
KEI MUA I TE AROARO O TE RŌPŪ WHAKAMANA
I TE TIRITI O WAITANGI

BEFORE THE WAITANGI TRIBUNAL

WAI 1718

IN THE MATTER OF

the Treaty of Waitangi Act 1975

AND

IN THE MATTER OF

the Kura Kaupapa Māori (Dewes) urgency
application

MEMORANDUM OF COUNSEL FOR THE CROWN FILING CORRECTIONS TO
CLOSING SUBMISSIONS

5 Hūrae 2023



**Te Tari Ture
o te Karauna**
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Waitangi Tribunal

5 Jul 23

Ministry of Justice
WELLINGTON

MAY IT PLEASE THE TRIBUNAL:

1. The Crown was granted leave to file errata and addendum to referencing within the Crown Closing Submissions.
2. Accordingly, the Crown files with this memorandum:
 - 2.1 Crown Closing submissions (Referencing Revised); and
 - 2.2 a table setting out the footnotes containing changes.
3. The revised closing submissions errata and addendum are limited to the footnotes only. To avoid any difficulties arising from the substantive submissions being changed after filing, no changes have been made to the body text (not even where typographical errors have been identified).
4. Two matters that required clarification following Hearing Week 4 have been addressed in footnotes.
5. Firstly, Professor Frankl queried what governance arrangements were in place across the Māori Medium and Kaupapa Māori aspects of the reforms. A list of the Governance Board Hui Notes and the MME/KME Implementation Leadership Group has been provided (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).
6. Secondly, a technical matter concerning language around 're-gazetting Te Aho Matua as a national curriculum' in paras 237-245 requires correction and clarification. Two different documents are being discussed: Te Aho Matua; and Te Marautanga o Te Aho Matua.
7. The statement "Te Aho Matua is already gazetted" is correct.
8. The next statement should be amended as follows: "Claimants have long sought for Te Marautanga o Te Aho Matua to be gazetted to change its status to a national curriculum."

9. By way of clarification, the Crown confirms:

- 9.1 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).
- 9.2 Between 2011 and 2014 the 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.
- 9.3 Under section 90 of the Education and Training Act 2020, 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.
- 9.4 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.
- 9.5 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.

5 Hūrae 2023



R Ennor / E Scrimgeour
Counsel for the Crown

TO: The Registrar, Waitangi Tribunal
AND TO: Claimant Counsel