

**Tribunal statement of issues for the
Wai 1718 Kura Kaupapa Māori urgent inquiry**

Essential context

What were the origins and intent of:

- (a) Kura Kaupapa Māori Te Aho Matua (Kura Kaupapa Māori);
- (b) Te Aho Matua; and
- (c) Te Rūnanga Nui o Ngā Kura Kaupapa Māori (Te Rūnanga Nui)?

Te Tiriti rights, interests and duties

1. What are the rights, interests and duties of Kura Kaupapa Māori, Te Rūnanga Nui and the Crown under Te Tiriti o Waitangi/Treaty of Waitangi (Te Tiriti) as they concern or affect:
 - (a) Kura Kaupapa Māori;
 - (b) Te Aho Matua; and
 - (c) Te Rūnanga Nui?
2. What do the principles of Te Tiriti require of the Crown and of Te Rūnanga Nui in the context of the reform of legislation and policy concerning Kura Kaupapa Māori, Te Aho Matua and Te Rūnanga Nui?

Reforms

3. How did the Crown consider and involve (if at all) Kura Kaupapa Māori and Te Rūnanga Nui in the context of its decisions or actions relating to the Tomorrow's Schools reform, including the Education Work Programme, in particular:
 - (a) the decision to commence the Tomorrow's Schools review process and convene an Independent Taskforce in March 2018?
 - (b) the Government response to the report of the Independent Taskforce in October and November 2019, including:
 - i. decisions and actions relating to the Taskforce's 'recommendation 4(a)' and progressing a plan for 'strengthening the Māori medium pathway'?
 - ii. the decision and proposals to reform the Education Act 1989 through the (now) Education and Training Act 2020, insofar as it relates to Kura Kaupapa Māori, Te Aho Matua and Te Rūnanga Nui?
 - iii. decisions to proceed with the Education Work Programme work as part of its response to the Taskforce's recommendations?

(c) the development of a work programme to 'grow Māori-medium and Kaupapa Māori education' and the Government's decision in September 2021 to progress this work, including:

- i. the development and definition of the issues, parameters and scope of the work programme; and
- ii. the conflation of Māori-medium and Kaupapa Māori education in the work programme?

(d) the development of policy options and decisions by the Government relating to the work programme to 'grow Māori-medium and Kaupapa Māori education' in 2022?

4. In the context of the answers to [3] above:

(a) Has the Crown's Tomorrow's Schools review and reform process been conducted in a manner consistent or inconsistent with the principles of Te Tiriti with respect to Kura Kaupapa Māori and Te Rūnanga Nui?

(b) What have been or will be the consequences of the Crown's actions and/or engagement, including on the relationship between Kura Kaupapa Māori and Te Rūnanga Nui and the Crown?

Prejudice

5. In light of the answers above:

(a) If the Crown has failed to act in a manner consistent with the principles of Te Tiriti with respect to Kura Kaupapa Māori and Te Rūnanga Nui, what has been or will be the prejudice caused to the claimants?

(b) Has or will the ability of Kura Kaupapa Māori and Te Rūnanga Nui to exercise tino rangatiratanga over Kura Kaupapa Māori as an educational option been prejudiced as a result of the Crown's actions or proposed actions, and if so, is that inconsistent with the Crown's Treaty / Tiriti responsibilities?

Remedy

6. If the claim is well-founded, what recommendations, if any, should the Tribunal make to avoid, remove, mitigate or compensate for the prejudice established by evidence?