BEFORE THE WAITANGI TRIBUNAL **WAI 3553**
WAI 3502

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 he kerēme nā **Watson Ohia, Heywood Kuka me Sophie Tukukino** mā/mō **Ngā Kura ā Iwi (WAI 3502)**

BRIEF OF EVIDENCE WATSON OHIA

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TĒNĀ E TE TARAIPIUNARA:

Introduction

1. My name is Watson Ohia. I affiliate to Te Ātiawa, Ngāti Rārua, Ngai Te Rangi, Ngāti Pūkenga and Te Roro o Te Rangi.

2. I am the Chief Executive Officer (CEO) of Ngā Kura ā Iwi o Aotearoa ("NKAI"). I have held this role since January of 2018. After completing my university qualifications in 1991, I began my teaching career at Te Wharekura o Rakaumanga from the beginning of 1992 until mid-2002 when I was the Assistant Principal (Pou Arahi) of the school. After undertaking and completing an International MBA programme from mid-2002 to mid-2003, I was appointed as the foundation principal of Ngā Taiātea Wharekura in Hamilton. I had the privilege of being the foundation principal of Ngā Taiātea Wharekura from mid-2003 until December of 2017. In January of 2018, I began as the Pou Kōkiri – CEO of Ngā Kura ā Iwi o Aotearoa.

3. I provide this brief of evidence in my capacity as CEO of NKAI. I am a named claimant in these proceedings. The Application in Support of an Urgent Inquiry filed on 4 December 2025 was filed by myself, Heywood Kuka and Sophie Tukukino on behalf of NKAI (Wai 3553, #3.1.27). NKAI is a confirmed Interested Party in this inquiry (Presiding Officer's Directions, 19 March 2026, Wai 3553, #2.5.7, Appendix B, item 3).

4. My evidence provides the national, organisational and constitutional perspective of NKAI as the representative body for 53 kura ā-iwi. It addresses all ten confirmed inquiry issues (as set out in Appendix A to the Presiding Officer's Directions of 19 March 2026, Wai 3553, #2.5.7(a)).

5. Further briefs of evidence in support of NKAI have been filed by:

    5.1 **Heywood Kuka - Tumuaki of Te Wharekura o Mauao** addressing the operational and kura-level impacts of the changes, including specific NCEA pathway examples.

    5.2 **John Heremia - Tumuaki of Te Wharekura o Rakaumangamanga** addressing the pedagogical and historical dimensions of these issues from 48 years of direct experience. My brief should be read alongside those two briefs and does not seek to replicate their ground-level evidence. Where they provide concrete examples, I cross-reference

them rather than repeat them.

6. NKAI's decision to bring this claim before the Tribunal was not made only in the interests of our own 53 affiliated kura. It was made on behalf of all tamariki Māori across Aotearoa. The removal of section 127(1)(d) affects every child who attends a state school in this country, not only those in kura ā-iwi. Every board of trustees of every school that tamariki Māori attend was bound by that obligation. Every one of those boards is now free of it. NKAI's kaupapa has always been grounded in the wellbeing of tamariki, not only our own uri but all the children and whānau of hapū and iwi across Aotearoa who are negatively impacted when the Crown walks away from its Treaty responsibilities in education. We are here because te Tiriti belongs to all of us — and the Crown's accountability under it must be restored for all of us.

7. The matters I give evidence on are within my personal knowledge and direct professional experience, except where I indicate otherwise.

BACKGROUND TO NGĀ KURA Ā IWI O AOTEAROA

Establishment and purpose

8. Ngā Kura ā Iwi o Aotearoa (NKAI) was formerly constituted in 2009. NKAI represents and supports 53 tribal schools (kura ā-iwi) that voluntarily affiliate with it. NKAI's purpose is to advocate nationally and internationally for the rights and aspirations of its affiliated kura, their ākonga, their kaimahi, and the iwi and hapū communities they serve.

9. NKAI's strategic plan, Te Maru o Ngā Kura ā Iwi o Aotearoa, sets out our aims, purposes and objectives. Our kaupapa is grounded in Tihi o Angitu: peaks of achievement and success. The Ngā Kaupapa Here of the NKAI constitution (revised Hurae 2021) set out our foundational commitments: to hold steadfast to the knowledge and customs of each tribe (4.1); to create an authentic curriculum framework originating from our tribes (4.2); to keep faithful to our respective tribal dialects (4.3); to promote and foster the world of our ancestors nationally and internationally (4.4); to work in accordance with Te Tiriti o Waitangi, which the constitution describes as at the core of our existence (4.10); and to uphold the principles of Mana Ōrite/equal authority in all that we do (4.13) (attached as Exhibit A).

10. NKAI was founded on a fundamental premise: that iwi have the right to educate

their own tamariki, in their own language, according to their own knowledge systems and values. That premise is not a policy preference. It is grounded in te Tiriti o Waitangi, specifically the guarantee of tino rangatiratanga under Article 2. Kura ā-iwi are the living institutional expression of that right within the state system.

Governance: Ngā Ringa Raupā and Te Komiti Whāiti

11. NKAI's governance body is Ngā Ringa Raupā, which consists of the tumuaki (principals) of each of the 53 affiliated kura. This structure means our governance is grounded in the lived reality of running kura ā-iwi. The voice of the kura, their whānau and their iwi is directly present in NKAI's governance at every level.

12. The Executive Board, Te Komiti Whāiti, currently comprises: Heywood Kuka (Chair), Te Wharekura o Mauao; Renata Curtis, Te Wharekura o Ngāti Rongomai; Michelle Treadaway-Ohia, Ngā Taiātea Wharekura; Hira Hona, Te Kura o Matapihi; and Tamahaia Skinner, Te Kura o Kōkōhuia.

13. As CEO, I am the primary interface between NKAI's affiliated kura, the Ministry of Education, the Minister's office and other Crown agencies. I lead NKAI's national advocacy, represent the sector in policy discussions, and coordinate NKAI's collective responses to changes in the educational landscape. The positions I express in this brief represent the collective view of NKAI's 53 kura, their tumuaki, boards, kaimahi, whānau and connected iwi and hapū.

14. NKAI's Executive Board held a hui on 26 November 2025 to consider the implications of the Crown's removal of s 127(1)(d). NKAI's Annual General Meeting then took place on 3 December 2025, the same day as the Crown's deadline for parties to respond to the urgency applications. The filing of our extension request on that day (Wai 3553, #3.1.7) reflects the fact that our 53 kura were deliberating together at that AGM about their collective response to these proceedings. The decision to bring NKAI's voice formally before this Tribunal was made by our member kura through Ngā Ringa Raupā on 3 December 2025.

HOW KURA Ā-IWI ARE GOVERNED UNDER THE EDUCATION AND TRAINING ACT 2020

What makes a school a kura ā-iwi

15. Kura ā-iwi are state schools established and operating under the Education and Training Act 2020 ("the Act"). They are Crown-funded and Crown-regulated.

Kura ā-iwi status is not yet a recognised legal category under the Act. What makes a school a kura ā-iwi is not a legal designation. It is the commitment by a school community to the NKAI kaupapa and constitution. Schools affiliate to NKAI under their existing legal form, whether that is a mainstream primary school with a rūmaki unit, a bilingual school, or a kura kaupapa Māori. Upon joining and subscribing to the NKAI constitution and kaupapa, they become a kura ā-iwi. The Treaty obligation under Kaupapa Here 4.10, to work in accordance with Te Tiriti o Waitangi, is accepted by every affiliated kura as a condition of membership. This obligation belongs to the kura. It was not created by Parliament and cannot be extinguished by Parliament.

16. Most, but not all, affiliated kura will then apply to become designated character schools. Designated character status is the structural mechanism through which the state school system accommodates schools whose educational character is defined by something other than the mainstream model. For kura ā-iwi, that character is defined by their connected iwi. It sets out the iwi-specific aims, purposes and objectives that govern how the kura is established, governed and operated, and gives the kura protected flexibility: designated character schools can set their own enrolment terms according to their character and operate their curriculum in accordance with it. Designated character school status is the interim legal recognition available to kura ā-iwi within the current statutory framework.

17. This framework is important for the Tribunal's consideration because it represents the Crown's formal, statutory recognition that iwi-defined schools require a different framework from the mainstream. The Crown agreed to that recognition. However, that recognition remains incomplete. NKAI is in active discussions with the Ministry of Education regarding specific recognition of kura ā-iwi as a distinct legal category within the Act. Once achieved, affiliated schools would be categorised as official Kura ā Iwi rather than designated character schools. That process is underway but will not be completed this year. In the meantime, the Kawa Whakapūmau between NKAI and the Ministry of Education, signed 25 November 2020, is the primary formal Crown recognition of NKAI's existence, role and Treaty partnership with the Crown.

The Treaty obligation in governance: two levels

18. Like all state schools, each kura ā-iwi is governed by a board of trustees. The board is the legal entity responsible for the governance of the kura under the Act. Section 127 of the Education and Training Act 2020 set out the objectives that

every board was required to meet in governing its school.

19. For kura ā-iwi, the Treaty obligation in governance operates at two levels that must be understood separately, because the removal of s 127(1)(d) operates at only one of them.

20. The first level is the kura's own constitutional obligation. Every kura ā-iwi board is required, independently of any statute, to give effect to te Tiriti o Waitangi under Kaupapa Here 4.10. That obligation predates and exists independently of section 127(1)(d). It was not created by Parliament and cannot be extinguished by Parliament.

21. The second level is the Crown's obligation toward kura ā-iwi. Prior to 19 November 2025, section 127(1)(d) required every board, including every kura ā-iwi board, to ensure that the school gives effect to te Tiriti o Waitangi. That was the Crown's own statutory recognition that Treaty obligations existed in the governance of state schools. It was not discretionary, advisory or aspirational. It was the law.

22. These two levels operated together. The kura's constitutional obligation grounded the board's kaupapa. The Crown's statutory obligation gave that kaupapa legal force and Crown accountability. The removal of section 127(1)(d) does not extinguish the kura's constitutional obligation. What it does remove is the Crown's legislative recognition of it, its enforcement mechanisms, and its accountability to kura ā-iwi for upholding Treaty obligations in the governance of their schools. The removal does not free kura ā-iwi from anything. It frees the Crown.

23. For kura ā-iwi boards, section 127(1)(d) performed three functions on the Crown's side of that equation that no other provision performs:

    23.1 It gave every kura ā-iwi board an enforceable statutory basis for Treaty-based governance decisions when engaging with the Ministry of Education and ERO, including decisions about curriculum emphasis, reo Māori instruction, tikanga-based governance processes, and relationships with iwi and hapū. When the Ministry or ERO engaged with a kura ā-iwi on governance matters, the board could point to its statutory obligation under s 127(1)(d) as the legal foundation for its approach. The Crown could not ignore or override it. It gave our boards standing.

23.2 It created a minimum statutory floor for Treaty compliance in kura governance, a floor that existed regardless of which government was in power. That floor could not be removed by Ministerial direction, policy change or ERO recommendation. It could only be removed by Parliament.

23.3 It signalled to the whānau and iwi that chose to establish kura ā-iwi and to send their tamariki to them that the Crown was formally bound by Treaty obligations in the governance of those schools. That signal was the Crown's public commitment, in law, that the governance of kura ā-iwi would give expression to te Tiriti.

The curriculum: mana motuhake drives framework choice

24. The Education and Training Act 2020 requires all state schools to base their curriculum on either the New Zealand Curriculum (NZC | Te Mātaiaho) or Te Marautanga o Aotearoa (attached as Exhibit B). These are two parallel national curriculum frameworks.

25. The starting point for understanding how NKAI kura approach curriculum is not which national framework they use. It is their mana motuhake. The overarching aspiration shared across all affiliated kura is that each school is a kura reo Māori, grounded in te reo Māori and tikanga Māori as its foundation, with teaching and learning shaped by the aspirations of the iwi and whānau the kura serves.

26. Within that foundation, most NKAI kura draw from both Te Marautanga o Aotearoa and the NZC, as well as from NKAI's own Te Tihi o Angitu framework and from iwi-specific mātauranga. This is not an either/or choice. It is an expression of rangatiratanga. At primary and intermediate levels, most kura draw predominantly from Te Marautanga o Aotearoa. As ākonga progress through into the wharekura, NZC-based learning increases for two reasons:

26.1 Breadth of opportunity: kura want to offer students learning in areas that align with their future plans and pathways, and the NZC provides that breadth.

26.2 Crown resourcing failure: Te Marautanga o Aotearoa teaching, learning and NCEA assessment resources at secondary level are severely inadequate, a systemic Crown failure that has existed for years. This forces kura to draw from the NZC even where they would prefer to work entirely within a Kaupapa Māori framework.

27. This dual-framework reality is the most important factual matter the Tribunal must understand about NKAI kura in relation to the curriculum inquiry issues. The Crown and MOE have consistently assumed that NKAI kura only use Te Marautanga o Aotearoa. That assumption is wrong. It is a gross oversight and its consequences are now embedded in the design of Te Mātaiaho. I address this directly under Inquiry issues (g) through (j) below. Heywood Kuka's brief of evidence provides specific kura-level examples of how this dual-framework reality operates at Te Wharekura o Mauao, including NCEA pathway design and the ways the proposed changes constrain those approaches.

28. Some NKAI kura are also at earlier stages of transition, moving from English-medium toward full Kaupapa Māori education. Those kura may draw more heavily from the NZC while that transition is underway.

29. NKAI kura also draw from their own collective and iwi-specific goals in shaping their curriculum. NKAI has collective aspirations for all tamariki across the network; individual iwi have their own specific aspirations for the mokopuna of their kura. The localisation of curriculum to the specific mātauranga, tikanga and histories of the connected iwi or hapū is the core expression of mana motuhake in practice and is what makes each kura ā-iwi genuinely distinct from every other school in the state system.

Kura ā-iwi distinguished from kura kaupapa Māori

30. It is necessary to distinguish kura ā-iwi from kura kaupapa Māori (Te Aho Matua kura). Kura kaupapa Māori operate under Te Aho Matua, a legislatively protected philosophical framework. ERO assesses the learning outcomes of ākonga at kura kaupapa Māori against the standards set out in Te Aho Matua, rather than mainstream ERO standards.

31. Te Aho Matua provides those kura with a specific legislative shield that is separate from and additional to the obligations imposed on all state school boards under section 127. NKAI is separately engaged in discussions regarding equivalent legislative recognition for kura ā-iwi, but that recognition does not yet exist.

32. Kura ā-iwi **do not** operate under Te Aho Matua. They operate under their own iwi-defined kaupapa and, for most affiliated kura, their designated character. Their curriculum draws from Te Marautanga o Aotearoa, the NZC, and other frameworks in accordance with their mana motuhake and the aspirations of their

iwi and whānau.

33. Until 19 November 2025, NKAI kura and their boards had been operating with security. That security rested on two foundations. The first was their own mana motuhake, the kaupapa, the constitution, and the vision set by founding leaders including Pem Bird of Te Kura Kaupapa Motuhake o Tawhiuau, which has guided the NKAI movement from its inception. The second was the formal agreement between NKAI and the Crown: the Kawa Whakapūmau between NKAI and the Ministry of Education, which requires both parties to actively demonstrate a commitment to partnership based on the principles of te Tiriti o Waitangi, to understand and give effect to the responsibilities set out in the agreement, and to understand current issues surrounding Ngā Kura ā Iwi o Aotearoa involvement and achievement in education services.

34. The removal of section 127(1)(d) has directly undermined both of those foundations of security. It has not changed what NKAI kura believe or how they operate. Their mana motuhake and their constitutional commitment to te Tiriti remain intact. But it has removed the Crown's side of the equation: the statutory recognition of Treaty obligations in kura governance, and the legislative expression of the Crown's commitment to those obligations. In doing so, the Crown has also acted inconsistently with the Kawa Whakapūmau, the very agreement that was meant to govern the relationship between NKAI and the Ministry. Another agreement between NKAI and the Crown that you may want to include is the “Kawa Whakaū Mana Ōrite” between NKAI and ERO (attached as Exhibit C). Within this agreement are the “Hononga Kōtui” and the one states that “Ngā Kura ā Iwi and the Education Review Office’s relationship will reflect the Treaty of Waitangi and Mana Ōrite” (Kawa Whakaū Mana Ōrite, 2014).

35. Kura ā-iwi **do not** have the Te Aho Matua legislative shield that kura kaupapa Māori have. The Kawa Whakapūmau and section 127(1)(d) were together the formal Crown recognition of NKAI kura within the state system.

36. The Crown has now unilaterally removed one of those two planks, without consulting NKAI, without offering any replacement, and without acknowledging that in doing so it was undermining the security that NKAI kura had built over decades. Without the Te Aho Matua shield, the Kawa Whakapūmau has become, since 19 November 2025, the sole remaining formal Crown recognition instrument for NKAI's existence and role. That makes the Crown's breach of it all the more serious.

THE CONSTITUTIONAL COMPACT UNDERLYING KURA Ā-IWI

37. The relationship between kura ā-iwi and the Crown is not merely contractual or regulatory. It is constitutional, and it is formalised by the Kawa Whakapūmau.

38. Kura ā-iwi exist because iwi chose to exercise their tino rangatiratanga, guaranteed under Article 2 of te Tiriti, to establish schools that expressed their language, knowledge and values within the state system. NKAI kura have operated with security grounded in the vision of our founding leaders, including Pem Bird of Te Kura Kaupapa Motuhake o Tawhiuau. That choice was not made in a vacuum. It was made in reliance on the Crown's recognition and support of iwi-led education. The Crown agreed to fund those schools. The Crown agreed to give most of them designated character status. The Crown established a legislative framework, including section 127(1)(d), that gave that recognition statutory form. The Crown's position was that Te Marautanga o Aotearoa would support reo Māori immersion education across that system. NKAI's position has always been that kura have the rangatiratanga to determine how they educate their tamariki, drawing from Te Marautanga o Aotearoa, the NZC, or other frameworks as appropriate, with te reo Māori, mātauranga Māori and wairua Māori as the non-negotiable foundation. The compact between the Crown and NKAI was never about locking kura into a single curriculum framework. It was about the Crown recognising and supporting iwi-led education, however each kura chose to express it.

39. That compact, between the Crown and the iwi that established kura ā-iwi, is a Treaty-based agreement grounded in Article 2 of te Tiriti, in the Crown's obligation of active protection of Māori taonga including te reo Māori, tikanga and mātauranga, and in the principle of partnership. It is reinforced by the Kawa Whakapūmau, signed on 25 November 2020, which requires both parties to actively demonstrate a commitment to partnership based on the principles of te Tiriti o Waitangi, to understand and give effect to the responsibilities set out in the agreement, and to understand current issues surrounding Ngā Kura ā Iwi o Aotearoa involvement and achievement in education. The Crown cannot unilaterally revise that compact without engaging with NKAI and without honouring the Kawa Whakapūmau.

40. When the Crown removed s 127(1)(d) without consulting NKAI, it unilaterally altered the terms of that compact, acting in direct breach of the Kawa Whakapūmau and in disregard of its obligations to NKAI as Treaty partner. It removed a statutory protection that our boards had depended on, one that the Crown itself had put in place, without asking us whether we agreed, whether we were ready, or whether any alternative protection was needed. The significance of this action extends beyond NKAI. This action by the Crown fundamentally questions its commitment to te Tiriti at the local, community level, its commitment to protect and look after Māori in all New Zealand schools. It also directly questions the Crown's commitment to the Kawa Whakapūmau and to the obligations to NKAI stated within it. This is the constitutional dimension of the claim. It is not simply about a legislative amendment. It is about the Crown acting as though its obligations to kura ā-iwi, and to all Māori in the state education system, can be redefined by majority vote in Parliament, without reference to the Treaty partners most directly affected.

41. The NZEI reply submissions in these proceedings (Wai 3553, #3.1.20) articulate this wider constitutional point:

> *the Cabinet Manual itself acknowledges that constitutional change cannot be made on the political whim of a simple majority. Te Tiriti, as a foundational dimension of Aotearoa's constitution, cannot be removed from the governance of state schools by an Amendment Paper introduced at Committee of the Whole House stage, without warning, without consultation, and without the consent of the Treaty partners whose rights it protects.*

SECTION 127(1)(d): THE REMOVAL AND ITS CONSEQUENCES

The process: unilateral, last-minute, unconstitutional

42. The removal of section 127(1)(d) was not canvassed in the original Education and Training Amendment Bill (No 2) 2025 as introduced to the House in April 2025. The Bill as introduced proposed to demote the Treaty reference in s 127 to a supporting objective, something NKAI already opposed, but which was at least subject to public scrutiny through the Select Committee process.

43. The complete removal of s 127(1)(d) was introduced by Amendment Paper No 428, tabled by Minister Stanford on 3 November 2025 at the Committee of the Whole House stage. This is the most restricted stage of the parliamentary process.

Amendment Papers are not subject to Select Committee consideration or public submission. There was no opportunity for NKAI, or any other Māori party, to respond to this specific change before it became law on 19 November 2025.

44. The Crown has acknowledged in these proceedings that there was no engagement with Māori regarding the decision to remove s 127(1)(d). The Crown's own Regulatory Impact Statement stated there had been "inadequate time for comprehensive consultation with Māori, iwi and hapū." The Ministry of Education's own officials had recommended engagement with Māori before any amendment affecting Te Tiriti obligations was made. That recommendation was not followed. Cabinet agreed to the removal on 15 October 2025; the Amendment Paper was lodged nineteen days later.

45. NKAI was not consulted. I was not contacted by the Minister's office, the Ministry of Education, or any Crown official about the proposal to remove s 127(1)(d). NKAI first became aware of the removal through our own networks and sector communications, not through any contact from the Crown or Ministry of Education. This is not how Treaty partners are treated. This is not how a Crown that takes its constitutional obligations seriously behaves.

Inquiry issue (a): ***What was the purpose and effect of section 127(1)(d)?***

46. Section 127(1)(d) of the Education and Training Act 2020 required every board of every state school to ensure that the school gives effect to te Tiriti o Waitangi. It was a direct statutory obligation and not a reporting requirement, a purpose statement, or an aspirational goal. It was enforceable in the same way as any other governance obligation under the Act.

47. For kura ā-iwi, s 127(1)(d) must be understood alongside the kura's own constitutional obligation under Kaupapa Here 4.10. Section 127(1)(d) operated on the Crown's side of the two-level Treaty obligation I have described above. It was the Crown's own statutory recognition that Treaty obligations existed in the governance of state schools. In practice it performed three functions for kura ā-iwi that no other provision performed: it gave boards standing with the Ministry and ERO; it created a statutory Treaty floor no government could remove by policy alone; and it gave kura ā-iwi communities the Crown's formal, public commitment in law that the governance of their schools would give expression to te Tiriti. Section 127(1)(d) was the legislative expression of the Crown's commitment to give effect to te Tiriti at the governance level of every state school board in New Zealand.

Inquiry issue (b): ***Did the Crown adequately inform itself of the risks to Tiriti interests?***

48. No. The Crown did not adequately inform itself of the risks to the Treaty interests of tamariki Māori created by removing s 127(1)(d). The evidence of this failure is on the face of the Crown's own documents:

    48.1 The Regulatory Impact Statement acknowledged inadequate Māori consultation and warned the removal "could reduce the Crown's ability to support Māori educational success in accordance with its obligations under article three of Te Tiriti."

    48.2 Ministry officials recommended engagement with Māori before proceeding. Cabinet overrode that recommendation.

    48.3 The Crown did not seek any information from NKAI, the representative body for the 53 kura most directly affected, about what the removal would mean for kura ā-iwi governance.

49. It should be noted that NKAI kura have their collective unity as a network, which provides a degree of protection, but our primary concern extends beyond our kura. We are deeply concerned for all whānau Māori in mainstream English-medium schools across New Zealand who will no longer have te Tiriti as a layer of statutory protection in the governance of their children's schools. The removal of s 127(1)(d) is a system-wide failure.

Inquiry issue (c): ***Was official advice consistent?***

50. The Education and Training Act 2020 was enacted with s 127(1)(d) as a standalone Treaty obligation. It was enacted with cross-party support and after years of policy development. By September 2025, Ministry officials were advising that s 127(1)(d) should be "clarified". Crucially, those officials also recommended that Māori engagement occur before any change was made. Cabinet overrode that recommendation and directed complete removal within weeks. The government was advised by its own officials to consult with Māori. It did not listen. It is difficult to reconcile advice that supported a standalone Treaty obligation in 2020 with a complete removal of that obligation in 2025 enacted without Māori consultation.

51. The question of whether the official advice on the 2020 Act and its 2025 amendment was internally consistent is one the Crown's own documents will

need to answer. NKAI's evidence goes to the effect rather than the internal advice, but I note that the sequence of events raises serious questions about that consistency.

Inquiry issue (d): ***What measures did the Crown take to uphold Tiriti interests post-removal?***

52. None that are adequate for kura ā-iwi. Since 19 November 2025, the Crown has issued no guidance, not from the Ministry of Education, not from ERO, not from any other agency, about what the removal of s 127(1)(d) means for kura ā-iwi governance. Our kura have not waited. Our tumuaki and boards continue to fulfil their obligations under the NKAI constitution and Kaupapa Here 4.10, not because the Crown requires it, but because that is who we are. The Crown's indifference to its own obligations will not become our indifference to ours.

53. I want to be clear about what this means in practice. NKAI kura have not stopped. Our boards remain committed to their mana motuhake, to their uri, mokopuna and whānau, and to the NKAI constitution, including Kaupapa Here 4.10. That constitutional obligation is not extinguished by Parliament. What the Crown has removed is not our commitment. It is the Crown's own statutory recognition of, and accountability for, that commitment. The floor has been removed from the Crown's side of the relationship, not from ours.

54. The mechanisms the Crown has pointed to do not fill that gap. I give evidence on each from NKAI's direct experience:

    54.1 The Māori Education Action Plan covers all Māori learners, including a section focused on Kaupapa Māori education settings. Some points in that section have been discussed with Kura Kaupapa Māori and NKAI, and some implementation has continued, for example Employment Based Teacher Training, or funding has recently begun, such as for the Virtual Learning Network. However, this plan is a policy document. It does not create statutory obligations on boards and it cannot replace s 127(1)(d).

    54.2 The Māori Education Ministerial Advisory Group **does not** represent or focus on NKAI or Kura Kaupapa Māori schools. It serves Māori learners in mainstream schools, Māori-medium units within mainstream schools, and other Māori schools that are not Kura Kaupapa Māori or kura ā-iwi. NKAI is part of Te Matakahuki, the collective of

Kaupapa Māori movements including Kōhanga Reo, Kura Kaupapa Māori, Kura ā Iwi and the Wānanga Māori. The MAG was not constituted to represent the interests of NKAI kura.

55. The removal of s 127(1)(d) without replacement has created a specific problem for kura ā-iwi. The Crown has pushed the entire statutory Treaty obligation back onto NKAI's internal constitutional framework without asking whether that was acceptable and without providing any support for the additional burden this creates.

Inquiry issue (e): ***To what extent was the removal inconsistent with te Tiriti?***

56. The removal was fundamentally inconsistent with the principles of te Tiriti, being partnership, active protection and tino rangatiratanga, in the following respects.

57. Active protection requires the Crown to take positive steps to protect Māori Treaty interests, not merely to avoid actively harming them. Removing the statutory Treaty obligation from the governance of Crown-funded, iwi-established schools, without consulting the iwi that established them, without providing any replacement, and without any assessment of the consequences, is the withdrawal of a protection, not its active maintenance.

58. Partnership requires the Crown to act in good faith toward its Treaty partners. A significant constitutional change to the governance framework for iwi-led education, introduced by a last-minute parliamentary mechanism specifically designed to avoid public scrutiny, after Ministry officials had recommended Māori engagement, is not good faith. It is the opposite.

59. Tino rangatiratanga requires the Crown to recognise and give effect to the right of iwi to exercise authority over their own affairs, including the education of their tamariki. Kura ā-iwi were established by iwi in the exercise of that right. The unilateral removal of the statutory protection that underpinned that exercise is a direct breach of the Crown's obligation.

60. I want to be direct about what this means from NKAI's perspective. The government is blatantly neglecting its responsibility to ensure that te Tiriti o Waitangi is honoured in all New Zealand schools. The government does not require school board’s to ensure the protection of our people and our culture. This is not a technical legal failure. It is a failure of political will and constitutional responsibility.

Inquiry issue (f): ***What prejudice arises from the removal of section 127(1)(d)?***

61. The prejudice arising from the removal of s 127(1)(d) is real, immediate and, if not remedied promptly, irreversible as governance practice and ERO assessment frameworks reset without a Treaty anchor.

62. Constitutional and regulatory uncertainty: Every kura ā-iwi board has been governing since 19 November 2025 without the statutory Treaty floor that anchored its governance decisions. No replacement has been provided. No guidance has been issued by ERO or the Ministry. Our kura boards have not waited for the Crown to tell them what to do. They continue to operate under their mana motuhake and their constitutional commitment to te Tiriti, as they always have. What has changed is the Crown's side of that equation, which has been removed without replacement and without acknowledgment.

63. Breach of the Kawa Whakapūmau: The removal without consultation is a direct breach of the Kawa Whakapūmau. The agreement requires the Crown to actively demonstrate a commitment to Treaty partnership with NKAI and to understand current issues surrounding NKAI's involvement and achievement in education. The Crown did neither before making this change.

64. Erosion of governance standing: Section 127(1)(d) gave kura ā-iwi boards standing when engaging with the Ministry and ERO on Treaty-based governance decisions. That standing has been removed. A board that now chooses to deprioritise Treaty-based governance is no longer in breach of a statutory obligation to the Crown, only in breach of the NKAI constitution.

65. Prejudice to all Māori in the state system: The removal of section 127(1)(d) affects not only kura ā-iwi. NKAI's concern extends to all whānau Māori in mainstream English-medium schools across New Zealand who will no longer have te Tiriti as a layer of statutory protection in the governance of their children's schools. The removal is a system-wide failure.

66. Irreversibility: The longer the removal remains in place without replacement, the more ERO practice and Ministry expectations will reset around governance standards that do not include a Treaty obligation. Once those expectations become embedded in assessment frameworks, compliance culture and professional practice, they are very difficult to reverse. The Tribunal's findings are needed before that entrenchment occurs.

TE MARAUTANGA O AOTEAROA, TE NZC AND THE CURRICULUM RESET

The Crown's fundamental misunderstanding of NKAI kura

67. Before addressing the specific curriculum inquiry issues, I must state clearly what I consider to be the Crown's most consequential error in this reform programme in relation to NKAI: the assumption that NKAI kura only use Te Marautanga o Aotearoa. As I have described above, most NKAI kura use both Te Marautanga o Aotearoa and the NZC.

68. The Te Mātaiaho reset therefore directly affects NKAI kura. NKAI kura have not been considered in the design of the NZC reset and the consequences of that oversight are now embedded in the curriculum. This error has meant that whenever the Crown has asked whether the curriculum reset serves Kaupapa Māori education, it has been answering the wrong question, asking only about Te Marautanga o Aotearoa and not about the NZC that many of our kura also draw from.

69. The same error has compounded an existing Crown failure. Te Marautanga o Aotearoa is already severely under-resourced and under-supported. The Crown is now resetting the NZC without engaging NKAI, on the basis that NKAI only uses Te Marautanga o Aotearoa. It is compounding its own failure.

The systemic direction: the real threat to kura ā-iwi

70. The deeper concern for NKAI is not about which specific curriculum document applies to our kura at any given time. It is about the systemic direction of the Crown's education reform programme and what that direction means for the conditions under which iwi-led, Treaty-grounded education can survive and flourish within the state system.

71. The Te Mātaiaho reset reflects a philosophical approach that treats knowledge as universal and objective, frames mātauranga Māori as supplementary cultural content rather than as a valid epistemological framework, and reduces te Tiriti from a foundational directive principle to a single reference in a purpose statement. I am aware of public statements by individuals involved in the curriculum rewrite, specifically Professor Elizabeth Rata, expressing the view that there is no place for traditional knowledge in a curriculum except as an object of study. If that philosophy is shaping both the NZC and the revision of Te Marautanga o Aotearoa, it is fundamentally incompatible with the kaupapa of every kura ā-iwi in our network.

72. John Heremia's brief of evidence addresses this philosophical dimension in detail from 48 years of practice at Te Wharekura o Rakaumanga. His characterisation, that mātauranga Māori at a kura like Rakaumanga is not woven through the curriculum but is the loom itself, captures what is at stake with a precision I adopt. I refer the Tribunal to his evidence on the pedagogical and historical dimensions of this inquiry, including the threat to Aotearoa histories and the lived experience of cultural assimilation across generations. What I add from the national perspective is this: this philosophical approach is not incidental to the reform programme. It appears to be driving it. The combined effect of the two strands of reform, removing s 127(1)(d) from governance and resetting the curriculum in this philosophical direction, represents a coordinated withdrawal of Treaty recognition from both the governance and the content of state education.

Te Marautanga o Aotearoa is also under revision: both curricula are at stake

73. The Crown's submissions in December 2025 acknowledged that Te Marautanga o Aotearoa "is also going through a revision process" but stated that it was "not the subject of the urgency application." For NKAI, this framing misrepresents the reality of how our kura operate. Both Te Marautanga o Aotearoa and the NZC matter to NKAI kura. If the revision of Te Marautanga is proceeding in the same direction as the Te Mātaiaho reset, with reduced te Tiriti content, diminished mātauranga Māori, and inadequate engagement with the Māori-medium sector, the prejudice to kura ā-iwi is direct rather than indirect, and it falls across both curriculum frameworks our kura draw from.

74. NKAI has two representatives involved in the Te Marautanga o Aotearoa review process, Te Aoterangi Moore and Sophie Tukukino. However, having representatives in the process does not mean the consultation has been adequate. NKAI remains deeply concerned about both the level and quality of consultation on Te Marautanga o Aotearoa and about whether the direction has already been determined.

Inquiry issue (g) and (g)(i): ***How will the curriculum changes affect te Tiriti, te reo, tikanga, mātauranga and Aotearoa histories?***

75. These issues encompass both curriculum frameworks that NKAI kura draw from: Te Marautanga o Aotearoa and the NZC. NKAI's evidence on both is as follows.

76. The direction of the Te Mātaiaho reset signals to kura ā-iwi that the Crown no longer treats te Tiriti as a foundational directive principle in the national education system. It treats it as a qualifier within a purpose statement. For kura ā-iwi whose entire existence is premised on te Tiriti as the foundation of their educational character, this is a constitutional signal, not a technical curriculum matter.

77. The treatment of te reo Māori in the NZC as an optional Learning Language rather than as a medium of instruction reflects a fundamental misunderstanding, or in some cases deliberate disregard, of what Māori-medium education is. NKAI kura both teach in te reo Māori as the medium of instruction and teach te reo Māori as a subject within their curriculum. Where NKAI kura draw from the NZC, they do so in a kaupapa Māori way, teaching in te reo Māori, underpinned by our values, and utilising contexts relevant to our ākonga and their iwi. The curriculum framework's failure to recognise and support this approach reflects the Crown's broader failure to engage with the Māori-medium sector in designing the reset.

78. The reduction of mātauranga Māori to supplementary examples within a knowledge-rich curriculum framework, rather than recognising it as an epistemological foundation, directly threatens the curriculum model on which kura ā-iwi are built. John Heremia's brief of evidence addresses the pedagogical reality of this at length. I adopt his evidence on this point.

79. The recent introduction of Aotearoa New Zealand's Histories as a mandatory curriculum area was a significant development that kura ā-iwi welcomed. It created an obligation for all schools, not only kura kaupapa Māori, to engage with the authentic histories of Aotearoa, including colonisation, raupatu and the ongoing impacts of the Treaty relationship. John Heremia's brief of evidence addresses the threat to that mandatory status in detail and from direct personal experience at Rakaumanga. I adopt his evidence on this point.

Inquiry issue (h): ***Does the consultation timeframe allow for meaningful change?***

80. No. For kura ā-iwi the problem is even more acute than for English-medium schools, for the following reasons.

81. In relation to Te Marautanga o Aotearoa: NKAI has two representatives in the review process. However, having representatives in the process does not mean the consultation has been adequate. NKAI remains deeply concerned about both

the level and quality of consultation on Te Marautanga o Aotearoa and about whether the direction has already been determined.

82. In relation to the NZC consultation: the timeframe from October 2025 to April 2026 runs across two school terms. Our kura are small, lean organisations. Reviewing hundreds of pages of draft curriculum content, coordinating a kura-level response, and submitting through an online portal is not a process designed with the Māori-medium sector in mind. The Ministry was told this before. NZEI wrote to the Secretary for Education in September 2024 identifying exactly this problem. The Ministry's response was that it needed to move quickly.

83. A public submission process is not Treaty-compliant engagement. Article 2 of te Tiriti guarantees tino rangatiratanga, including the right of iwi to exercise authority over the education of their tamariki. A national curriculum that will shape how all Māori children in state schools are educated is not something that can be engaged with through an online feedback portal. Treaty-compliant engagement requires the Crown to come to its Treaty partners, not to wait for them to come to the Crown.

Inquiry issue (i): ***Has Crown engagement with Māori been te Tiriti-compliant?***

84. No. The most telling evidence on this issue comes from the Crown's own record. The Ministry's own report of 17 September 2025 noted that the Māori Education Ministerial Advisory Group itself had assessed the process followed to date on s 127 as not Tiriti-compliant and had stated that the provisions require Tiriti-compliant policy development. The Crown received that assessment from its own advisory group. It proceeded with the removal of s 127(1)(d) anyway. That is the Crown overriding its own Treaty compliance advice.

85. NKAI was not represented on the MAG, and nor should we have been. NKAI is a member of Te Matakahuki, the collective of Kaupapa Māori movements including Kōhanga Reo, Kura Kaupapa Māori, NKAI and the Wānanga Māori. Te Matakahuki's preference is to remain separate from the MAG and to engage with the Crown directly as a Kaupapa Māori collective, not to have Kaupapa Māori education interests homogenised within a body focused primarily on Māori learners in mainstream schools. That is a principled exercise of mana motuhake, not an absence from the table, but a deliberate decision about how Kaupapa Māori movements engage with the Crown. The MAG is focused on Māori learners in mainstream schools and Māori-medium units within mainstream schools. It does

not focus on NKAI or Kura Kaupapa Māori. Its membership, Will Workman, Olivia Hall, Dame Georgina Kingi, and Billie-Jean Potaka-Ayton, does not include anyone with a governance or representative role in NKAI or the kura ā-iwi sector.

86. Te Matakahuki's decision not to participate in the MAG does not relieve the Crown of its obligation to engage with NKAI directly. NKAI uses the NZC, particularly at the secondary level as our students prepare for careers and pathways. NKAI has received no direct engagement from the Crown on the NZC reset. The Crown appears to have assumed that because NKAI is part of Te Matakahuki and Te Matakahuki has not engaged with the MAG, NKAI has no stake in the NZC. That assumption is wrong. It reflects a fundamental failure by the Crown and MOE to understand how NKAI kura actually operate.

87. NKAI's own response to these events is documented in the following actions taken since November 2025. On 4 November 2025, NKAI received a letter from Minister Stanford advising us of her intention to introduce the amendment paper (attached as Exhibit D). On 13 November 2025, NKAI issued a statement to its kura regarding the removal of the requirement to give effect to te Tiriti o Waitangi in section 127 and communicated with its kura regarding the ILF petition (attached as Exhibit E). On 26 November 2025, NKAI's Executive Board passed a resolution to support this Tribunal case (Exhibit F). This was shared and supported at the NKAI AGM on 3 December 2025. NKAI then filed a submission on the matter. None of these actions prompted any response or change of course from the Crown.

88. Treaty-compliant engagement is not a public submission portal. It is not an advisory group appointed by the Minister. It is not a meeting the Crown holds with itself and then reports on. Treaty-compliant engagement requires the Crown to come to its Treaty partners, to NKAI, to Te Matakahuki, to the iwi whose kura are directly affected, before decisions are made, not after. The Crown did none of that. It made its decisions, removed the statutory protection, reset the curriculum, and left NKAI to find out through its own networks that the floor had been removed.

Inquiry issue (j): ***What prejudice arises from the proposed curriculum changes?***

89. The prejudice arising from the proposed curriculum changes is direct and cumulative. Once the revised frameworks are gazetted and embedded in ERO assessments and teacher training, that prejudice will be irreversible. The tumuaki

briefs of Heywood Kuka and John Heremia address the kura-level impact in detail. I address the systemic and organisational prejudice here.

90. Dual-framework prejudice: Because NKAI kura draw from both Te Marautanga o Aotearoa and the NZC, our kura face prejudice from both the Te Mātaiaho reset and the revision of Te Marautanga o Aotearoa. The Crown's failure to understand this dual-framework reality means NKAI kura have not been considered in the design of either reform programme. They suffer prejudice from both.

91. Mana motuhake over curriculum undermined: The NZC reset directly decreases the autonomy of NKAI kura to determine their own curriculum based on their culturally grounded aspirations for their tamariki. The structured and prescribed nature of the reset, with mandated progress outcomes and standardised indicators imposed across the system, reduces the space within which kura can prioritise te reo Māori, tikanga, mātauranga Māori and Māori ways of doing and being. Heywood Kuka's brief of evidence describes in specific detail how standardised progress indicators and prescribed subject frameworks constrain the ability to deliver learning through kaupapa-based, vertically structured, locally grounded programmes at Te Wharekura o Mauao. I adopt his evidence on this point in full.

92. Resourcing inequity compounded: Te Marautanga o Aotearoa is already severely under-resourced throughout the various learning levels, especially at the secondary level. The inequity regarding the provision of adequate teaching and learning resources across the curriculum needs to be addressed. Under the current government, our confidence that the resource scarcity issue will be addressed is non-existent. The curriculum reset therefore compounds an existing inequity rather than addressing it.

93. The Government's Education Priorities: The government's focus on their education priorities across the schooling system, pānui, tuhituhi and pāngarau, does dilute the distinct markers of success valued by NKAI and Kaupapa Māori education.

94. Qualifications system flow-on: As NKAI kura increasingly deliver NZC-based learning at the secondary level, any diminution of mātauranga Māori, tikanga and te ao Māori content within NCEA and the associated qualification frameworks compounds the prejudice to our ākonga and narrows their future pathways as Māori learners. Heywood Kuka's brief provides specific NCEA pathway examples from Te Wharekura o Mauao illustrating how the proposed changes

constrain flexible, kaupapa-based assessment approaches that have enabled our students to succeed on their own terms.

95. Irreversibility: Once the revised Te Marautanga o Aotearoa is gazetted in its new form and the Te Mātaiaho reset is fully implemented, the conditions under which NKAI kura localise their curriculum will have changed. Kaiako will be trained in the new frameworks, ERO will assess against them, and the expectations embedded in the system will reflect a curriculum philosophy that does not recognise mātauranga Māori as foundational. Those changes, once bedded in, cannot easily be reversed.

CONCLUSION AND RELIEF SOUGHT

96. The Crown has, in a single legislative and policy cycle, removed the statutory Treaty obligation from kura ā-iwi governance and reset the national curriculum in a direction that does not treat te Tiriti as foundational. It did this without consulting the 53 iwi-governed schools most directly affected, without providing any replacement protection, and without recognising the constitutional significance of what it was doing. In doing so, the Crown has also breached the Kawa Whakapūmau, its own bilateral agreement with NKAI requiring it to demonstrate Treaty partnership before making changes that directly affect our kura. These two strands of action together represent a coordinated withdrawal of Treaty recognition from both the governance and the content of state education.

97. I ask the Tribunal to recommend that:

97.1 Section 127(1)(d) of the Education and Training Act 2020 required every board of every state school to give effect to te Tiriti o Waitangi. It gave kura ā-iwi boards statutory standing in Treaty-based governance decisions, created a minimum Treaty floor that no government could remove by policy alone, and constituted the Crown's formal legislative commitment to give expression to te Tiriti in school governance. Its removal is the withdrawal of that recognition.

97.2 The Crown failed to adequately inform itself of the risks to the Treaty interests of tamariki Māori, and in particular to ākonga in kura ā-iwi, before removing section 127(1)(d). It did not consult Māori. It did not seek any information from NKAI, the organisation that represents the 53 kura most directly affected. We found out through our own networks. That is not how a Crown that takes its Treaty obligations

seriously behaves.

97.3 Official advice was inconsistent with the Crown's actions. Officials recommended Māori engagement before any change was made. Cabinet overrode that advice and proceeded without engagement.

97.4 Since 19 November 2025 the Crown has taken no adequate measures to uphold the Treaty interests of tamariki Māori in kura ā-iwi governance. Regardless, NKAI kura are focused on serving their tamariki and will carry on. We have never needed the Crown's permission to honour te Tiriti and we do not need it now.

97.5 The removal of section 127(1)(d), including the process by which it was removed, was inconsistent with the principles of te Tiriti o Waitangi, including tino rangatiratanga, partnership and active protection, and constituted a direct breach of the Kawa Whakapūmau (attached as Exhibit G).

97.6 Real, immediate and prospective prejudice has arisen to NKAI, kura ā-iwi and to Māori across the state education system as a result of the removal, including constitutional and regulatory uncertainty, erosion of governance standing, and breach of the Kawa Whakapūmau.

97.7 The overall direction of the Crown's curriculum reform programme, including the Te Mātaiaho reset and the revision of Te Marautanga o Aotearoa, diminishes te Tiriti as a foundational and directive principle in the education system and threatens the conditions under which iwi-led, Treaty-grounded education can survive within the state system.

97.8 The timeframe and process for public submissions on Te Mātaiaho do not allow for meaningful engagement with kura ā-iwi and do not constitute Treaty-compliant engagement.

97.9 The Crown's engagement with Māori on both the section 127(1)(d) removal and the curriculum reset has not constituted Treaty-compliant engagement with the kura ā-iwi sector. The Crown overrode its own advisory group's assessment that the process was not Tiriti-compliant. That is not a technical procedural failure. It is a deliberate choice to proceed without us.

97.10 Direct, cumulative and irreversible prejudice arises to NKAI kura from

the proposed curriculum changes, across both Te Mātaiaho and the revision of Te Marautanga o Aotearoa.

98. I ask the Tribunal to recommend that:

Restore te Tiriti across all state schools

98.1 The Crown restore a statutory obligation on every board of every state school to give effect to te Tiriti o Waitangi, at minimum equivalent in effect to section 127(1)(d), but specific, enforceable and subject to ERO assessment. That obligation must apply across all state schools, not only kura ā-iwi. Every tamariki Māori in every state school in Aotearoa is entitled to be educated in an institution whose governance is grounded in te Tiriti. NKAI kura will continue to operate under their own constitutional obligations under Kaupapa Here 4.10 regardless of what Parliament does. It is the Crown's obligation, and the protection of all tamariki Māori across the state system, that must be restored.

Suspend Te Mātaiaho until te Tiriti is foundational

98.2 The finalisation and implementation of Te Mātaiaho be suspended until te Tiriti o Waitangi is reinstated as a foundational and directive principle in the curriculum, not merely a purpose statement reference. Suspension must remain in place until genuine Treaty-compliant engagement with Māori, including with NKAI, Te Matakahuki and affected iwi, has taken place and its outcomes are reflected in the revised framework.

Te reo Māori as taonga, not an option

98.3 Te reo Māori be recognised in Te Mātaiaho not as an optional Learning Language but as a taonga protected under Article 2 of te Tiriti, with a structural and enforceable obligation on all state schools to actively protect and promote it. For Māori-medium settings, the curriculum must recognise te reo Māori as the medium of instruction and design its learning areas accordingly.

Mātauranga Māori as an epistemological foundation, not a perspective

98.4 Mātauranga Māori be recognised within both Te Mātaiaho and the revision of Te Marautanga o Aotearoa as an independent and co-equal knowledge system, foundational to learning for all tamariki in

Aotearoa. A curriculum that treats mātauranga Māori as supplementary cultural content is not Treaty-compliant. NKAI kura do not teach mātauranga Māori as content. They teach from within it.

Retain and strengthen the mandatory status of Aotearoa histories

98.5 The mandatory status of Aotearoa New Zealand's Histories be retained and strengthened, including engagement with te Tiriti, colonisation, raupatu and the ongoing impacts of the Treaty relationship. This obligation cannot be treated as politically negotiable by any government.

Honour the Kawa Whakapūmau

98.6 The Crown honour the Kawa Whakapūmau as a binding Treaty partnership agreement. In practice this means engaging with NKAI before any legislative or curriculum change that affects kura ā-iwi is proposed, and providing NKAI with genuine decision-making power, not mere consultation, over the design of frameworks that directly affect our kura. The events documented in this brief represent a complete failure to honour that agreement.

Address the resourcing failure as a Treaty obligation

98.7 The Crown commit to fully resourcing Te Marautanga o Aotearoa and Kaupapa Māori approaches to the delivery of Te Mataiaho across all levels, including teaching, learning, PLD, assessment and NCEA resources at the secondary school level, as a Treaty obligation, not a policy choice. The current scarcity forces kura ā-iwi to draw from the NZC by necessity rather than choice, and the Crown then uses that fact to justify not consulting NKAI about the NZC reset. That cycle must end. NKAI must have a genuine oversight role in the design and delivery of those resources.

Protect kura curriculum flexibility in law and in the qualifications system

98.8 The Crown ensure that kura ā-iwi and Kaupapa Māori schools retain protected flexibility over their curriculum, assessment approaches and indicators of success, and that this is validated in the qualifications system including NCEA. Schools that measure success through tino rangatiratanga, living language and iwi-specific knowledge must not be

disadvantaged because their model of success differs from the state's.

Establish an independent monitoring mechanism with authority

98.9 An independent monitoring mechanism, including NKAI, Te Matakahuki and other Māori education sector representatives, be established with authority to assess and publicly report on Crown compliance with its te Tiriti obligations in curriculum and school governance. It must have the power to trigger formal review and require a public ministerial response where compliance is found to be inadequate.

Expedite the legislative recognition of kura ā-iwi

98.10 The Crown expedite the development and enactment of bespoke legislation formally recognising kura ā-iwi as a distinct legal category within the Education and Training Act 2020. The events documented in this brief make clear why it cannot wait. Until kura ā-iwi have their own legislative recognition, they remain dependent on the goodwill of whichever government is in power and on agreements like the Kawa Whakapūmau that the Crown has shown it is willing to breach without notice. Legislative recognition would provide kura ā-iwi with the same structural protection that Te Aho Matua provides for kura kaupapa Māori, and would mean that the kind of unilateral removal documented in this brief could not so easily be repeated. The Tribunal should recommend that the Crown treat this as a matter of urgency and bring it to completion in genuine partnership with NKAI.

DATED at Hamilton this 24th day of March 2026

Watson Ohia