

Te Rūnanga nui o ngā Kura Kaupapa Māori o Aotearoa
Independent Technical Advisory Group Submission on
Legislation with regard to the Waitangi Tribunal

Overview

My name is Rawiri Wright, co-chair of the national organisation for Kura Kaupapa Māori Aho Matua, Te Rūnanga nui o ngā Kura Kaupapa Māori o Aotearoa (TRN).

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I am happy to be quoted with attribution on anything contained herein.

I provide this submission on behalf of TRN and Ngā Mokopuna.

Introduction

My experience with the Waitangi Tribunal stems from TRN's urgent claim to the Tribunal, WAI1718, in 2023. Along with our other co-chair, Dr Cathy Dewes ONZM, we led TRN's claim to completion following four hearings at four different venues over the course of three months.

The first Kura Kaupapa Māori aho matua (KKM) was established in 1985 at Hoani Waititi Marae, West Auckland. There are now 66 KKM nationwide servicing more than 7500 students. The two most significant pieces of legislation that give KKM its legitimacy as a total immersion, te reo Māori education option in Aotearoa New Zealand are the Education Amendment Act 1989 and the Education (Aho Matua) Amendment Act 1999. The provisions of both acts are now contained in the Education and Training Amendment Act 2024.

However, those acts are significantly related to the Treaty of Waitangi Act 1975 and its 1985 Amendment and the Māori Language Act 1987 (and all of its subsequent amendments). Indeed, in her letter of committal of the WAI1718 Claim Report to the Ministers of Māori Affairs and Education, Inquiry Head Judge Rachel Mullins said the Tribunal also relied on previous Tribunal hearings and reports such as the Te Reo Māori Claim (1986), the Wānanga Capital Establishment Report (1999) and Matua Rautia: Report on the Kōhanga Reo Claim (2013).

The three claims are linked to WAI1718 in that they relate to the same 'kaupapa' or purpose. That is, the Māori language, education for Māori in Māori, the preservation of Māori language, culture, identity, ethos, spirituality and knowledge.

The four hearings are also related, as Judge Mullins put it: “mō te korenga o te pūnaha mātauranga o mohoa nei e hāngai ana ki ngā hiahia ako o ngā tamariki me ngā rangatahi Māori.” [The incongruity of the current education system to meet the learning needs of Māori children and young people. Translation provided by this author.]

Te Aho Matua

Te Aho Matua (TAM) is the unique aspect of KKM pedagogy and epistemology that sets it apart from other education options in Aotearoa. TAM outlines the philosophical basis of KKM purpose and provides significant indicators of preferred, TAM best practice.

Summary of Claim (WAI1718)

In its report, Kei Ahotea Te Aho Matua, the Tribunal said the report on the urgent claim of TRN and the KKM TAM whānau alleged “the Crown did not sufficiently involve or consider Te Rūnanga Nui or Kura Kaupapa Māori in the Tomorrow’s Schools Review and reform process from 2018 to 2022.”

The report, released publicly in March 2025, found in favour of TRN and outlined the extent to which the MoE failed to adequately provide for KKM.

TRN argued that the Ministry of Education’s failure to put policies and processes in place to protect and develop KKM (as a bona fide education option of Aotearoa) and its failure to provide adequate resources, including financial and personnel,

amounted to a breach of the principles of Te Tiriti o Waitangi and the Treaty of Waitangi.

As with the Wānanga and Kōhanga Reo claims, WAI1718 was heard under urgency due to the time pressures associated with the proposed education reforms. The substantive kaupapa inquiry regarding education provision is due to start later this year (2025) or next year.

First Report in te reo Māori

A significant aspect of the WAI1718 report was that it was the first Waitangi Tribunal report to be produced in te reo Māori. In the 50 year history of the Tribunal, no other report had been produced in te reo. That in itself is an example of improvements that need to be made to the legislation for ALL reports to be produced in te reo Māori should the claimants request it.

Summary of Findings

The report made the following four recommendations:

- For the Crown to apologise to the claimants for its breaches of Treaty principles.
- For the Crown to work with the claimants to reset the relationship between the Ministry and Te Rūnanga Nui.
- For the Crown to 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.
- For the Crown to 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).

Correlation to this investigation

In our view, the current Waitangi Tribunal legislation needs improvement and modernising but by and large:

- The intent of the legislation is given effect, including the Tribunal's ability to address priority matters.
- The legislation enables claims to be addressed in a thorough manner but the timeliness of those is often hampered by a lack of resources (financial, personnel, technical & professional expertise).
- Elements of the legislation are effective in supporting historical claims to be addressed but the provision of timely reports and recommendations is often stymied by a lack of resources as mentioned above.
- *[The second part of this statement regarding the Tribunal's provision of "timely settlements" is discussed in more detail in the following section.]*
- Elements of the legislation are effective at addressing contemporary inquiries.
- Elements of the legislation support positive relationships between iwi and Māori and the Crown and outcomes, but what has confounded the Tribunal, its role and the part it is playing to correct much of the historical narrative of Aotearoa are the negative, ill-informed and often biased opinions of politicians and uninformed members of the public regarding the Tribunal, its work, its reports and its recommendations.
- Elements of the legislation are effective at including the distinctive rights and interests of iwi and hapū, as well as Māori as New Zealand citizens, but these are sometimes little understood by the wider public and are often deliberately misrepresented by politicians for political gain and to generate disdain towards the Tribunal - its role, its work, its reports and its findings.
- Elements of the legislation would be far more effective in leading to improved policy processes and outcomes for iwi, hapū and Māori development if the powers of the Tribunal were extended to require respondents to claims to "make good" on the recommendations made following hearings.

It is heartening to know the independent technical advisory group has also been invited to provide advice on sequencing or staging of any amendments to the Act, including any that may warrant consideration beyond 2025. Commentary on this aspect follows in the next section.

Future Consideration

- Reference to the Waitangi Tribunal and its legislation as contributing to timely settlements is an inaccurate and disingenuous use of terminology.

- As this Technical Advisory Group ought to know, the Tribunal delivers recommendations towards settlements, but it has zero power to facilitate settlements (other than through its binding remedies powers in relation to claims relating to Crown forest and State-owned enterprise land).
- The resolution of settlements remains with the Crown (through the elected government of the day) and the parties to any particular claim, though the balance of power always sits with the Crown.
- This represents a significant deficiency of the current legislation, the Tribunal's inability to demand settlement.
- The Tribunal legislation ought to be bolstered in order it had the ability to either demand immediate redress of unaddressed claims and to impose sanctions for subsequent inaction and / or, to refer unaddressed claims to a civil court for enforcement as a further step towards meaningful settlement.
- That is not to criminalise any person, organisation or government department for not addressing legitimised claims but to enhance the enactment of justice on behalf of the claimants.
- That is offered in the knowledge of established case history and Waitangi Tribunal Hearings settlements that, on average, claimants have received little more than three percent (3%) of the total value of their claim in settlement redress.

Current State of Play

- TRN and the Crown, through the MoE, are working co-operatively on a number of projects including:
 - 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.
- In the process, the co-operation on these projects is helping to reset the relationship between the Crown and TRN.
- We continue to await a Crown apology.
- We continue to prepare for the substantive Education Claim later this year or next year.
- On one hand the current government has categorically ruled out establishing a stand-alone Kaupapa Māori education authority, BUT we are working with

the Crown through MoE officials to develop bespoke KKM legislation we hope may be ready before the end of the year.

- **We are adamant that NONE of these would be happening were it not for our WAI1718 claim and report, Kei Ahotea Te Aho Matua.**

Conclusion

- The current legislation with regard to the Waitangi Tribunal is largely effective and should be bolstered and modernised and NOT diminished in any manner, shape or form.
- Rather, it should be enhanced as described above and as, no doubt, others have recommended.
- The minimum requirements would seem to be an immediate need for greater resourcing (financial, personnel, technical & professional expertise).
- To that end, ALL future Waitangi Tribunal reports should be able to be produced in te reo Māori should the claimants request it.

Thank you for the opportunity to share our thoughts on this matter.

Nāku iti nei

Rāwiri Wright

Co-chair

Te Rūnanga Nui o ngā Kura Kaupapa Māori o Aotearoa

Tumuaki

Te Kura Kaupapa Māori o Ngā Mokopuna

28 Hōngongoi (July) 2025