

**IN THE WAITANGI TRIBUNAL**

**WAI 3310  
WAI TBC**

**UNDER**

The Treaty of Waitangi Act 1975

**AND**

**IN THE MATTER OF**

The Education Services and  
Outcomes Kaupapa Inquiry (Wai  
3310)

**AND**

**IN THE MATTER OF**

A claim by Gazala Maihi on behalf  
of Post Primary Teachers  
Association Te Wehengerua  
(PPTA) (Wai TBC)

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**STATEMENT OF CLAIM**

**DATED 9 MAY 2025**

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## **MAY IT PLEASE THE TRIBUNAL**

### **The claimants: Post-Primary Teachers Association**

1. This claim is made by Whaea Gazaila Maihi on behalf of herself, all Māori taura and kaiako, and the New Zealand Post-Primary Teachers' Association Te Wehengerua ("PPTA").
2. The PPTA is a trade union and professional association that represents more than 25,000 school teachers and principals employed in state and integrated secondary schools, area schools, technology centres, and community education centres. The PPTA is dedicated to ensuring that all young people in New Zealand have equitable access to a high quality public education.
3. Many of the members of PPTA are Māori kaiako, who are responsible for the education of tens of thousands of Māori taura across Aotearoa.
4. The PPTA is committed to a partnership between tauwi and tangata whenua, which gives effect to the Te Tiriti o Waitangi, focuses on addressing the disproportionately poor outcomes for Māori taura and supports the incorporation of te ao Māori into the education system of Aotearoa.
5. To give effect to this partnership, the PPTA has implemented the following actions:
  - a. It is guided by a constitution that requires the Union to affirm and advance Te Tiriti o Waitangi;
  - b. It has established dedicated Māori structures (Te Huarahi Māori Motuhake) within the Union, which represent, advocates and gives a voice to Māori;
  - c. It holds an annual national conference for Māori secondary teachers to discuss issues relevant to Māori education; and
  - d. For over 50 years, it has actively supported numerous kaupapa within the education system, particularly those aimed to further the incorporation of te reo me ona tikanga.

## **The Claim**

6. Education is the first significant formative experience for many tamariki and rangatahi in Aotearoa outside their own kāinga. The impact of education on the fabric of the country can not be understated.
7. Sadly, Māori have suffered greatly through the implementation of a colonial education system that has both historically and systemically failed to uphold their side as Te Tiriti partners and have instead disregarded the needs and aspirations of Māori taurira.
8. As a result, the education system has failed many Māori taurira, leading to disproportionately poor education outcomes for Māori both historically and to the present day.
9. Failures in the education system for Māori taurira can have lifelong consequences, and are often linked to the the many poor socio-economic disparities that many Māori experience.
10. Over many years, the claimants have worked to understand and develop practices that give effect to Te Tiriti, for the purpose of improving outcomes for taurira Māori and addressing the disparities they face within the education system.
11. Since the election of the coalition government in 2023, the claimants have witnessed numerous policies proposed and implemented that are designed to undermine the progress made towards upholding Te Tiriti obligations and improving outcomes for taurira Māori.
12. Similarly, the coalition government is making no effort to address the disproportionately poor outcomes already suffered by Māori taurira, instead they are actively pursuing policies that further entrench these issues and undermine their Te Tiriti obligations.

13. The claimants assert that the education of children and young people, particularly taurira Māori, will continue to be negatively impacted, further exacerbating the disparities faced by Māori.
14. This claim is filed to voice the PPTA's opposition to the current and proposed policies of the coalition government, which they assert constitute breaches of Te Tiriti.

**Te Tiriti o Waitangi.**

15. The claimant's raise the following issues with the Education system:
  - a. Disparities in achievement, suspension and expulsion rates between Māori and non-Māori;
  - b. The proposed changes to the Education and Training Act 2020, including amendment of s127 and removal of National and Educational learning priorities, which currently references Te Tiriti o Waitangi;
  - c. The discontinuation of Te Ahu o Te Reo Māori, which is designed to strengthen the use of te reo Māori in the education system;
  - d. The removal of Matauranga Māori, the prominence of Te Tiriti o Waitangi and the changes to Te Mataiaho from the revised English and Maths curriculum;
  - e. The proposal to disestablish Resource teachers of Māori;
  - f. The proposal to "rebalance" Aotearoa New Zealand Histories;
  - g. Charter schools;
  - h. The deficiencies in the NCEA level one roll out; and
  - i. The attendance code system.

## Duties and breaches

### Duty: Active Protection

16. The Crown has an obligation to actively protect the tāonga of Māori. In the Oranga Tamariki inquiry, the Crown conceded that tamariki Māori, and by extension rangatahi Māori, are a tāonga.<sup>1</sup>
17. Part of the obligation to actively protect our tamariki and rangatahi as tāonga is ensuring that they are able to succeed, learn, be healthy and live as Māori in the education system. As stated in the Oranga Tamariki report, Māori have the right to care for and raise the next generation.<sup>2</sup> In order for this to happen, they must have the opportunity to receive an education that cares for them, nurtures them, and transmits knowledge that prepares them to thrive in life in both Māori and non-Māori spheres, while providing them the same opportunities and treatment as Non-Māori and keeping them safe from discrimination.
18. The Hauora report of the Tribunal confirmed that active protection requires the Crown to focus specific attention on inequities experienced by Māori and, if need be, provide additional resources to address the causes of those inequities.<sup>3</sup> This obligation becomes a matter of particular urgency when Māori interests and rights derived from Te Tiriti are under great threat.<sup>4</sup>

### Breach

19. The Crown has failed in its obligation to actively protect Māori tauira, their educational outcomes and their wellbeing.
20. The educational outcomes of Māori are significantly worse than other ethnicities. The poor educational attainment of Māori is reflected nationwide

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<sup>1</sup> Waitangi Tribunal *He Pābarakeke, He Rito Whakakīkinga Whāruarua: Oranga Tamariki Urgent Inquiry* (Wai 2915, 2021) at 171.

<sup>2</sup> Waitangi Tribunal *He Pābarakeke, He Rito Whakakīkinga Whāruarua: Oranga Tamariki Urgent Inquiry* (Wai 2915, 2021) at xvi.

<sup>3</sup> Waitangi Tribunal *Hauora: Report on Stage Two of the Health Services and Outcomes Kaupapa Inquiry* (Wai 2575, 2023) at 32.

<sup>4</sup> Waitangi Tribunal *He Pābarakeke, He Rito Whakakīkinga Whāruarua: Oranga Tamariki Urgent Inquiry* (Wai 2915, 2021) at 19.

across all ages, including obtainment of educational qualifications, grades, graduation rates from high school, suspensions and expulsion rates, and entry into higher education.

21. The significant disparities in educational outcomes have a lasting negative effect on their lifelong wellbeing, as reflected in all major socioeconomic indicators, which has been a serious threat to the wellbeing of Māori for decades. The Crown must focus specific attention on the inequities Māori face in Education.

### **Duty: Partnership and the involvement of Māori in decision-making**

22. The Tribunal recognised in the *Ko Aotearoa Tenei* report that there is a requirement for the Crown to partner with Māori in shared decision-making regarding the development and implementation of policy regarding education.<sup>5</sup> The obligation of partnership is heightened where disparities in outcomes exist, as is the situation in education.

23. In that report, the Tribunal recommended the creation of a Crown–Māori partnership entity within the education sector.<sup>6</sup> The Tribunal noted that the need for and the importance of improving Māori educational outcomes was immense.<sup>7</sup>

### **Breach**

24. The creation of that partnership-entity was never realised. In fact, Māori have been sidelined by this coalition government to a role far below the standard of partnership. Māori are forced to sit and watch as the government unilaterally makes decisions, without consultation and involvement of Māori, that continue to negatively affect and actively prejudice Māori tauira and Māori mātauranga. Not only are Māori tauira affected, the entire worldview and understanding of

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<sup>5</sup> Waitangi Tribunal *Ko Aotearoa Tenei: A Report into Claims Concerning New Zealand Law and Policy Affecting Māori Culture and Identity – Te Taumata Tuarna* vol 2 (Wai 262, 2011) at 561.

<sup>6</sup> Waitangi Tribunal *Ko Aotearoa Tenei: A Report into Claims Concerning New Zealand Law and Policy Affecting Māori Culture and Identity – Te Taumata Tuarna* vol 2 (Wai 262, 2011) at 561.

<sup>7</sup> Waitangi Tribunal *Ko Aotearoa Tenei: A Report into Claims Concerning New Zealand Law and Policy Affecting Māori Culture and Identity – Te Taumata Tuatabi* (Wai 262, 2011) at 201.

the history of New Zealand in respect of Te Ao Māori is being shaped through the decisions made about the education system in which Māori are not involved in.

### **Mātauranga Māori**

25. It has been established that mātauranga Māori and knowledge of Māori culture and tikanga is a tāonga and therefore is subject to protections guaranteed under Article 2 of the Treaty.<sup>8</sup>
26. The Crown must support Māori leadership, and the effort to preserve and transmit mātauranga Māori, with both parties acting as Treaty partners in a joint venture.<sup>9</sup>
27. The Education sector is a key vehicle for the transmission of mātauranga Māori, including Māori history and reo me ona tikanga. The tāonga status of this knowledge and its vulnerable position due to decades of colonial education policy means that it must be actively supported and adequately resourced to be meaningfully integrated into the education system.

### **Breach**

28. The Crown is actively removing the transmission of mātauranga Māori, by removing the education of the history of Aotearoa, Te Tiriti o Waitangi, and tikanga from the education system. Instead of actively resourcing and supporting this knowledge to be transmitted to the next generation of New Zealanders, the Crown is actively removing it from national curriculums.

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<sup>8</sup> Waitangi Tribunal *Ko Aotearoa Tēnei: A Report into Claims Concerning New Zealand Law and Policy Affecting Māori Culture and Identity – Te Taumata Tuarua* vol 2 (Wai 262, 2011) at 555.

<sup>9</sup> Waitangi Tribunal *Ko Aotearoa Tēnei: A Report into Claims Concerning New Zealand Law and Policy Affecting Māori Culture and Identity – Te Taumata Tuatahi* (Wai 262, 2011) at 201.

## **Te Reo Māori**

29. Te reo Māori is a tāonga of the utmost importance, and the Crown owes special obligations to actively protect and promote its use and transmission.<sup>10</sup>
30. In this Treaty context, the state owes Māori two kāwanatanga duties: transparent policies forged in the spirit of partnership and implementation programmes for te reo Māori that are focused and highly functional.<sup>11</sup>
31. The Māori whakatāuki ‘*Mā te huruhuru, te manu ka rere*’ (‘Birds can fly only with feathers’) is relevant here. In this context, the survival and growth of the Māori language requires sufficient resources. Māori deserve the best policies and programmes the Crown can devise to support their language and identity.<sup>12</sup>
32. Accordingly, the Tribunal found that, in the competition for Crown resources, te reo Māori must take a ‘reasonable degree of preference’.<sup>13</sup>

## **Breach**

33. The Crown is in breach of its obligations under Te Tiriti o Waitangi, by failing to protect and promote te reo Māori as a taonga. Rather than allocating resources to the teaching and transmission of te reo Māori, they actively divert resources away from te reo Māori. In doing so, the Crown is preventing the transmission of the tāonga of te reo Māori to the next generation.

## **Particulars**

34. The relevant duties and subsequent breaches are being carried out by the Crown and coalition of government through a number of different policies, practices and decisions both current and planned. This claim will highlight a number of of these policies and relevant information and statistics.

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<sup>10</sup> Waitangi Tribunal *Ko Aotearoa Tēnei: A Report into Claims Concerning New Zealand Law and Policy Affecting Māori Culture and Identity – Te Taumata Tuatahi* (Wai 262, 2011) at 163.

<sup>11</sup> At 10.

<sup>12</sup> At 10.

<sup>13</sup> Waitangi Tribunal *Ko Aotearoa Tēnei: A Report into Claims Concerning New Zealand Law and Policy Affecting Māori Culture and Identity – Te Taumata Tuatahi* (Wai 262, 2011) at 167.

## Poor educational outcomes for Māori

35. The extremely poor outcomes experienced by Māori within the education system are evident. In 2018, it was reported that New Zealand, in relation to disparities for Māori, had one of the least equitable education systems in the world.<sup>14</sup>

36. Of note are the following disparities:

- a. Data released in 2024 showed 18% of Māori leave school without achieving NCEA compared to 7% of Non-Māori;<sup>15</sup>
- b. Data released in 2024 showed 78% of Māori do not achieve University Entrance (compared to 25% for Asian students, 51 percent for European students, 70% for Pacific students);<sup>16</sup>
- c. Data released in 2024 showed Māori are 1.36 times more likely to leave school without University Entrance than a European student;<sup>17</sup>
- d. In 2021, only 58% of Māori students achieved NCEA level 1, which was 16 percentage points below European students;<sup>18</sup>
- e. A Human Rights Measurement Initiative in 2023 found those most likely to have their human right to education violated were Māori;<sup>19</sup>
- f. The Office of the Children's Commissioner's *Education Matters to Me* report found many Māori students experienced racism at school and were treated unequally because of their culture;<sup>20</sup>
- g. In 2021, Māori students were stood down for bad behaviour from schools at nearly twice the rate of non-Māori;<sup>21</sup>

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<sup>14</sup> Laura Walters "NZ's Unequal Education System" *Newsroom* (online ed, 30 October 2018)

<sup>15</sup> RNZ "Māori Students Less Likely to Achieve University Entrance – Ministry" RNZ (online ed, 1 May 2024)

<sup>16</sup> At 15.

<sup>17</sup> At 15.

<sup>18</sup> Dominic Harris "Number of Students Gaining NCEA Qualifications Declined in 2021, NZQA Says" *Stuff* (online ed, 4 April 2022)

<sup>19</sup> Amnesty International New Zealand "Human Rights Data" *Amnesty International New Zealand* (online ed, 2023)

<sup>20</sup> Office of the Children's Commissioner and New Zealand School Trustees Association *Education Matters to Me: Key Insights* (January 2018)

<sup>21</sup> McCaull, A. (2022, December 19). Rates of Māori stood down from school twice that of Pākehā students. RNZ News.

h. In 2021, Māori students represented 50% of the total suspension figures, 50% of exclusions and 49% of expulsions, despite making up less than 20 percent of the entire population.<sup>22</sup>

37. It is important to note that these poor outcome rates are not suffered by Māori taura in kura kaupapa Māori. Rather, it is the mainstream education system, often devoid of Māori culture and, at times discriminatory, that is contributing to these inequitable outcomes.

38. These outcomes for Māori are a symptom of an education system that is failing Māori. The current coalition government is removing measures designed to address these problems, including policies that focus on Te Tiriti, equal outcomes, mātauranga Māori, te reo Māori and the history of Aotearoa. In doing so, it is further entrenching the very conditions that lead to poor outcomes for Māori taura.

39. The PPTA would like to highlight the following policies of the current coalition government that are breaching Te Tiriti o Waitangi. This by no means is an exhaustive list, but provides an indication of the Crown's disregard to their Te Tiriti obligations to Māori taura.

### **The downgrading of Te Tiriti in the Education Act and Training Act**

40. The PPTA primary concern is the Government's proposition to diminish the status of Te Tiriti o Waitangi in the Education and Training Act 2020 by removing it as one of the four current primary objectives for boards in their governing of schools and instead subsuming it under one primary objective.

41. This change would significantly weaken the explicit obligations of school governance to give effect to Te Tiriti, thereby undermining the Crown's duty of partnership with Māori in the education sector.

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<sup>22</sup> At 21.

42. The current objectives in Section 127(d) of the Education and Training Act 2020 gives effect to Te Tiriti o Waitangi as one of the four primary objectives for school boards.<sup>23</sup>
43. The Government's new proposal is to replace the current four objectives with one primary objective: 'educational achievement'. The four current objectives will be placed underneath this primary objective, and their role will be to support rather than have equal standing.<sup>24</sup>
44. Section 127(d) specifies this by ensuring their 'plans, policies and local curriculum reflect local tikanga Māori, mātauranga Māori, and te reo Māori ... achieve equitable outcomes for Māori students.' The Minister of Education's proposals would replace the current primary obligation and specific steps with as yet unspecified language about ensuring equitable outcomes for Māori students.<sup>25</sup>
45. The proposal would also remove schools' current focus on developing local curriculum, which encourages them to adapt national curriculum to the different contexts of local communities, iwi and hapu. Instead, the Government proposes introducing generic 'teaching and learning programmes'.<sup>26</sup>
46. This change could significantly diminish the responsibility on school boards to support Te Tiriti and weaken students' access to te reo and tikanga Māori. Furthermore, it would likely stop current work developing plans, policies and local curriculum to reflect local tikanga Māori, mātauranga Māori and te ao Māori.<sup>27</sup>

### **The proposal to 'rebalance' Aotearoa New Zealand Histories**

47. The current coalition government has proposed a 'rebalancing' of the current Aotearoa New Zealand Histories curriculum.<sup>28</sup>

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<sup>23</sup> *Education and Training Act 2020*, s 127(1)(d).

<sup>24</sup> *Education leaders unite against Government's moves to downgrade place of Te Tiriti in education* (18 September 2024) PPTA Te Wehengerua

<sup>25</sup> At 24.

<sup>26</sup> At 24.

<sup>27</sup> At 24.

<sup>28</sup> *'Restoring balance' to history lessons: What are kids learning?* (4 April 2024) 1News

48. The Aotearoa New Zealand Histories curriculum was established in 2023, following nationwide calls for a greater understanding of the history of Aotearoa to be taught in history classes throughout schools.
49. The history of Aotearoa has been deficient from history curriculums. For many years, focusing on international history, while ignoring the history of Aotearoa, particularly in relation to the history of Māori, pre-colonial times and the impact of colonisation, and the New Zealand Land Wars.
50. As part of an agreement in the coalition government, the government released a Cabinet paper that confirmed it would by the end of 2025 redesign the Aotearoa New Zealand Histories Curriculum with a focus on 'ensuring New Zealand's broad cultural diversity and the histories and traditions of all its peoples is still reflected'.<sup>29</sup>
51. The PPTA are concerned that this proposal is designed to wipe out the violent colonial history suffered by Māori from being taught to New Zealand taurira.

### **Changes to National Curriculums**

52. While changes to National curriculums are still underway, the Government has released drafts regarding English secondary school curriculum, which plans to remove Te Mātaiaho from the curriculums (a revised curriculum that incorporates Te Aō Māori).<sup>30</sup>
53. Other recent draft curricula, such as secondary maths, did refer to Te Mātaiaho, but contained a crucial change. They said the curriculum's guiding principle was based on the science of learning, while earlier documents said it was Te Tiriti o Waitangi.<sup>31</sup>
54. Similar changes have been seen in other draft curricula, including the removal of references to Te Mātaiaho, Te Tiriti o Waitangi and mātauranga Māori.

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<sup>29</sup> *Aotearoa New Zealand's Histories and Relationships and Sexuality Education* (Cabinet Paper, Office of the Minister of Education, 9 December 2024) Ministry of Education

<sup>30</sup> 'Educational violence' – *Lack of Te Mātaiaho in English curriculum slammed* (1 April 2025) RNZ

<sup>31</sup> At 53.

55. While these changes are not yet confirmed, the PPTA desires to flag the removal of Te Mataiaho and the diminishing of Te Tiriti as a central curriculum principle, as a blatant Treaty breach. One that must not be allowed.

### **The Roll out of NCEA Level One**

56. The coalition government has revised and released new NCEA level 1 standards, which were implemented in 2024. Including new maths, reading and writing tests.

57. The roll-out of the revised NCEA level 1 has caused significant problems for secondary school teachers, who have been forced to prepare students for corequisites assessments without the benefit of policies aimed to bring students up to standard in primary and intermediate schools.<sup>32</sup>

58. In the view of PPTA, the new NCEA level 1 standards are failing many students, including taurira Māori. Surveys conducted by the PPTA show that up to 80% of its members have been unhappy with the roll-out.<sup>33</sup>

59. In the words of Mr. Abercrombie: "The lack of adequate support and resourcing at the national level is taking a huge toll. It's making the NCEA system confusing for students and making the workloads of many teachers completely unsustainable. Subject associations are trying desperately to fill the gaps, however they are volunteers, and the resources provided by the ministry have been inadequate."<sup>34</sup>

60. This statement summarises the issues suffered by the secondary school kaiako and taurira, who are suffering as a result of the roll-out of the revised NCEA level 1.

### **The proposal to disestablish Resource teachers of Māori**

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<sup>32</sup> *NCEA survey shows serious concerns about rollout of Level 1 changes* (1 October 2024) PPTA Te Wehengarua

<sup>33</sup> At 32.

<sup>34</sup> At 32.

61. The Government is also proposing to reinvest funding currently allocated to Resource teachers of Māori.<sup>35</sup>
62. If these changes go ahead as proposed, funding for resource teachers will cease from the start of the first term in 2026. Nationally, there are 53 Māori full-time resource teacher positions that would lose their jobs.<sup>36</sup>
63. These positions were established to improve the disparate outcomes experienced by tamariki Māori in mainstream settings. Their removal will represent an active diversion from the Government’s obligation under Te Tiriti to improve the disparate outcomes suffered by Māori taura.

### **The axing of Te Ahu o Te Reo Māori**

64. The government has cut \$30 million in funding from Te Ahu o te reo Māori, a programme designed to teach te reo Māori to teachers.<sup>37</sup>
65. This is a clear breach of the Crown’s duty to actively protect Māori taura and the tāonga of mātauranga Māori and te reo Māori.
66. The removal of this funding will prevent 2,000 kaiako from learning te reo Māori, which could then be passed on and used for the benefit of themselves and their taura inside their own classrooms.<sup>38</sup>
67. The removal of the programme creates an accessibility barrier to te reo Māori and will prevent both kaiako and taura Māori from gaining the valuable benefits of learning te reo, Te Ao Māori and tikanga.
68. In the words of Chris Abercrombie the president of PPTA “Te reo Māori use by teachers is a crucial element in success for Māori as it reinforces cultural identity” and cultural identity assured tamariki and rangatahi Māori “that they

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<sup>35</sup> *Māori educators concerned by proposal to axe funding for resource teachers* (13 March 2025) RNZ

<sup>36</sup> At 62.

<sup>37</sup> *Cuts to te reo Māori programme disappointing and short-sighted* (26 September 2024) PPTA Te Wehengarua

<sup>38</sup> At 37.

belong, they are valued, and can be proud of who they are and where they come from”.<sup>39</sup>

### **Charter Schools**

69. Under the new coalition government, charter schools have been reinstated. These schools are state-funded but privately operated by sponsors. The government has dedicated \$153 million over four years to fund charter schools.<sup>40</sup>

70. PPTA considers the diversion of resources away from the already underfunded and under-resourced public education system to be a breach of Te Tiriti and the Crown’s duty to work towards the best outcomes for all students of Aotearoa, particularly Māori taura, by offering the best public education system possible.<sup>41</sup>

71. The PPTA’s position is that New Zealander taxpayers should be funding an education system that caters and is available to all New Zealanders, rather than funnelling substantial resources into a small number of charter schools that only few will attend.

72. The PPTA president Chris Abercrombie stated: “A two-tier system of schooling, where one tier is desperately under-funded and under-resourced, while another tiny tier is funded to succeed, is not the way we do things, and not what most New Zealanders want for our public education system”<sup>42</sup>

73. It is the view of PPTA, that the private schooling system is the correct place for the types of schooling offered by charter schools, and that it is the Treaty obligation of the Crown to use all resources it can to the public school education system, ensuring opportunities for all taura.

74. As stated by PPTA president Chris Abercormbie: “Building up our public school system, funding it properly, having qualified registered teachers in front of every young person and having subject specialists, that should be our focus.

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<sup>39</sup> At 37.

<sup>40</sup> *Charter schools to lift educational outcomes* (14 May 2024) Beehive.govt.nz

<sup>41</sup> *Charter Schools – Standing for Public Education* (2 April 2025) PPTA Te Wehengarua

<sup>42</sup> At 41.

We should not be focused on getting public money to private individuals to run schools as they see fit.”<sup>43</sup>

### **The changes to the Ka Ora Ka Ako Healthy Food in Schools Programme**

75. In 2025 the Ka Ora, Ka Ako Healthy School Lunches Programme was radically changed to save costs. The model shifted from using local suppliers to a large national consortium for the majority of Years 7 and above.

76. Cabinet announced major budget cuts to Ka Ora, Ka Ako, with the funding for Years 7-13 lunches reduced from \$6.99 (Years 4-8) and \$8.90 (Years 9+) to just \$3.00.<sup>44</sup>

77. Analysis has found that the new providers are providing vastly insufficient lunches, jeopardising the health of our taurira, including the many taurira Māori in low-decile schools, who rely on the programme.

78. A study regarding the new lunches found the following:<sup>45</sup>

- a. The meals are very low in energy, providing approximately half of the energy expected for a school lunch and 30-40% less than lunches provided under the previous model;
- b. Of the 13 meals that could be analysed against at least one of the Nutrition Standards, none met all standards for all age groups;
- c. Based on available information, the new system is delivering substandard lunches to children.

79. The provision of substandard kai to children is a clear breach of the government’s duty to actively protect our taurira and to encourage their wellbeing and ability to not only learn but lead healthy lives.

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<sup>43</sup> At 41.

<sup>44</sup> *Aotearoa’s government-funded school lunches failing nutrition standards* (28 March 2025) Public Health Communication Centre

<sup>45</sup> At 44.

## **The Attendance Code System**

80. The Ministry of Education announced schools will be required to use new Ministry-approved attendance codes to record student attendance at the beginning of 2025 (“attendance code system”).<sup>46</sup>
81. The claimants state that the attendance code system negatively impacts akonga Māori because they are not adequately tailored to recognise the social, economic and cultural realities of Māori including obligations to whānau, hapū and iwi.
82. While the claimants recognise the problem of truancy and understand the importance of tauira attending school, the claimants state that the attendance code system fails to recognise and can unfairly penalise the many reasons Māori children may be unable to attend school.
83. Reasons Māori tauira may be unable to attend school include whānau commitments including caring for kaumatua and other siblings, hapū and iwi based commitments including tangihanga and kaupapa Māori and for financial, health and social reasons including a need to work, a lack of resources, bullying and mental health.
84. The claimants state the attendance code system needs to be re-designed to better understand and respond to why tauira may not be attending school. The attendance system should look to provide wraparound support to whānau and tauira who are not able to attend school due to issues they and their whānau are suffering from including bullying, shortages of resources, and that they may need to support and care for whānau and mental health problems.

## **Prejudice**

85. The following prejudice is suffered by Māori but in particularly Māori kaiako and tauira as a result of government policies:
- a. The breach of the basic human right to education;
  - b. Poor educational outcomes across all sectors;

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<sup>46</sup> *Refreshed attendance codes from Term 1 2025* (16 October 2024) Ministry of Education

- c. Discrimination;
- d. Mental health, stress and toll on wellbeing and feelings of poor self-worth;
- e. Lifelong negative outcomes in all socio-economic indicators including poverty, health and housing;
- f. A loss of traditional mātauranga and te reo; and
- g. An intergenerational cycle regarding all of these prejudice that goes on to be suffered by following generations.

## **Findings and recommendations**

- 86. The claimant welcomes a finding that this claim is well founded.
  
- 87. The claimant seeks the following findings and recommendations:
  - a. That the Crown has and is breaching Te Tiriti by allowing the Education system to fall into a state where Māori suffer significant disparities;
  - b. That the Crown has and is breaching Te Tiriti by failing to adequately resource an education system that allows for the best possible outcomes for all taura, including Māori, who often need these resources the most;
  - c. That the Crown is setting Māori Tamariki and rangatahi up to suffer poor outcomes in life from the beginning, due to the failings in the education system;
  - d. That the Crown is failing to work to reduce these disparities suffered by Māori in the education system;
  - e. That the Crown is failing to actively protect the tāonga of Māori taura, kaiako, reo and mātauranga;
  - f. That the Crown's current coalition government policies pleaded to in this statement of claim not only facilitate but will actively worsen the already disparate outcomes suffered by Māori;
  - g. That the Crown abandon the current policies pleaded to in this statement of claim; and
  - h. That the Crown partners with Māori including Māori within PPTA, the wider PPTA, and those in the education system dedicated to improving outcomes for Māori, in order to re-design policies that have better outcomes for Māori.

Dated at Tāmaki Makau-Rau this 9th day of May 2025

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**David Stone | | Harry Clatworthy | Matthew Kennelly |**

**Counsel for the Claimant**

To: The Registrar, Waitangi Tribunal and Crown Law Office, and those on the notification list for the Wai 3310 Education Services and Outcomes Kaupapa Inquiry