

REVISED REFERENCING OF CROWN CLOSING SUBMISSIONS (3.3.004)

Footnote number	Text as revised
1	Wai 1718, #A006 Tab 7 Tauākī Kawa 2019 – 2024 at [4]. Wai 1718, #B030 Tab 59 from page 1144 of Crown Bundle.
4	Wai 1718, #B024, RP 3 Hon. Davis to R Proctor for Te Matakahuki October 2021. Delivered in person. Wai 1718, #B030 Tab 141 from page 1715 of Crown Bundle.
6	Wai 1718, #B029(b) at [5]. Wai 1718, #4.1.06 Transcript Hearing Week 3 at 74 Iona Holsted in response to claimant counsel.
8	Wai 1718, #B029 at [6], [13]; Wai 1718, #B029 (b) at 4;
15	Waitangi Tribunal, <i>Matua Rautia</i> at 67 “However, we do not go so far as to find that kōhanga reo are taonga . In this, we draw a distinction with the finding of the Wananga Capital Establishment Tribunal that wānanga – the ‘ancient process of learning that encompasses te reo and matauranga Maori’ – are taonga in their own right, albeit in their modern form only to the extent that they give life to te reo and mātauranga .111 Rather, we consider kōhanga reo to be an essential vehicle for the transmission of the taonga itself (which is te reo), and for the exercise of rangatiratanga over it.”
23	Wai 1718, #B29(b) Speaking Notes of Iona Holsted at [30]; Wai 1718, #B31 Brief of Evidence of Dr Daryn Bean and Darren Nathan at [28]; Wai 1718, #B28 Brief of Evidence of Andy Jackson and Dr Andrea Schöllman at [118]. Wai 1718, #4.1.6 at 132, and 270 Ms Walker questions of Mr Jackson and Dr Schöllmann and Dr Bean.
25	Wai 1718, #B28 (d) at [57]; Wai 1718, #4.1.6 at 120 Jackson.
26	Wai 1718, #B030 Tab 147 for example.
27	Wai 1718, #B028 at [8]; Wai 1718, #B029 at [16]; Wai 1718, #B030 Tab 137 September 2021 Cabinet Paper [39(a)] page 1700 of Crown Bundle.
28	Wai 1718, #B029 at [21] - [25].
32	Wai 1718, #B030 Tab 17; Wai 1718, #B030 Tab 33.
35	Wai 1718, #B029 (b) [13] – [19]; Wai 1718, #B031 pages 12 – 20.
36	Wai 1718, #B029 at [29] – [40], [48], [56], [58], [68], [75]; Wai 1718, #B029 (b) [13] – [19].
37	Wai 1718, #B029 at [72].
38	Wai 1718, #B030 Tab 33.
40	Wai 1718, #B028 at 7 [23] – [24]. Wai 1718, #B030 Crown Bundle Tab 26 24 July 2019 Briefing Note to Ministers on Taskforce high level recommendations and action points of significance for ākonga and whānau Māori (Final: signed) at page 16 of briefing, page 650 of Crown Bundle. Wai 1718, #B030 Tab 119 Holsted to Te Runanga Nui “or chose to achieve the underlying intent through different actions than the Taskforce proposed.”
41	Wai 1718, #B030 Crown Bundle Tab 33 <i>Towards a networked, responsive and supported system: Reform of the Tomorrow’s Schools System</i> . Government Response: Public document October 2019. Pages 27, 36 of report; pages 786, 795 of Crown bundle. and considered in the wider context of work (including Ka Hikitia refresh and Tau Mai Te Reo, and Maihi Karauna objectives). See also Wai 1718, #B030 Tabs 86, 89, 90, 94-97, 100 and Wai 1718, #B031 at [50] – [53] regarding network plan process and growth target with TRN.
42	Wai 1718, #B030 Tab 137.

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45	Wai 1718, #B030 Tab 141; Tab 146. Wai 1718, #B24 RP-1 – timeline and process adapted following feedback.
46	Wai 1718, #B024, RP 3 Hon. Davis to R Proctor for Te Matakahuki October 2021; R. Proctor in evidence Hearing Week 2
47	Wai 1718, #B024 RP-2.
48	Wai 1718, #B031(c); see also #B24 RP-1.
49	Wai 1718, #B030 Tabs 148 “Whaimutu Dewes will need a resource to support him.”
50	Wai 1718, #B030 Tabs 144, 146, 147, 149,150, 156. Such concerns included perceptions that decisions had already been made; that the work would be dominated by others rather than led by them.
51	Above and Wai 1718, #B030 Tab 141.
52	Wai 1718, #B030 Tab 152, Tab 153.
53	Wai 1718 #B030 Tab 151 (for example). See Tab 155 for 30 November appointment of members to Oversight Group; Tab 158 places held open. Tab 160 Initial meeting 21 December 2021.
54	Wai 1718, #B030 Tab 157.
55	Wai 1718, #B030 See Dashboard reports to governance group regarding legislative timeframe.
56	Wai 1718, #B030 Tab 163. Professor Frankl asked about governance integration across work programme: MME Governance Bord Hui Notes and MME/KME Implementation Leadership group See Wai 1718, #B030 Tabs: 75,79, 83, 84, 93, 98, 109, 111-113,117-118, 128,131/132, 216,217,165,171,180,196.
63	Wai 1718, #3.3.3 Closing submissions for the Claimants at [8.120]. Wai 1718, #B024 RP-1 Dr Bean email to Te Matakahuki (as per that email, timelines were revised following).
64	See Wai 1718, #B030 Tab 141 letter attached “That is an open invitation for you to shape this.”
65	Ibid.
67	Its representations to Te Runanga Nui, Te Matakahuki, Matauranga Iwi Leaders Group, and Ngā Iwi are consistent in this regard.
68	Wai 1718, #B029(b) [36] – [43].
71	Listing the componentry of an education system: establishment, work force, network planning, curriculum, property, evaluation and research, resourcing, governance. See Wai 1718, #B030 Tab 114 regarding establishment process review; Tab 100 regarding TRN position on network review; Tab 102 regarding property stocktake process December 2020.
102	Claimant evidence and submissions have stated 50,000 ākonga represented through Te Matakahuki. See Wai 1718, #B031 at page 7 for numbers within the schooling sector: 17,621 in Level 1, approximately 11,000 of whom are with either Te Aho Matua or Ngā Kura ā Iwi. Rumaki Reo Rua have approximately 5000 at Level 1 settings and 5800 at Level 2 settings. The remainder are with Kura Motuhake – non-affiliated tikanga led schooling. Collectively this is close to 10% of all ākonga Māori in the schooling sector.
112	Wai 1718, #B031 pages 12 -20. Wai 1718, #B017 oral evidence Hearing Week 2.

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118	Wai 1718, #B018 Mahanga Pihama at [6]. See also Wai 1718, #B030 at 102 for December 2020 work towards this.
121	Wai 1718, #B030 Tab 100 (at [25]-[27]). See also Wai 1718, #B031 at [52].
130	Education and Training Act 2020, s 10.
151	Waitangi Tribunal <i>Report on Stage One of the Health and Social Services and Outcomes Kaupapa Inquiry</i> (Wai 2575, 2019) at 34-35. The <i>Hauora</i> report explained that in the context of health outcomes, additional resources to address inequities may be required.
154	Ministry of Education, 'Education Work Programme 2021' < Education Portfolio Work Programme 2021 – Education in New Zealand > at "Objective 2: Barrier free access". The Current Education Work Programme was approved by Cabinet in March 2021, SWC-21-MIN-0015.
158	Waitangi Tribunal <i>Matua Rautia: Report on Kōhanga Reo Trust</i> (Wai 2336, 2013) at 67-68.
174	The Crown recognizes tamariki as taonga.
214	Wai 1718, #B030 Tab 119 "progressed through other means".
266	Wai 1718, #28 Brief of Evidence of Andy Jackson and Dr Andrea Schöllmann at [92]. That evidence also addresses why the paper was not taken to Cabinet (and legislation not progressed at that time).
273	<p>. In 2008, the official version of Te Aho Matua was published in the New Zealand Gazette under section 155A of the Education Act 1989 (now section 202 of the Education and Training Act 2020). Te Aho Matua is the foundation document for Kura Kaupapa Māori and lays out the principles and philosophy by which they abide.</p> <p>Te Rūnanga Nui is <i>te kaitiaki o Te Aho Matua</i>, a role recognised in the Education and Training Act 2020 (the Act).</p> <p>In 2011, Government funded Te Rūnanga Nui to develop Te Marautanga o Te Aho Matua, the curriculum for Kura Kaupapa Māori based on the principles of Te Aho Matua,.</p> <p>Under section 90 of the Act, the Minister may, by notice in the Gazette, publish foundational curriculum policy and national curriculum statements. For the schooling sector, the gazetted national curricula are the New Zealand Curriculum and Te Marautanga o Aotearoa.</p> <p>While Te Aho Matua, the foundational document for Kura Kaupapa Māori, has been gazetted; Te Marautanga o Te Aho Matua, the curriculum, has not been gazetted.</p> <p>As stated in the closing submissions, the Ministry has undertaken initial exploration of the issues and time will be required to further develop these issues with Te Rūnanga Nui.</p>
304	Wai 1718, #A006 Tab 7 Tauākī Kawa 2019 – 2024 at [4].
310	Wai 1718, #B24 RP-2; Wai 1718 #B26 [47(b)].
311	Pae Ora (Healthy Futures) Act 2022, s 17.
312	Education and Training Act Amendment Bill (No 3) at Part 4A. This bill is outside the Tribunal's jurisdiction however the process leading to it is what is being referenced here.