

To:	Executive Te Huarahi	HX26/ Strat Plan Ref: Advocating
From:	Angela O'Donnell-King (Kaihautū Māori) Fran Renton (DGS Policy/ Pou Tuarua Kaupapa- Here)	29 April 2026



Waitangi Tribunal claim 3553

Executive [Political Standing Committee]

Recommendation

1. That the report be received.

Background

The Education and Training Amendment Act and Te Mātāiaho Urgent Inquiry (Wai 3553).

- 1.) The effect of removing the Te Tiriti obligation in the Education Act 127 (1) (d)¹; and
- 2.) The planned changes to the Te Matāiaho curriculum.

Five PPTA Te Wehengarua claimant briefs of evidence were presented:

Amorangi/ President – Chris Abercrombie

Te Hapai ō/ Māori Vice-President – Te Aomihia Taua-Glassie

Te Reo a Rohe/ ANZH – Kārena Ngata

Kaiako – Alicia Poroa

Kaiako – Jane Jarman

Of the five briefs, Alicia Poroa and Jane Jarman were chosen by the Tribunal to present their evidence in person at the Waitangi Tribunal hearing – 15 & 16 April 2026 at the James Cook Hotel in Wellington.

Introduction

The hearing began at 8.30 Wednesday 15 April 2026. After karakia tūwhera and introductions:

Tribunal panel: Judge Rachel Mullins, matua Kevin Prime, Gerrard Albert, Dr. Paul Hamer and pāpā Derek Fox.

Tukau Law – Wai 1464/1564: Te Kapotai, Wai 682: Ngāti Hine

Representing Bruce Jepsen and Therese Ford (Te Akatea) and Meredith Kennett (Teaching Council).

Annette Sykes and Co. Wai 3503: NZEI

Representing Ripeka Lessels and Shannon Walsh.

Jessie Moss, Stephanie Mills and Heidi Hayward.

Representing Associate Professor Richard Manning and Bevan Holloway.

Wai 3502: NKAI

Representing Watson Ohia, John Heremia and Heywood Kuka.

¹ <https://www.legislation.govt.nz/act/public/2020/38/en/latest/#LMS274508>

Whāia Legal. Te Whakakitenga o Waikato.

Representing Dr. Raewyn Mahara

Te Mata Law (Harry Clatworthy). Wai 3504 Post Primary teachers' Association Te Wehengarua.

Representing Alicia Poroa and Jane Jarman.

Crown Counsel: Watson and co.

Representing Ellen McGregor – Reid Secretary for Education.

Pauline Cleaver – Acting Deputy - Secretary Curriculum.

Mere-Hēni Simcock – Rēweti – Deputy Secretary Māori Education.

Andy Jackson – Deputy Secretary Policy

Lawyers: Miss Taylor and Miss Talamaivao. Wai 2959 – Māori Womens' Welfare League.

Miss Dawn Wai 3428- NZ Māori Council.

Lawyers: Liz Gordon.

Online – Mr Hakaraia Richards- Coxhead Wai 1456

representing members as interested parties introduced themselves.

15 April 2026 [Waitangi Tribunal Day 1](#)

Judge Rachel Mullins asked crown counsel for an update on a Parliamentary Bill being presented on Te Tiriti o Waitangi references in legislation. No update was available.

Annette Sykes raised issues of the late document being filed on the Treaty review process and the lack of Crown 'duty of candour' as a respondent to requests (dated late 2025) for full disclosure. Miss Sykes referred to the Crown's candid disrespect in failing to provide full disclosure particularly in light of the significant number of claimants presenting at this hearing. Miss Sykes asked for:

1. All information disclosed on Cabinet information relating to Treaty principles.
2. Until the Tribunal has reported on this hearing, no Bill will be introduced to Parliament.

Judge Mullins agreed and advised crown counsel to report back with updates to information sought.

Crown's response – worked hard to provide the information. The process lies with another counsel but will work on getting updates available as soon as possible.

Bruce Jepsen and Dr Therese Ford of Te Akatea spoke to their deep involvement and pride in the development of the 2023 *Te Mātaiaho* refresh, describing it as a curriculum grounded in decolonisation and equity. In contrast, they characterised the 2025 version as a total contrast to the education vision of enlightenment to one of prescription. Due to the scale and nature of the changes, they deliberately refrain from referring to the 2025 document as *Te Mātaiaho*, arguing that it represents a significant shift toward the recolonisation of the curriculum—one that privileges Eurocentric pedagogy and epistemology over the original intent.²

Both speakers referenced the public position of Elizabeth Rata, who has advocated for ending decolonising approaches in education, situating the curriculum changes within a broader ideological shift. They further highlighted evidence from whānau regarding the impact of removing Boards' obligations to give effect to Te Tiriti o Waitangi, noting increased experiences of racism in education settings and a growing sense among whānau that they feel unsafe and unsupported as te reo Māori and mātauranga Māori are increasingly marginalised.

Several Māori education initiatives identified as critical supports were noted as having been reduced or removed, including Te Ahu o te Reo Māori (kaiako professional learning and development), Resource Teachers of Māori, the

² <https://www.teaonews.co.nz/2025/11/04/school-curriculum-will-perpetuate-racism-and-ongoing-inequity-in-our-schools/>

National Education and Learning Priorities (NELPs), and Huia Kaimanawa—Te Akatea’s PLD programme for aspiring principals and leaders. This led to a central question underpinning their evidence: whose knowledge is being privileged? They argued that what is being positioned as “knowledge-rich” is, in effect, a reassertion of Eurocentric knowledge systems.

In response, they recommended reinstating section 127(1)(d) legislation and establishing explicit protections within curriculum reform processes to ensure the education system remains intentionally Tiriti-based and actively anti-racist.

Crown cross examination – queried who were and how many members are referred to in the evidence statements.

Meredith Kennett, President of Te Whakarōpūtanga o Aotearoa (NZSBA), spoke to the importance of actively honouring Te Tiriti o Waitangi through clear expectations and sustained support for Boards of Trustees. She highlighted the positive impact of targeted professional learning and development, noting that Boards—including 98 principals—had been upskilled in how to give effect to Te Tiriti in meaningful and practical ways. The strong demand for this PLD reflected a genuine commitment across the sector, and feedback from board members showed a deep sense of pride in building their capability to uphold these obligations.

Meredith emphasised that giving effect to Te Tiriti is not only achievable but enriches outcomes for all students. She presented evidence of board statements that explicitly affirmed this commitment, demonstrating that many boards continue to prioritise Te Tiriti responsibilities even in the absence of a legislative requirement. However, she raised a clear concern that without this obligation being embedded in legislation, Te Tiriti risks being deprioritised. In a context where boards must navigate multiple competing demands, the absence of a statutory requirement makes it more likely that these responsibilities will be overlooked over time.

She also drew attention to a significant shift in language, noting the move from a directive commitment - “we will achieve equitable outcomes for Māori”—to a more aspirational framing - “we must seek to achieve equitable outcomes for Māori.” This change, she argued, weakens accountability and signals a reduced expectation to actively give effect to Te Tiriti. Meredith reinforced that when obligations are clearly stated in legislation, they are far more likely to be upheld in practice, ensuring that honouring Te Tiriti remains a central and enduring responsibility within governance.

Crown cross examination- questioned the wording concern and that the wording still steers BOTs to provide equitable outcomes for Māori.

Meredith’s response – Many board members are not legally minded despite the wording inferring obligations to Māori still being present when previously the boards were legislated to give effect to te Tiriti o Waitangi – it was clearly understood.

Lawyer Potaka -raised concerns that the process deliberately disregarded Te Tiriti o Waitangi obligations. Despite Ministry advice emphasising the need to engage with Māori and uphold Tiriti responsibilities, Ministers chose to ignore this guidance, relying instead on parliamentary sovereignty. The removal of section 127, despite its importance to the Crown–Māori relationship, reflects a conscious decision to override both expert advice and Tiriti principles, undermining partnership, protection, and participation.

The Crown cannot claim it has met it’s Te Tiriti obligations. The Crown needs to restore what was removed.

Ripeka Lessels – The Manukura/President of Te Riu Roa (NZEI), drawing on over forty years of teaching across all kura, spoke to the deeply personal and collective impact of this claim. She described the removal of Te Tiriti as careless, undertaken without regard for the harm it will cause to Māori. She likened the actions of the Crown to those of “a thief in the night,” reflecting a process carried out without transparency or respect. Referencing earlier

speakers, she noted a shared perspective—that many see the Crown’s conduct as consistent in its disregard for Māori and for the Te Tiriti relationship.

The removal of Te Tiriti obligations constitutes a breach. A proposal to reduce these from a primary to a secondary objective was rushed through a six-week consultation process, relying primarily on an online survey. Despite Ministerial advice, the Crown proceeded to remove the obligations entirely.

Bevan Holloway – English teacher / SCT / writer / Professional learning facilitator.

Crown cross examination of Bevan Holloway’s source of evidence through OIAs. To understand the nature of your requests for information.

Bevan’s evidence raises serious concerns about both the integrity and transparency of the curriculum development process.

He questioned the sudden decision to rewrite the English curriculum, noting there was no clear rationale provided to the profession. Through OIA requests and collaboration with colleagues, he described the chronology of decision-making as “shocking,” supported by documented evidence.

A central concern was the role of the Ministerial Advisory Group (MAG). Bevan stated the MAG was never intended to write the curriculum, yet appears to have done so, which he described as a significant departure from proper process. This concern is compounded by the lack of access to draft versions, making it impossible to compare changes—particularly the shift from earlier drafts that included Māori authors to a final version where they are optional.

He also highlighted undue ministerial and external influence, including unrecorded (un-minuted) input and direct advocacy from individuals, raising questions about accountability.

Bevan contrasted the current process with the more inclusive 2023 Te Mātaiaho process, arguing that key expertise has been excluded, which undermines the quality of the outcome. He warned that the reforms risk irreversible harm to learners, likening the approach to an intensified version of National Standards, and questioned the ideological framing behind terms like “restoring balance,” suggesting this signals a predetermined agenda rather than evidence-based reform.

Evidence drawn from OIA material points to a deeply flawed and unethical curriculum drafting process led by the Ministerial Advisory Group (MAG). The work was undertaken at speed by a small, ideologically aligned group, with significant decisions made outside normal democratic and public service processes. The process lacked transparency, with political motivations shaping outcomes, which began before formal approval—despite Ministry of Education warnings about the need for statutory authority.

The MAG operated beyond its advisory remit, effectively taking on the role of curriculum writer, which sits outside its mandate and established public sector guidelines. Procurement processes were also bypassed, with preferred contributors selected without open or transparent procedures. Attempts at quality assurance were inadequate, with ERO declining to endorse parts of the work as not fit for purpose.

Overall, the process reflects a pattern of overreach, disregard for proper governance, and the marginalisation of diverse educational perspectives, raising serious concerns about the legitimacy and integrity of the resulting curriculum.

Lunch Break

Judge Mullins asks Crown counsel for update on Treaty review.

Crown Law Office – making progress, hope to have an update ‘crunchier than this’ by the end of the day.

Association Professor Richard Manning: culture counts, thesis titled, place counts. Originally from Porirua – ‘te pito o te ao’ the centre of the universe, he thanked his support, particularly the Puketapu whānau for taking further studies. Evidence based Marsden funded topic, ‘Exploring the teaching of Māori histories’ by Nepia Mahuika and Richard Manning. Evidence overview includes restoring balance and the political drivers, who has

and has not been included in writing the Social Sciences curriculum and the impact a standardised national history curriculum will have on Te Tiriti o Waitangi. The ANZHC conceptual framework (2021 – 2025) far-right targeted ‘big ideas’ and argued they privileged certain narratives ‘Marxist’ worldview. Attacks on localised curriculum reflects the disproportionate influence of Professor Elizabeth Rata³ and Professor Paul Moon⁴ whose opposition to a localised approach is documented. Elizabeth Rata⁵ believes a localised curriculum encourages tribalism and does not meet the requirements of a knowledge rich curriculum and tribalism is a threat to democracy. Right-wing ideological advisors to the Minister of education have been included in the writing of the curriculum. Mandated experts have been excluded from the process, Māori voices are absent. The Ministry has not acted in good faith.

The removal of the ANZHC conceptual framework and increasing secrecy around contributors were identified as key issues, alongside concerns that the Ministry has not acted with transparency. The reliance on an ERO report⁶ to justify “restoring balance” was also challenged. Overall, the speaker argued that the direction of the curriculum privileges Eurocentric narratives, marginalises mātauranga Māori, and reduces the curriculum to a disconnected list of content.

Further warned that removing Te Tiriti obligations risks returning to a system where Māori knowledge is largely absent—particularly at senior levels—and where histories of colonisation are told from a single perspective. This undermines cultural understanding and is not conducive to genuine social cohesion.

Professor Richard Manning – it is the notion of Māori at the centre and that is not its rightful place and we need to restore it to the periphery. The idea of Māori at the centre triggered far-right commentators, activists, academics and politicians. We want to re-centre the Western cannon. This is happening globally. This has happened in Australia. The idea that Western civilisation is under attack. The focus now on the ‘Battle of Thermopylae’ isn’t that where the Greeks the West defeated the Persians and the Persians today are the Iranians. We have to see it in the broader cultural wars. This is the great replacement theory in the curriculum. Ideology transcends culture.

NZEI Te Riu Roa.

Jessie Moss – Senior Professional Advisor.

Experience two years in the resourcing section of MOE Aotearoa New Zealand Histories – it was an interesting and exciting time. The political shift after the National party came into power of the NZC and Te Marautanga o Aotearoa. What was originally drafted in the Te Mātaiaho was a bicultural framework now serves as a trojan horse for an imported ideology is pedagogically unfit for the tamariki of Aotearoa and does not uphold Te Tiriti o Waitangi.

The inequity is structural and procedural. Te Marautanga has only two months of consultation in comparison to English medium curriculum with six months.

Heidi Heyward – Tumuaki.

As a member of the Curriculum Voices Group (2022) and Vice President of NZPF, I offer a practitioner’s perspective on the proposed reforms. While the Crown presents the shift to a “knowledge-rich” curriculum as a positive development, the evidence indicates that its development has largely occurred without transparency. Māori, hapū, and iwi have been excluded from meaningful consultation, raising serious concerns about the integrity of the process.

Those expressing concern are often characterised as resistant to change or supportive of an outdated curriculum. However, this resistance is both legitimate and principled, grounded in the lack of transparency and the exclusionary nature of the reform process. Furthermore, the realities of diverse and composite classroom settings have not been adequately considered within the rigid, year-by-year structure of the proposed curriculum.

Significant changes of this scale have also been advanced without proper consultation regarding staffing implications, further compounding concerns. Taken together, these issues point to a process that risks erasing

³ <https://e-tangata.co.nz/comment-and-analysis/ideology-is-pushing-maori-knowledge-out-of-the-curriculum/>

⁴ <https://www.penguin.co.nz/authors/paul-moon>

⁵ <https://elizabethrata.com/>

⁶ <https://www.beehive.govt.nz/release/ero-report-confirms-need-clearer-curriculum>

important perspectives and undermining equitable practice. On this basis, there is a strong argument that the progression of this curriculum should be paused. It's not fit for purpose.

Stephanie Mills – National Secretary Te Riu Roa/ NZEI

It is essential that students see themselves reflected in their education, as this is fundamental to engagement and success. While disparities in achievement remain evident, including those highlighted in OECD data, Aotearoa New Zealand continues to rank highly in areas such as critical thinking.

At the same time, the narrative presented internationally to attract overseas students emphasises the importance of culture within our education system. There are numerous examples and strengths within our current context that could be built upon. Restoring obligations to Te Tiriti o Waitangi is one clear and necessary step toward achieving this.

Whāia Legal. Te Whakakitenga o Waikato.

Representing Dr. Raewyn Mahara

The removal of section 127(1)(d), alongside the shifts within Te Mātaiaho, represents a significant change to the role of school boards in engaging with iwi. Previously, this provision established a clear statutory expectation that boards would work effectively with iwi as Te Tiriti partners, enabling meaningful collaboration in enacting these obligations. In practice, this supported mana whenua, including Tainui Waikato, to partner with schools in ways that upheld local tikanga and strengthened iwi presence within education.

The removal of this requirement reduces iwi engagement to a discretionary activity, creating conditions for systemic and far-reaching inequities. For Tainui Waikato learners, these risks diminished access to their marae, hapū, and iwi identity, and weakens the connections that support culturally grounded learning.

This shift also moves responsibility for equity away from governance, undermining accountability at a structural level. The 2023 Te Mātaiaho draft aligned closely with Tainui Waikato educational aspirations, supporting genuine partnership with schools to ensure that local knowledge, tikanga, and practices were embedded within kura. In contrast, the current iteration reflects a move away from Te Tiriti partnership toward a more standardised, prescriptive, and centrally controlled model.

Such an approach is known to increase the risk of inequitable outcomes for Māori learners. It represents not only a loss for iwi, but a diminishment of iwi authority, compounded by insufficient consultation processes that marginalise Māori voices. Evidence consistently shows that learning is strengthened when grounded in whakapapa and tikanga, and when schools work in confident partnership with iwi, marae, and hapū.

The call is clear: restore the centrality of these relationships so that learners can stand strong in their mana motuhake.

Te Mata Law (Harry Clatworthy). Wai 3504 Post Primary teachers' Association Te Wehengarua.

Witness Alicia Poroa – Executive member Aotearoa Social Studies Educators' Network (ASSEN)

At 4.20pm on that day, Alicia Poroa presented her evidence. Alicia Poroa is an experienced educator across a range of teaching contexts, an expert of Social Science, a PLD facilitator and serves as Treasurer of the Aotearoa Social Studies Educators' Network (ASSEN). She was supported by legal counsel Harry Clatworthy of Te Mata Law, alongside staff from PPTA Te Wehengarua.

The purpose of Alicia's evidence was to advocate for an education system in which mokopuna have equitable and unrestricted access to learning that honours Te Tiriti o Waitangi, enabling them to flourish. She grounded her kōrero in the whakataukī "*He kākano ahau i ruia mai i Rangiatea*" ("I am a seed sown from Rangiatea and I will never be lost"), reflecting both her own lifelong journey of reclaiming her Māori identity through te reo Māori and the importance of nurturing tamariki within this context. Nominated by ASSEN, Alicia served as a representative on the Social Sciences curriculum focus group for the 2024 "refresh of the refresh."

In her evidence, Alicia raised concerns about the removal of Te Tiriti obligations and described the revised Te

Mātaiaho as a tokenistic iteration of the original intent. She characterised the consultation process as a “tick-box” exercise and outlined the ethical dilemma she faced, including her refusal to sign a non-disclosure agreement due to the limitations it would impose. This decision ultimately led to her resignation from the Social Sciences writing group.

Alicia’s evidence can be viewed here.

: Begins at 7: 53:57

[Day 1](#)

16 April 2026 [Waitangi Tribunal Day 2](#)

Opening korero following karakia

Judge Mullins questioned Crown counsel, Mr Watson, about the process by which Treaty-related matters were being advanced through Cabinet and whether proper procedures had been followed. It emerged that key decisions had been made earlier but were only disclosed to the Tribunal and claimants at a much later stage, raising concerns about transparency and fairness.

Counsel for the claimants, including Ms Sykes, challenged the Crown’s approach, highlighting delays in disclosure, inconsistencies in documentation, and the lack of clarity around whether the Crown would commit to not progressing a Bill until the Tribunal had completed its report for the urgent inquiry (Wai 3553). Concerns were also raised about the limited availability of appropriate witnesses and the inadequacy of information provided.

In response, Mr Watson acknowledged that discussions were ongoing at a ministerial level regarding the requested undertaking, but confirmed no commitment had yet been secured. Overall, the exchange underscored concerns about procedural fairness, transparency, and the Crown’s obligation to allow the Tribunal process to proceed without being undermined by parallel legislative action.

Annette Sykes and Co. Wai 3503: NZEI

Wai 3502: NKAI

Watson Ohia – Tumu Whakarae NKAI, John Heremia (absent) and Heywood Kuka -Tumuaki o Mauao

This report is presented on behalf of NKAI in response to the removal of section 127(1)(d) of the Education and Training Act and the redrafting of *Te Mātaiaho*. It outlines the impacts of these changes on NKAI, its ākongā, and its relationship with the Crown, particularly in light of *Te Kawa Whakapūmau*—the covenant that affirms the Crown’s commitment to uphold its obligations to NKAI.

Breach of Te Kawa Whakapūmau and Lack of Consultation

NKAI asserts that the removal of section 127(1)(d), alongside the curriculum changes, has occurred without meaningful consultation. This represents a failure by the Crown to uphold the intent and spirit of *Te Kawa Whakapūmau*. The absence of engagement demonstrates a lack of respect for NKAI as a Tiriti partner and undermines established expectations of partnership, participation, and protection.

Impact on NKAI Students

NKAI students engage with the New Zealand Curriculum (NZC), particularly at the senior level. The redrafting of *Te Mātaiaho*, undertaken without NKAI input, fails to reflect their educational realities, identities, and aspirations. As a result, these changes risk negatively impacting student achievement, engagement, and cultural wellbeing. The exclusion of NKAI perspectives from curriculum design diminishes the relevance and effectiveness of the curriculum for its learners.

Positioning of Mātauranga Māori

NKAI strongly rejects the positioning of Māori knowledge as an “add-on” within the curriculum. As articulated by Mr Ohia, Māori culture is not a layer to be placed upon an existing fabric. Rather, it is the foundation—the loom from which all learning should be woven. The current approach to *Te Mātaiaho* risks reinforcing a model where

mātauranga Māori is marginalised, rather than recognised as central and foundational.

Systemic Exclusion from Decision-Making

The processes undertaken by the Crown reflect a pattern where decisions are made *about* NKAI, rather than *with* NKAI. This approach perpetuates inequity and undermines the ability to design an education system that serves Māori learners effectively. NKAI asserts that it is not possible to design a positive future for tamariki Māori without their direct involvement and leadership.

Conclusion

The removal of section 127(1)(d) and the redrafting of *Te Mātaiaho* represent significant shifts that have occurred without appropriate consultation or partnership with NKAI. These actions undermine both the Crown's obligations under Te Tiriti o Waitangi and its commitments under *Te Kawa Whakapūmau*. NKAI calls for an immediate reset of the process—one that centres partnership, restores legislative obligations, and ensures that Māori are not marginalised within a system that must serve them.

Te Mata Law (Harry Clatsworthy). Wai 3504 Post Primary teachers' Association Te Wehengarua.

Witness Jane Jarman. Executive member NZHTA

Our second witness, Jane Jarman presented evidence the following day. Jane Jarman is the Head of Social Sciences at a Northland secondary school. She is also the Executive member of the New Zealand History Teachers' Association ("NZHTA") for Te Tai Tokerau.

A powerful presenter, Jane brings extensive academic and professional expertise to her critique, holding a first-class honours degree in history and advanced postgraduate study focused on Aotearoa New Zealand history. With over a decade as Head of History and Social Studies, and more than twenty years designing curriculum, she has developed programmes grounded in mātauranga Māori in partnership with hapū. Her work includes Ministry-funded curriculum development, national professional learning leadership, and recognition through a national secondary teaching award. She also represents the New Zealand History Teachers' Association (NZHTA), a highly qualified collective that has contributed significantly to curriculum design and support across the motu.

Despite this depth of expertise, she highlighted that NZHTA and other subject experts were largely excluded from the drafting of the new Social Sciences curriculum. Engagement was minimal, with the association only seeing the draft upon its public release, and key Māori and disciplinary experts overlooked. This, she argued, signals a lack of meaningful partnership and a disregard for professional knowledge.

Her central critique is that the draft curriculum constitutes an immediate educational prejudice. Māori are either minimised or misrepresented, with Māori epistemologies structurally excluded while Western frameworks are positioned as dominant. The curriculum privileges European historiography—emphasising linear time, evidence, and narrative—while failing to recognise Māori ways of knowing, such as whakapapa-based sequencing, relational knowledge, and tikanga-informed interpretations of the past. As a result, students who come with prior knowledge grounded in their iwi and hapū contexts will have that knowledge devalued.

She further argued that the "knowledge-rich" design is overly prescriptive and content-heavy, leaving little space for teachers to incorporate local or culturally grounded learning. These risks entrenching a Eurocentric education system in which Māori students—who make up the vast majority of learners in state schools—are denied the opportunity to see their histories, identities, and status as mana whenua reflected in their learning.

The curriculum, she contends, treats mātauranga Māori superficially rather than as a foundational element, marking a significant departure from the intent of the original Aotearoa New Zealand Histories framework. It lacks engagement with Māori primary sources, ignores Māori concepts of time and place, and omits critical perspectives on colonisation. She describes it as a curriculum of omission and obfuscation. It is not politically neutral, it is not balanced, and it is certainly not world leading.

Ultimately, Jane argues that the draft fails to meet Te Tiriti o Waitangi obligations. It does not demonstrate active

protection, equitable outcomes, or genuine partnership with Māori in its design. The result is a curriculum that not only marginalises Māori knowledge but undermines the very purpose of the reforms originally called for by rangatahi—to ensure that the histories of Aotearoa are taught truthfully and inclusively. "I do not believe that Māori were involved in any meaningful way in the writing of such a poorly written and inaccurate curriculum."

Crown Counsel: Watson and co.

Ellen MacGregor – Reid Secretary for Education.

Purpose key themes and answer questions raised yesterday. I started 2024 as acting and appointed permanent December 2025. Ministry of Education provide advice to ministers, we fund and provide resources, and we administer and monitor system performance. We are clear, the crown has Treaty duties in education. They are significant and they are enduring. The way they are expressed may change from time to time. The Crown has obligations to Māori under the Treaty in relation to education arising from Te Tiriti. The relationship between Ministers and the Ministry of education was elaborated further, the Ministry of education does not act independent of Minister decision and are bound by them. We provide advice to the Ministers but ultimately all policy decisions reside with the Minister. The Ministry of Education is still obligated through partnership, active protection and redress through our work. Acting in a politically neutral manner.

The ministry input we have had to the legislative work (Treaty Principles review) and factual matters to any proposals to changes in education legislation, we will of course do our best.

We heard from claimants about consultation that did not occur in the removal of 127, this has been acknowledged by the Crown.

Claimants talked about Māori achievement becoming invisible, that would be unacceptable. We welcome the commitment from school boards to continue to give effect to Te Tiriti in education. How the government considered the importance of Te Tiriti through our advice.

School boards are still required to report on a number of key components relating to Māori in education including Māori student achievement in their annual reports. School boards are also required to **seek equitable outcomes for Māori students**. Better reporting information to whānau on achievement progress will be made available from the early Years onwards. A significant gap in our system has been the lack of information on student achievement progress.

We will s Ngā Haeata will soon be released- a Māori indicators report – data trends both primary and secondary. This report is framed against our Māori education strategies: ka Hīkitia, ka Hāpaitia and Tau Mai Te Reo.

We acknowledge better achievement results NCEA for Māori in Kaupapa Māori education settings. A culturally sustaining education achieves these results with whānau highly engaged and invested.

The intention of reforms, the curriculum re set and changes to section 127 legislation is to indicate that student achievement is the paramount focus of schools and to inform teaching and learning. They are intended to set clear expectations and leave less to chance. How the curriculum is regulated is part of my brief: curriculum statements are made by ministers under section 90 of the education and Training Act⁷. Different governments over time have decided to focus on different aspects of curriculum design.

Regardless of the design chosen, the Ministry of Education is there to support teaching and learning. Broadly speaking, the intent of the curriculum reform the changes to 127 are to show the focus is on student education achievement.

Andy Jackson – Deputy Secretary Policy

Responsible for policy through legislation. I lead the advice to ministers on the changes to 127 (1) (d). my evidence lays out the process that was used to give advice to Ministers.

I cannot give advice on the Treaty Principles Review. In reference to claimant evidence: reporting on ākongā Māori the removal of National Education Learning Priorities (section 5) of the Education and Training Act⁸ – schools were not required to 2020 – 2025 'have particular regard' in reference to planning and reporting. If schools' want to

⁷ <https://www.legislation.govt.nz/act/public/2020/38/en/latest/#LMS170676>

⁸ <https://www.legislation.govt.nz/act/public/2020/38/en/latest/#LMS170676>

continue using objectives to report on from NELPs – we agree with the claimant’s evidence that it is no longer required for schools. Board of Trustee reporting on Māori that still remains: how strategic goals deliver on Ka Hikitia, schools continue to be inclusive, **schools seek equitable outcomes for Māori**, report on teaching and learning on specified learning groups including Māori.

Changes to curriculum statements in the Education Reform Bill no. 1 – assertion from NZEI witnesses that the Minister was creating a power to change the curriculum at will. The Minister has had the power to make, amend, and revoke statements in the Education and Training Act since 1989⁹ and the changes in the Bill do not create additional powers.

Whether school’s boards are part of the Crown 124 of the Education and Training Act ‘a school board is a legal entity separate from the Crown.’

Pauline Cleaver – Acting Deputy - Secretary Curriculum.

The curriculum design approaches what this means for tikanga Māori , te reo Māori and mātauranga Māori. Both Te Mātaiaho and Te Marautanga o Aotearoa are not a translation of each other are being update to a knowledge rich science of learning. There has been a shift in approach from co-design to consultation on Ministry drafts, there has been no co- design with Māori and is a different way to how we worked previously. Governments have asked Ministeries to take different approaches. The Minister re-set the approach to the update to the curriculum. The minister wanted to revise what already had been co-designed, wanted wide input but didn’t want young people to wait any longer. The draft 0 – 10 curriculum was written by Ministry staff with advisors contracted in. The New Zealand Coherence group chaired by Dr. Novak led the writing teams for the 0 – 10 curriculum. Kiritina Johnstone led the writing group for Te Marautanga. Talk about Non-Disclosure Agreements (nda), we have used these from time to time. It is true we have used these more recently and withheld names to protect those people. Incidents of people being verbally abused who were part of the draft curriculum. Minister has agreed to a longer period for the writing of the 11-13 draft curriculum.

We did not intend to change the Aotearoa New Zealand History curriculum, we did not engage extensively on the ANZH content we just intended to reframe what already existed to a knowledge rich approach.

We have over 200 teachers working with us following an EOI process at the end of last year.

The approach to consultation on the curriculum does not only relate to an online survey. Term 1, 2026 we undertook classroom trials 0 – 10, a series of sector webinars 2025 and will include a roadshow for the middle of this year. Hui with subject Associations, Peak Bodies have taken place since 2025. Feedback will be analysed. We have pulled together groups to discuss issues such as multi- level classrooms.

The quality of consultation is most important. Over 500 participants have engaged to date. 0 – 10 consultation ends 24 April. Consultation on Pūmanawa tāngata wāhanga Ako– Te Marautanga and will remain open till 5 June.

The issue of the influence the Ministerial Advisory Group (MAG) the Minister established has been raised. MAG finished their work in June 2024. Some members did believe they would be writing curriculum content. The MAG report varies compared to the draft curriculum they look very different.

Michael Johnson (MAG chair) has ongoing work with the New Zealand Coherence group. We work within procurement parameters. Elizabeth Rata was contracted to be involved in the writing of the English curriculum 11-13 to be release in May 2026. Note that New Zealand recommended texts exist in the 0 – 10 English curriculum.

Comments by Minister in relation to the ERO report does not guide what the Ministry did. Work was guided by a 2024 cabinet paper released on MOE website 14 February 2025. It sets out the direction the Minister laid out for the Ministry to follow – was not included in original brief.

Paul Moon made suggestions to the draft curriculum, but he was not involved in the drafting of the learning area.

⁹ <https://www.legislation.govt.nz/act/public/1989/80/en/latest/#DLM185931>

Suggestions that the draft is a list of isolated thoughts and integrated teaching cannot happen. Curriculum specifies how that knowledge is to be taught and teachers need to decide how to integrate local practices that are meaningful including integrating knowledge from other learning areas with supportive resources.

Relationships are key to learning with responsive learning environments. We are not creating a one size fits all curriculum. Previous curriculum have not required the teaching of te reo. Te Marautanga is taught through te reo Māori. We have ensured students are exposed to the same knowledge rich curriculum. The draft uses less te reo but does set a minimum level of te reo that should be made available for all teachers and students. A sequenced programme in te reo will be made available.

Cross Examination; Crown witnesses:

The cross-examination of MacGregor-Reid and Andy Jackson attempts to present a coherent rationale for the removal of section 127(1)(d) and the Crown's approach to its obligations under Te Tiriti o Waitangi. However, when read together, their evidence reveals significant inconsistencies and gaps.

Officials emphasise that the Ministry has internal capability to meet Treaty obligations through cultural PLD, advisory groups, and Māori staff, and that it provides "free and frank advice" to Ministers. They also assert that responsibility for Treaty obligations ultimately sits with the Crown, not school boards, and that policy changes are intended to prioritise Māori student achievement through improved teaching and learning.

At the same time, key admissions undermine these claims. There was no Māori leadership involved in discussions about removing section 127(1)(d), and no evidence of meaningful engagement with Treaty partners, including under agreements such as He Kawa Whakapūmau. Despite acknowledging that advice was given not to proceed without consultation, that advice was ignored by the Minister and Cabinet. Officials also confirmed that no Regulatory Impact Statement was prepared due to time constraints, even though this departs from standard process.

Further inconsistencies arise in relation to evidence and decision-making. While Māori inequity is cited as a driver for reform, a Ministry-commissioned report on that issue was not considered. References to a "robust Treaty framework" are not supported by clear examples of how Tribunal findings or Māori expertise informed the decisions. In addition, officials were unable to clearly account for ministerial directions or provide documentation of key discussions.

Overall, the evidence does not align. The Ministry claims to be guided by Treaty obligations, evidence, and partnership, yet the process excluded Māori input, ignored its own advice, bypassed standard policy safeguards, and proceeded without a clear evidential basis. This suggests a process driven more by ministerial direction and expediency than by the principles of partnership, protection, and informed decision-making that underpin Te Tiriti.

Cross examination of Andy Jackson.

The inclusion of section 127(1)(d) in that review was driven by ministerial action rather than a clear statutory need.

It was also clarified that school boards are Crown entities evident in the Crown Entities Act (2004)¹⁰ and the Education and Training Act (2020)¹¹, reinforcing that they carry responsibilities within the Crown system, despite attempts to frame their obligations as unclear or duplicated.

Crucially, officials confirmed there was no engagement with Māori, including key partners such as NKAI, despite advice explicitly warning against proceeding without consultation and outlining significant risks.

The process was rushed: no Regulatory Impact Statement was completed, with urgency justified by political timelines rather than policy readiness. The stated rationale of reducing duplication and improving efficiency is

¹⁰ <https://www.legislation.govt.nz/act/public/2004/115/en/2024-07-01/#DLM329631>

¹¹ <https://www.legislation.govt.nz/act/public/2020/38/en/latest/#LMS170676>

undermined by the lack of evidence and process.

Overall, the exchange exposes a Minister-driven process that ignored advice, bypassed consultation, and prioritised speed over Treaty-consistent decision-making, while failing to demonstrate how these changes would improve outcomes for Māori learners.

The cross-examination focused on the Crown's obligations under legislation to actively protect Māori interests, including taonga such as te reo Māori and tikanga. Andy Jackson confirmed that these obligations reflect the principles of active protection and partnership, and that Cabinet advice to the Minister affirmed the expectation that the Crown act consistently with Te Tiriti o Waitangi.

It was established that, despite this, the legislation proceeded without consultation with Māori, and Cabinet acknowledged that this would have adverse effects. While section 4(d), which affirms commitment to honouring Te Tiriti, remains in force, Jackson stated that the Crown views responsibility for meeting these obligations as sitting centrally with the Crown, rather than with school boards, and to be enacted through mechanisms such as curriculum and funding.

Further questioning highlighted that key changes, including the removal of section 127(1)(d) and the National Education Learning Priorities, were made without engagement and would have cumulative impacts. Although advice had recommended no changes without proper consultation, this was not followed. The requirement to report on section 127 has also been removed.

While the Ministry maintains that the curriculum continues to reflect Treaty considerations, and that some analysis has been undertaken, the evidence confirmed that usual processes such as a Regulatory Impact Statement were not completed. Overall, the exchange underscored a disconnect between stated commitments to Te Tiriti and the processes used to implement these legislative and curriculum changes.

Cross examination of Pauline Cleaver

The cross-examination reveals issues that extend well beyond the stated aims of improving achievement or clarifying obligations. Taken together, the evidence points to deeper structural and ideological shifts in how decisions have been made and justified.

Senior officials acknowledged that there was no engagement with Māori leadership involved in discussions about removing section 127(1)(d), despite its role in upholding Te Tiriti obligations. While the Ministry referred to internal capability and advisory structures, there was no evidence of genuine partnership or co-design with Māori, including key partners such as NKAI. This indicates a process shaped more by Crown-defined interpretations than by shared decision-making.

Officials also confirmed they had advised against proceeding without consultation with Māori and had outlined potential risks. Despite this, the advice was overridden. The changes were advanced without a Regulatory Impact Statement, without consultation, and without engagement with Treaty partners. The rationale of urgency suggests not just a compressed process, but a conscious decision to proceed despite known implications for the Crown–Māori relationship.

A further shift is evident in how responsibility for Te Tiriti is framed. The position that obligations sit solely with the Crown, rather than school boards, removes shared accountability across the system. Previously, boards were required to actively give effect to Te Tiriti. With that requirement removed, responsibility becomes more indirect and less enforceable, creating a gap between obligation and practice.

There is also a clear contradiction between the stated goal of improving outcomes for Māori and the changes being implemented. No strong evidence was presented to show that these reforms will achieve better outcomes. At the same time, Māori-focused approaches and initiatives appear to have been reduced or sidelined. The emphasis has shifted toward standardised, “knowledge-rich” approaches grounded in Western educational

models, rather than culturally sustaining or Māori-centred frameworks.

This is reflected in the curriculum itself, where knowledge is framed through Western disciplinary structures and Māori knowledge systems are marginal or absent. Mātauranga Māori is positioned as something that can be added locally, rather than forming a foundational part of the curriculum. This reinforces a hierarchy in which Eurocentric knowledge is treated as the default.

The move toward tighter sequencing, national consistency, and reduced flexibility further limits the ability of schools and iwi to design learning that reflects local context, whakapapa, and identity. While described as providing clarity, this approach narrows what is recognised as valid knowledge and how it can be taught.

The likely impact for Māori learners is significant. When identity, language, and knowledge are less visible, students are less likely to see themselves reflected in their learning. This can affect engagement, belonging, and confidence, and risks reinforcing inequities rather than addressing them. These patterns echo earlier education systems where Māori were required to succeed within frameworks that did not reflect their realities.

Overall, the evidence suggests these changes are not neutral. They signal a move away from partnership and toward centralised control, a shift from mātauranga Māori as foundational to something more peripheral, and a move from locally responsive education toward standardisation. In effect, Māori are positioned less as partners in shaping the system and more as recipients of it. The consistent concern across the evidence is that these changes have been done to Māori, rather than with Māori, raising serious implications for equity and for the integrity of Te Tiriti in education.

Tribunal cross examination

The discussion highlights tensions between the urgency to implement curriculum changes and schools' readiness to deliver them effectively. Ministry officials acknowledged the challenge of balancing timely reform with quality implementation, noting this as an ongoing issue.

Concerns were raised about whether these changes will genuinely lift outcomes for Māori learners, with a clear call that if reforms do not achieve this, their value is questionable. The Ministry indicated that removing section 127 was intended to reduce compliance pressures on school boards and refocus priorities toward student achievement.

However, this reframing suggests a shift away from Te Tiriti-based obligations, including positioning te reo Māori provision as something available on request rather than a core responsibility.

Friday 17 April [Day 3 Tribunal Hearing](#)

Crown witnesses

Andrew Kibblewhite Caroline Greaney

At 8.30am, officials from the Ministry of Justice appeared for cross-examination regarding the process underpinning the Treaty Principles Review, which the Tribunal had been notified on 15 April was progressing through Cabinet under the direction of the Minister of Justice.

Evidence presented during the hearing confirmed that Ministry officials had advised against advancing the proposed bill without appropriate engagement, noting that such an approach risked undermining Māori–Crown relations and would not be in the public interest. Officials raised concerns about the speed of the process, the absence of consultation on a matter of significant constitutional importance, and the potential for adverse impacts on Te Tiriti o Waitangi.

Despite this advice, the Minister elected to proceed, citing a need for legislative consistency. However, the cross-examination highlighted that this rationale was not supported by officials' recommendations and that substantive concerns remained regarding both the process and its implications. The evidence indicates a divergence between

official advice and ministerial decision-making, with the latter proceeding notwithstanding clear cautions about the risks involved, including the potential erosion of Te Tiriti-based commitments and harm to Crown Māori relations¹².

28 April 2026 [Wai 3553 - the Education and Training Amendment Act Urgent Inquiry hearing Day 4 Closings](#)

Closing Submissions Summary and Key Themes

1. Procedural Failures and Lack of Transparency

Claimant counsel consistently challenged the integrity of the Crown's process, describing it as opaque, rushed, and lacking in good faith. Significant concerns were raised about the secrecy surrounding the curriculum rewrite, including the use of Non-Disclosure Agreements (NDAs), which claimants argued operated less as protection for writers and more as a mechanism to restrict open discussion and sector scrutiny. Evidence presented throughout the hearing reinforced the view that major policy and curriculum decisions were advanced without transparent process, adequate consultation, or proper documentation.

Judge Rachel Mullins also raised concerns regarding the Crown's disclosure practices, noting that relevant documentation available to other panels had not been provided to the Tribunal in a timely manner. This was identified as a serious procedural failure attributable to the Crown.

2. Exclusion of Māori and Sector Expertise

A recurring issue across submissions was that these reforms were undertaken without meaningful engagement with Māori, education professionals, or key Treaty partners. Claimants emphasised that the process was something "done to us, without us." Of particular concern was the exclusion of expert groups such as NKAI, despite their strong educational outcomes and established expertise in Māori-medium and culturally grounded education.

Counsel argued that instead of drawing on sector knowledge, the Minister relied on a narrow group of ideologically aligned academics and advisers, while sidelining practitioners, curriculum experts, and many of the original writers involved in the 2023 version of Te Mātaiaho.

3. Departure from the Original Vision of Te Mātaiaho

Claimants highlighted that the current draft no longer reflects the bicultural and locally responsive intent of the 2023 curriculum refresh. Original contributors have reportedly distanced themselves from the current document, rejecting its description as Te Mātaiaho. The revised curriculum was characterised as highly prescriptive, centralised, and reduced to a narrow sequence of content, representing a significant departure from the earlier vision.

4. Te Reo Māori and Mātauranga Māori

Counsel strongly challenged the Crown's position that mandating te reo Māori in the curriculum represents progress. While Crown witnesses argued this was the first time te reo Māori had been sequenced and mandated, claimants submitted this does not offset the removal of wider supports for Māori language revitalisation, including funding changes to Te Ahu o te Reo Māori, the removal of Māori language content from resources, and the disestablishment of specialist support roles.

Claimants argued that mātauranga Māori, as a taonga protected under Te Tiriti o Waitangi, has not been actively protected. Instead, it has been diminished, marginalised, or treated as supplementary.

5. Curriculum Content and Educational Harm

Strong criticism was directed at the proposed Social Sciences and Aotearoa New Zealand Histories curriculum. Claimants described the curriculum as politicised and ideologically driven, privileging a Western framework while

¹² <https://www.1news.co.nz/2026/04/19/govt-proposes-to-weaken-legal-obligations-to-treaty-of-waitangi/>

subordinating Māori perspectives and minimising Aotearoa's lived colonial history.

Legal Claimants argued that a curriculum claiming to create equity while erasing or minimising Māori knowledge systems is inherently contradictory. The dominance of one worldview over another was characterised as assimilation, not equity. Claimants warned this approach risks reproducing the very educational failures that have historically disadvantaged Māori learners.

6. Crown Inconsistencies and Weak Response

The Crown acknowledged there had been no meaningful engagement with Māori or the wider profession. However, it continued to argue that school boards are separate from the Crown, despite evidence confirming boards are Crown entities operating under statutory obligations.

The adequacy of the Crown's closing response was also questioned. Judge Mullins noted the Crown's one-page submission stood in stark contrast to the detailed submissions filed by claimant counsel, raising concerns about the seriousness with which the Crown had approached the closing stage of proceedings.

Conclusion

The closing submissions collectively reinforced a clear theme: the removal of section 127(1)(d) and the redrafting of the curriculum reflect a pattern of decision-making that is procedurally flawed, insufficiently transparent, and inconsistent with the Crown's obligations under Te Tiriti. The reforms were characterised as centralising control, weakening Māori partnership, and embedding a curriculum model that marginalises Māori knowledge and identity.

Rather than strengthening educational equity, claimants argued these changes risk undermining decades of progress in te reo Māori revitalisation, culturally sustaining pedagogy, and Māori educational success.

Recommendation

Claimant counsel recommended that the Crown not proceed with the Treaty Principles Review or related legislative reforms until the Waitangi Tribunal has completed and released its report on the urgent inquiry. This recommendation is intended to preserve procedural fairness, allow for proper scrutiny of the Crown's actions, and ensure future decisions are informed by the Tribunal's findings on Treaty compliance, consultation, and educational equity.

The Tribunal report should be finalised in two weeks.