internal Ministry email we saw to Mr Jackson and Dr Bean, Dr Schöllmann predicted this would take Te Matakahuki unawares. The email states:

Māhina and I had a quick discussion about this and it does raise the issue that Te Pae Roa have had the opportunity to react to options in their report (although, as stated, they are the options we did in support of them and therefore have been talked about with them for a while and it's hard to disentangle the two), whereas Te Matakāhuki has not yet, as the decision was to await their report this Friday. I may be concerned unnecessarily about that.<sup>445</sup>

Nevertheless, on 3 August 2022, two days after receiving the draft education report, Te Matakahuki provided its feedback to the Ministry, comprising tracked changes in the draft report as well as general comments.<sup>446</sup> We do not have access to those tracked changes, but understand the claimants' major concerns were articulated in their email response to the Ministry. Te Matakahuki queried why it was not provided with the four policy packages earlier as part of its recent engagements, observing '[i]t is clear from the level of analysis that the Ministry has been working on the development of the four packages/options for some time'.<sup>447</sup> It noted the Ministry should have engaged with it sooner so that its recommendation could have been included as one of the packages for consideration.<sup>448</sup> It observed that it was not clear 'how or if' the Ministry had addressed its report, other than summarising it, because it was invisible in both the options for a new framework

---

442. Campbell and Maika, brief of evidence (doc B26), p [19]

443. Ibid

444. Transcript 4.1.6, p 146

445. Schöllmann to Jackson and Bean (supplementary bundle of documents (doc B38), p [114])

446. Maika to Schöllmann, pp [1]–[2] (supplementary bundle of documents (doc B38), pp [17]–[18])

447. Ibid, p [1] (p [17])

448. Ibid

section and the Ministry's recommendations, and queried why this was the case.<sup>449</sup> It also commented that the Ministry's advice, particularly regarding Packages Three and Four, did not adequately distinguish between the futures of Kaupapa Māori education and Māori Medium education and this 'lack of clarity will be problematic moving forward'.<sup>450</sup> Ultimately, Te Matakahuki communicated its preference for the Ministry to remove Package One as an option for consultation as the analysis showed 'zero impact and no change to the status quo' and add its own recommendation as a new 'Package Five' instead.<sup>451</sup>

In reply, the Ministry thanked Te Matakahuki for its feedback, confirmed its tracked changes had been incorporated into the advice and stated it would respond 'early next week with a more fulsome reply on the remainder of your comments'.<sup>452</sup> Dr Schöllmann and Mr Jackson advised that while the group's tracked changes may have been accepted, officials 'did not incorporate a range of their more general comments that disagreed with the intent of the work programme'.<sup>453</sup> One day later, on 4 August 2022, the Ministry provided its advice to the Associate Minister and Minister.<sup>454</sup> Ms Maika and Mr Campbell told us that to this day the Ministry had not satisfactorily explained why it did not include alternative proposals posed by Te Matakahuki in the education report.<sup>455</sup>

Dr Schöllmann and Mr Jackson told us that although the Te Matakahuki tracked changes were accepted, the Ministry decided not to add an additional package focused on Kura Kaupapa Māori ('Package Five') because 'the Minister had already expressed his direction to focus more broadly on a system that supports and grows options and pathways for all Māori ākonga and whānau'.<sup>456</sup> However, Mr Jackson and Dr Schöllmann said the education report did attach the Te Matakahuki report in full 'so Ministers (and Cabinet) could read Te Matakahuki's views in their own words and have the relevant context and differences'.<sup>457</sup> They said further that including Package Five, 'was not consistent with the Crown's responsibilities to support growth in Māori medium and kaupapa Māori education for all Māori, and that an independent statutory entity, if considered, should be for all Māori in the Māori medium and kaupapa Māori system'.<sup>458</sup> They also noted the exact form of Package Four was not pre-determined and 'may have scope for a variety of arrangements being developed within it'.<sup>459</sup>

---

449. Ibid

450. Ibid

451. Ibid, p [2] (p [18])

452. Andrea Schöllmann to Mahinarangi Maika, 5 August 2022, p [1] (supplementary bundle of documents (doc B38), p [19])

453. Andy Jackson and Andrea Schöllmann, speaking notes, 23 May 2023 (doc B28(d), p 12)

454. Ministry of Education, 'Education Report: Māori Medium/Kaupapa Māori Education' (Crown counsel, supporting documents (doc B30), pp 2260–2465)

455. Maika and Campbell, brief of evidence (doc B34), p 7

456. Jackson and Schöllmann, brief of evidence (doc B28), p 26

457. Ibid

458. Ibid, pp 28–29

459. Ibid, p 29

### 5.5.3.2 *The final report*

On 4 August 2022, the Ministry provided its education report to Minister Hipkins and Associate Minister Davis.<sup>460</sup> The education report at the outset introduced the advice as presented ‘from a kāwanatanga perspective, ahead of seeking Cabinet agreement to take options for public consultation.’<sup>461</sup> The education report also noted the advice had ‘been informed by the independent views of Te Pae Roa and Te Matakāhuki’, included summaries of their advice and attached both reports in full.<sup>462</sup> The claimants’ response to the final education report is detailed in section 5.5.4.2.2.

The report outlined the positions of Te Pae Roa and Te Matakāhuki as follows:

- ▶ Te Pae Roa concluded tino rangatiratanga over Kaupapa Māori education and the use of mātauranga Māori (including te reo Māori) in English Medium settings should reside with Māori and an independent authority should be established.
- ▶ Te Matakāhuki concluded the Crown did not own Kaupapa Māori education and an independent entity for Kaupapa Māori education should be established.
- ▶ Both reports concluded Māori must have greater authority and autonomy over funding, curriculum, workforce, qualifications, and network and property functions – including ‘full authority’ over future investment, planning and strategy.
- ▶ Te Pae Roa and Te Matakāhuki differed on whether the entity should support Māori Medium education or Kaupapa Māori education only.
- ▶ The reports also differed in their vision – with the report of Te Matakāhuki endorsing the qualitative goal of vibrant and healthy Kaupapa Māori education by 2040 and Te Pae Roa endorsing the adapted Rāngai Māori goal.<sup>463</sup>

The report recorded that both the Te Pae Roa and Te Matakāhuki conclusions were consistent with:

- a. current and emerging jurisprudence and analysis of Te Tiriti o Waitangi;
- b. guidance from Te Arawhiti, as approved by Cabinet;
- c. related legislative and policy decisions to transfer agency and authority to Māori;
- d. the key leadership roles played by Māori in the establishment and operations of Kaupapa Māori services since the 1980s, including Te Kōhanga Reo, Kura Kaupapa Māori, Kura-ā-iwi and Wānanga;
- e. consistent feedback from Māori about the importance of ‘by Māori, for Māori’ education services over the last fifty years; and
- f. the direction set out in the national policy statement on Māori education, Ka Hikitia, that Māori exercise agency and authority in education.<sup>464</sup>

---

460. Ministry of Education, ‘Education Report: Māori Medium/Kaupapa Māori Education’ (Crown counsel, supporting documents (doc B30), pp 2260–2465)

461. *Ibid*, p [1] (p 2260)

462. *Ibid*, pp [1], [142], [171] (pp 2260, 2401, 2430)

463. *Ibid*, p [14] (p 2273)

464. *Ibid*, p [4], see also p [9] (p 2263, see also p 2268)



‘On this basis’, the education report stated, ‘any reforms should support the principle of progressively strengthening Māori agency and authority over’ Māori Medium and Kaupapa Māori education.<sup>465</sup> The education report noted this work would need to be balanced against the Crown’s ‘enduring kāwanatanga responsibilities to ākonga and whānau Māori.’<sup>466</sup> It stated the ‘majority’ of the report and its analysis therefore focused on ‘how the Crown might appropriately partner with Māori to provide for rangatiratanga over taonga while maintaining kāwanatanga responsibilities’, including by ‘examining the potential options and mechanisms to enable rangatiratanga across all elements of the system ie, funding, qualifications, workforce, curriculum, network and property will need to change.’<sup>467</sup>

The education report stated ‘[t]aonga like te reo Māori and mātauranga Māori sit at the highest level over which Māori should have agency and authority’ and there was ‘an opportunity to explore the imbalance of power’ across the Māori Medium and Kaupapa Māori ‘sector that both Te Pae Roa and Te Matakāhuki speak of’, including ‘assessing which functions the Crown currently delivers would be better delivered by Māori to ensure greater agency over the delivery of te reo Māori and mātauranga Māori and which functions and responsibilities the Crown should retain as part of its kāwanatanga role.’<sup>468</sup>

The education report outlined three ‘overarching objectives’ for the work programme: grow Māori Medium and Kaupapa Māori education in early learning and schooling, including 30 per cent of Māori learners participating in these settings by 2040 and to grow Kaupapa Māori pathways in tertiary education; ‘[s]upport tino rangatiratanga over taonga by affirming the principle of Māori agency and authority over te reo Māori education and kāwanatanga settings that support this, subject to the Crown’s wider responsibilities of protecting Māori interests in the wider system’; and ‘[p]rovide for and resource pathways so that ākonga and whānau have options for accessing uninterrupted Kaupapa Māori pathways, from early learning to tertiary’, and from English Medium to Kaupapa Māori education, ‘inclusive of all Māori learners who wish to access these pathways.’<sup>469</sup>

Notably, the education report proposed revisiting the definition of ‘Māori Medium education’ (including through discussions with Te Pae Roa, Te Matakāhuki and Māori) with a view to potentially lowering the immersion threshold of 80 per cent and therefore broadening the scope of the work programme agreed by Cabinet in September 2021.<sup>470</sup> The Ministry advised:

Our view is that growing MME and KME services requires a wider scope than agreed to by Cabinet in 2021. This will increase access and options for whānau (particularly

---

465. Ibid, p [9] (p 2268)

466. Ibid, pp [9], [24] (pp 2268, 2283)

467. Ibid, p [9] (p 2268)

468. Ibid, p [16] (p 2275)

469. Ibid, pp [23]–[24] (pp 2282–2283)

470. Ibid, p [10] (p 2269)

for those not currently proficient in te reo) and provide for longer term pathways that benefit learning outcomes for ākonga.<sup>471</sup>

We note the Ministry, in suggesting the Māori Medium education definition be expanded (with implications for the scope of the 30 per cent goal) did not highlight the likely opposition of Te Matakahuki to this change. Te Matakahuki had rejected its inclusion within the existing, narrower, definition of Māori Medium education and so would logically object to its inclusion within an even broader definition.

The education report explained it had developed four packages of reform options to provide a new overarching framework for Māori Medium and Kaupapa Māori education and to address the problems and opportunities in the sector.<sup>472</sup> All packages were designed to improve the delivery of workforce, curriculum and qualifications, funding, network management, property, school board governance (in rūmaki reo rua units and kura), and structure and system arrangements in Māori Medium and Kaupapa Māori education.<sup>473</sup> The packages represented a sliding scale of interventions, non-legislative and legislative, and are briefly summarised below. A full description of the policy packages and the Ministry's analysis of the options can be found in the copy of the August 2022 education report available on our Record of Inquiry.<sup>474</sup>

#### **5.5.3.2.1 Package One – a Cabinet-mandated work programme of non-legislative changes**

Package One involved Cabinet increasing funding for Māori Medium and Kaupapa Māori education, subject to budgetary constraints, and signing off a range of non-legislative changes in relation to funding, curriculum, workforce and qualifications, and network planning and property.<sup>475</sup> This included (among other things) gazetting and funding Te Marautanga o Te Aho Matua.<sup>476</sup>

#### **5.5.3.2.2 Package Two – a Cabinet-mandated work programme, including legislative change**

Alongside the changes of Package One, Package Two would 'devolve or allocate specific functions currently undertaken by the Crown' to 'Iwi-Māori Partnership Boards' (IMPBs), or existing Māori peak bodies and other Māori groups recognised

---

471. Ministry of Education, 'Education Report: Māori Medium/Kaupapa Māori Education', p [10] (Crown counsel, supporting documents (doc B30), p 2269)

472. Ibid, pp [24]–[25] (pp 2283–2284)

473. Ibid pp [1]–[139] (pp 2260–2398)

474. Ibid pp [25]–[30] (pp 2284–2289)

475. Ibid pp [25]–[26] (pp 2284–2285)

476. Ministry of Education, 'Māori Medium and Kaupapa Māori Education Policy Options Packages', appendix 1 to 'Education Report: Māori Medium/Kaupapa Māori Education' (Crown counsel, supporting documents (doc B30), p 2294)

in legislation.<sup>477</sup> Additional legislative changes would also seek to give kura ‘more autonomy and flexibility in relation to governance arrangements’ and ‘changing the state or state-integrated model for kura to give Māori greater autonomy’.<sup>478</sup> These changes included exempting kura from mandatory code of conduct requirements and allowing for tailored school board constitution arrangements.<sup>479</sup>

#### **5.5.3.2.3 Package Three – establishing a new entity within the Ministry**

In addition to the Package One and Two proposals, Package Three involved separating system leadership of Māori Medium and Kaupapa Māori education from the overall education system and devolving this to a newly established entity within the Ministry either as a departmental agency or a separately branded business unit.<sup>480</sup> It would also enable kura boards to choose whether to remain State or State integrated (as in Package Two) or operate outside the Crown Entities Act framework.<sup>481</sup>

#### **5.5.3.2.4 Package Four – establishing an independent statutory entity**

Package Four would establish a new independent statutory entity that would undertake a range of devolved functions related to workforce, curriculum, funding, network, property and learning support.<sup>482</sup> The entity would be responsible for Māori Medium and Kaupapa Māori education system leadership, operate outside the Crown Entities Act, be governed by a board and have a majority of its members appointed by Māori with one Ministerial appointee.<sup>483</sup>

#### **5.5.3.2.5 The Ministry’s analysis of the packages of reform**

In this part, we summarise the Ministry’s analysis of Packages One and Four as relevant to its subsequent recommendations to Ministers. The Ministry’s analysis of the other packages of reform can be read in the copy of the August 2022 education report available on our Record of Inquiry.<sup>484</sup>

Of the packages, the education report stated Package Four performed the best against criteria of effectiveness, quality of learning, cost, ease of implementation

---

477. Ministry of Education, ‘Education Report: Māori Medium/Kaupapa Māori Education’, pp [26]–[27] (Crown counsel, supporting documents (doc B30), pp 2285–2286)

478. Ibid, p [27] (p 2286)

479. Ministry of Education, ‘Māori Medium and Kaupapa Māori Education Policy Options Packages’, appendix 1 to ‘Education Report: Māori Medium/Kaupapa Māori Education’ (Crown counsel, supporting documents (doc B30), p 2294)

480. Ministry of Education, ‘Education Report: Māori Medium/Kaupapa Māori Education’, pp [28]–[29] (Crown counsel, supporting documents (doc B30), pp 2287–2288)

481. Ibid, p [28] (p 2287)

482. Ibid, pp [28]–[29] (pp 2288–2289)

483. Ministry of Education, ‘Māori Medium and Kaupapa Māori Education Policy Options Packages’, appendix 1 to ‘Education Report: Māori Medium/Kaupapa Māori Education’ (Crown counsel, supporting documents (doc B30), p 2294)

484. Ministry of Education, ‘Education Report: Māori Medium/Kaupapa Māori Education’, p [25] (Crown counsel, supporting documents (doc B30), p 2284)

and accountability.<sup>485</sup> It would also allow the Crown to ‘best meet its Te Tiriti/ the Treaty obligations’, having ‘the most potential for providing kāwanatanga and enabling rangatiratanga, that may in the long term lead to equitable outcomes.’<sup>486</sup> However, of the options, Package Four would be the most expensive and risked (among other things) providing a ‘[p]otentially disproportionate response’ to the problem, ‘given that relatively few functions would be devolved or allocated to this entity and only a small proportion of ākonga Māori are likely to benefit from the changes in the short to medium term.’<sup>487</sup> We note Package Four was also the only package Te Pae Roa sought feedback from Māori on in its second round of engagement, but that this was not highlighted in the education report.<sup>488</sup>

By comparison, Package One scored the lowest because it ‘makes fewer improvements on the status quo and does not do enough to significantly improve outcomes for ākonga Māori.’<sup>489</sup> Although it would help alleviate some ‘immediate concerns’ of Te Pae Roa and Te Matakahuki, Package One ‘trades off more fundamental changes to existing settings for cost and relative ease of implementation.’<sup>490</sup> In its Treaty analysis, the report also assessed that ‘across all settings[,] options for rangatiratanga are minimal.’<sup>491</sup> Risks of Package One included that it was ‘unlikely to go far enough towards enabling greater agency and authority by Māori or to shift the lack of trust in the system’, ‘does not address the Te Pae Roa and Te Matakāhuki findings around the demand for Kaupapa Māori education to be owned and controlled by Māori for Māori’ and would not ‘alter the fundamental power imbalance that exists between Māori and the Crown under existing arrangements.’<sup>492</sup>

### 5.5.3.2.6 The Ministry’s ultimate recommendations

In the assessment of officials, Package Four scored the highest against policy criteria and in its Treaty analysis. Package One scored the lowest against policy criteria and would provide ‘minimal’ options for rangatiratanga. Despite this, the Ministry recommended Ministers agree to Package One as a ‘base case.’<sup>493</sup> It advised the changes were within the scope of the September 2021 Cabinet decisions and could be progressed without legislation, although they would require

---

485. Ministry of Education, ‘Education Report: Māori Medium/Kaupapa Māori Education’, p [5] (Crown counsel, supporting documents (doc B30), p 2264)

486. *Ibid.*, p [32] (p 2291)

487. *Ibid.*, p [30] (p 2289)

488. Te Pae Roa, ‘Supporting Māori Medium Education and Growing Kaupapa Māori Education’ (Crown counsel, supporting documents (doc B30), p 2421)

489. Ministry of Education, ‘Education Report: Māori Medium/Kaupapa Māori Education’, p [30] (Crown counsel, supporting documents (doc B30), p 2289)

490. *Ibid.*, pp [26], [30] (pp 2285, 2289)

491. *Ibid.*, p [31] (p 2290)

492. *Ibid.*, p [26] (p 2285)

493. *Ibid.*, pp [5], [31] (pp 2264, 2290)

substantive funding.<sup>494</sup> It said Package One also included reforms the Ministry was already working with Te Matakahuki on.<sup>495</sup>

We note the Ministry did not refer to the fact both Te Matakahuki and Te Pae Roa had emphatically rejected Package One. Te Matakahuki asked Ministry officials to remove the option because it showed ‘zero impact and no change to the status quo.’<sup>496</sup> Te Pae Roa rejected Package One as ‘it did not meet any of the criteria set out by both the Minister and Māori.’<sup>497</sup> As noted in section 5.5.1.4, this reflects our understanding that the Te Pae Roa Package One and the Ministry’s Package One are substantively similar.

The Ministry did, however, advise Ministers it was ‘important’ the ‘Crown would need to go beyond’ Package One, if it was ‘to gain the confidence of Māori that the Crown is serious about reform.’<sup>498</sup> It noted the participation of Te Pae Roa and Te Matakahuki would be ‘critical’ to the success of the reform programme and recommended Ministers note ‘the key concern from Māori, based on experience, is that they do not trust the Crown to deliver on the growth’ of Māori Medium and Kaupapa Māori education and note ‘that, in order to build trust, the system needs to recognise and provide for Māori having greater agency and authority.’<sup>499</sup>

The Ministry therefore recommended Ministers direct it to finalise a package of changes that drew upon elements from other packages and to consider whether they wanted to signal their intention to progress towards Package Four longer term.<sup>500</sup> Additionally, the Ministry recommended it work with Te Pae Roa, Te Matakahuki and others in the sector to develop a road map that showed how each set of changes would be implemented over time.<sup>501</sup> It proposed a timeline for reform that would see a draft Cabinet paper provided to the Minister on 22 August 2022 before the paper was lodged with Cabinet on 22 September 2022.<sup>502</sup> Public consultation was then proposed for 26 September to 28 October 2022, with the intention that a Bill be introduced in June 2023.<sup>503</sup>

The education report further outlined that, under all packages, the Crown would retain responsibilities ‘under Article 3 of Te Tiriti’ and reform would require ‘[l]ong-term and sustained investment across sequential Budgets.’<sup>504</sup> It noted officials would provide Cabinet with a “‘start-up” programme business case’ alongside

---

494. Ibid, p [32] (p 2291)

495. Ibid

496. Maika to Schöllmann (supplementary bundle of documents (doc B38), p [18])

497. Te Pae Roa, ‘Supporting Māori Medium Education and Growing Kaupapa Māori Education’ (Crown counsel, supporting documents (doc B30), p 2421)

498. Ministry of Education, ‘Education Report: Māori Medium/Kaupapa Māori Education’, p [32] (Crown counsel, supporting documents (doc B30), p 2291)

499. Ibid, pp [4], [32] (pp 2263, 2291)

500. Ibid, p [32] (p 2291)

501. Ibid, p [33] (p 2292)

502. Ibid, p [34] (p 2293)

503. Ibid

504. Ibid, pp [32]–[33] (pp 2291–2292)

policy proposals in March 2023 to get agreement on the preferred way forward.<sup>505</sup> Lastly, regardless of which package was progressed, the report recommended a mandatory independent review within five years of establishment:

If lesser interventions under packages 1–3 are not delivering the desired outcomes or as more ākonga move into these settings and critical mass builds, then the package 4 option of new independent statutory intervention could be revisited. If package 4 is chosen, a review would still highlight areas and ensure ongoing fitness for purpose.<sup>506</sup>

The report commented that ‘[u]ltimately, at the heart of a choice between packages is the distribution of roles and responsibilities between kāwanatanga and rangatiratanga and who has the power to make decisions’ and noted its Treaty analysis indicated ‘the objectives of the new framework will only be fully realised if a substantive shift is made in system functions and responsibilities.’<sup>507</sup>

We understand that after submitting its report, Ministry officials then met with Minister Hipkins and Associate Minister Davis to discuss its advice.<sup>508</sup> Ultimately, by 16 August 2022, Minister Hipkins and Associate Minister Davis had (among other actions):

- ▶ agreed to all proposals in Package One as a base case;<sup>509</sup>
- ▶ indicated ‘yes’, they did wish to signal their desire to progress towards Package Four over time;<sup>510</sup>
- ▶ agreed that officials work with Te Pae Roa, Te Matakahuki and others in the sector to develop an implementation road map, alongside progress towards the growth target;<sup>511</sup> and
- ▶ agreed to discuss with officials which elements of other packages they wished to include in the immediate term.<sup>512</sup>

We note Minister Hipkins’ and Associate Minister Davis’ decision to agree to Package One and only *signal* an intention to progress towards Package Four was made despite repeated advice recommending the Crown establish an independent entity. Specifically, the:

- ▶ Ministry’s advice that Package Four scored the highest against policy criteria and its Treaty analysis;
- ▶ recommendation of Te Pae Roa to establish an independent entity for the Māori Medium education continuum;

---

505. Ministry of Education, ‘Education Report: Māori Medium/Kaupapa Māori Education’, p [33] (Crown counsel, supporting documents (doc B30), p 2292)

506. Ibid, p [31] (p 2290)

507. Ibid, p [32] (p 2291)

508. Schöllmann to Nathan, (supplementary bundle of documents (doc B38), p [27]); Darren Nathan to Daryn Bean, 9 August 2022 (supplementary bundle of documents (doc B38), pp [20]–[21])

509. Ministry of Education, ‘Education Report: Māori Medium/Kaupapa Māori Education’, p [5] (Crown counsel, supporting documents (doc B30), p 2264)

510. Ibid

511. Ibid

512. Ibid, p [6] (p 2265)

- ▶ recommendation of Te Matakahuki to establish an independent entity for Kaupapa Māori education;
- ▶ numerous requests from Te Rūnanga Nui to establish an autonomous Kaupapa Māori body, including in its He Ara Motuhake submission; and
- ▶ the recommendation of the Taskforce to establish an autonomous body to strengthen Kaupapa Māori education, with representation from Te Rūnanga Nui and Ngā Kura ā Iwi (Recommendation 4(a)).

#### 5.5.4 The Crown's actions after August 2022

##### 5.5.4.1 How did the Crown progress policy work after the August 2022 report?

After receiving Ministers' feedback on the August 2022 education report, the Ministry began drafting a Cabinet paper. As above, we do not detail these drafts in depth as none were presented to Cabinet and therefore the August 2022 education report has remained our focus.

Mr Jackson and Dr Schöllmann told us, however, the process of developing the papers involved discussions with Ministers and their advisers and input from Te Pae Roa.<sup>513</sup> At a high level, the Cabinet papers drafts, all based on the August 2022 education report, varied in relation to their recommendation to establish an independent entity (recommending Cabinet agree to its establishment, agree in principle to its establishment, or agree to consult on its establishment).<sup>514</sup> A consistent aspect of the papers was also a recommendation that Te Pae Roa and Te Matakahuki be involved in the development of a road map for implementing reforms.<sup>515</sup> Ultimately, no Cabinet paper went to Cabinet in 2022. Mr Jackson and Dr Schöllmann explained that Ministers decided a paper would not go ahead at that time due to limited available space in the Cabinet's agenda before the end of the year.<sup>516</sup> Instead, Associate Minister Davis submitted an oral item to the Te Arawhiti – Māori Crown Relations Committee.<sup>517</sup> The Cabinet minute records that on 13 December 2022, the committee:

- ▶ noted that both Te Pae Roa and Te Matakahuki had delivered independent reports on how to support Māori Medium education and grow Kaupapa Māori education;
- ▶ noted that both reports, after consultation with Māori, recommended the establishment of an independent statutory entity to lead the further development of Māori Medium and Kaupapa Māori education;
- ▶ noted that the establishment of an independent entity should be considered following further work on the work programme priorities identified in

---

513. Jackson and Schöllmann, brief of evidence (doc B28), p 30

514. Ibid, p 29; Jackson and Schöllmann, appendix to brief of evidence (doc B28(b)), app 2, pp [1]–[2]

515. Jackson and Schöllmann, brief of evidence (doc B28), p 29

516. Ibid, p 30

517. Cabinet Māori Crown Relations – Te Arawhiti Committee, 'Oral Item: Release of the Te Pae Roa and Te Matakahuki Reports and Māori Medium and Kaupapa Māori Education Work Programme Approach for 2023', minute of decision, 13 December 2022, pp 1–2 (Crown counsel, supporting documents (doc B30), pp 2858–2859)

both independent reports, the September 2021 Cabinet Paper and a formal Programme Business Case;

- ▶ invited the Associate Minister to progress work on leadership and prioritisation of the Māori Medium and Kaupapa Māori education work programme in 2023, including the development of a formal Programme Business Case and to report back to Cabinet with the results of this work for further decisions in June 2023; and
- ▶ noted that the independent reports from both Te Pae Roa and Te Matakahuki were to be publicly released.<sup>518</sup>

Two days later, on 14 December 2022, this claim was granted urgency.

#### **5.5.4.2 Engagement between the Crown and Te Rūnanga Nui**

##### **5.5.4.2.1 August 2022 – Te Matakahuki request a copy of the final education report**

After Te Matakahuki provided its report, claimant witnesses told us they felt shut out, without a clear sense of how its report had been received or what decisions had been made by Minister Hipkins and Associate Minister Davis. Ms Maika and Mr Campbell told us that they were ‘not invited to discuss our Report with the Ministry, to sit in on meetings with Ministers or even to meet with Ministers to discuss the Te Matakahuki Report or the Education Report.’<sup>519</sup> Similarly, Arapine Walker, one of the report writers for the Te Matakahuki report told us, ‘I think the Crown has just been looking for the easiest pathway. They did not want to meet and discuss the report, or the rationale for our conclusions.’<sup>520</sup>

The claimants’ desire to understand the process is clearly captured in emails sent to the Ministry by Ms Maika and Mr Campbell in early August 2022. Ms Maika asked, for example, if the Te Pae Roa report would be summarised and its recommendation analysed, by the Ministry in its education report, when the Minister would be meeting with Te Pae Roa, and if Te Pae Roa would be submitting its own Cabinet paper.<sup>521</sup> Mr Campbell asked to confirm when the Cabinet paper was due to Cabinet.<sup>522</sup>

On 10 August 2022, Ministry officials met with Ms Maika and Mr Campbell. Ministry minutes of the hui record that officials explained Ministers had received the Ministry, the Te Matakahuki and the Te Pae Roa reports, but had not made any decisions.<sup>523</sup> Officials relayed the purpose of their advice, which was to present Ministers options from a kāwanatanga perspective and that they had ‘made sure’

---

518. Cabinet Māori Crown Relations – Te Arawhiti Committee, ‘Oral Item’, minute of decision, pp1–2 (Crown counsel, supporting documents (doc B30), pp 2858–2859)

519. Campbell and Maika, brief of evidence (doc B26), p [19]

520. Arapine Walker, brief of evidence, 14 April 2023 (doc B16(b)), p 6

521. Mahinarangi Maika to Andy Jackson, Daryn Bean and Hohepa Campbell, 3 August 2022 (supplementary bundle of documents (doc B38), p [16])

522. Hohepa Campbell to Daryn Bean, Andy Jackson and Mahinarangi Maika, 2 August 2022 (supplementary bundle of documents (doc B38), p [13])

523. Darren Nathan to Andy Jackson and Daryn Bean, 16 August 2022 (supplementary bundle of documents (doc B38), p [28])



the views of Te Pae Roa and Te Matakahuki were ‘presented equally’.<sup>524</sup> Officials could not disclose which package Associate Minister Davis preferred as this was held in confidence. Furthermore, the Minister’s personal opinion was not the decision of the Crown – this would be for Cabinet to ultimately decide.<sup>525</sup> Ms Maika and Mr Campbell requested a copy of the final education report and inquired whether the Minister had asked to meet with Te Matakahuki. Ministry officials agreed to follow up on both accounts.<sup>526</sup> Ms Maika and Mr Campbell outlined this was a matter of urgency for it; it was aware of the Cabinet process and stressed that Te Matakahuki ‘are answerable to our whānau’.<sup>527</sup> They also urged the Ministry to ‘[e]nsure we honour the Mediation Agreement’, noting it had ‘actioned that mahi’ (producing the Te Matakahuki report).<sup>528</sup>

Two and a half weeks later, on 29 August 2022, the Associate Minister wrote to Te Matakahuki, thanking it for the ‘time, effort and care that has gone into this advice’ and advising he had requested officials share the final education report with Te Matakahuki in confidence.<sup>529</sup> Next, the Associate Minister would discuss the report with his ‘Ministerial colleagues, before seeking Cabinet decisions later this year.’ He told them it would ‘not be until after Cabinet has made its decisions that the Education Report and Cabinet Paper will be publicly released.’<sup>530</sup> The Associate Minister had asked officials to regularly meet with Te Matakahuki to keep it ‘informed as we work through the process of the next few critical weeks.’<sup>531</sup> He concluded, ‘Te Matakahuki remains an important partner and will continue to have the opportunity to participate.’<sup>532</sup> We note that, despite requests from Te Matakahuki, the Minister did not offer to meet with it personally.

#### **5.5.4.2.2 September 2022 – Te Matakahuki receive a copy of the final education report**

Te Matakahuki received a copy of the final education report in early September 2022.<sup>533</sup> Claimant witnesses told us the following about their experience of receiving the final report. Ms Maika and Mr Campbell told us that this version was ‘materially different’ to the draft Te Matakahuki provided feedback on in August 2022.<sup>534</sup> As we did not see the version of the draft education report provided to Te Matakahuki, we cannot verify this statement. However, we do note the Ministry’s covering email stated the report was in draft form and subject to change. Mr

---

524. Nathan to Jackson and Bean, p [1] (supplementary bundle of documents (doc B38), p [28])

525. *Ibid*

526. *Ibid*, pp [1]–[2] (pp [28]–[29])

527. *Ibid*, p [2] (p [29])

528. *Ibid*, p [1] (p [28])

529. Associate Minister Davis to Raniera Procter (Te Matakahuki), 29 August 2022, p [1] (Crown counsel, supporting documents (doc B30), p 2476)

530. *Ibid*

531. *Ibid*

532. *Ibid*, p [2] (p 2477)

533. Andy Jackson, brief of evidence, 22 November 2022 (doc A14), p 3, Mahinarangi Maika and Hohepa Campbell, brief of evidence, 24 November 2022 (doc A16), p 4

534. Maika and Campbell, brief of evidence (doc A16), p 5

Campbell and Ms Maika also told us they were saddened to see so little of their feedback reflected in the final version and felt their report ‘had simply been tacked on at the end.’<sup>535</sup> In their view, the substance of the Te Matakahuki report was not adequately or accurately reflected in the Ministry’s advice in general, and in the packages of reform proposed and recommendations put to the Ministers in particular.<sup>536</sup> We also note the Ministry did not include its recommendation as one of the options available to the Ministers to choose from in their recommendation section (‘Package Five’). In addition, the packages proposed by the Ministry continued to encompass Kaupapa Māori and Māori Medium education collectively, something Te Matakahuki had repeatedly advised it opposed.<sup>537</sup> Ms Selby told us the continued conflation ‘was offensive to the Kaupapa Māori movement, and the very reason we had declined to participate in the process from the outset.’<sup>538</sup> Rawiri Wright told us this experience made him feel that, after an exerting effort to complete their report in time for the Crown’s timeline, the views of Te Matakahuki had been ‘dismissed’; ‘[n]o one seemed to take our proposals seriously or wanted to engage with us about what was in the report.’<sup>539</sup>

Mr Procter told us the Te Matakahuki report had been:

manipulated to suit the narrative and policy options that had already formed within the Ministry. The Crown did not provide the context for our Kaupapa and therefore our position. For example, the Crown did not set out our concerns around equity for our Kaupapa.<sup>540</sup>

Mr Campbell and Ms Maika agreed the report did not ‘fairly represent the Te Matakahuki report or Te Rūnanga Nui’s aspirations.’<sup>541</sup> They said ‘the Crown’s misrepresentation and misunderstanding causes further harm to our Kaupapa, such as for example a suggestion that we were a “restricted” pathway.’<sup>542</sup>

We also heard from Dr Dewes and Rawiri Wright that the experience of producing their report during this process and its juxtaposition against the work of Te Pae Roa, was ‘unnecessarily divisive of our people.’<sup>543</sup> They told us the process had ‘split Māori opinion on the differences between Māori-medium education and Kaupapa Māori education, and the reforms required for both to thrive’ and sowed ‘confusion amongst our people about Māori representation and what constitutes Kaupapa Māori education, and tested whanaungatanga relationships both per-

535. Maika and Campbell, brief of evidence (doc A16), p 5; Maika and Campbell, brief of evidence (doc B26), p [20]

536. Campbell and Maika, brief of evidence (doc A16), p 5; Campbell and Maika, brief of evidence (doc B26), p [20]

537. Campbell and Maika, brief of evidence (doc A16), p 5

538. Selby, brief of evidence (doc B23), p 11

539. Rawiri Wright, brief of evidence (doc B22), p 22

540. Procter, brief of evidence (doc B24), p 4

541. Campbell and Maika, brief of evidence (doc B26), p [20]

542. Ibid

543. Cathy Dewes and Rawiri Wright, brief of evidence, 10 November 2022 (doc A12), p 3

sonal and professional.<sup>544</sup> As a consequence, Dr Dewes and Rawiri Wright told us Te Rūnanga Nui suffered harm, including having to publicly defend its non-participation in the Crown's process; defend the 'false perception that our kaupapa is somehow "exclusive", when our desire is that it is the birthright of all tamariki Māori'; having to defend its tino rangatiratanga over Kura Kaupapa Māori; having to maintain 'kaitiakitanga over the Kaupapa Māori education pathway, while reassuring whānau that we are still trying to best represent their interests in this reform process'; and producing its report 'in an extremely short timeframe to influence the Crown's policy process . . . with no guarantee that it would'.<sup>545</sup> Dr Dewes and Rawiri Wright told us this caused reputational harm to Te Rūnanga Nui and 'exhausted our already stretched human resources'.<sup>546</sup> Similarly, Ms Maika and Mr Campbell told us a false perception that was being created was that they sought 'exclusive' treatment or that it was 'holding other te reo Māori pathways in the mainstream back' and that this harmed their kaupapa.<sup>547</sup> Mr Procter told us Te Matakahuki were 'painted as "exclusive" and "closed entry", ignoring that the foundation of these Kaupapa is whānau development and management and the notion of the whole whānau learning together'.<sup>548</sup>

Crown witnesses did not agree the Te Matakahuki report had been dismissed or was not influential. Mr Jackson told us that its 'proposals ha[d] been taken seriously and have directly and materially influenced the option development process'.<sup>549</sup> Specifically, Mr Jackson and Dr Schöllmann told us the Te Matakahuki report was influential in two ways.<sup>550</sup> First, it had contributed to the Crown revisiting the prospect of an independent entity despite it being publicly dismissed as an option in 2021.<sup>551</sup> Dr Schöllmann advised this option was presented, despite Cabinet's September 2019 decision, 'because of the strength of feedback from Māori' and 'the clear validity of the proposal grounded in our Treaty analysis'. She noted relitigating prior Cabinet decisions like this was unusual, but officials 'felt it was the right thing to do'.<sup>552</sup> Second, other elements of the Te Matakahuki report were included in advice to Ministers.<sup>553</sup> This included, for example, the recommendation to gazette and fund Te Marautanga o Te Aho Matua, which was included in the August 2022 education report, and the recommendation to change the designation of Kura Kaupapa Māori as 'designated character schools' under

---

544. Ibid

545. Ibid, p 4

546. Ibid

547. Maika and Campbell, brief of evidence (doc A13), p 7

548. Procter, brief of evidence (doc B24), p 4

549. Jackson, brief of evidence (doc A14), p 11

550. Ibid, pp 11–12; Jackson and Schöllmann, brief of evidence (doc B28), p 26

551. Jackson, brief of evidence (doc A14), pp 11–12; Jackson and Schöllmann, brief of evidence (doc B28), p 26

552. Transcript 4.1.6, p 118

553. Jackson, brief of evidence (doc A14), pp 11–12; Jackson and Schöllmann, brief of evidence (doc B28), p 26

the Education and Training Act 2020.<sup>554</sup> We note this last change is beyond the scope of this inquiry (as discussed in section 4.2.2.1).

We note the Ministry appears to have made other changes to the education report packages relevant to Kura Kaupapa Māori – both after receipt of the Te Matakahuki report and after receipt of feedback from Te Matakahuki on the draft report. For example, a comparison of the 22 and 29 July 2022 drafts shows the Ministry added the gazettal and funding of Te Marautanga o Te Aho Matua to Package One on the same day as it received the Te Matakahuki report.<sup>555</sup>

After 1 August 2022 – the date Te Matakahuki provided its feedback on the Ministry’s draft education report – the Ministry then added an objective to the Package One funding review. Although earlier draft reports contained the review, the final education report specified that the review should seek ‘to identify options for providing further governance authority for Kaupapa Māori.’<sup>556</sup> Additionally, whereas earlier drafts had suggested functions under Package Four be transferred to either an independent entity or Te Mātāwai (an independent statutory entity established under Te Ture mō Te Reo Māori Act 2016/Māori Language Act 2016),<sup>557</sup> a 1 August 2022 draft and the final report only proposed devolution to an independent entity.<sup>558</sup> The final report also contained different recommendations to earlier drafts. Whereas previous drafts recommended public consultation on either all four packages or their preferred package(s),<sup>559</sup> the final report recommended agreement to Package One, discussion of which elements of the other

554. Jackson and Schöllmann, brief of evidence (doc B28), p 26

555. Ministry of Education, ‘Draft Education Report: Māori Medium/Kaupapa Māori Education’, p [18] (Crown counsel, supporting documents (doc B30), p 2131); Ministry of Education, ‘Draft Education Report: Māori Medium/Kaupapa Māori Education’ (Crown counsel, supporting documents (doc B30), pp 2171–2172)

556. Ministry of Education, ‘Education Report: Māori Medium/Kaupapa Māori Education’ (Crown counsel, supporting documents (doc B30), p 2284); Ministry of Education, ‘Draft Education Report: Māori Medium/Kaupapa Māori Education’ (Crown counsel, supporting documents (doc B30), p 2204)

557. Ministry of Education, ‘Draft Education Report: Māori Medium/Kaupapa Māori Education’ (Crown counsel, supporting documents (doc B30), p 2135); Ministry of Education, ‘Draft Education Report: Māori Medium/Kaupapa Māori Education’ (Crown counsel, supporting documents (doc B30), p 2175); Ministry of Education, ‘Draft Education Report: Māori Medium/Kaupapa Māori Education’ (Crown counsel, supporting documents (doc B30), p 2240)

558. Ministry of Education, ‘Draft Education Report: Māori Medium/Kaupapa Māori Education’ (Crown counsel, supporting documents (doc B30), p 2208); Ministry of Education, ‘Education Report: Māori Medium/Kaupapa Māori Education’ (Crown counsel, supporting documents (doc B30), p 2288)

559. Ministry of Education, ‘Draft Education Report: Māori Medium/Kaupapa Māori Education’ (Crown counsel, supporting documents (doc B30), p 2115); Ministry of Education, ‘Draft Education Report: Māori Medium/Kaupapa Māori Education’ (Crown counsel, supporting documents (doc B30), p 2160); Ministry of Education, ‘Draft Education Report: Māori Medium/Kaupapa Māori Education’ (Crown counsel, supporting documents (doc B30), p 2189); Ministry of Education, ‘Draft Education Report: Māori Medium/Kaupapa Māori Education’ (Crown counsel, supporting documents (doc B30), p 2220)

packages Ministers wished to pursue in the immediate term and asked Ministers to signal if they wished to progress Package Four over time.<sup>560</sup>

#### 5.5.4.2.3 The parties' interactions after September 2022

While Te Matakahuki now had a copy of the final education report, the claimant witnesses told us they still felt left in the dark about the progress of the Cabinet paper. Ms Maika and Mr Campbell told us they:

struggled to obtain any clear insight into the intended process and timing for key decisions. For instance, the Crown would not provide us with clear indications of timeframes or even at what stage in the process we might be included in the drafting of any Cabinet Paper. This was not the joint process we had envisaged.<sup>561</sup>

They said further the:

process and lack of clear communication from the Crown in recent months follows the poor process that characterized the initiation of the Crown's Tomorrow's Schools reform programme. Te Rūnanga Nui are only privy to information when it suits the Crown – there is no genuine opportunity for Te Rūnanga Nui to determine our own pathways in respect of our Kaupapa or even to co-design a new framework with the Ministry.<sup>562</sup>

We heard from Ms Maika and Mr Campbell that they were also 'challenged by the inherent confidentiality in that process, which involved the Education Report material that was potentially part of a Cabinet process and limited what we were able to share.'<sup>563</sup>

Crown witnesses agreed the process may not always have been clear to the claimants. Mr Jackson accepted 'aspects of this process that were internal to the Crown appeared opaque to Te Rūnanga Nui.'<sup>564</sup> Dr Bean admitted progress in policy work from the August 2022 education report to a potential Cabinet paper was not 'well communicated' to Te Matakahuki.<sup>565</sup> Dr Schöllmann and Mr Jackson told us the following about the reason why information was not more forthcoming:

As described above in reference to the Tomorrow's Schools Cabinet paper, officials have to seek permission from Ministers at times in the development of advice as to what Ministers are prepared to engage on. This was the case here too. Officials sought

---

560. Ministry of Education, 'Education Report: Māori Medium/Kaupapa Māori Education' (Crown counsel, supporting documents (doc B30), p 2264)

561. Maika and Campbell, brief of evidence (doc B26), p [21]

562. Maika and Campbell, brief of evidence (doc A13), p 5

563. Maika and Campbell, brief of evidence (doc B26), p [22]

564. Jackson, brief of evidence (doc A14), p 11

565. Transcript 4.1.6, p 205

permission to consult with Te Matakahuki on draft Cabinet papers, but Ministers wanted to discuss drafts of the Cabinet paper first, before this was done.<sup>566</sup>

Internal emails show Ministry officials in August 2022 debated the level of access Te Matakahuki should receive. Mr Nathan believed Te Matakahuki deserved the ‘same level of service’ that Te Pae Roa received ‘in terms of sharing who is doing what and when.’<sup>567</sup> His email noted transparency and clarity would also reduce the risk of confusion or misunderstandings, which appeared to still be occurring ‘through no fault of theirs’ [of Te Matakahuki].<sup>568</sup> However, Mr Jackson drew a distinction between the Crown’s relationship with Te Pae Roa and its relationship with Te Matakahuki, noting the groups had ‘different mandates’ and that Te ‘Matakahuki has chosen a particular relationship with the Crown’ that changed the degree of policy process access the Ministry could offer it; ‘As an example, we are not going to be able to brief them every step of the way as we would Te Pae Roa, if they are wanting to preserve their right to publish things part-way through a policy process.’<sup>569</sup> We understand Mr Jackson’s reference to publication refers to the desire of Te Matakahuki to publicly release its report.<sup>570</sup> In a later, separate email, Mr Jackson also described that the Mediation Agreement between the Ministry and Te Rūnanga Nui provided for the views of Te Rūnanga Nui to be clearly expressed in a Cabinet paper, but ‘[t]hat is not the same as co-designing the policy process together which is not what the agreement says.’<sup>571</sup>

We think it is important to highlight another internal Ministry email chain started by Mr Jackson from November 2022, regarding the possible gazettal of Te Marautanga o Te Aho Matua. The subject line of the email was ‘Talking points re Te Aho Matua’ (*sic*). We note the misspelling of Te Aho Matua. Whilst on the face of it this is simply a misspelling, to the Tribunal it was symptomatic of the Ministry’s lack of understanding of Kura Kaupapa Māori, despite the movement’s over 30-year existence and its unwillingness to genuinely work with Te Rūnanga Nui and Te Matakahuki on this kaupapa. In this email, Mr Jackson described his disagreement with the view of ‘Daryn’s [Dr Bean’s] group’ that the Ministry should have engaged with Te Rūnanga Nui throughout the Cabinet development process, ‘including discussing TAM [Te Aho Matua] with them before we talked to Ministers.’<sup>572</sup> Mr Jackson concludes by emphasising decision on this point, writing, ‘I refused!’<sup>573</sup> Ultimately, Te Pae Roa provided input into the development of

---

566. Jackson and Schöllmann, brief of evidence (doc B28), p 30

567. Darren Nathan to Daryn Bean, 9 August 2022 (supplementary bundle of documents (doc B38), p [20])

568. Ibid

569. Andy Jackson to Daryn Bean and Darren Nathan, 10 August 2022 (supplementary bundle of documents (doc B38), p [22])

570. Nathan to Bean (supplementary bundle of documents (doc B38), p [20])

571. Andy Jackson to Daryn Bean and Andrea Schöllmann, 28 September 2022 (supplementary bundle for cross-examination (doc B35), p 27)

572. Andy Jackson to Iona Holsted, Ellen MacGregor-Reid, and Andrea Schöllmann, 9 November 2022 (supplementary bundle for cross-examination (doc B35), p 11)

573. Ibid

Cabinet paper drafts, Te Matakahuki did not. The Ministry's approach of involving Te Pae Roa in policy development, but excluding Te Matakahuki, evidently continued even after the August 2022 education report was completed.

Even with the confidentiality of the Cabinet paper process, Mr Jackson said Ministry officials did try to explain the process to Te Matakahuki at several junctures, including at the hui on 10 August 2022 and in written correspondence.<sup>574</sup> Mr Jackson explained in early August 2022 that the Ministry expected a paper to go to Cabinet in October 2022 but made the point that Cabinet timetables often change.<sup>575</sup> Ms Maika and Mr Campbell acknowledged they had received 'snippets of information' about the Cabinet paper process, but noted it was only forthcoming after repeated requests.<sup>576</sup> To the extent they were advised of anything, they said it remained unclear to them 'what was happening and why it was happening.'<sup>577</sup> They were not told, for example, that Te Pae Roa had been involved in the development of the Cabinet paper drafts.<sup>578</sup>

On 22 September 2022, Mr Campbell emailed the Ministry asking if the Cabinet paper had been drafted and the date it would be submitted to Cabinet.<sup>579</sup> The next day, Mr Jackson replied the paper was still in the internal drafting process and had not yet been submitted to Associate Minister Davis. Once Associate Minister Davis received the paper and any feedback was implemented, it would go to other departments and Ministers for consultation before any final changes are made and it is submitted to Cabinet. Officials did not have a firm date for when the paper would go to Cabinet, which would likely depend on the amount of feedback the Ministry received during the process. Mr Jackson suggested the Ministry engage first with the Associate Minister's office and then 'come back to you with a proposal about which stage(s) in the process to share a draft with you.'<sup>580</sup>

On 28 September 2022, Dr Dewes and Rawiri Wright wrote to Ms Holsted on behalf of Te Rūnanga Nui with 'serious concerns' regarding the 'process adopted by the Ministry in providing its advice to the Ministers on the Māori-medium work programme and the Te Matakahuki report.'<sup>581</sup> It was concerned that the Ministry:

- ▶ In parallel to the Te Matakahuki and Te Pae Roa reports, had developed its own advice to Ministers on the reform of Māori Medium and Kaupapa Māori education without reference to or communication with to Te Matakahuki or Te Rūnanga Nui;<sup>582</sup>

---

574. Jackson, brief of evidence (doc A14), p 6

575. Andy Jackson to Daryn Bean, Hohepa Campbell, and Mahinarangi Maika, 3 August 2022 (supplementary bundle of documents (doc B38), p[15])

576. Maika and Campbell, brief of evidence (doc A16), p 7

577. Ibid

578. Ibid

579. Hohepa Campbell to Daryn Bean and Andy Jackson, 22 September 2022 (Hohepa Campbell and Mahinarangi Maika, supporting documents (doc B26(a)), p 326)

580. Andy Jackson to Hohepa Campbell and Daryn Bean, 23 September 2022 (Hohepa Campbell and Mahinarangi Maika, supporting documents (doc B26(a)), p 326)

581. Cathy Dewes and Rawiri Wright to Iona Holsted, 28 September 2022 (Crown counsel, supporting documents (doc B30), p 1843)

582. Ibid

- ▶ had not responded to questions or concerns from Te Matakahuki or Te Rūnanga Nui, such as its 3 August 2022 feedback on the draft education report;<sup>583</sup>
- ▶ did not reflect comments and concerns raised by Te Matakahuki and Te Rūnanga Nui regarding the Ministry's process or draft advice in its final education report to Ministers;<sup>584</sup>
- ▶ had not shared information with Te Matakahuki regarding the current timeline and proposed next steps for a Cabinet paper and Cabinet decisions;<sup>585</sup>
- ▶ had not arranged the regular hui indicated in Associate Minister's 29 August 2022 letter in the preceding weeks;<sup>586</sup> and
- ▶ had not arranged for Te Matakahuki to meet with Ministers to discuss its 'views as Treaty partners' despite its requests.<sup>587</sup>

The letter alleged the Ministry's actions had undermined the Mediation Agreement with Te Rūnanga Nui,<sup>588</sup> specifically the agreement clause which recorded Te Rūnanga Nui 'consider that their views should be reflected in any paper taken to Cabinet by the Associate Minister in a similar manner to those of Te Pae Roa (and that Te Rūnanga Nui would have opportunity to comment on how their views are presented in that paper)'.<sup>589</sup> 'Given the invisibility' of its report in the Ministry's advice, Te Matakahuki was not confident its views would be 'meaningfully reflected in any Cabinet papers or have any influence in this process going forward'.<sup>590</sup> The Ministry's parallel development of advice also failed to 'reflect the principles underlining the mediation agreement'.<sup>591</sup> Te Matakahuki said it had 'expected to engage in a pono and tika process co-designed by Treaty partners. The Ministry's conduct in the past few weeks simply does not reflect that this is a bespoke policy development process designed and agreed under an agreement mediated by the Waitangi Tribunal' and requested a hui to discuss its concerns.<sup>592</sup>

On 29 September 2022, Te Matakahuki wrote to Associate Minister Davis, noting its receipt of the final education report and that it was reviewing its contents.<sup>593</sup> Te Matakahuki referred to Associate Minister Davis' upcoming discussions with his Ministerial colleagues, referenced in his letter dated 29 August 2022.<sup>594</sup> Te Matakahuki said it anticipated its report would be an important consideration in

---

583. Dewes and Wright to Holsted, 28 September 2022 (Crown counsel, supporting documents (doc B30), pp 1843–1844)

584. Ibid, p 2 (Crown counsel, supporting documents (doc B30), p 1844)

585. Ibid

586. Ibid

587. Ibid

588. Ibid (p 1845)

589. Mediation Agreement (paper 2.5.11(b)), pp 3–4

590. Dewes and Wright to Holsted (Crown counsel, supporting documents (doc B30), p 1844)

591. Ibid (p 1843)

592. Ibid (pp 1845–1846)

593. Raniera Procter to Kelvin Davis, 29 September 2022 (Crown counsel, supporting documents (doc B30), pp 2619, 2620)

594. Ibid (p 2620)



these discussions and therefore requested to meet ‘ā-kanohi so that we may speak to the vision and aspirations articulated in our Report and discuss directly with you the future of the relationship between Te Matakahuki and the Crown.’<sup>595</sup>

After several requests for a hui with the Minister to discuss its report, the Associate Minister met with Te Matakahuki on 26 October 2022. This was nearly three months after it had provided its report. Te Matakahuki minutes from the hui record that Associate Minister Davis said he had ‘read and understood’ the Te Matakahuki report and shared ‘the same aspiration in the form of a Māori Education Authority (MEA) eventually. We may disagree on the form but not the principal idea.’<sup>596</sup> However, he informed attendees: ‘This work has hit some headwind and the prospect of an MEA has been put on hold.’<sup>597</sup> The minutes record that the Associate Minister apologised for the process and indicated he would work with the Ministry to ‘advance other aspects of the work programme and look again at the situation next year.’<sup>598</sup> Mr Campbell responded that he did not trust the Ministry to protect their kaupapa, the ‘current reforms are causing irreversible harm to our kaupapa’, the Ministry was disregarding the recommendations from the Tomorrow’s Schools report and ‘appealed to the Minister to protect our kaupapa properly.’<sup>599</sup> Ms Selby supported Mr Campbell’s kōrero and added that the first step before forming an MEA needed to be official recognition of the difference between Kaupapa Māori and Māori Medium education.<sup>600</sup> Finally, Mr Procter ‘appealed to the Minister to lean into the powerhouse that is Te Matakahuki and trust we have the same vision for our kaupapa.’<sup>601</sup>

The Associate Minister referred to ‘headwinds’ stymying work on an independent entity. We note Dr Schöllmann and Mr Jackson later described a different rationale, instead referring to the different views of Te Pae Roa and Te Matakahuki as the reason:

Ministers decided that, given the differences between Te Pae Roa and Te Matakahuki on what an independent entity should govern, it was premature to decide, even in principle, on its establishment, until such time as further work could be completed on who was best to govern this work and in what way. Given these differences (and perhaps that there are other views held as well by iwi, as outlined during the feedback to the Tomorrow’s Schools recommendation), it would have been difficult to decide on the establishment of an independent entity then, pointing to the need to do further work.<sup>602</sup>

---

595. Ibid

596. Te Matakahuki hui ki te Minita Mātauranga Māori, 26 October 2022 (Crown counsel, supporting documents (doc B30), p 2826)

597. Ibid

598. Ibid

599. Ibid

600. Ibid

601. Ibid (p 2827)

602. Jackson and Schöllmann, brief of evidence (doc B28), p 36

Ms Maika and Mr Campbell told us it had picked up on this difference, stating '[w]e are tired of the Crown trying to blame Māori for its continued inertia and refusal to progress the change that is required.'<sup>603</sup>

Following the 26 October 2022 hui, the Associate Minister wrote to Te Matakahuki on 9 November 2022.<sup>604</sup> His letter acknowledged delays in communicating with Te Matakahuki about the development of the Cabinet paper, stating 'I hope I explained the reasons for that in the meeting'. The Associate Minister stated he was committed to working on a work programme to achieve the 30 per cent stretch goal, but stated that '[h]ow we get there is still to be determined through a work programme' and invited Te Matakahuki to 'shape' it alongside Te Pae Roa and the Ministry.<sup>605</sup>

On 9 November 2022, Te Rūnanga Nui wrote to Minister Hipkins and Associate Minister Davis, informing them, after its previous decision to adjourn, it had decided to resume its application for urgency with the Tribunal.<sup>606</sup> Te Rūnanga Nui remained concerned with the proposed approach and timeframe for progressing the Māori Medium work programme and remained unclear about next steps and timeframes. The Crown's response to its report had been 'minimal' and it had 'no confidence that the Crown has been or is prepared to support and progress our aspirations for our Kaupapa'. It had 'observed that the Crown remains unwilling to truly partner' with it in Treaty terms and it considered the Ministry had 'continued to focus on its own priorities and work program for reform' rather than developing a comprehensive strategy to strengthen its relationship with Te Rūnanga Nui or to address the urgent needs and aspirations of Kura Kaupapa Māori. It said, '[o]verall, we continue to feel that the Crown has engaged in a design and reform process under the guise of kāwanatanga that undermines the rangatiratanga rights of Te Rūnanga Nui and Kura Kaupapa Māori.'<sup>607</sup>

On 21 November 2022, Te Matakahuki wrote to Associate Minister Davis.<sup>608</sup> The group reported being pleased to have had time with the Associate Minister and felt its concerns had been heard, but nonetheless reported being disappointed to learn the proposal for an independent entity would not be considered by Cabinet at that time.<sup>609</sup> Te Matakahuki reiterated that Māori tino rangatiratanga and a parallel Kaupapa Māori education pathway remained the most effective way to grow Kaupapa Māori education.<sup>610</sup> The group communicated its lack of confidence in the Ministry to 'lead any work to grow Kaupapa Māori education'; its experience

603. Maika and Campbell, brief of evidence (doc B34), p 4

604. Kelvin Davis, Associate Minister of Education, to Rāniera Procter, 9 November 2022 (Crown counsel, supporting documents (doc B30), p 2736)

605. *Ibid* (p 2736)

606. Cathy Dewes to Chris Hipkins and Kelvin Davis, 9 November 2022 (Crown counsel, supporting documents (doc B30), pp 2738–2739)

607. *Ibid* (p 2739)

608. Rāniera Procter to Kelvin Davis, 21 November 2022 (Crown counsel, supporting documents (doc B30), pp 2824–2825)

609. *Ibid* (p 2824)

610. *Ibid*

of poor communication in the Cabinet development process and the inadequate response to its report.<sup>611</sup> Te Matakahuki urged the Associate Minister to afford it ‘the opportunity to set our priorities, to lead the design of the work program’ and ‘to direct the associated ministries to enable those aspirations.’<sup>612</sup> While supporting the work of Te Pae Roa in the ‘parallel education setting’, Te Matakahuki stated it had been ‘clear from the outset’ its sole focus was Kaupapa Māori and rejected the ‘continued suggestion’ they work together as ‘undermining and symptomatic of hegemony.’<sup>613</sup> It is telling that on 6 December 2022, Te Arawhiti raised its own concerns with the Ministry progressing policy work despite the concerns of Te Matakahuki. In a response to the final draft version of the Cabinet paper, it noted the paper proposed to progress work on a plan recommended by Te Pae Roa, despite the objections of Te Matakahuki and its refusal to engage in the process. Te Arawhiti advised, ‘[b]y following through with the proposed plan, rather than pausing the plan and looking to bring together a reconciliation with Te Matakahuki, there is a very real risk that an urgent Tribunal inquiry goes ahead’ and recommended the paper show how the Ministry intends to ‘maintain the relationship’ with Te Matakahuki. It said, ‘[i]n our view, working on future governance of Kaupapa Māori education without being able to work cooperatively with Te Matakahuki is not going to lead to a lasting solution.’<sup>614</sup>

As outlined in section 5.5.4.1, the Associate Minister ultimately presented an oral item to Cabinet in December 2022 in lieu of a Cabinet paper. We understand Te Matakahuki was not informed of this minute until 20 January 2023.<sup>615</sup> It was informed by Te Pae Roa and not the Ministry, which Mr Jackson and Dr Schöllmann acknowledged was unfortunate.<sup>616</sup>

#### **5.5.4.2.4 Parties’ descriptions of the Crown’s position at the end of 2022**

Crown witnesses described its position at the end of 2022 as follows. Mr Jackson and Dr Schöllmann told us the Minister had signalled a willingness to consider an independent entity, following further progress on work programme priorities, but had ‘not made any commitments to the timing of that, or its form (noting this is subject to further work being undertaken and is for Māori to develop whilst system aspects are to be developed in partnership with the Crown).’<sup>617</sup> Nevertheless, the Minister had also signalled – and the Ministry agreed – the entity ‘should support and serve all Māori in the education system.’<sup>618</sup> This remit, Mr Jackson and Dr Schöllmann explained, reflected the Crown’s ‘duties to all Māori (under the Treaty

---

611. Ibid (pp 2824, 2825)

612. Ibid (p 2825)

613. Ibid

614. Mark Bradley to Andrea Schollmann, 6 December 2022 (supplementary bundle for cross-examination (doc B35)), p 18

615. Raniera Procter to Kelvin Davis, 3 February 2023 (Crown counsel, supporting documents (doc B30), p 2887)

616. Jackson and Schöllmann, brief of evidence (doc B28), p 32

617. Ibid, p 33

618. Ibid

and because the schooling sector is compulsory and fully funded) and to running an effective and efficient education service as a whole<sup>619</sup>

Mr Jackson and Dr Schöllmann explained the Crown was nevertheless ‘eager to engage’ with Te Rūnanga Nui on ways to grow its ‘leadership, governance and control over their kaupapa’ and considered the parties could make ‘considerable progress at a practical level in relation to the key elements of the proposed work programme’.<sup>620</sup> Dr Bean and Mr Nathan told us the details of the work programme are ‘yet to be determined (in many ways, we’re still at square one)’ and there was still scope within the work programme to address issues consistently raised by Te Rūnanga Nui.<sup>621</sup> Dr Bean and Mr Nathan counselled that jumping straight ‘to the “what” of a statutory authority’ was unhelpful and said current efforts were ‘aimed towards the “how”, that is, working on critical elements of the system as building blocks for a future that is not yet defined’.<sup>622</sup> They said a ‘key issue’ was the leadership of the work programme and that this was something the Ministry saw Te Pae Roa and Te Matakahuki needing to work through.<sup>623</sup>

Ultimately, as no paper went to Cabinet in 2022, the position reached in the December 2022 oral item was to publicly release the Te Pae Roa and Te Matakahuki reports and to progress work programme priorities ahead of further work and future consideration of an independent entity.<sup>624</sup> Mr Jackson and Dr Schöllmann observed that, ‘while there is opportunity to grow Māori agency and authority in these workstreams . . . they clearly don’t represent the desire of either Te Pae Roa and the people it talked to or the desire of Te Matakahuki to establish an independent entity that governs and leads Māori medium and/or kaupapa Māori education’.<sup>625</sup>

Mr Campbell and Ms Maika told us the Crown had ultimately ‘sought to control the scope and direction of reform in relation to Kura Kaupapa Māori’ and, ‘[d]espite our continued engagement, the Crown retains ultimate authority over next steps’.<sup>626</sup> Dr Dewes and Rawiri Wright argued the Crown’s reforms were designed to meet its objectives and priorities, and not those of Te Rūnanga Nui and Kura Kaupapa Māori.<sup>627</sup> They commented it seemed as if ‘it is only the Crown that will determine what “agency and authority” it wishes to give to Māori, including through its reform programme. Fundamentally, the Crown still thinks it is best placed to judge when Māori will be ready to have control over Kaupapa Māori education – if ever’.<sup>628</sup> Mr Campbell and Ms Maika told us they remained concerned the reform programme would assimilate Kura Kaupapa Māori into the

---

619. Jackson and Schöllmann, brief of evidence (doc B28), p 33

620. *Ibid*, p 36

621. Bean and Nathan, brief of evidence (doc B31), p 37

622. *Ibid*

623. *Ibid*

624. Jackson and Schöllmann, brief of evidence (doc B28), pp 30–31

625. *Ibid*, p 35

626. Maika and Campbell, brief of evidence (doc A13), p 7

627. Dewes and Wright, brief of evidence (doc A12), p 6

628. *Ibid*, p 7

mainstream education system.<sup>629</sup> Dr Dewes and Rawiri Wright said if the Ministry continued with its reforms, it would ‘continue to harm Kura Kaupapa Māori, because we are not reflected in the reforms.’<sup>630</sup>

## **5.6 DID THE CROWN PROGRESS POLICY WORK TO ‘GROW MĀORI MEDIUM AND KAUPAPA MĀORI EDUCATION’ IN 2021 AND 2022 IN A TREATY COMPLIANT MANNER?**

We now turn to our analysis of the Treaty consistency of the Crown’s policy work in 2021 and 2022. We begin by examining two core documents in the policy development process during this period – the September 2021 Cabinet paper and the August 2022 education report. We end by discussing the Treaty compliance of the policy position the Crown reached in the wake of the August 2022 education report, as informed by what Crown witnesses told us during our hearings in mid-2023.

### **5.6.1 The September 2021 Cabinet paper**

The claimants told us they were excluded from the development of the September 2021 Cabinet Paper. For its part, the Crown argued that while it did not conduct bespoke consultation with Te Rūnanga Nui as the paper was developed, it also did not breach the Treaty. In the Crown’s account, the approach it adopted was Treaty consistent because it had material about the aspirations of Te Rūnanga Nui from previous engagement that informed its work. We do not accept this argument, for the reasons we outline below.

We found earlier that the Crown had a partnership and active protection duty to consult with the claimants before deciding to initiate the Tomorrow’s Schools review, when developing the Terms of Reference and when appointing members to the Taskforce. This duty applies not only to final policy decisions, but also to key steps in the development of policy. Under these principles, the Crown is also obliged to clearly communicate policy decisions affecting Kura Kaupapa Māori and ensure Te Rūnanga Nui have a meaningful role in shaping policy, as we discussed in chapter 3.

These Treaty duties are heightened by the particular context of the Crown’s relationship with Te Rūnanga Nui. In Te Tauākī Kawa, the Crown committed to ‘early engagement’ with Te Rūnanga Nui and to work with the claimants in ‘a spirit of co-operation, good faith and mutual respect.’<sup>631</sup> Further, the Crown explicitly recognised Te Rūnanga Nui as the kaitiaki of Te Aho Matua in the Education and Training Act 2020.<sup>632</sup> The claimants must be kept informed about and involved in policy decisions so they can fulfil this important role as kaitiaki.

---

629. Campbell and Maika, brief of evidence (doc B26), p [23]

630. Dewes and Wright, brief of evidence (doc A12), p 6

631. The Tumuaki of Te Rūnanga Nui o Ngā Kura Kaupapa Māori o Aotearoa and the Secretary of Education ‘Te Tauākī Kawa – A Memorandum of Understanding’, 20 December 2019, p 2 (Crown counsel, supporting documents (doc B30), p 1146)

632. Education and Training Act 2020, s10

We further note the place of Kura Kaupapa Māori in the compulsory schooling sector. Ms Holsted told us '[c]ompulsion and full funding result in greater duties existing for the Government for the schooling sector than other sectors.'<sup>633</sup> While this is true, these heightened responsibilities cannot be used as a proxy for unfettered kāwanatanga powers. Any heightened responsibilities are matched by heightened obligations to exercise kāwanatanga powers in a way that honours the Treaty partnership – including by engaging sufficiently with Te Rūnanga Nui before making policy decisions and keeping Te Rūnanga Nui informed about the policies impacting Kura Kaupapa Māori.

**5.6.1.1 *Did the Crown work with Te Rūnanga Nui to shape the policy framework set out in the Cabinet paper, or adequately inform the claimants about its contents?***

The September 2021 Cabinet Paper does not provide the specifics of a Māori Medium work programme – instead directing the Ministry to develop these in conjunction with the Oversight Group. However, the paper nonetheless represented a key decision that directly affected the development of policy affecting Kura Kaupapa Māori at the time, by setting two important parameters for the future Māori Medium work programme. The first was the decision to not pursue an autonomous governance entity for Māori Medium (or Kaupapa Māori) education. Second, the framework set out in the Cabinet paper was broad – the future work programme would encompass all Level 1 learners.

Given the potential impacts of these parameters on future policy affecting Kura Kaupapa Māori, the Crown had partnership and active protection duties to ensure the claimants had a meaningful role in shaping the parameters set out in the Cabinet paper. In the absence of that, the Crown at the very least needed to communicate with the claimants when it made decisions about the future of policy work affecting Kura Kaupapa Māori, that would be captured in said Cabinet paper.

Not only did the claimants not have active input into the policy development framework set out in the Cabinet paper, they were also not informed about the core parameters of the framework before they were confirmed by Cabinet.

First, while the Crown advised the claimants the scope of the paper would be 'Māori Medium', it failed to share any substantive information about the contents of the Cabinet paper prior to its approval (see section 5.4.3.4). The Crown did not tell the claimants the Rāngai Māori goal, originally a part of the workforce strategy (but extended to 2040), would underpin the entire Māori Medium work programme, including Kaupapa Māori education.

Second, despite deciding in September 2019 not to establish an autonomous entity to govern a parallel Kaupapa Māori education pathway, the Crown failed to communicate its decision to Te Rūnanga Nui for 18 months. The Te Raki Tribunal found the Treaty partnership 'should always have been based on dialogue

---

633. Holsted, brief of evidence (doc B29), p 8

and shared decision-making.<sup>634</sup> During this period, meaningful dialogue on the all-important question of the Crown's implementation of Recommendation 4(a) stopped – through no fault of the claimants, who repeatedly sought further information.

Despite these requests, the Crown only communicated with the claimants in April 2021 after the Taskforce itself expressed confusion about the Crown's response. Simply put, it should not have taken the Crown this long to communicate its decision – especially considering the repeated requests for clarification from the claimants. The following opportunities, at the very least, should have been used by the Crown to communicate its decision not to establish an autonomous Kaupapa Māori education authority:

- ▶ the May, July and December 2020 Māori Education Peak Bodies' hui when the claimants raised concerns around their rangatiratanga being side lined and requested further information about the Crown's work on 'parallel pathways';
- ▶ the 16 and 17 September 2020 network planning hui where Te Rūnanga Nui asked for information about the parallel pathway and its role in the Education Service Agency structure; and
- ▶ the 15 December 2020 letter in which Ministry staff communicated their understanding of the aspirations of Te Rūnanga Nui, including its desire for arrangements analogous to Recommendation 4(a).

This conduct from the Crown bears striking similarities to its poor communication prior to and in the immediate wake of, its decision to reject the Taskforce's Recommendation 4(a) in 2019 (which we discuss in chapter 4, at section 4.3.2). Given the sheer number of attempts by the claimants to gain more information, it is evident to us that the Crown wilfully refrained from communicating its decision to the claimants. This conduct flies in the face of the transparency mandated by the Treaty relationship and the promise the Crown made in Te Tauākī Kawa to engage early and in good faith with Te Rūnanga Nui. It also meant the claimants were not equipped with the information they needed to act as kaitiaki of Te Aho Matua.

We do not consider the Crown's duty to engage with Te Rūnanga Nui in developing the parameters of the September 2021 Cabinet paper to be offset by the Ministry's internal analysis of the aspirations of Te Rūnanga Nui, based on engagement prior to the development of the Cabinet paper. That internal analysis had little meaning if it was not reflected in the content of the Cabinet Paper. The Crown's internal analysis of the aspirations of Te Rūnanga Nui in fact shows the Crown was well aware it was pursuing a course of action contrary to the wishes of Te Rūnanga Nui and failed to inform it about what was happening.

The Crown also told us it was not appropriate for the claimants to be consulted about the policy content of the September 2021 Cabinet Paper before it was

---

634. Waitangi Tribunal, *Tino Rangatiratanga me te Kāwanatanga: The Report on Stage 2 of the Te Parahi o Te Raki Inquiry* (Wellington: Legislation Direct, 2022), p 76

approved, due to the confidentiality of Cabinet process and the need for a starting point for the Māori Medium work programme to be approved by Cabinet before external consultation could begin. This argument does not hold up to scrutiny. Even if the Crown was unwilling to share the Cabinet paper draft itself, it certainly could have provided for the claimants' input on the policy framework contained therein and shared key details about that framework before the Cabinet paper was lodged. Consultation on the contents of Cabinet papers can occur prior to papers being approved, if a political will exists – the Associate Minister himself said after the September 2021 Cabinet Paper was approved he was happy for Te Rūnanga Nui to have input on future papers.<sup>635</sup> Further, the Crown had an opportunity to at least inform the claimants fully about the progress of policy work by showing them the Cabinet paper draft before it was approved. The obligations of the Treaty partnership exist regardless of Cabinet convention – the Crown should have at the very least shared the contents of the paper with Te Rūnanga Nui prior to lodging the paper with Cabinet, in the absence of a process where Te Rūnanga Nui was allowed to shape the policy framework set out therein.

In summary, we find that the Crown's failure to consult with the claimants meaningfully about the policy framework set out in the September 2021 Cabinet Paper and continued failure to communicate adequately with the claimants about the direction of policy work breached the Treaty principles of partnership and active protection.

#### **5.6.1.2 *Did the Crown appropriately delineate between Kaupapa Māori and Māori Medium education?***

One of the claimants' major grievances regarding the September 2021 Cabinet Paper is what they described as its conflation of Kaupapa Māori and Māori Medium education. We found in section 4.2.4.2 of chapter 4 that when establishing the Taskforce, the Crown was obliged to ensure the Terms of Reference for the Taskforce specified Kura Kaupapa Māori. This was because, under the principles of partnership and active protection, the Crown must formulate specific policy responsive to the needs of Kura Kaupapa Māori. That same obligation applies to the policy development parameters set in the September 2021 Cabinet Paper.

Crown counsel argues the scope of the work programme was not pre-determined. In their submission, Te Pae Roa could have shaped it to include further specific workstreams for Kaupapa Māori education. Crown witnesses also emphasised the Cabinet paper raised the need to do further definition work within the Māori Medium sector generally.<sup>636</sup> We see this situation as analogous to the Terms of Reference for the Tomorrow's Schools Taskforce. While there was nothing in the Terms prohibiting the Taskforce from focusing on the needs of Kura Kaupapa

---

635. Associate Minister of Education (Māori Education) meeting with Ministry of Education officials, 4 October 2021 (supplementary Crown disclosure (doc B40), p 31)

636. Jackson and Schöllmann, brief of evidence (doc B28), p 4



Māori specifically, nothing ensured it. Similarly, within the September 2021 Cabinet Paper there was no guarantee the work of Te Pae Roa, even with four out of nine seats occupied by Te Matakahuki (as the Crown offered), would lead to a specific policy being created for Kura Kaupapa Māori – mainly because Ministers retained the ultimate authority to make policy decisions.

We also consider the Crown's reference within the Cabinet paper to the need for further definition work in the Māori Medium sector to be an inadequate commitment. Kura Kaupapa Māori know who they are – they are a unique Māori-led education option, underpinned by Te Aho Matua, with specific needs and aspirations (see section 5.3). In recognition of this, the Taskforce called for the creation of a specifically Kaupapa Māori education entity. The Crown was also repeatedly reminded by the claimants of their aspirations for a parallel pathway after the Taskforce's report was released. By September 2021, the time for further definition work had passed. The Crown should have used the September 2021 Cabinet paper to initiate distinct policy work for Kaupapa Māori education, including Kura Kaupapa Māori. It failed to do so. We observe this omission is also a natural flow-on effect of the Crown's failure to engage adequately with the claimants in the preparation of the policy framework set out in the Cabinet paper (which we found to be in breach of the principles of partnership and active protection above).

The scope of the September 2021 Cabinet paper was simply too broad. Except for one brief mention of Te Aho Matua, all the issues it proposed would be addressed in the work programme covered Level 1 immersion settings generally. While the Crown had positive intentions towards ākongā Māori generally that are evidenced in this paper, the Kura Kaupapa Māori movement has been calling for its mana to be affirmed through a specific policy response for decades. The Crown ignored that voice, exercising its heightened kāwanatanga powers in the compulsory schooling sector without honouring the obligations of the Treaty partnership.

It is encouraging that the Crown has now committed to a separate policy work stream for Kaupapa Māori education (as of closings being heard in June 2023). While we welcome the Crown's recent decision, we find it does not change that, in respect of the September 2021 Cabinet Paper, the Crown failed to provide for specific policy development for Kaupapa Māori education (and within that Kura Kaupapa Māori) when setting the parameters for the Māori Medium work programme, breaching the Treaty principles of partnership and active protection.

### **5.6.2 The August 2022 education report**

A source of grievance for the claimants in this inquiry was the process through which they contributed to the August 2022 education report. The claimants said the Te Matakahuki report, prepared with much effort in a very tight timeframe, was rendered meaningless. The May 2022 Mediation Agreement provided for Te Rūnanga Nui (and the rest of Te Matakahuki) to prepare a report on their aspirations for Kaupapa Māori education. The Agreement also noted the parties' mutual commitment to improving their relationship, which both parties described

as a Treaty relationship. The Ministry also explicitly recognised Te Rūnanga Nui as the kaitiaki of Te Aho Matua and the ‘critical’ role of Kura Kaupapa Māori in revitalising te reo Māori and tikanga.

We find the *Te Whānau o Waipareira* Tribunal’s articulation of partnership duties particularly relevant to this issue. That Tribunal described the Treaty partnership as a marriage – stating Crown and Māori must ‘work through problems in a spirit of goodwill, trust, and generosity, actively seeking creative solutions, and taking opportunities to bolster each other.’<sup>637</sup> Applying this standard, the Treaty partnership did not merely require the Crown to provide Te Rūnanga Nui with an opportunity to comment on the August 2022 report. Rather, the Crown had to equip Te Rūnanga Nui so it could provide meaningful input to the report and fulfil its obligations as kaitiaki of Te Aho Matua. That is the generosity and mutual problem-solving envisioned by the Treaty partnership. Additionally, active protection requires the Crown to ensure Te Rūnanga Nui have a meaningful role in shaping policy affecting Kura Kaupapa Māori. Like the September 2021 Cabinet paper, we would include the August 2022 report in this, as a key step in policy development.

These duties are also echoed in commitments made by the Crown within Te Tauāki Kawa. While the Crown may have adhered to the strict legal obligations of the Mediation Agreement by providing the Te Matakahuki report to the Associate Minister as an appendix to the August 2022 education report, we consider the Crown failed to live up to the spirit of the Mediation Agreement, the earlier Tauāki Kawa agreement and the Crown’s Treaty obligations.

While Te Pae Roa had access to the four policy packages in the August 2022 education report (or the earlier versions of them) from May 2022, Te Rūnanga Nui first read of all four packages on 1 August 2022, when it was given a mere 48-hours to provide its feedback on the draft education report (though Te Pae Roa itself did share Package Four, or the earlier version of it, with Te Matakahuki). The Crown’s conduct directly contradicts its commitment to ‘early engagement’ under Te Tauāki Kawa. While Te Pae Roa was a Ministerially-appointed group, with experts from the Māori Medium and Kaupapa Māori education space, it did not contain current representatives of the largest Kaupapa Māori education providers – namely the members of Te Matakahuki. We consider that, even though Te Matakahuki chose to withdraw from the work programme, the claimants should have been made aware of these policy options earlier, especially in light of the Mediation Agreement signed on 24 May 2022.

The Mediation Agreement was not simply about providing the Te Matakahuki report to the Associate Minister. Fundamentally, it was about repairing the fractured relationship between the parties. The Crown accepted that the claimants’ agreement to step back into the work programme was a significant act of good faith.<sup>638</sup> Up to May 2022, the claimants were consistently underserved by the

---

637. Waitangi Tribunal, *Te Whānau o Waipareira Report* (Wellington: Legislation Direct, 1998), p 222

638. Transcript 4.1.6, pp 76, 225

Crown – particularly through the Crown’s failure to keep the claimants informed of key policy decisions, as we have seen. Despite these failings, the claimants, through the Mediation Agreement, chose to commit further time and resources to this policy work – trusting the Crown to communicate with it in accordance with the principles of pono me te tika. However, the Crown failed to honour that good faith action. It failed to inform the claimants about significant policy development in train, or share all four packages with the claimants once they had been developed. When the policy packages were finally provided to the claimants, they were given far too little time to engage with the information. The Crown may have adhered to the legal obligations of the Mediation Agreement, but completely disregarded its wider purpose.

In *The Final Report on the mv Rena and Motiti Island Claims* (2015) the Tribunal found that robust consultation requires the Crown to ensure Māori are adequately informed to make useful responses.<sup>639</sup> If the Crown’s intention was for the claimants to contribute to the August 2022 education report, it should have provided the claimants with the information it needed to fully respond to the Crown’s proposals in a timely manner. Te Rūnanga Nui represent Kura Kaupapa Māori whānau and deserve the best chance possible to make informed contributions to policy development affecting their sphere of rangatiratanga. They are also the best placed to offer insights as to the current needs of Kura Kaupapa Māori – without that expertise, the Crown was not ill-equipped to develop effective policy.

Te Rūnanga Nui were presented with a draft report that contained substantially advanced policy development it was previously unaware of and told to respond to that report in an incredibly tight timeframe. These two factors meant Te Rūnanga Nui did not have an adequate opportunity to provide feedback on that draft report or influence the course of policy development it represented. Further, while Te Matakahuki provided its final report on 29 July and its feedback on 3 August, the August 2022 education report was sent to the Associate Minister on 4 August. Given these compressed timeframes, we doubt officials had enough time to fully digest the final Te Matakahuki report, the claimants’ feedback on the draft education report, or consider its implications, further limiting the ability of the claimants to materially influence the report.

When describing the requirements of quality consultation, the Te Ture Whenua Māori Act Tribunal stated a ‘main requirement for quality consultation was the Crown’s obligation to listen with an open mind and be “ready to change and even start afresh”’.<sup>640</sup> It is clear to us the Ministry officials drafting the August 2022 education report did not have such an open mind. The reality is, the packages were largely pre-determined from May 2022 onwards. Te Matakahuki had no real opportunity of influencing their content. Barring the inclusion of gazettal of Te Marautanga o Te Aho Matua in Package One and the proposed amendment to the

---

639. Waitangi Tribunal, *The Final Report on the mv Rena and Motiti Island Claims* (Lower Hutt: Legislation Direct, 2015), p12

640. Waitangi Tribunal, *He Kura Whenua ka Rokohanga: Report on Claims about the Reform of Te Ture Whenua Māori Act 1993* (Wellington: Legislation Direct, 2016), p155

special character provision, which the Crown stresses was done because of the Te Matakahuki report,<sup>641</sup> the group's views are not present in any of the policy options or the Ministry's ultimate advice in the August 2022 report. The claimants' hard work was reduced to a summary and an appendix.

We further consider the Ministry's choice to append the Te Matakahuki report to the August 2022 education report, instead of presenting it to the Associate Minister as a potential 'Package Five' policy option, diminished the ability of the claimants' recommendation to have a meaningful effect. While it was contrary to the broad Māori Medium scope the Associate Minister had established for the work programme, best practice would have been to present the claimants' recommendation as a potential policy option – in light of officials' Treaty responsibility to facilitate the claimants' meaningful input on policy development.

The Crown notes the Ministry accepted all the tracked changes suggested by Te Matakahuki into the summary of its position presented in the report.<sup>642</sup> However, as we discussed in section 5.5.3.1, the Crown did not modify the advice in light of the larger concerns articulated by Te Matakahuki in its general feedback, including the concerns its report was invisible in Package Three and Four.<sup>643</sup> Accepting those tracked changes to the summary of the Te Matakahuki report, while not significantly altering the content of the advice in the paper, or the options for reform, does not represent meaningful input. Neither does it negate the limited opportunity the claimants had to engage with the policy options presented in the report. The Crown's involvement of Te Rūnanga Nui in the development of the August 2022 education report remains inadequate.

For these reasons, we find that the Crown breached the principles of partnership and active protection by failing to sufficiently involve Te Rūnanga Nui in the development of the August 2022 education report.

### **5.6.3 The Crown's policy position in the wake of the August 2022 education report**

No formal decisions were taken by Cabinet in the wake of the August 2022 education report, despite iterative drafts of a Cabinet paper being developed. As such, no meaningful implementation of policy has occurred consequential to the report.

We know more about the Crown's policy position as at the time of our hearings in mid-2023, based on what Crown witnesses told us. Ms Holsted informed us during hearings that the Crown was now committed to a distinct Kaupapa Māori education work stream lead by Te Matakahuki and/or Te Rūnanga Nui within the Māori Medium work programme. However, the Tribunal has not been informed about the details of this arrangement or the decision-making powers of Te Matakahuki within it.<sup>644</sup> In the Crown's previous arrangements with Te Pae Roa,

---

641. Jackson and Schöllmann, brief of evidence (doc B28), p 26

642. Transcript 4.1.6, p 148

643. Maika to Schöllmann (supplementary bundle of documents (doc B38), p [17])

644. Holsted, speaking notes (doc B29(b)), p 11; Crown counsel, closing submissions (paper 3.3.4),

the Crown retained ultimate authority to decide and implement policy. We have received no evidence to suggest that arrangement would change in respect of a separate Kaupapa Māori education work stream.

Ministers have also agreed to fund Te Rūnanga Nui in developing tumuaki eligibility criteria for Kura Kaupapa Māori.<sup>645</sup> They also indicated they remain open to gazetting Te Marautanga o Te Aho Matua and ‘assessing specific issues and needs, and funding targeted to best meet its specific objectives.’<sup>646</sup> Dr Bean and Mr Nathan advised Te Rūnanga Nui and the Ministry’s property team are ‘working to identify a specific set of actions’ to progress work on kura property issues. These include ‘establishing a joint working group on planning new kura and kōhanga reo provision, including kura establishment processes’ and developing a policy statement for Kura Kaupapa Māori property that is ‘the agreed foundation for the planning, management and delivery of Kura Kaupapa Māori property activities.’<sup>647</sup> Additionally, the Crown has been provided with the 30-year strategic plan of Te Rūnanga Nui. Dr Bean and Mr Nathan said the Ministry are continuing with the ‘next phase’ of this work.<sup>648</sup>

These statements are encouraging. However, as yet, work remains at a very preliminary stage, despite decades of advocacy from Te Rūnanga Nui. Within these statements, we find very little concrete commitment from the Crown to bespoke policy for Kura Kaupapa Māori or Kaupapa Māori education, or for mechanisms that would allow the claimants to exercise greater control over policy settings. It appears that despite these statements, the status quo continues. As we explain in the following sections, this arrangement breaches the principles of the Treaty.

### **5.6.3.1 Does the Crown’s policy position appropriately delineate between Kaupapa Māori and Māori Medium education?**

We found in section 5.6.1.2 above that the September 2021 Cabinet Paper did not appropriately delineate between Kaupapa Māori education and Māori Medium education. In this section, we turn to analyse the Crown’s policy position in the wake of the August 2022 education report.

As we have discussed at length, the Crown has a Treaty duty, arising from the principles of partnership and active protection, to develop specific policy responsive to the needs of Kura Kaupapa Māori. The Crown’s obligation is heightened by the educational disparities facing Māori, which we know a flourishing Kura Kaupapa Māori movement will help to remedy. As we noted above, the Crown needs to exercise its kāwanatanga powers consistently with the Treaty partnership, given the heightened powers it has in the compulsory schooling sector – it may not exercise unfettered kāwanatanga powers in this space.

Two further Treaty principles – options and equity – are applicable when evaluating the Crown’s ultimate policy position. As we discussed in chapter 3, the *Te*

---

645. Bean and Nathan, brief of evidence (doc B31), p15

646. *Ibid*, p19

647. *Ibid*, p15

648. *Ibid*, p19

*Urewera* Tribunal found the Crown has a Treaty duty to ensure equitable provision of services that best meet the needs of Māori, not simply equal provision of the same type of service as would be provided to non-Māori. In the education space, we believe this duty requires the Crown to recognise the distinct needs of Kura Kaupapa Māori through specific policy responsive to those needs.

The *Hauora* Tribunal found the principle of options requires the Crown to ‘protect the availability and viability of kaupapa Māori solutions in the social sector’, which we take to include the provision of education.<sup>649</sup> The Crown has a duty to ensure Kaupapa Māori education, including Kura Kaupapa Māori, is an available and thriving option for Māori tamariki to access – which includes the development of focused and effective policy.

We therefore find that the Crown breached the principles of partnership, equity, active protection and options by failing to implement bespoke policy and strategy for:

- ▶ the process of establishing new Kura Kaupapa Māori;
- ▶ resourcing support for Te Marautanga o Te Aho Matua;
- ▶ network planning for the growth of Kura Kaupapa Māori in the long term; and
- ▶ the property needs of Kura Kaupapa Māori.

#### **5.6.3.2 Does the Crown’s policy position afford Te Rūnanga Nui sufficient control over Kura Kaupapa Māori settings?**

The question of the level of control Te Rūnanga Nui should have over Kura Kaupapa Māori policy settings is one that strikes at the heart of the Treaty partnership. The *Te Urewera* Tribunal found that where Māori are willing, the Crown ‘is obliged to work in partnership with them’ to provide social services, which we consider extends to the provision of education.<sup>650</sup>

We consider the Treaty duty of active protection is also activated in these circumstances. The Māori Community Development Act Tribunal found this duty included providing for the appropriate level of Māori authority, where the kāwanatanga and tino rangatiratanga spheres overlap. We also discussed in chapter 3 how the Crown’s duty of active protection to Kura Kaupapa Māori as a manifestation of kāinga means the Crown must ensure Te Rūnanga Nui have a meaningful role in shaping policy affecting Kura Kaupapa Māori.

The provision of compulsory schooling is an area where the kāwanatanga powers of the Crown are necessarily present. To remove the role of the Crown completely would mean the Crown surrendering its duty to protect and support all Māori children. However, in regard to Kura Kaupapa Māori, the Crown exercises its kāwanatanga powers with too firm a grip. The Crown seems to believe

649. Waitangi Tribunal, *Hauora: Report on Stage One of the Health Services and Outcomes Kaupapa Inquiry* (Lower Hutt: Legislation Direct, 2023), p 35 (as cited in claimant counsel, closing submissions (paper 3.3.3), p 86)

650. Waitangi Tribunal, *Te Urewera*, 8 vols (Lower Hutt: Legislation Direct, 2017), vol 8, p 3783

the compulsory schooling sector is a policy space in which it alone is entitled to decide policy. That is not how the Treaty partnership works. The policy settings affecting Kura Kaupapa Māori also sit within the rangatiratanga domain of the claimants. The Kura Kaupapa Māori movement part of the broader Māori movement to revitalise Māori language, culture and philosophy and is a deliberate response to the Crown's imposition of a schooling system that is continuing to fail Māori. In this situation where the two spheres of authority overlap, the Treaty standard is consent. The two parties must decide together on policy going forward. The Crown cannot simply commit to hearing the opinions of Māori (as it did with the Te Matakahuki report), but retain the ability to make whatever policy it sees fit. In August 2022, that is what happened – both Te Pae Roa and Te Matakahuki emphatically rejected Package One and yet that was the position Ministers adopted. This pattern cannot continue.

We acknowledge, as we have in other parts of the report, that Te Rūnanga Nui are not the only Māori stakeholders affected by the Crown's retention of policy making powers in the education space. However, we can only make a finding of breach in respect of the claim before us – hence why our finding is limited to the role of Te Rūnanga Nui. The Tribunal is likely to comment further on the power imbalance between the Crown and Māori in the education sector generally in the forthcoming Education Services and Outcomes kaupapa inquiry. For the purposes of the claim at hand, we find the Crown to be in breach of the Treaty principles of partnership and active protection through its current policy arrangements, wherein the power to make final decisions around policy settings affecting Kura Kaupapa Māori is not shared with Te Rūnanga Nui, who act on behalf of Kura Kaupapa Māori whānau.

#### 5.6.4 Prejudice

In this section, we outline the prejudice caused by the Crown's Treaty breaches following its receipt of the Tomorrow's Schools report in 2019, including its ongoing policy work to 'grow Māori Medium and Kaupapa Māori education' in 2021 and 2022. One of the most obvious impacts of the Crown's conduct has been the damage caused to the relationship between the Crown and Te Rūnanga Nui, which we discuss in depth in chapter 6. Aside from this impact, we see four core streams of prejudice arising from the Crown's Treaty breaches.

First, the Crown's continued failure to adequately involve Te Rūnanga Nui in key decisions or even keep it informed about these decisions has limited its ability to effectively advocate for Kura Kaupapa Māori and act as kaitiaki of Te Aho Matua. Mr Campbell told us the claimants were 'kept in the dark' for 18 months and we find this expression apt (see section 5.6.1.1). Not only did Te Rūnanga Nui (understandably) proceed for a year and a half as though some form of autonomous governance entity was going to be established, but it also had to constantly request further information from the Crown about its policy work, in the absence of clear updates. This uncertainty about the direction of policy continued as the Crown excluded Te Rūnanga Nui from the development of the September 2021

Cabinet paper; in October 2021 Dr Dewes told us the claimants had ‘no idea’ what the Crown’s long-term strategy for Kura Kaupapa was.<sup>651</sup> In this context, it is no wonder the claimants lost confidence in the Ministry. The Crown also forced the claimants into a position where, despite intensive work on the Te Matakahuki report, they had limited opportunity to influence the August 2022 education report or the policy decisions subsequent to it – rendering their onerous advocacy ‘a waste of time’, as Mr Campbell and Ms Maika put it.<sup>652</sup>

Second, the Crown’s conduct has caused reputational harm to Te Rūnanga Nui and undermined the mana of Te Rūnanga Nui and the Kura Kaupapa Māori movement as a whole. The Crown’s continued conflation of Kura Kaupapa with Māori Medium education undermines the inherent mana of the Kura Kaupapa Māori movement and its uniqueness as an indigenous education option. The Crown has acknowledged the harm and offence this has caused.<sup>653</sup> Additionally, the broad scope of the September 2021 Cabinet Paper forced Te Rūnanga Nui into a difficult position where it had to defend its unique kaupapa. A stark example of the Crown’s undermining conduct was the announcement of the Māori Medium Work Programme in February 2022. In a One News article, Associate Minister Davis is recorded as saying the Ministry consulted with Te Matakahuki for 14 months and offered them the opportunity to lead the development of a system for Māori Medium/Kaupapa Māori education, but Te Matakahuki ultimately declined to participate.<sup>654</sup> This statement from the Associate Minister was disingenuous – as we have discussed at length, there was next to no meaningful consultation with the claimants about the work programme before it was decided by Cabinet. In fact, the claimants consistently sought more information so it could make an informed decision. The claimants then had to publicly defend their decision to step away and explain the problems with homogenising Māori Medium and Kaupapa Māori education.<sup>655</sup> Rawiri Wright told us that process ‘has been unnecessarily divisive of our people’ and ‘split Māori opinion on the differences between Māori-medium education, and the reforms required for both to thrive’, testing personal and professional relationships.<sup>656</sup>

The third stream of prejudice arising for the claimants is self-evident. That is the power imbalance between the claimants and the Crown. The claimants simply do not have the powers they should in regard to the policy affecting Kura Kaupapa Māori. Policy that affects Kura Kaupapa Māori whānau is decided by the Crown, not through shared decision-making as the Treaty partnership requires. That in and of itself is a form of prejudice. The overreach of the Crown’s kāwana-tanga in the compulsory schooling sector has greatly diminished the claimant’s rangatiratanga.

---

651. Dewes, brief of evidence (doc A1), p 24

652. Campbell and Maika, brief of evidence (doc B26), p [20]

653. Crown counsel, closing submissions (paper 3.3.4), p 11

654. Worthington, ‘Work on Māori Education Review’ (Campbell and Maika, supporting documents (doc B26(a)), p 274)

655. Ibid (pp 274–275)

656. Wright, brief of evidence (doc B22), p 23



The fourth stream of prejudice arising from the Crown's Treaty breaches are the deficiencies in current policy applicable to Kura Kaupapa Māori, which the Crown has accepted exist. Ms Holsted admitted at our hearings that the current policy and regulatory framework for Kura Kaupapa Māori is 'not fit for purpose'.<sup>657</sup> We see this as a direct result of the lack of bespoke policy for Kura Kaupapa and the conflation of Kaupapa Māori education with broader Māori Medium education policy. The continued absence of policy tailored to the unique needs and aspirations of Kura Kaupapa Māori prolongs the current challenges facing Kura Kaupapa Māori – especially issues around property, kura establishment and curriculum support. The Crown has acknowledged at least some of these issues need to be addressed (see section 4.2.2.2). The continued lack of autonomy Te Rūnanga Nui has over these policies also contributes to this state of affairs. Te Rūnanga Nui represents Kura Kaupapa whānau – it knows the needs of kura and the changes required to ensure a flourishing Kura Kaupapa movement. The lack of agency Te Rūnanga Nui currently has over policy settings limits the effectiveness of that policy, and in turn, the success of Kura Kaupapa Māori. We discuss what can be done to remedy this regrettable situation in chapter 7.

---

657. Transcript 4.1.6, p 59



## CHAPTER 6

### TE AHO KOHUNGA

#### 6.1 INTRODUCTION

In this chapter, we address a central theme of this inquiry, the relationship between the Crown and the claimants. Specifically, we assess the consequences of the Crown's actions on the relationship between Te Rūnanga Nui and the Crown.<sup>1</sup>

#### 6.2 THE PARTIES' POSITIONS

##### 6.2.1 The claimants' position

The claimants submit that little has been done to advance the vision of Kura Kaupapa Māori or Te Rūnanga Nui through the Tauākī Kawa relationship.<sup>2</sup> During the Tomorrow's Schools review and reform process, the claimants have been marginalised and disrespected. The effort and engagement of Te Rūnanga Nui has been made redundant.<sup>3</sup> The claimants say the Crown, through the Ministry, is 'clearly lacking an institutional understanding of Kura Kaupapa Māori, their unique Kaupapa and Te Aho Matua.'<sup>4</sup> The claimants say the Crown's conduct has caused real harm to a relationship already under stress.<sup>5</sup> Efforts to restore the parties' relationship post-mediation, including the Te Matakahuki report and a wānanga to reset the relationship in 2022, have not succeeded.<sup>6</sup> The claimants argue 'significant education and culture change' within the Crown is required before the parties can move forward.<sup>7</sup> For the potential of Kura Kaupapa Māori to be achieved, the path forward must also (among other steps) 'involve reconciliation with the Crown.'<sup>8</sup>

##### 6.2.2 The Crown's position

While the Crown's overall position is that its conduct during the Tomorrow's Schools review and reform process did not amount to a Treaty breach, it accepts its conduct has 'not been perfect.'<sup>9</sup> It acknowledges failings with both engagement

- 
1. Statement of issues (paper 1.4.1), p [2]
  2. Claimant counsel, closing submissions, 12 June 2023 (paper 3.3.3), p 53
  3. *Ibid*, p 152
  4. *Ibid*, p 9
  5. *Ibid*, pp 153, 162–163
  6. *Ibid*, p 22
  7. *Ibid*, p 166
  8. *Ibid*, p 9
  9. Crown counsel, closing submissions, 19 June 2023 (paper 3.3.4), p 82

and communications.<sup>10</sup> The Crown says the ‘Tauāki Kawa is relevant to the entirety of the relationship between Te Rūnanga Nui and the Ministry’,<sup>11</sup> but acknowledges its ‘intention . . . has not always come through.’<sup>12</sup> The Crown considers the first and necessary step is ‘reconciliation between the parties to rebuild trust and better enable effective and efficient progress to be made on joint objectives and on separate aspirations.’<sup>13</sup>

### 6.3 WAS THE HUI WHAKAWHANAUNGATANGA FOLLOWING MEDIATION SUCCESSFUL?

In addition to the Te Matakahuki report, the Mediation Agreement (covered in section 5.5.2.1) provided for Te Rūnanga Nui and the Ministry to attend a one-day wānanga ‘to reset the relationship.’<sup>14</sup> Mr Campbell and Ms Maika told us they had hope following the Mediation Agreement the parties might develop a ‘comprehensive plan’ that ‘genuinely addresses’ Kura Kaupapa Māori concerns and would ‘meaningfully look at what a Te Tiriti partnership, including power-sharing, could look like.’<sup>15</sup>

The one-day wānanga took place on 20 July 2022 between Te Rūnanga Nui and senior Ministry officials (‘Hui Whakawhanaungatanga’).<sup>16</sup> Minutes show the parties agreed to a list of immediate and long-term actions and identified specific areas of importance for Te Rūnanga Nui.<sup>17</sup> The minutes also outlined a ‘partnership vision’ including engagement reflecting tika, pono and aroha, and the Crown not doing ‘things to Te Rūnanga Nui, but with it.’<sup>18</sup>

Andy Jackson (Deputy Secretary, Policy at the Ministry) told us meetings between Ministry staff and Te Rūnanga Nui focused on actions agreed at Hui Whakawhanaungatanga as a standing item and additional staff were ‘allocated to support the Ministry relationship with Te Rūnanga Nui.’<sup>19</sup> Internally, a 22 July 2022 Ministry minute recorded the relationship ‘feel[ing] more settled since the mediation’ and described Hui Whakawhanaungatanga as ‘a very good start to engaging in a way that reflects partnership.’<sup>20</sup>

Dr Dewes and Rawiri Wright said they invested ‘a lot of effort into’ hui with the Ministry during this period, but felt ‘disheartened’ by the Ministry’s refusal ‘to

---

10. Crown counsel, closing submissions, 19 June 2023 (paper 3.3.4), p 10

11. *Ibid*, p 32

12. *Ibid*, p 10

13. *Ibid*, p 7

14. Mediation Agreement, 24 May 2022 (paper 2.5.11(b)), pp 4–5

15. Hohepa Campbell and Mahinarangi Maika, brief of evidence, 17 April 2023 (doc B26), p [23]

16. ‘Minutes of the 20 July 2022 Hui Whakawhanaungatanga’, 20 July 2022, p [2] (Crown counsel, supporting documents (doc B30), p 2106)

17. *Ibid*, pp [3]–[4] (pp 2107–2108)

18. *Ibid*, p [3] (pp 2106–2107)

19. Andy Jackson, brief of evidence, 22 November 2022 (doc A14), pp 7–8, 13

20. ‘Minutes of the Māori Medium and Kaupapa Māori Education Implementation Leadership Group’, 22 July 2022, p [5] (Crown counsel, supporting documents (doc B30), p 2113)

acknowledge its partnership’ with Te Rūnanga Nui.<sup>21</sup> They said they felt ‘there was an illusion of participation by the Ministry – we were having conversations with certain groups while other work impacting us continue[d] unabated and without our knowledge.’<sup>22</sup> Iona Holsted (Secretary for Education at the Ministry) acknowledged the relationship should have been monitored at the leadership level, to ensure the Mediation Agreement was properly executed.<sup>23</sup> We would agree – as discussed in section 5.6.2, while the Crown may have adhered to its legal obligations, it continued to act in a way that undermined the spirit and intent of the Hui Whakawhanaungatanga and ultimately the relationship with Te Rūnanga Nui.

Te Rūnanga Nui wrote to Ms Holsted with its concerns on 28 September 2022, stating ‘we have not made any progress on restoring our relationship’ and identified concerns with Hui Whakawhanaungatanga, declaring it a ‘missed opportunity’ for the Ministry to acknowledge and learn about Te Rūnanga Nui and its aspirations.<sup>24</sup> Ultimately, on 10 November 2022, Te Rūnanga Nui made the decision to resume its application for urgency with the Tribunal.<sup>25</sup>

#### **6.4 WHAT IMPACTS DID THE CROWN’S CONDUCT HAVE ON THE RELATIONSHIP BETWEEN THE PARTIES?**

The conduct of the Crown, as set out above, has damaged the relationship between it and the claimants. Between 2018 and 2022, the evidence shows several patterns of behaviour we consider particularly harmful to trust between the parties.

##### **6.4.1 Failing to honour Te Tauākī Kawa**

The Crown missed numerous opportunities during the Tomorrow’s Schools review and reform process to honour Te Tauākī Kawa. This protocol, renewed in 2019, established a relationship framework between the parties comprising a work plan and engagement plan, with expectations of early engagement on issues of known mutual interest (see section 4.3.2.6). We further note one of the purposes of the Education and Training Act 2020 is to establish and regulate an education system that ‘honours Te Tiriti o Waitangi and supports Māori–Crown relationships.’<sup>26</sup> Despite these commitments, the Crown failed to engage with Te Rūnanga Nui before making several key decisions, including the initiation of the Tomorrow’s Schools review and the decision at the end of 2019 to reject the Taskforce’s Recommendation 4(a).

We note that while the claimants had positive relationships with some individuals within the Ministry, their relationship with the Ministry as a whole has been fraught. Dr Dewes told us the relationship between the parties had ‘not

---

21. Cathy Dewes and Rawiri Wright, brief of evidence, 10 November 2022 (doc A12), p 5

22. Ibid

23. Transcript 4.1.6, p 274

24. Cathy Dewes and Rawiri Wright to Iona Holsted, 28 September 2022, pp [4]–[5] (Crown counsel, supporting documents (doc B30), pp 1845–1846)

25. Claimant counsel, memorandum, 10 November 2022 (paper 3.1.32)

26. Education and Training Act 2020, s 4

advanced significantly’ since Te Tauāki Kawa was signed in 1994.<sup>27</sup> Mr Campbell described the Ministry’s approach to engagement as ‘ad hoc.’<sup>28</sup> Ms Maika agreed it was ‘difficult to discuss’ the various issues concerning Kura Kaupapa Māori when the Ministry was split into many parts which were working in isolation.<sup>29</sup>

Crown witnesses said the Ministry had made positive contributions to Te Tauāki Kawa, such as regular hui with Ministry groups, appointing Darren Nathan (Chief Advisor, Relationship and Mātauranga Māori at the Ministry) in April 2020 and establishing direct communication lines from Te Rūnanga Nui to Ministry hautū.<sup>30</sup> In Dr Daryn Bean’s (Deputy Secretary, Māori Education at the Ministry) view, ‘there has been a marked shift’ in the Ministry’s engagement with Te Rūnanga Nui in recent years, beginning with the appointment of Mr Nathan in April 2020 to manage the Crown’s relationship with Te Rūnanga Nui. He says undertakings in the engagement plan have ‘been largely upheld’ (to the best of his knowledge).<sup>31</sup>

Even with these changes, the Ministry failed to engage effectively with Te Rūnanga Nui. Te Rūnanga Nui often felt blindsided by Crown policy affecting Kura Kaupapa Māori and disheartened at how far the Crown had developed work without engaging with it – the Ministry’s development of the August 2022 education report policy packages is an example. It also reduced the goodwill between the parties and dissolved any trust Te Rūnanga Nui had that the Ministry would engage with it proactively. Although it is positive the Ministry meets with Te Rūnanga Nui regularly, the frequency of such hui is not a measure of quality engagement if key information is not discussed at those hui. On 16 and 17 September 2020, for example, Ministry officials spent two days in hui with Te Rūnanga Nui and failed to inform it the Crown was not pursuing the establishment of an autonomous body in response to Recommendation 4(a) (see section 5.4.2.4).

For its part, the Crown acknowledged the impact of this eroded trust. Ms Holsted admitted the Ministry has not always upheld its part in maintaining a trusting relationship with Te Rūnanga Nui – in her words ‘we have not always done what we said we would.’<sup>32</sup> It was particularly telling that after hearing the claimants’ evidence, Ms Holsted said the relationship was in a worse state than she originally thought.<sup>33</sup>

#### **6.4.2 Poor communication and a lack of transparency**

The Crown’s communication with Te Rūnanga Nui between 2018 and 2022 was poor and lacked transparency. This pattern was manifest in the Ministry’s ambiguous communication of its response to the Tomorrow’s Schools report and its

---

27. Cathy Dewes, brief of evidence, 13 April 2023 (doc B14), p 2

28. Hohepa Campbell, brief of evidence, 17 December 2021 (doc A9), p [3]

29. Mahinarangi Maika, brief of evidence, 12 October 2021 (doc A4), p 5

30. Daryn Bean and Darren Nathan, brief of evidence, 5 May 2023 (doc B31), pp10–11. See the glossary entry for ‘hautū’ on p 381.

31. Bean and Nathan, brief of evidence (doc B31), pp10–11

32. Iona Holsted, brief of evidence, 5 May 2023 (doc B29), p 6

33. Transcript 4.1.6, p 60

failure to advise the claimants that an autonomous body would not be established. The 5 December 2019 hui with Associate Minister Davis and the Māori Education Peak Bodies hui in 2020 are just two examples of opportunities where the Crown could have advised the claimants the autonomous body would not be pursued (see section 5.6.1.1). How can Te Rūnanga Nui trust the Crown to enable the growth of Kura Kaupapa Māori when it withheld key information from the claimants about the future of their kaupapa for a year and a half?

Dr Dewes told us in her first brief of October 2021 before Te Rūnanga Nui had received the September 2021 Cabinet paper, that the Ministry was withholding its plans despite repeated requests for this information.<sup>34</sup> She said '[o]ur trust has now completely dissipated.'<sup>35</sup> Dr Bean and Mr Nathan admitted 'action happening in Te Tāhuhu is not always clearly communicated with Te Rūnanga Nui', contributing 'to a strong sense of mistrust.'<sup>36</sup> Ms Holsted admitted 'a lack of clear communication' was likely a key obstacle to Te Matakahuki participating in Te Pae Roa.<sup>37</sup>

Honesty is integral to successful Treaty relationships and is an essential part of the 'utmost good faith' required of the Treaty partnership.<sup>38</sup> The Crown's failure to communicate transparently with Te Rūnanga Nui has impacted the claimants' trust in the Crown to keep it informed of matters impacting its kaupapa. This has serious repercussions for the health of the parties' relationship and their ability to work together. We will discuss what we believe can be done to repair the relationship in chapter 7.

#### **6.4.3 Failing to acknowledge the mana of Te Rūnanga Nui and Kura Kaupapa Māori**

The Crown often comes to Te Rūnanga Nui to advance its own priorities, instead of seeking to work with Te Rūnanga Nui on issues it has identified. Dr Bean acknowledged this pattern of behaviour.<sup>39</sup> This Crown-centric approach prioritises the goals of the Crown over those of Kura Kaupapa Māori to the detriment of the parties' relationship. It also fails to reflect the inherent mana of Te Rūnanga Nui as the representative of Kura Kaupapa Māori and kaitiaki of Te Aho Matua. We saw this dynamic when the Ministry asked Te Rūnanga Nui to engage with its work programme and join Te Pae Roa without first consulting it or providing adequate information for Te Rūnanga Nui to make an informed decision and the Ministry requesting Te Rūnanga Nui provide its feedback on the August 2022 education report within 48 hours.

Even so, Crown witnesses told us they respected Te Rūnanga Nui as the kaitiaki of Te Aho Matua and recognised the positive contributions the claimants make to ākonga Māori and Māori society more generally.<sup>40</sup> We saw first-hand the calibre

34. Cathy Dewes, brief of evidence, 12 October 2021 (doc A1), p 26

35. Ibid

36. Bean and Nathan, brief of evidence (doc B31), pp 11–12

37. Iona Holsted, speaking notes, 22 May 2023 (doc B29(b)), p 9

38. *New Zealand Maori Council v Attorney-General* [1987] 1 NZLR 641 (CA), p 664

39. Bean and Nathan, brief of evidence (doc B31), pp 8–9

40. Holsted, brief of evidence (doc B29), pp 4–5; Bean and Nathan, brief of evidence (doc B31), p 4

of the raukura produced by Kura Kaupapa Māori and just how important this kaupapa is to the preservation of te reo Māori and mātauranga Māori. This is a proven model. That success has been achieved not through Crown support but through the perseverance of Te Rūnanga Nui and kura whānau. However, despite this proven success, Dr Dewes said she was ‘yet to feel’ the Crown’s ‘belief in Kura Kaupapa Māori’ and the ability of the movement to do what needs to be done.<sup>41</sup> We understand why the claimants feel this way – particularly after seeing some of the Ministry’s internal emails (see Mr Jackson’s email about ‘Te Aho Matua’, discussed in section 5.5.4.2, which was particularly disrespectful). Rawiri Wright said the Ministry ‘presumed to know what is best for Māori in education and followed their own course of action, irrespective of Te Rūnanga Nui’s suggestions, or recommendations.’<sup>42</sup> Dr Dewes described this attitude from the Crown as arrogant and condescending.<sup>43</sup> She told us the parties were ‘yet to reach a place of equal standing, a true partnership’ and said Te Rūnanga Nui and Kura Kaupapa Māori are ‘totally subjugated by the Government’s and the Ministry’s policies, objectives and interests.’<sup>44</sup> Dr Dewes said, ‘we are the kahawai being devoured by the proverbial shark.’<sup>45</sup>

In many ways, this power imbalance has been at the heart of the inquiry. Despite its statutory recognition as the kaitiaki of Te Aho Matua, Te Rūnanga Nui has not had the opportunity to influence policy affecting its most precious kaupapa. The Crown’s continued unwillingness to acknowledge the rangatiratanga of Kura Kaupapa Māori communities, as represented by Te Rūnanga Nui, is an affront to this important work. We do not consider the relationship between the parties can be fully restored until this power imbalance is addressed.

#### **6.4.4 Is there a way forward to improve the relationship between the Crown and the claimants?**

The claimants have consistently expressed the view Te Rūnanga Nui and kura whānau could ensure even greater success of Kura Kaupapa Māori, if equipped with agency over policy and appropriate resourcing. The claimants have limited trust in the Crown and little hope better outcomes could result from continuing to work with it. Dr Dewes articulated this feeling in her first evidence: ‘It is we who hold the solutions to our problems. Should the prow of our canoe turn too slowly, Kura Kaupapa Māori will decline under the control of the Ministry of Education and Government legislation and regulation.’<sup>46</sup>

As we explained in section 5.6.3.2, the place of Kura Kaupapa Māori in the compulsory schooling sector means there are necessary roles for both the Crown and the claimants in shaping policy. There is absolutely a way forward for the

---

41. Dewes, brief of evidence (doc A1), p 18; Cathy Dewes, brief of evidence, 23 December 2021 (doc A8(a)), p 6

42. Rawiri Wright, brief of evidence, 12 October 2021 (doc A2), p 24

43. Dewes, brief of evidence (doc A8(a)), p 6

44. Dewes, brief of evidence (doc A1), p 18

45. Ibid, p 12; Cathy Dewes, brief of evidence, 31 March 2023 (doc B1(a)), p 13

46. Dewes, brief of evidence (doc A1), p 26



Crown and the claimants to repair their relationship because the Treaty partnership requires a way forward. We return to the *Te Whanau o Waipareira* Tribunal's metaphor of the Treaty relationship as a marriage.<sup>47</sup> It is fair to say the relationship between the Crown and the claimants has never been a particularly strong marriage, despite *Te Tauākī Kawa*. That relationship is in a particularly fragile state currently due to the Crown's conduct. However, the Treaty is an enduring and eternal set of vows. Neither party can opt to step away from the partnership because of conflict.

We consider the way forward is paved by the shared aspirations of the claimants and the Crown for Kura Kaupapa Māori. The Crown has acknowledged existing policy settings are not fit for purpose and has committed to a separate Kaupapa Māori education work stream. Mr Jackson and Andrea Schöllmann (Director, Policy at the Ministry), told us the Crown remains 'eager to engage with Te Rūnanga Nui on ways to grow their leadership, governance and control over their kaupapa.'<sup>48</sup> If the Crown does wish to restore its relationship with Te Rūnanga Nui, these changes are a promising start. However, these cannot be hollow vows. They must be honoured and result in meaningful outcomes that support the success of Kura Kaupapa Māori and facilitate the rangatiratanga of Te Rūnanga Nui and kura whānau. The time for empty promises has passed and we consider the upcoming renewal of *Te Tauākī Kawa* to be a valuable opportunity for the parties to renew their vows, strengthen their relationship and implement the 'learnings' from *Matua Rautia* Ms Holsted referenced.<sup>49</sup> We are confident that with the right people at the table, a true relationship reset can occur and positive outcomes can be secured for Kura Kaupapa Māori.

In the next chapter, we discuss how we see the claimants and the Crown moving forward to repair this relationship and provide our recommendations on how the Crown can remedy the prejudice caused by its Treaty breaches.

---

47. Waitangi Tribunal, *Te Whanau o Waipareira* (Wellington: Legislation Direct, 1998), p 222

48. Andy Jackson and Andrea Schöllmann, brief of evidence, 5 May 2023 (doc B28), p 36

49. Holsted, brief of evidence (doc B29), p 23



## CHAPTER 7

### TE AHO WHĪTIKI

#### 7.1 INTRODUCTION

In this chapter, we first present a summary of our findings in this report. We then turn to discuss our recommendations on ways the Crown can remedy the prejudice caused to the claimants by its breaches of Treaty principles.

#### 7.2 SUMMARY OF FINDINGS

In this report, we have found the Crown's conduct in respect of the Tomorrow's Schools review and reform process to have breached Treaty principles in several instances. In section 4.2.4, we found when initiating the Tomorrow's Schools review, the Crown breached the Treaty principles of partnership and active protection by failing to:

- ▶ consult Te Rūnanga Nui before deciding to initiate the Tomorrow's Schools review; confirming Terms of Reference for the Taskforce; and appointing the Taskforce's members;
- ▶ specify Kura Kaupapa Māori or Te Rūnanga Nui in the Terms of Reference for the Taskforce; and
- ▶ appoint a member to the Taskforce with specific expertise in Kaupapa Māori education.

In respect of the late 2019 decision to dismiss Recommendation 4(a), we found in section 4.3.3 that the Crown breached the Treaty principles of partnership and active protection by failing to:

- ▶ consult with the claimants before deciding against Recommendation 4(a);
- ▶ engage in the specifics of the Taskforce's recommendation, including its warning about Treaty compliance; and
- ▶ transparently communicate its response to the Taskforce's report.

In section 5.6.1, we found the Crown breached Treaty principles of partnership and active protection through its policy work in 2020 and the development of the September 2021 Cabinet paper by failing to:

- ▶ communicate adequately with the claimants about the direction of policy work, including the Crown's dismissal of Recommendation 4(a);
- ▶ consult the claimants meaningfully about the policy framework set out in the September 2021 Cabinet paper; and
- ▶ provide for specific enough policy development when setting the parameters for the work programme in the September 2021 Cabinet paper.

The Crown also breached Treaty principles of partnership and active protection by failing to sufficiently involve Te Rūnanga Nui in the development of the August 2022 education report, as we found in section 5.6.2.

In section 5.6.3, we discussed how the Crown's current policy arrangements, in the wake of the August 2022 education report, are also in breach of the Treaty principles. The Crown has breached Treaty principles of partnership, equity, active protection and options by failing to implement bespoke strategy and policy for:

- ▶ the process of establishing new Kura Kaupapa Māori;
- ▶ resourcing support for Te Marautanga o Te Aho Matua;
- ▶ network planning for the growth of Kura Kaupapa Māori in the long term; and
- ▶ the property needs of Kura Kaupapa Māori.

Further, the Crown's current arrangements wherein power to make final decisions on policy settings affecting Kura Kaupapa Māori is not shared with Te Rūnanga Nui, who act on behalf of Kura Kaupapa Māori whānau, are in breach of Treaty principles of active protection and partnership.

In section 5.6.4, we found these breaches caused significant prejudice to the claimants, including:

- ▶ further damage to the already fractured relationship between the parties and the claimants' loss of confidence in the Ministry;
- ▶ limiting the ability of Te Rūnanga Nui to effectively advocate for Kura Kaupapa Māori;
- ▶ reputational harm to Te Rūnanga Nui and an undermining of the mana of the Kura Kaupapa Māori movement;
- ▶ a policy and regulatory framework for Kura Kaupapa Māori that is not fit for purpose; and
- ▶ arrangements wherein the claimants do not have the powers afforded to them under the Treaty partnership to shape policy applicable to Kura Kaupapa Māori.

### 7.3 RECOMMENDATIONS

We now turn to discuss our recommendations to remedy the prejudice suffered by the claimants as a result of the Crown's breaches of Treaty principles. We begin with our recommendation on the prospect of a stand-alone Kaupapa Māori education entity, that much evidence in this inquiry has referenced. We consider this is a longer-term recommendation – it will take time to confirm the specifics of any such entity, or to establish such an entity.

There is much work to be done in pursuing this longer-term recommendation. It is crucial the Crown work with the claimants in the immediate term to repair their damaged relationship and co-design effective policy that meets the unique needs of Kura Kaupapa Māori. If this co-design is properly carried out, there can be a functional Treaty relationship between the Crown and Te Rūnanga Nui that secures the necessary outcomes for Kura Kaupapa Māori to flourish. There is

no need to wait for a stand-alone entity for this work to begin. In fact, without a strengthened relationship between the Crown and Te Rūnanga Nui, future collaboration between the parties on a stand-alone authority is unlikely to succeed.

We also note the recent Budget 2024 announcement of a 3.6 per cent increase in funding in schools and early childhood education. This includes \$1.5 billion for education property, and funds for teacher supply and retention.<sup>1</sup> While this recent announcement is beyond the scope of our urgent inquiry, we hope that some of these funds find their way to Kura Kaupapa Māori, who could use them in the immediate term to address pressing issues facing their schools.

### 7.3.1 A Kaupapa Māori education authority

Central to this inquiry is the Independent Taskforce's Recommendation 4(a). That recommendation called for a parallel pathway for Kaupapa Māori education, supported by an autonomous governance body formed from Ngā Kura ā Iwi and Te Rūnanga Nui.<sup>2</sup> Te Pae Roa then called for a 'new structure' to enable Māori mana motuhake 'over kaupapa Māori education and mātauranga Māori in all education settings.'<sup>3</sup> Te Matakahuki called for an independent Kaupapa Māori education body with devolved functions relating to budget, curriculum, property, network planning, and workforce.<sup>4</sup> This call for some form of independent Māori education authority is not new – we note the Matawaia Declaration from 1988, for example.<sup>5</sup>

On its face, such an authority appears Treaty consistent. We have found the Crown's current policy arrangements, where power to make final decisions on policy affecting Kura Kaupapa Māori is not shared with the claimants, to breach Treaty principles. A formal stand-alone Kaupapa Māori education authority, including Te Rūnanga Nui, could codify arrangements to facilitate the claimants' control over Kura Kaupapa Māori and enable their tino rangatiratanga.

At the time of our hearings, the Crown's position regarding a future education authority was vague. In the wake of the August 2022 education report, Minister Hipkins and Associate Minister Davis chose to 'signal' they wished to progress towards the establishment of an independent statutory entity for Kaupapa Māori and Māori Medium education.<sup>6</sup> No timeframes, details or concrete next steps

---

1. Vote Education, 'Budget 24', Ministry of Education, <https://www.education.govt.nz/our-work/publications/budget-2024>, last modified 4 June 2024

2. Tomorrow's Schools Independent Taskforce, *Our Schooling Futures: Stronger Together (Whiria Ngā Kura Tūātititini)* (Wellington: Ministry of Education, 2019), p 53 (application for urgency, supporting documents (doc A6), p 644)

3. Te Pae Roa, 'The Future of Kaupapa Māori and Māori Medium Education: Report Back and Independent Advice following Te Pae Roa's Engagement Process', 4 April 2022, p [9] (Crown counsel, supporting documents (doc B30), p 1938)

4. Te Matakahuki, 'The Future of Kaupapa Māori Education: Te Matakahuki Report to the Associate Minister (Māori Education)', 29 July 2022, pp [9], [11], [12] (Crown counsel, supporting documents (doc B30), pp 2336, 2338, 2339)

5. Richard Benton, 'The Matawaia Declaration: Some Educational and Administrative Implications', Te Wahanga Maori Working Paper, no 9 (1988), p 1

6. Crown counsel, closing submissions, 19 June 2023 (paper 3.3.4), p 76

were confirmed, though Cabinet did note ‘the establishment of an independent entity should be considered following further work on the work programme’ and Minister Hipkins has signalled ‘any such authority should support and serve all Māori in the education system.’<sup>7</sup> Andrea Schöllmann (Director, Policy at the Ministry) advised an invitation ‘still stands’ to Te Matakahuki to progress work on ‘what the form and function of an independent statutory entity would look like’ but did not provide many details on what form that mahi would take.<sup>8</sup> As there has been a change of Government, the Crown’s position may have changed.

After extensive consultation through a review initiated by the Crown, the Taskforce recommended an autonomous Kaupapa Māori education body. Some form of independent body is also supported by two major groups in the Māori education space – Te Pae Roa and Te Matakahuki. In three separate reports, all informed by consultation with Māori, the Crown has been told to create some form of stand-alone Kaupapa Māori education entity to enable Māori tino rangatiratanga in the education space. We also recognise the need for some type of structurally independent entity for Kaupapa Māori education. However, the claimants before us are specifically Te Rūnanga Nui. We have not heard from many claimants who consider themselves Kaupapa Māori education providers and deserve to have input on the shape of an independent entity. We are also aware the exact scope of any such authority would likely be debated. That debate should be allowed to occur.

Our recommendations are necessarily limited to the claimants before us. We therefore recommend the Crown commit to establishing a stand-alone Kaupapa Māori education authority, that would include Te Rūnanga Nui. The Crown should work with Māori to develop the proposed authority, exploring the functions and the specifics of its structure, scope and operation. The Crown may wish to use the existing reports from Te Pae Roa and Te Matakahuki as a basis for this work. As we mentioned above, this is a longer-term recommendation. Work developing policy with Te Rūnanga Nui in the short term to address the specific needs of Kura Kaupapa Māori (which we discuss below) should be prioritised, as the mahi relating to a stand-alone entity will take significant time.

We note the panel for the forthcoming Education Services and Outcomes kaupapa inquiry may have more to discuss on the prospect of such a stand-alone authority, having had the benefit of receiving a wider range of evidence. However, we consider the current claim to be an opportunity for work on developing such an authority to begin in earnest.

### **7.3.2 Restoring the relationship between the parties**

Before any meaningful policy change can take place to support Kura Kaupapa Māori, the Crown must work with Te Rūnanga Nui to restore the relationship that was further fractured throughout the Tomorrow’s Schools review and reform

---

7. Andy Jackson and Andrea Schöllmann, brief of evidence, 5 May 2023 (doc B28), pp 31, 33

8. Ibid, p 32

process. Both the claimants and the Crown seek instruction from the Tribunal on the way forward in their relationship.<sup>9</sup>

First, we recommend the Crown acknowledge its breaches of Treaty principles and apologise to the claimants for the same. We consider this to be a necessary first step in rebuilding the parties' relationship and restoring the honour of the Crown. Specifically, the Crown should acknowledge and apologise for how poor its communication with Te Rūnanga Nui has been throughout the Tomorrow's Schools review and reform process, and how this has led to further deterioration of the parties' relationship. This apology should be supported by action from the Crown to ensure Te Rūnanga Nui has a meaningful role in shaping policy that affects Kura Kaupapa Māori – which we discuss more in section 7.3.3.

Secondly, in order to create a foundation for successful collaboration between the Crown and the claimants, the parties need to reset their relationship. We note attempts to do so in the past have failed, specifically the relationship reset wānanga following the parties' Mediation Agreement in 2022. Throughout the Tomorrow's Schools review and reform process, the Crown has failed to work with Te Rūnanga Nui in a way that honours the Treaty partnership. The Crown needs to commit to transparent communication with Te Rūnanga Nui and to enabling them to participate meaningfully in policy processes that impact Kura Kaupapa Māori. This includes those at a leadership level within the Crown being equipped to listen to and understand the concerns raised by Te Rūnanga Nui. To do so, those officials must have a full understanding of Kura Kaupapa Māori, their specific needs, their role as a manifestation of tino rangatiratanga in education and their nature as a movement grounded in te ao Māori. From the evidence, it is clear to us that not only was such understanding lacking amongst key officials at the Ministry, but there was also an unwillingness by those key officials to engage with Te Rūnanga Nui as an entity owed Treaty partnership duties.

It is not for us to prescribe exactly how the Crown demonstrates to the claimants it has achieved such an understanding or will follow through on its Treaty obligations in regard to Te Rūnanga Nui and Kura Kaupapa Māori. We consider the upcoming renewal of Te Tauākī Kawa agreement an opportunity for the claimants to tell the Crown what they need to restore trust between the parties, including any specific commitments. The parties may wish to use the principles the claimants have requested underpin their relationship going forward as a baseline.<sup>10</sup> We also consider that in any reconciliation process, raukura should play a key role. Kura Kaupapa Māori has produced extraordinary raukura who are well-equipped to advocate for the future of the movement. Te Rūnanga Nui should leverage off the success of the movement and involve raukura in these discussions, to create a durable and future-focused relationship. We also consider this agreement, whether achieved through the renewed Tauākī Kawa or by some other means,

---

9. Claimant counsel, closing submissions, 12 June 2023 (paper 3.3.3), pp 170–171; Crown counsel, closing submissions (paper 3.3.4), pp 84–85

10. Claimant counsel, closing submissions (paper 3.3.3), p 171

needs to be rangatira ki te rangatira – the Secretary of Education must be involved. It is also important that going forward, the relationship between the Ministry and Te Rūnanga Nui, and particularly the adequacy of communication, is monitored by those at a leadership level on both sides. Iona Holsted, Secretary for Education at the Ministry, acknowledged this should have occurred following the May 2022 Mediation Agreement.<sup>11</sup>

To summarise, in order to remedy the harm caused to the relationship between the parties by the Crown's breaches of Treaty principles, we recommend the Crown work with the claimants to reset their relationship. This relationship reset should include:

- ▶ commitment from the Crown to communicate transparently with Te Rūnanga Nui and meaningfully involve Te Rūnanga Nui in policy work affecting Kura Kaupapa Māori;
- ▶ commitment from the Crown to ensure officials in leadership at the Ministry working with Te Rūnanga Nui have a full understanding of Kura Kaupapa Māori and its unique needs;
- ▶ commitment that the relationship is rangatira ki te rangatira which means the Secretary of Education is a party; and
- ▶ both parties monitoring the relationship between the Ministry and Te Rūnanga Nui going forward, including the adequacy of communication.

### 7.3.3 A parallel Kaupapa Māori education pathway

The claimants requested that we recommend the Crown work with Te Rūnanga Nui and Kura Kaupapa Māori to develop a 'parallel framework' for Kura Kaupapa Māori.<sup>12</sup> In our assessment, this request, at a high-level, calls for two commitments: the development of targeted policy relating to Kura Kaupapa Māori to enable its success and Te Rūnanga Nui having a greater role in shaping that policy.

We consider both commitments necessary to remedy the prejudice caused to the claimants – specifically the limited power they have over policy affecting Kura Kaupapa Māori and the deficient nature of that policy framework. Once the parties have restored their relationship, work can begin to create more effective policy for Kura Kaupapa Māori. It is essential Te Rūnanga Nui have a meaningful role in creating that policy.

We recommend the Crown work with Te Rūnanga Nui (who represent Kura Kaupapa Māori whānau) to develop specific policies for Kura Kaupapa Māori, addressing:

- ▶ the process for establishing new Kura Kaupapa Māori;
- ▶ resourcing support for Te Marautanga o Te Aho Matua;
- ▶ network planning for the growth of Kura Kaupapa Māori in the long term; and
- ▶ the property needs of Kura Kaupapa Māori.

---

11. Transcript 4.1.6, p 274

12. Claimant counsel, closing submissions (paper 3.3.3), p 172



These policies should be developed by co-design. By that, we mean that the Crown and the claimants work together in a spirit of cooperation and compromise to develop this policy and no policy is finalised before both parties agree to its content. We note that the Crown has agreed to a separate workstream within the Māori Medium Work Programme for Kaupapa Māori education led by Te Matakahuki.<sup>13</sup> This work stream may be an appropriate place to action this recommendation. We consider this policy work should be undertaken as soon as possible once the parties have reconciled. It should not be waylaid by consideration of a structurally independent governance entity, which we understand may take time. Kura Kaupapa Māori deserve effective policy now, not later.

One of the specific actions the claimants seek is the gazettal of Te Marautanga o Te Aho Matua, presumably as a national curriculum.<sup>14</sup> We note there are some risks associated with this, including potential use of Te Marautanga o Te Aho Matua by those beyond Kura Kaupapa Māori Te Aho Matua.<sup>15</sup> We do not think the Tribunal is best placed to assess those risks, or to call for gazettal. We note the Crown remains open to a gazettal and we welcome the Crown and the claimants to continue discussions around that point.<sup>16</sup> However, we note a major reason the claimants want Te Marautanga o Te Aho Matua gazetted is to ensure it is sufficiently resourced and supported as a curriculum.<sup>17</sup> We hope that our recommendation for a bespoke policy for resourcing support for the curriculum will support this kaupapa.

#### 7.3.4 Claimant costs and other matters

The claimants have requested a recommendation that the Crown meet the claimants' costs for the preparation and presentation of this claim.<sup>18</sup> The Crown indicated it was open to approaching claimant expenses in accordance with the Mana Wāhine funding protocol.<sup>19</sup> We note this would be in line with the short-term recommendations of the *Whakatika ki Runga* (2023) Tribunal on claimant funding and believe it is an appropriate way to address claimants' costs.<sup>20</sup>

The claimants have also requested the Crown and the claimants complete a scoping report on what further research might be required to support the growth and development of Kura Kaupapa Māori, including a report on the Crown's data collection methods and analysis regarding Kura Kaupapa Māori.<sup>21</sup> The Crown

---

13. Iona Holsted, speaking notes, 22 May 2023 (doc B29(b)), p11; Crown counsel, closing submissions (paper 3.3.4), p74

14. Claimant counsel, closing submissions (paper 3.3.3), p172

15. Crown counsel, closing submissions (paper 3.3.4), pp78–79

16. Daryn Bean and Darren Nathan, brief of evidence, 5 May 2023 (doc B31), p19

17. Te Rūnanga Nui, 'Analysis of Education Work Programme and Tomorrow's Schools Reforms' (Hohepa Campbell and Mahinarangi Maika, supporting documents (doc B26(a)), p7)

18. Claimant counsel, closing submissions (paper 3.3.3), p173

19. Crown counsel, closing submissions (paper 3.3.4), p92

20. Waitangi Tribunal, *Whakatika ki Runga: A Report on the Crown's Obligations to Fund Claimants in the Waitangi Tribunal* (Wellington: Legislation Direct, 2024), p137

21. Claimant counsel, closing submissions (paper 3.3.3), pp172–173

have acknowledged these reports are ‘useful and appropriate’, but sequencing of the work programme is required.<sup>22</sup> We think such scoping reports are a useful exercise, but acknowledge they are not directly relevant to the narrow scope of this inquiry. We therefore do not make any recommendations on this point. The claimants have also asked us to recommend the Crown compensate Kura Kaupapa Māori for prejudice suffered by historic under-funding from 1990 to 2021.<sup>23</sup> This request is outside the scope of this inquiry, which is focused on the Tomorrow’s Schools review and reform process. We therefore do not make a recommendation on this point.

We further note the claimants have asked us to recommend the parties report back to the Tribunal on progress in implementing the Tribunal’s recommendations, including an update from the claimants on whether they would like to pursue a priority inquiry on outstanding matters in their claim.<sup>24</sup> The panel’s recommendations on the claim issues before it in this narrowly scoped urgent inquiry are final, as is typical with Tribunal recommendations. However, we can see how the status of the relationship between the parties could be of interest to the panel for the forthcoming Education Services and Outcomes kaupapa inquiry. That panel may of course, at its discretion, request such an update.

#### 7.4 CONCLUDING COMMENTS

In summary, we make the following recommendations to remedy the prejudice suffered by the claimants as a result of the Crown’s breaches of Treaty principles. We recommend the Crown:

- ▶ apologise to the claimants for its breaches of Treaty principles.
- ▶ work with the claimants to reset the relationship between the Ministry and Te Rūnanga Nui.
- ▶ co-design with the claimants specific policies for Kura Kaupapa Māori addressing:
  - the process for establishing new Kura Kaupapa Māori;
  - resourcing support for Te Marautanga o Te Aho Matua;
  - network planning for the growth of Kura Kaupapa Māori in the long term; and
  - the property needs of Kura Kaupapa Māori.
- ▶ commit to establishing a stand-alone Kaupapa Māori education authority – the precise scope and functions of which are to be developed with Māori stakeholders (including the claimants).

---

22. Crown counsel, closing submissions (paper 3.3.4), p 90

23. Claimant counsel, closing submissions (paper 3.3.3), p 50

24. *Ibid*, p 174

## GLOSSARY

*Education Hubs* A draft recommendation of the Taskforce to replace Ministry regional offices. Education Hubs would ‘assume many of the “business” governance responsibilities’ of school boards and provide ‘specialist educational support to build good teaching and learning’ for students.<sup>1</sup>

*Hautū* In the context it is used in this report, this term refers to officials in senior leadership within the Ministry of Education. For example, Andy Jackson is the Hautū Te Pou Kaupapahere (Deputy Secretary, Policy).<sup>2</sup>

*Ka Hikitia* A cross-agency ‘Māori Education Strategy’ setting out how the Ministry will ‘work with education services to achieve system shifts in education and support Māori learners and their whānau, hapū and iwi to achieve excellent and equitable outcomes.’<sup>3</sup>

*Kōrero Mātauranga* A ‘series of education conversations about the New Zealand education system’ completed as part of the Crown’s Education Work Programme 2018.<sup>4</sup>

*Māori Education Peak Bodies* A group of representative bodies involved in Māori education who have a regular forum with Ministry officials, including Te Rūnanga Nui, Ngā Kura ā Iwi, and other bodies like and Te Akatea (the New Zealand Māori Principals Association).<sup>5</sup>

*Māori Medium Education Governance Board* A Ministry group responsible for ‘governance and oversight within the Ministry of Education for policy, programmes and operational matters that support or impact on the provision of Māori Medium education.’<sup>6</sup>

*National Education Growth Plan* A plan published by the Crown in 2019 outlining ‘the anticipated location and patterns of growth in school-aged children’ to 2030 and the medium and long-term plan to meet that demand.<sup>7</sup>

*Ngā Kura ā Iwi* A national body that represents 48 Kura ā Iwi operating across the country.<sup>8</sup>

---

1. Tomorrow’s Schools Independent Taskforce, *Our Schooling Futures: Stronger Together/Whiria Ngā Kura Tūātititini* (Wellington: Ministry of Education, 2018), p9 (application for urgency, supporting documents (doc A6), p 457)

2. ‘Our Leaders’, Ministry of Education, <https://www.education.govt.nz/our-work/our-role-and-our-people/our-leadership-team>, last modified 15 February 2024

3. ‘Ka Hikitia – Ka Hāpaitia’, Ministry of Education, <https://www.education.govt.nz/our-work/overall-strategies-and-policies/ka-hikitia-ka-hapaitia>, last modified 13 February 2023

4. Andy Jackson and Andrea Schöllmann, brief of evidence, 5 May 2023 (doc B28), p 4

5. Minutes of Māori Education Peak Body Hui, 28 March 2019, p1 (Crown counsel, supporting documents (doc B30), p 115)

6. ‘Māori Medium Education Governance Board Terms of Reference’ (Crown counsel, supporting documents (doc B30), p 1471

7. ‘National Education Growth Plan’, Ministry of Education, <https://www.education.govt.nz/school/new-zealands-network-of-schools/about/national-education-growth-plan/#:~:text=schools%20and%20community,-,About,of%20their%20amariki%20and%20rangatahi>, last modified 15 April 2024

8. ‘Te Maru o Ngā Kura ā Iwi o Aotearoa’, Ngā Kura ā Iwi, <https://www.kuraaiwi.nz/temaru.html>, accessed 17 April 2024

- Puna reo* Early childhood education centres, separate to kōhanga reo, who provide teaching at a high level of te reo Māori immersion.<sup>9</sup>
- Rāngai Māori Workforce Group* A group formed to develop a workforce strategy for the Māori Medium education sector with representatives from Ngā Kura ā Iwi and Te Rūnanga Nui alongside other education bodies like the New Zealand Principals Federation and the Teaching Council of New Zealand.<sup>10</sup>
- School Property Strategy 2030* The Ministry's 'Te Rautaki Rawa Kura' strategy, which 'sets out the desired future state for school property management system through four strategic objectives' (quality learning environments, sustainable portfolio, well-managed property, and equitable outcomes).<sup>11</sup>
- Tau Mai Te Reo* A cross-agency 'Māori Language in Education Strategy' aimed at all learners, which sets goals and provides a framework for coordinating 'programmes and services that support Māori language in Māori medium and English Māori education'.<sup>12</sup>

---

9. Ministry of Education, 'Te Tira Hou/Māori Medium Education Network Information Pack', April 20201 (Crown counsel, supporting documents (doc B30), p1571)

10. Ministry of Education, 'Briefing Note: Rāngai Māori Workforce Group Aspirational Goal', 21 February 2020 (Crown counsel, supporting documents (doc B30), p1230)

11. Ministry of Education, 'Te Rautaki Rawa Kura 2030 NZ School Property Strategy 2030', <https://assets.education.govt.nz/public/Documents/Ministry/Strategies-and-policies/MOE-Te-Rautaki-Rawa-Kura-The-School-Property-Strategy-2030.pdf>, June 2020, pp 4–5

12. 'Tau Mai Te Reo', Ministry of Education, <https://www.education.govt.nz/our-work/overall-strategies-and-policies/tau-mai-te-reo/#about>, last modified 12 January 2024