IN THE WAITANGI TRIBUNAL **WAI 3553**
WAI 3504

IN THE MATTER OF The Treaty of Waitangi Act 1975

AND

IN THE MATTER OF The Education Training and Amendment Act and Te Mātaiaho Urgent Inquiry (Wai 3553)

AND

IN THE MATTER OF A claim by Gazala Maihi on behalf of the New Zealand Post Primary Teachers' Association Te Wehengerua (Wai 3504)

BRIEF OF EVIDENCE OF KĀRENA NGATA

DATED 24 MARCH 2026

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WELLINGTON

MAY IT PLEASE THE TRIBUNAL

Introduction

1. Ko Kārena Ngata tōku ingoa. Nō Ngāti Porou ahau, nō Te Whānau a Hinerupe me Te Whānau a Karuwai ki Maraehara.

2. I provide this brief of evidence in support of the Wai 3504 claim brought by the Post Primary Teachers' Association Te Wehengarua ("PPTA"), including in my role on the PPTA Te Reo ā-Rohe Taskforce.

3. I am a secondary school kaiako with over 20 years' experience across both Māori and English medium education. I began teaching in 2004 and have been based in Rotorua since 2010, where I currently teach at Rautāwhiri / Rotorua Girls' High School.

4. My work has extended beyond the classroom into professional learning and development, supporting kaiako to understand and give effect to their obligations under Te Tiriti o Waitangi through culturally responsive and sustaining pedagogies.

5. Alongside my teaching, I have held governance and advisory roles within my community for over a decade, including as a School Board parent representative and as an Education Advisor for a Māori education trust. I have also contributed at a national level as a Māngai Māori within Ministry of Education Subject Expert Groups, supporting the development of senior secondary curricula, including NCEA New Zealand Histories and Tourism.

6. My academic and professional learning has focused on equity in education, including Master's research examining the cultural hegemony of the New Zealand state education system and advocating for culturally sustaining curriculum, pedagogy and assessment. More recently, I have worked in roles supporting Tiriti-aligned curriculum implementation including facilitating anti-racist and decolonising practice with Poutama Pounamu and working alongside mana whenua

to support the implementation of the Aotearoa New Zealand Histories curriculum.

7. I am currently PPTA Branch Co-Chair at Rautāwhiri. Across all of my roles, my work has consistently focused on supporting educators and systems to give practical effect to Te Tiriti o Waitangi.

8. I also present this evidence from a position of lived experience as a tauira negatively affected by the absence of Te Ao Māori within our education system. As a Māori woman who has experienced alienation from my tūrangawaewae, culture and language, I understand the long-term impacts of an education system that has failed to uphold Te Tiriti and protect Māori identity and belonging. As a kaiako in an English medium setting, I work with ākonga Māori who are increasingly aware of how the system creates barriers to their success as Māori. This growing awareness is often confronting and, at times, traumatic. I present this evidence for them.

The wider context

9. The issues raised in this inquiry, namely the removal of the obligation for school boards to uphold Te Tiriti and the prejudicial and anti-Māori changes made to the Te Mātaiaho curriculum sit within a long-standing pattern of Crown failure to uphold the guarantees and obligations of Te Tiriti o Waitangi in education. Māori learners have consistently experienced inequity and systemic disadvantage as a direct result of assimilatory policies that have marginalised Māori language, knowledge, and identity.

10. While this claim focuses on the removal of section 127(1)(d) and the Mātaiaho curriculum changes, these actions must be understood as part of a broader, coordinated shift by the Crown to unwind progress made toward giving effect to Te Tiriti within education. This is reflected in the expansion of charter schools, which are not required to demonstrate commitment to Te Tiriti, and in other changes to the Education and Training (System Reform) Amendment Bill 2025, which

centralises authority in the Minister without requiring consultation with Māori.

11. Taken together, these reforms reduce Māori participation in decision-making and reassert Crown control over education in ways that are inconsistent with Te Tiriti. In my view, they represent a return to a Eurocentric, assimilatory model that prioritises Western knowledge systems and undermines Māori rights, interests, and aspirations.

The removal of Section 127(1)(d)

12. Section 127(1)(d) formed part of earlier legislative reform grounded in extensive consultation - the Kōrero Mātauranga process - which led to the development of the National Education and Learning Priorities ("NELPs") and the Tertiary Education Strategy ("TES"). These frameworks were designed to address systemic racism and inequity by removing structural barriers and embedding te reo Māori and mātauranga Māori within the education system.

13. Section 127(1)(d) gave practical effect to these commitments by requiring schools to give effect to Te Tiriti through governance, curriculum, and practice. In doing so, it enabled meaningful relationships with mana whenua and supported iwi and hapū to exercise tino rangatiratanga within education.

14. It also required kaiako and leaders to critically examine teaching practice, supporting a shift toward culturally sustaining pedagogy where Māori learners are centred, and their identity, language, and culture are integral to success.

15. In my experience, this resulted in real change. At my children's school, there was strong uptake of Te Ahu o Te Reo Māori, facilitated by Ngāti Whakaue, strengthening teacher capability, deepening relationships with mana whenua, and normalisation of te reo Māori.

16. The provision also functioned as a governance tool. As a Māori Board member, it provided me with the leverage I required to advocate for Tiriti-aligned practice, embed iwi-informed curriculum, and hold

leadership accountable. This led to practical outcomes including Board-wide PLD, policy development, and the use of Te Hautū.

17. The removal of section 127(1)(d) has occurred without meaningful consultation with Māori and without evidence that the Crown adequately assessed risks to Māori interests. This is inconsistent with the approach taken in 2020 and constitutes a failure of good governance.

18. In my view, this process breaches the principle of partnership by excluding Māori from decision-making; breaches active protection by removing mechanisms supporting te reo Māori and mātauranga Māori; and breaches rangatiratanga by limiting Māori influence over education.

19. The removal creates significant prejudice. It reduces visibility of Māori identity, increases inequity, removes support for educators, weakens governance accountability, and erodes system-wide progress.

The changes to Te Mātaiaho

20. The changes to Te Mātaiaho reflect a similar pattern. While the original curriculum positioned Te Tiriti as foundational, the revised version reduces its prominence and shifts toward a standardised, "knowledge-rich" model grounded in Western epistemologies.

21. In my professional view, this shift is not neutral. The curriculum is increasingly crowded with prescribed content drawn from Eurocentric knowledge traditions, leaving limited space for localised curriculum or meaningful engagement with mātauranga Māori.

22. This constrains kaiako and undermines earlier reforms that enabled partnership with mana whenua. It repositions Māori knowledge as peripheral rather than foundational.

23. I am also concerned about how learning within *Te Mātaiaho* is assessed. The NCEA co-requisite requirement for example, denies students any qualification unless they pass a single literacy and

numeracy assessment, regardless of their achievement across other standards. This disproportionately disadvantages Māori learners and privileges a narrow, Eurocentric conception of literacy and numeracy assessed through formal examination conditions.

24. In my view, this fails to recognise culturally sustaining assessment practices and further breaches Te Tiriti o Waitangi obligations, particularly in relation to equity and active protection.

25. The consultation process for these changes has also been rushed and insufficient, lacking the conditions required for meaningful engagement. This reinforces a pattern of Crown decision-making that is inconsistent with partnership and good faith.

26. These curriculum changes will reduce the depth and authenticity of Māori content, limit engagement with local iwi, and contribute to the continued marginalisation of mātauranga Māori.

27. These actions reverse progress made toward addressing historical harm and reassert Crown control over knowledge, curriculum, and decision-making.

Conclusion and recommendations

28. My evidence is grounded in both lived experience and professional practice. I have seen the transformative impact of Tiriti-honouring education, and I have also witnessed the harm caused when it is absent.

29. These changes are not abstract. They will be felt by ākonga Māori in the loss of language, the marginalisation of their knowledge, and the erosion of their sense of belonging.

30. The current legislative and curriculum changes represent a significant step backwards, dishonouring the extensive consultation and development processes it took to establish the 2020 version of both.

31. In my view, they continue a pattern of Crown behaviour in that they:
    a. Marginalise Māori knowledge and identity;

b. Undermine progress toward equity; and

c. Breaches Te Tiriti o Waitangi.

32. I respectfully ask the Tribunal make the following recommendations that I believe can marginalise some of the harm made.

33. Recommend the reinstatement of a clear statutory obligation requiring schools and boards to give effect to Te Tiriti o Waitangi, including embedding mātauranga Māori, supporting te reo Māori, and prioritising equitable outcomes for Māori learners.

32. Direct the Crown to co-design all future education legislation and policy with Māori, in a manner consistent with the principle of partnership.

33. Require mandatory Tiriti impact assessments for all future education policy, legislative, and curriculum changes.

34. Recommend revision of Te Mātaiaho to reinstate Te Tiriti as a foundational principle, with explicit requirements for iwi partnership, mātauranga Māori integration, and the protection and normalisation of te reo Māori.

35. Require meaningful consultation processes with Māori on curriculum and policy changes, including sufficient time and resourcing for engagement with whānau, hapū, and iwi.

36. Direct the Crown to restore and strengthen Tiriti-aligned frameworks such as NELP and TES.

37. Recommend sustained investment in culturally sustaining pedagogies and iwi partnerships, including professional learning and development for kaiako.

38. Strengthen mechanisms for Māori participation and decision-making in education governance at all levels.

39. Require that when we measure whether Māori are 'succeeding' in Education, there is a consideration of wider measures rather than just

test scores, including Hauora, Māori identity, language, culture and whether akonga feel grounded and safe to learn and express their culture.

40. Direct regular public reporting on Māori educational outcomes and Tiriti compliance.

DATED at Rotorua this 24th day of March 2026

KĀRENA NGATA

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Kārena Ngata

TO: The Registrar, Waitangi Tribunal; Crown Law Office; and those on the notification list for the Wai 3553 Education Training and Amendment Act and Te Mātaiaho Urgent Inquiry.