BEFORE THE WAITANGI TRIBUNAL

WAI 3553
WAI 3503

IN THE MATTER OF the Treaty of Waitangi Act 1975

AND

IN THE MATTER OF the Education and Training Amendment Act and Te Mātaiaho Urgent Inquiry **(WAI 3553)**

AND

IN THE MATTER OF a claim by **Ripeka Lessels** and **O'Sonia Hotereni** for and on behalf of **New Zealand Educational Institute (NZEI) Te Riu Roa (WAI 3503)**

BRIEF OF EVIDENCE OF RIPEKA LESSELS

Dated on this 24th day of March 2026

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ANNETTE SYKES & Co.
barristers & solicitors
8 – Unit 1 Marguerita Street
Rotorua, 3010
Phone: 07-460-0433
Counsel Acting: Annette Sykes / Kalei Delamere-Ririnui / Jack Potaka / Rangipurei Manley
Email: asykes@annettesykes.com / kalei@annettesykes.com / jack@annettesykes.com / rangipurei@annettesykes.com

TĒNĀ E TE TARAIPIUNARA

INTRODUCTION

1. Ko Ripeka Lessels tōku ingoa. Ko au te manukura o Te Riu Roa. My name is Ripeka Lessels and I am the President of NZEI Te Riu Roa.

2. NZEI filed an application into an urgent inquiry on 3 December 2025[1] into the amendments to the Education and Training Act 2020, and the reset of the New Zealand Curriculum - Te Mātaiaho.

3. NZEI also filed the following evidence on the record:

   3.1 **Wai 3503, #1.1.1(a)** Statement of Claim

   3.2 **Wai 3503, #A1** and **Wai 3553, #A7**
   Affidavit of Lizzie Waipara dated 2 December 2025

   3.3 **Wai 3503, #A2 and Wai 3553 #A8**
   Affidavit of Adrianne McAlister dated 2 December 2025

   3.4 **Wai 3503, #A4 and Wai 3553, #A10**
   Affidavit of Jessie Moss dated 16 December 2025

   3.5 **Wai 3503, #A5 and Wai 3553, #A11**
   Affidavit of Martyn Robert Weatherill dated 16 December 2025

   3.6 **Wai 3503, #A3** The common bundle of documents referred to in the application and Statement of Claim

BACKGROUND

4. NZEI Te Riu Roa is the professional organisation and union that represents the interests and issues of its nearly 50,000 members. NZEI Te Riu Roa Members are employed as teachers and leaders in the early childhood education (ECE) and primary sectors (including Kura Kaupapa Māori, Kura ā-Iwi and Wharekura), support staff in the early childhood, primary, intermediate, and secondary education sectors, school advisers employed by universities, and Learning Support staff employed by the Ministry of Education.

5. NZEI Te Riu Roa is one of the largest unions and professional bodies in Aotearoa and has a long history of playing a positive role in the education sector and on wider social issues affecting our members and the tamariki and whānau they

[1] Wai 3503, #3.1.3 Application for an urgent inquiry

serve.

6. We hold that under Te Tiriti o Waitangi we have an obligation and responsibility to operationalise a system that recognises and uplifts Māori people and their identity. We believe that a system based on Rangatiratanga centres children with rights to control their own aspirations and destiny and would work for all children through values of mutual benefit to society.

MY EVIDENCE

7. My evidence primarily covers all seven issues (a) to (g) of Her Honours Memorandum Wai 3553, #2.5.7(a).

Section 127(1)(d) legislative amendments

7.1 **Issue (a)** – What was the purpose and effect of section 127(1)(d) in the Education and Amendment Act 2020, and how did it operate to recognise and provide for ee Tiriti o Waitangi obligations within school governance?

7.2 **Issue (b)** — In the absence of consultation with Māori on removing section 127(1)(d), did the Crown adequately inform itself of potential risks, if any, to te Tiriti interests of Māori created by removing the section?

7.3 **Issue (c)** — Was official advice on this matter consistent when Parliament passed both the Education and Training Act 2020 and its 2025 amendments?

7.4 **Issue (d)** — In removing section 127(1)(d), what, if any, measures did the Crown take to ensure te Tiriti interests of Māori are upheld in the daily operations of schools?

7.5 **Issue (e)** — To what extent, it at all, was the removal of section 127(1)(d), including the process followed by the Crown to remove the section, inconsistent with the principles of te Tiriti?

7.6 **Issue (f)** — What prejudice, if any, arises for Māori as a result of the removal of section 127(1)(d)?

New Zealand Curriculum – Te Mātaiaho

7.7 **Issue (g)** — In what ways will the proposed curriculum framework and learning areas change the significance of te Tiriti as a foundational or

directive principle in schools?

i. More specifically, in what ways will the proposed curriculum framework and learning areas change the way te reo Māori, tikanga Māori, mātauranga Māori, and Aotearoa histories are taught?

7.8 **Issue (h) –** Does the timeframe for the public submissions process to provide feedback on the draft curriculum allow for any meaningful change to be implemented in relation to the final curriculum? If not, why not?

7.9 **Issue (i) –** Has the Crown engagement with Māori over the changes to the curriculum, including via the Māori Education Ministerial Advisory Group, been te Tiriti-compliant?

7.10 **Issue (j)** – What prejudice, if any, arises for Māori as a result of the proposed curriculum changes?

8. I outline the history of that provision[2], NZEI Te Riu Roa's engagement with the Crown throughout the consultation and legislative process, and the Crown's ultimate failure to consult Māori on the outright removal of that obligation by way of Amendment Paper No 428 at the Committee of the Whole House stage in November 2025.

9. In relation to Issues (e) to (g), I address the curriculum reset process, including the appointment and conduct of the Ministerial Advisory Group, the adequacy of Crown consultation on rewritten curriculum documents, and the inequitable treatment of Te Marautanga o Aotearoa.

10. Taken together, my evidence establishes a pattern of Crown conduct that has systematically undermined Te Tiriti o Waitangi obligations in education, without genuine engagement or consultation with Māori, and in breach of the principles of partnership, active protection, and tino rangatiratanga.

INADEQUATE CONSULTATION PROCESSES AND NZEI SUBMISSIONS

11. In September 2024 The Ministry of Education (the Ministry) opened a consultation process proposing changes to school board objectives and National Education Learning Priorities (NELP) provisions.

[2] section 127(1)(d) of the Education and Training Act 2020

12. I attach as **Exhibit "A"** a copy of that consultation document.

13. The consultation ran from 2 September 2024 to 14 October and consisted of an online consultation survey or the option to email feedback to the Ministry. As far as we are aware there were no opportunities offered to engage kanohi ki te kanohi with representatives of the Ministry on their proposal.

14. The proposal included changes to section 127 of the Education and Training Act 2020, which concerned the primary objectives of school boards. Their proposal was to make section 127(1)(a), which states that *'every student at the school is able to attain their highest possible standard in educational achievement'* the sole primary objective.

15. The effect of proposal would therefore be to demote the other primary objectives in section 127 (1) (b)-(d). Importantly, for the purposes of this inquiry, section 127(1)(d) had stated that one of a school board's primary objectives in governing a school is to ensure that:

> (d) the school gives effect to Te Tiriti o Waitangi, including by—
> (i) working to ensure that its plans, policies, and local curriculum reflect local tikanga Māori, mātauranga Māori, and te ao Māori; and
> (ii) taking all reasonable steps to make instruction available in tikanga Māori and te reo Māori; and
> (iii) achieving equitable outcomes for Māori students.

16. The above wording was introduced with the Education and Training Act 2020, passed by the previous government.[3] NZEI Te Riu Roa supported the inclusion of te Tiriti objectives for school boards in the Education and Training Bill 2020. At the time, we wrote in our submission to the Education and Workforce Select Committee that [at paragraph 46]:

> The proposal to amend school board objectives is welcomed by NZEI Te Riu Roa, particularly the decision to refocus boards on a wider range of objectives than just educational achievement. The Institute also supports the move to ensure that school governance is underpinned by Te Tiriti o Waitangi with a specific attention on the provision of tikanga and te reo Māori.[4]

17. We were therefore concerned by the Ministry's 2024 proposal to demote the te

[3] https://bills.parliament.nz/v/6/633c2c56-e98c-4689-a1f5-dec3a094eb69?lang=en
[4] NZEI Te Riu Roa, Submission on Education and Training Bill to the Education and Workforce Committee, February 2020.

Tiriti o Waitangi school board objective.

18. The inclusion of this clause as part of the 2020 Education and Training Bill was a major step forward in creating an education system that gives effect to te Tiriti o Waitangi and makes education culturally responsive and safe for all learners, in particular ākonga Māori.

19. The clause was supportive and enabling of other kaupapa within the education sector that aimed, for example, to eliminate racism and to make the system equitable for ākonga Māori, such as the Kōkirihia action plan for ending racist streaming practices.[5]

20. The need for such a clause was identified by the Tomorrow's Schools Taskforce in its 2019 final report of the Tomorrow's Schools Review, which noted that for school boards, '[g]iving effect to Te Tiriti o Waitangi remains a real challenge when there is very limited involvement of Māori on boards'.[6]

21. The report cited data showing that nationwide, 58% of schools/kura do not have enough Māori on their boards to adequately represent the proportion of Māori learners/ākonga at the school/kura.[7]

22. By creating an objective for school boards to give effect to te Tiriti o Waitangi, the former government was in part responding to the recommendations of that review.[8]

23. NZEI Te Riu Roa submitted to the Ministry's consultation process on 11 October 2024. In that submission we outlined our concerns with the proposal, including changes to section 127, stating [at paragraphs 16-18]:

> Together with educational achievement, boards must ensure schools are emotionally and physically safe, give effect to rights-based legislation, protect children from all forms of discrimination at school and give effect to Te Tiriti o Waitangi. Having four separate objectives gives each objective its own weighting and mana and recognises the interconnections

[5] Tokona Te Raki, Kōkirihia: The plan for removing streaming from our schools, March 2023. The action plan includes section 127 of the Education and Training Act 2020 as an appendix (p.42)
[6] Our Schooling Futures: Stronger Together Whiria Ngā Kura Tūātinitini Final report by the Tomorrow's Schools Independent Taskforce, 2019. p.22 https://web-assets.education.govt.nz/s3fs-public/2024-09/Tomorrows%2BSchools%2BFINAL%2BReport_WEB_0.pdf?VersionId=KWynmF1oI7kJpjR0NmSpVTY3jqqrgh3D?fbclid=IwAR1N4_UuVn2xS2PZCqTzQcYz8aLBh1d9IiUu-zFV6FRwzhjCdOP3AZv1lIw
[7] No longer available, removed from Ministry of Education website. Citation in report is: https://conversation.education.govt.nz/assets/Uploads/TSR-Governance-Paper.pdf
[8] See: https://www.beehive.govt.nz/release/supporting-all-schools-succeed

and interdependencies of each.

NZEI Te Riu Roa believes that this change is entirely unnecessary and damaging. The current four objectives are necessary to each other. Each objective having its own place and space is critical to communicating the centrality and importance of each to school boards.

In particular objective (d) points (i-iii) are part of a broader, well-evidenced response by the education system to reverse the equity gap in Aotearoa's education system and address the historic and current institutional racism within schooling that has led to Māori being underserved by our education system.

24. Further, we stated [at paragraph 21]:

> Leaving the objectives as they are safeguards and encourages broad, culturally responsive and localised understandings of educational achievement by boards and their schools. The purpose of public education in Aotearoa goes far beyond a narrow interpretation of the curriculum based on academic attainment of reading, writing and maths.

25. Moreover, we raised concerns with the Ministry over the inadequacy of the consultation process, stating [at paragraphs 10-11]:

> School and kura leaders, teachers and kaiako, whānau, board members, and iwi and hapū are currently under a huge amount stress and demand with a high cognitive load to consider a raft of curriculum and education policy changes.
>
> The release of this change proposal for consideration is ill-timed and increases this burden. It also decreases the time stakeholders have to consider and respond to each proposal. This may decrease the engagement of these highly invested and knowledgeable groups, upon whom the proposal has direct impact.

26. I attach as **Exhibit "B"** a chronology of key events and correspondence, which sets out the timeline of NZEI Te Riu Roa's engagement with the Crown for the assistance of the Tribunal.

Education and Training Amendment Bill (no.2) 2025

27. On 7 April 2025 the Education and Training Amendment Bill (No 2) was introduced to Parliament by Minister of Education Hon Erica Stanford. This bill included the changes to section 127 that the Ministry consulted on in 2024, despite what from our perspective was strong and widespread opposition from the sector, in particular to the demotion of te Tiriti o Waitangi school board

obligations at section 127(1)(d).[9] The bill was sent to the Education and Workforce Select Committee (the Select Committee) on 14 May 2025.

28. In our written submission on 12 June 2025 to the Select Committee we raised concerns with the Ministry's lack of engagement with the sector on this issue, despite the earlier consultation, stating [at paragraph 11]:

> Given the importance and potentially wide-reaching impact this bill may have on the education of Aotearoa New Zealand's tamariki mokopuna, stakeholders expect high levels of engagement from the Ministry. As the changes to section 127 did not arise from the sector, genuine co-design of the proposal should have been undertaken with a variety of education stakeholders, whānau, iwi, hapū and school boards, particularly the proposal to demote Te Tiriti o Waitangi from being a standalone objective to a 'supporting objective'. Many of these groups have expressed their frustration with the limited consultation process.

29. We further pointed out in our submission [at paragraph 13] that the Regulatory Impact Statement (RIS)[10] accompanying this part of the bill had noted there was 'inadequate time for comprehensive consultation with Māori, iwi and hapū' when considering this change. The RIS further noted that the consultation materials were not translated into any other language aside from English.

30. Furthermore, in our written submission to the Select Committee we stated [at paragraph 15]:

> In summary, while the proposed changes were consulted on, we consider this to have been an unsatisfactory level of engagement. Rushed consultation, as the Regulatory Impact Statement on Refocusing Schools on the Government's Priorities admits to, increases the risk of unintended consequences and flaws surfacing once this Act comes into effect. These risks and pressures are simply too high when it comes to the vitally important work of educating our tamariki. While this burden is unacceptable for the profession and stakeholders, it is ultimately the ākonga of Aotearoa New Zealand who will bear the brunt of these changes and any long-term ramifications of this rushed, legislative change proposal.

31. In our submission we articulated our disagreement with the proposed changes in

[9] The Regulatory Impact Statement prepared for this part of the bill states that 'Stakeholder submissions through the main consultation channel were unsupportive of change' and that 'Many submitters were concerned about the way in which the Government's priorities would be reflected in section 127, including that making educational achievement the primary objective would deprioritise the other important objectives such as student safety, inclusion and giving effect to Te Tiriti' (p.2) - https://www.regulation.govt.nz/assets/RIS-Documents/Regulatory-Impact-Statement-Refocusing-schools-on-the-Governments-priorities.pdf

[10] https://www.regulation.govt.nz/assets/RIS-Documents/Regulatory-Impact-Statement-Refocusing-schools-on-the-Governments-priorities.pdf

words substantially similar to those articulated in our submission to the Ministry's September – October 2024 consultation.[11]

32. I attach as **Exhibit "C"** a copy of our submission dated 12 June 2025.

33. We made an oral submission to the Select Committee on 11 July 2025, in which then President of NZEI Te Riu Roa Mark Potter told the Select Committee that:

> It is the firm belief of NZEI Te Riu Roa that under te Tiriti o Waitangi we have an obligation to operationalise an education system that recognises and uplifts ākonga Māori and their identity. Furthermore, we hold that putting te Tiriti at the heart of education benefits all learners.
>
> This is not merely our opinion, but something borne out in practice over many many years. This is why educators passionately defend the place of te Tiriti o Waitangi in education, because it has led to better results for ākonga, making them better learners, better people and, ultimately, better citizens of Aotearoa.

Amendment paper No 428 – Education and Training Amendment Bill (No 2) 2025

34. On 4 November 2025, when the Education and Training Amendment Bill (No 2) was at the Committee of the Whole House stage. Minister Stanford introduced a last minute Amendment – Amendment Paper No 428 – which entirely removed the (already demoted) obligation for school boards to give effect to te Tiriti o Waitangi.

35. I attach at **Exhibit "D"** a copy of the Amendment Paper No 428.

36. Specifically, the Amendment Paper replaced the new (demoted) section 127(2)(e), which nevertheless required a school board, as a supporting objective toward achieving its paramount objective of student achievement, to ensure that its school gives effect to Te Tiriti o Waitangi, including by—

- achieving equitable outcomes for Māori students; and
- working to ensure that its plans, policies, and teaching and learning programmes reflect local tikanga Māori, mātauranga Māori, and te ao Māori; and
- taking all reasonable steps to make instruction available in tikanga Māori and te reo Māori.

37. The amendments replaced the new section 127(2)(e) with a requirement for a

[11] NZEI Te Riu Roa, Education and Training Amendment Bill no.2 Submission to: Education and Workforce committee, paragraphs 16 to 21.

school board to ensure that it—

- seeks to achieve equitable outcomes for Māori students; and
- takes all reasonable steps to provide for students to be taught, and to learn, in te reo Māori on request of their parents or immediate caregivers; and
- takes reasonable steps to ensure that the policies and practices for the school reflect New Zealand's cultural diversity.

38. The effect of this was therefore to **entirely remove** the obligation for school boards to give effect to te Tiriti o Waitangi.

39. We were profoundly shocked by this sudden and last-minute change to the bill and opposed it in the strongest possible terms. At the time, I described the change in a media release on 4 November 2025 as 'the latest in a series of racist, dogmatic attacks on our education system'.[12] This must be seen in the context of the government's decision in 2024 to cut funding for Te Ahu o Te Reo Māori, a te Reo programme for educators, and its decision at Budget 2025 to cut funding for Resource Teachers Māori.

40. I attach as **Exhibit "E"** a copy of the Media Release by NZEI Te Riu Roa.

41. This change was never consulted or engaged on. The Ministry's 2024 consultation did not propose completely removing school board te Tiriti obligations as an option. Neither was it included in the Education and Training Amendment Bill (No2) referred to the Education and Training Select Committee, and as such was outside the consideration of the Select Committee and those who participated in the submission process.

42. Within one week of Amendment paper 428 being introduced, the Bill passed its third reading on 11 November 2025. The sudden and rapid pace of this change, as well as its radical departure from the status quo, is unprecedented, as far as I am aware, in our public education system.

43. It is clear to me that the Government made this decision with full knowledge of the negative impact it would have on ākonga Māori, and on the Māori-Crown relationship. For example, the departmental Disclosure Statement that

[12] See NZEI Te Riu Roa Media Release, 4 November 2025: https://www.nzeiteriuroa.org.nz/about-us/media-releases/removal-of-clause-requiring-school-boards-to-give-effect-to-te-tiriti-ideologically-driven

accompanied Amendment Paper 428 stated that inclusion of an objective for school boards to give effect to te Tiriti o Waitangi, 'responded to a body of evidence that shows that within school factors including teacher expectations, culturally responsive pedagogy, and culturally responsive learning environments have a significant impact on Māori learner success'.[13] Moreover the same Disclosure Statement stated that:

> The proposal to remove the explicit Tiriti / Treaty obligation on school boards could reduce the Crown's ability to support Māori educational success in accordance with its obligations under article three of Te Tiriti / The Treaty.
>
> The Crown has a positive duty to act in good faith, fairly, reasonably and honourably towards Māori in accordance with the Tiriti / Treaty principle of partnership. Māori education stakeholders, including whānau Māori and Māori members of the public have not been engaged with prior to policy decisions and consultation has not taken place as part of this legislative process. This is likely to have adverse effects on the Māori-Crown relationship.[14]

Changes to the New Zealand Curriculum (NZC) and Te Marautanga o Aotearoa (TMOA)

Former government curriculum refresh

44. In September 2019, under the guidance of then Minister of Education Hon Chris Hipkins, Cabinet agreed to update The New Zealand Curriculum and Te Marautanga o Aotearoa [CAB-19-MIN-0455 refers].

45. The intention behind this was to make explicit an expectation that Aotearoa New Zealand's histories are taught in all schools and kura as part of a localised curriculum. This was a significant step forward in the development of an approach to education that gives effect to Te Tiriti o Waitangi and creates educational settings that are safe for ākonga Māori, supporting them to thrive in their learning and identities.

46. The Cabinet Paper of March 2022 that sought agreement on the finalised Aotearoa New Zealand Histories and Te Takanga o Te Wā update to the national curriculum made clear the connection between the approach taken, and school board objectives at section 127(1)(d) of the Education and Training Act 2020, stating [at paragraph 2]:

[13] https://disclosure.legislation.govt.nz/ap/government/2025/428
[14] See appendix in https://disclosure.legislation.govt.nz/ap/government/2025/428

> This work supports the Government's Te Tiriti o Waitangi obligations through providing a national curriculum that recognises and values the history of iwi and hapū, and creates greater experiences for ākonga Māori in education. It enables schools and kura to give effect to Te Tiriti o Waitangi as expressed in s127(1)(d) of the Education and Training Act.[15]

47. Between the above 2019 decision and late 2023, significant work, consultation, and engagement went into developing and refreshing our national curricula. This must also be considered alongside the national Kōrero Mātauranga | Education Conversation run by the Ministry of Education in 2018 that sought the views of both the education sector and wider public about what Aotearoa New Zealand needs from education into the future and how this might happen.

48. It was described by the then Associate Education Minister Kelvin Davis as a 'watershed moment in the history of education for all Māori"[16].

Stanford appointment of Ministerial Advisory Group (MEMAG / MAG)

49. It is in this context that we received news via a media release on 19 December 2023 as part of the government's first steps of 100-day plan for education, the new Minister of Education Hon Erica Stanford had appointed a Ministerial Advisory Group (MAG) to review the primary school English, maths and statistics curricula.[17]

50. At this stage, the work of the Curriculum Refresh work inaugurated by Hon Chris Hipkins had progressed significantly, and we were concerned that this might be disrupted or derailed. Minister Stanford's comment in that media release was that her 'intention for the review of the English and maths curricula is not to start again, but to build on the work that has already been done and strengthen this'[18] gave some comfort, however this was tempered by our concerns at the MAG's composition, which included individuals who hold views that we consider to be fringe, far-right-wing, and anti-Māori.

51. For example, MAG chair Dr Michael Johnston is a Senior Fellow at the New Zealand Initiative where he leads the workstream on education. At the time he had recently published a 'manifesto' that promoted the downgrading of school

[15] https://web-assets.education.govt.nz/s3fs-public/2025-04/434.-Cabinet-Paper-Material.pdf?VersionId=EVW6BRe1VPnw4khlRU49MX5Rcd0YeQah
[16] https://www.beehive.govt.nz/release/education-conversation-%E2%80%98-watershed-moment%E2%80%99-m%C4%81ori
[17] https://www.beehive.govt.nz/release/first-steps-100-day-plan-education-removing-distractions-and-teaching-basics-brilliantly
[18] https://www.beehive.govt.nz/release/first-steps-100-day-plan-education-removing-distractions-and-teaching-basics-brilliantly

board Te Tiriti objectives within the Education and Training Act (i.e., s126(1)(d).[19]

52. MAG member Prof. Elizabeth Rata, who wrote the foreword to Dr Johnston's manifesto, has a long history of publishing offensive, anti-indigenous writings.[20]

53. From December 2023 into the early months of 2024, the MAG worked at reviewing the curriculum. Subsequent investigations revealed blurred lines between the work of the MAG, as set out in its Terms of Reference, and the actual writing of curriculum documents, which is the work of government.[21]

54. During this period the phrases 'science of learning' and 'knowledge-rich' began to permeate Ministerial Statements and Ministry of Education communications.

55. This was concerning because these phrases signal specific pedagogical approaches and ideologies that are neither universal nor do they reflect the widely shared values basis of Aotearoa New Zealand's educators, grounded in Te Tiriti o Waitangi. In April 2024 Minister Stanford announced new education priorities, within which was 'establishing a knowledge-rich curriculum grounded in the science of learning'.[22]

56. On 26 March 2025, I wrote to Minister Stanford raising our increasing concerns with the writing and consultation process of Te Mātaiaho, the New Zealand Curriculum.

57. A copy of this letter has already been filed on the record of inquiry at **Wai 3503, #A3, Exhibit "E".**

58. I noted examples of the reduction and removal of te reo Māori and Mātauranga Māori from the curriculum framework and concern at this apparent shift from curricula that are informed by, and reflect, a Te Tiriti-based Aotearoa. I also raised concerns with what appeared to be the undue influence of a small number of individuals who do not represent mainstream curriculum and pedagogical

[19] Michael Johnston, Save Our Schools: Solutions for New Zealand's Education Crisis. Wellington: The New Zealand Initiative, April 2023. See chapter one. https://www.nzinitiative.org.nz/reports-and-media/reports/save-our-schools-solutions-for-new-zealands-education-crisis/document/797

[20] For example, less than one year before joining the MAG, Prof. Rata published the article 'Indigenisation threatens the university's very foundations' in University World News: https://www.universityworldnews.com/post.php?story=20230529100657128 ; in the same month as the MAG was announced, Prof. Rata published a blog post titled 'In Defence of the Liberal University and against Indigenisation': https://www.brashandmitchell.com/post/elizabeth-rata-in-defence-of-the-liberal-university-and-against-indigenisation

[21] https://bevanholloway.com/curriculum-overreach/

[22] https://www.beehive.govt.nz/release/education-priorities-focused-lifting-achievement

expertise, in particular the influence of Prof. Elizabeth Rata given her history of making historically inaccurate comments about tāngata Māori and Te Tiriti.

59. I never received a reply to this letter, despite a latter OIA request made my NZEI Te Riu Roa showing that a draft (redacted in the OIA response) had indeed been written.

60. I attach as **Exhibit "F"** a copy of the OIA response.

August – September 2024 consultation on rewritten curriculum documents

61. Rewritten curriculum documents were released for consultation in August 2024. The mathematics and statistics learning area for Years 0-8, Te Reo Rangatira wāhanga ako for Years 0-6 and pāngarau for Years 0-8, was open for consultation from 12 August to 6 September 2024, while the English learning area for Years 0 to 6, from 26 August to 20 September 2024. Our initial concerns were realised.

62. The curriculum documents represented a significant break with the direction of travel established by the Curriculum Refresh, with only superficial similarities remaining between that and the learning area documents offered for consultation.

63. We were further concerned that the consultation processes for the rewritten curriculum documents were unnecessarily truncated, each extending only 20 working days, and coming at a time known to be extremely busy for schools and education professionals.

64. We considered this short window as being inadequate to allow the sector to fully consider and feedback on the documents, and as failing to meet the benchmark established by other curriculum consultation processes (for example, Aotearoa New Zealand Histories Curriculum). The documents distributed for consultation were also poorly drafted, including blank pages and major errors (for example, a phonics check, usually associated with literacy, was erroneously included within assessment guidance for the mathematics curriculum), suggesting a rushed composition.

65. On 3 September 2024 NZEI Te Riu Roa, alongside the New Zealand Principals Federation, wrote to then Secretary for Education Iona Holsted raising our 'shared and urgent concern' with what we saw as 'inappropriate processes to develop curricula and the inadequate and rushed consultation'.

66. A copy of this letter has already been filed on the record of inquiry at **Wai 3503, #A3, Exhibit "C".**

67. In that letter we raised concerns about:

67.1 the process taken with the Ministerial Advisory Group appointed in late 2023 to review the curriculum refresh,

67.2 this group's overreach and involvement in the writing of curriculum documents,

67.3 a lack of checks and balances put into place concerning this work,

67.4 and a lack of proper procurement processes taking place.

68. We noted that these issues complicated the sector's consideration of curriculum documents and increased the level of due diligence expected of peak bodies such as ourselves. In meetings with the Ministry, we had voiced our concerns repeatedly about both the reasonableness of the change timeframe and the propriety and robustness of the change process.

69. Without acknowledging the ongoing workload and demands school leaders and teachers face already, and without prioritising and adequately resourcing the changes, we noted that it was likely that the required changes and behaviours would not be embedded, and the desired outcomes would not be achieved.

70. We considered that this fast-paced curriculum change was compounding pressure on the sector from other hasty but very significant change programmes such as the legislation converting state schools to charter schools, the removal of oversight of Initial Teacher Education from the Teaching Council to the Ministry, the changing of objectives of primary legislation (e.g., deprioritising 127(1)(d) in the Education and Training Act).

71. We saw this unnecessary rush as being expressed through 'targeted' consultations and 'consultation' by multi-choice surveys. Such approaches, we argued, narrowed the ability of teachers to make considered submissions using their professional judgement and sound evidence.

72. In our letter to the Secretary for Education we request that the Ministry:

72.1 Pauses the implementation of the English and Mathematics learning areas and consults with the sector on appropriate timelines for their implementation

72.2 Delays the requirement for implementing the years 0-8 Mathematics curriculum until Term 1 2026, as originally signalled to the sector.

72.3 Develops clear guidance on expectations of schools in terms of the Mathematics curriculum across 2025 and resources a comprehensive and ongoing professional learning and development programme for all teachers before any implementation in 2026.

72.4 Commits to more effective engagement with the teaching profession and their representative bodies on curriculum development and its implementation.

72.5 Introduces a moratorium on further system change until there is agreement with the sector on more reasonable timelines and processes for consultation.

73. We received a response from then Deputy Secretary Ellen MacGregor-Reid on 13 September 2024. I attach a copy of the letter as **Exhibit "G".**

74. The letter acknowledged our concerns and attempted to mitigate them. In relation to our concern about the MAG's overreach, we were told that the MAG 'were not responsible for writing learning area content' as this was 'expressly outside the scope defined in their Terms of Reference', however that 'some former MAG members were incorporated directly into the writing groups'. The Deputy Secretary assured us that Government Procurement Rules were followed, but that notwithstanding this, she was 'aware there was at lease one instance where a MAG member misunderstood the scope of their role and prematurely reached out to possible writing group candidates without consent of the Ministry'.

75. The Deputy Secretary acknowledged our concerns about the timeline for the draft learning areas that were out for consultation. While acknowledging that *'Term 3 is a busy time for schools'*, the Deputy Secretary insisted that the Ministry had worked *'to make consultation processes as straight forward as we possibly can'.* The Deputy Secretary added, *'getting this work moving is crucial to realising our aspirations for improving outcomes for all learners – and we must move quickly'.*

76. The Deputy Secretary, however, offered little explanation for why such urgency must apply. Further in the letter, in response to our concerns about accelerated curriculum timelines, the Deputy Secretary stated: *'As you know, however, international and national evidence tells us a story of persistent underachievement in both literacy and maths for far too many learners, and this is why the Minister has prioritised an action plan to turn this around.'*

77. In relation to our concerns around the change of direction between the Curriculum

Refresh and the newly released documents, the Deputy Secretary assured us that the learning areas being consulted on build upon previous versions of *'which the sector is familiar, incorporating feedback and engagement undertaken over the last four years'*. The *'major difference within these new drafts'*, we were told 'is the year-by-year teaching sequences and increased guidance on how to teach based on evidence informed research, including the science of learning'.

78. We were dissatisfied with the Deputy Secretary's letter. Critically, the letter made no attempt to address the remedies we sought. We did not consider that pursuing these issues further would result in any action.

79. On 1 November 2024, alongside the New Zealand Principal's Federation, we wrote to the Ombudsman reiterating the concerns we had previously outlined in our letter to the Secretary for Education.

80. A copy of the letter to the Ombudsman is attached as **Exhibit "H".**

81. This matter is part of an ongoing investigation by the Ombudsman. At the Ombudsman's request, we provided updates in April 2025 and again in March 2026.

82. A copy of both correspondence is attached as **Exhibit "I".**

83. We understand that a new curriculum development approach was adopted in December 2024.[23]

84. Between the adoption of this new approach and October 2025 the Ministry appears to have worked internally on the new curriculum documents.

October 2025 draft content release consultation and January 2026 Te Marautanga o Aotearoa framework consultation

85. On 28 October 2025 draft curriculum content was released for Years 0–10 science, social sciences, health & physical education, the arts, learning languages, and technology (NZC), alongside the draft NZC framework (Te Mātaiaho).

86. Consultation was open until 24 April 2026. The former Aotearoa New Zealand Histories curriculum was folded into the social sciences curriculum, now marked as the singular 'history'. Our assessment of the changes made was that the

[23] Education Report 1340921, Revised Curriculm Development Approach, 4 December 2024 https://web-assets.education.govt.nz/s3fs-public/2025-01/1340921%20Revised%20curriculum%20development_Redacted.pdf?VersionId=9SCTQTXPxKvrVZQssISRCLnk7.KdbOtp

curriculum had lost its original intent of being a rich, localised curriculum that gave effect to Te Tiriti o Waitangi, and had become recast as a Eurocentric and, frankly, old-fashioned approach to the teaching of history.

87. Consultation for the draft Te Marautanga o Aotearoa framework and Tau 0-10 wāhanga ako opened on 28 January 2026. Shockingly, we found that this had the same consultation closing date as the draft content released in October 2025 – 24 April 2026 – meaning that the consultation period offered for Te Maurautanga o Aotearoa was roughly half that of the English-medium New Zealand Curriculum.

88. We were shocked and deeply disappointed at the Ministers decision to treat these curricula unequally. In a media statement I said that *'By rushing this timeline, the Government has failed to provide the genuine consultation required under Te Tiriti principles of partnership and participation. This directly threatens the protection of mātauranga Māori and the rights of our ākonga'*. [24]

89. I attach a copy of NZEI Te Riu Roa's media release as **Exhibit "J".**

REMEDIES

90. NZEI Te Riu Roa seeks the following recommendations by way of each Issue outlined in Para 7 of this brief.

91. Remedies that align directly with Issues a) to f) **- Reinstatement of Te Tiriti obligations**

91.1 the Tribunal recommend the Crown reinstate section 127(1)(d) of the Education and Training Act 2020 in its original form, restoring the mandatory obligation on school boards to give effect to Te Tiriti o Waitangi, including the specific obligations around tikanga Māori, mātauranga Māori, te reo Māori, and equitable outcomes for ākonga Māori

91.2 the Tribunal recommend the Crown establish an independent monitoring body — including NZEI and Māori education sector representatives — to oversee Crown compliance with its Te Tiriti obligations in education, with an obligation to report publicly on an annual basis

[24] https://www.nzeiteriuroa.org.nz/about-us/media-releases/unequal-treatment-nzei-te-riu-roa-slams-rushed-m%C4%81ori-curriculum-consultation

92. Remedies that align directly with Issues b) and f) - **Equitable resourcing.**

92.1 That the Tribunal recommend the Crown reinstate funding for Te Ahu o Te Reo Māori and Resource Teachers Māori, recognising these as essential infrastructure for giving effect to Te Tiriti o Waitangi in the classroom.

92.2 That the Tribunal recommend the Crown commit dedicated and sustained resourcing to support kaiako to meet their Te Tiriti obligations, including professional development in tikanga Māori, mātauranga Māori, and te reo Māori.

93. Remedies that align directly with Issue i)- **Ministerial Advisory Group**

93.1 That the Tribunal recommend the Crown establish binding requirements governing the composition of any future Ministerial Advisory Group with responsibility for curriculum or education policy, including that membership must include genuine and representative Māori education expertise, and that members must have a demonstrated commitment to Te Tiriti o Waitangi and te ao Māori.

94. Remedies that align directly with Issues g) to j) - **Regular Crown-NZEI Engagement Processes**

94.1 That the Tribunal recommend the Crown establish a standing, Treaty-compliant engagement framework between the Crown and NZEI Te Riu Roa, providing advance notice of proposed legislative or policy changes affecting Te Tiriti obligations in education, a minimum consultation period of no less than three months, and a requirement that the Crown provide written responses to all substantive feedback received.

94.2 That the Tribunal recommend the Crown extend the consultation period for Te Marautanga o Aotearoa to provide an equivalent and no less favourable consultation window than that afforded to the English-medium New Zealand Curriculum.

95. Remedies that align directly with Issues a) to j) **- Crown Acknowledgment of Treaty Breaches**

95.1 That the Tribunal recommend the Crown formally acknowledge, by way of public statement directed to the education sector, that the

removal of section 127(1)(d) via Amendment Paper No 428 at the Committee of the Whole House stage — without any prior consultation on outright removal — constituted a breach of the Crown's duties and obligations under Te Tiriti o Waitangi, including the principles of partnership, active protection, and tino rangatiratanga

95.2 That the Tribunal recommend the Crown formally acknowledge that the curriculum reset process, including the truncated consultation windows, the inequitable treatment of Te Marautanga o Aotearoa, and the undue influence of the Ministerial Advisory Group, failed to meet Treaty-compliant standards and has caused prejudice to tamariki Māori, kaiako, and the wider Māori education sector.

95.3 That the Tribunal recommend the Crown formally acknowledge that its own Regulatory Impact Statement admitted to "inadequate time for comprehensive consultation with Māori, iwi and hapū," and that proceeding in those circumstances was inconsistent with its Treaty obligations

96. Remedies that align with Issues g) to j) **- Curriculum Reset**

96.1 the Tribunal recommend the Crown immediately halt the finalisation and rollout of Te Mātaiaho and Te Marautanga o Aotearoa pending genuine Treaty-compliant consultation and engagement with Māori, including kaiako Māori, whānau, iwi, and hapū

96.2 the Tribunal recommend the consultation period for Te Marautanga o Aotearoa be extended to provide an equivalent and no less favourable consultation window than that afforded to the English-medium New Zealand Curriculum.

96.3 the Tribunal recommend the Crown commission an independent review of the curriculum documents released for consultation, specifically examining the extent to which they give effect to Te Tiriti o Waitangi and reflect mātauranga Māori, with that review to be conducted by experts nominated by Māori education bodies.

97. Any other recommendations the Tribunal considers appropriate.

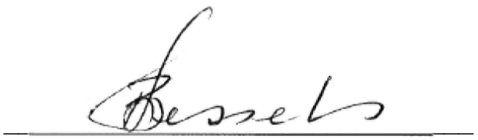
CONCLUSION

98. NZEI has a direct and longstanding interest in the matters before this inquiry. As the primary collective voice of the teaching profession in Aotearoa, NZEI has actively engaged with the Crown throughout the legislative and curriculum processes that are the subject of this inquiry.

99. NZEI gives evidence before this Tribunal because the matters under inquiry go to the heart of its purpose: ensuring that Aotearoa's education system upholds the rights and mana of all learners, including, and in particular, ākonga Māori.

100. The removal of the statutory obligation on school boards to give effect to Te Tiriti o Waitangi, and the manner in which the national curriculum has been reset, have direct and ongoing consequences for the tamariki, kaiako, and whānau that NZEI represents. Furthermore, the Crown conduct has systematically undermined Te Tiriti o Waitangi obligations in education, without genuine engagement with Māori, and in breach of the principles of partnership, active protection, and tino rangatiratanga.

101. This evidence is given in the hope that the Tribunal will recommend that the Crown restore and honour its Te Tiriti obligations in education, so that the harm already caused can be remedied and further harm prevented.



Ripeka Lessels

24 March 2026