Appendix C – Tribunal panel's questions in writing arising from the Education and Training Amendment Act and Te Mātaiaho Urgent Inquiry hearing (Wai 3553)

Questions in writing for claimant witnesses

Philippa Tinning, A22

1. Do you have any updates from your OIA request as to whether there were any Māori on the English curriculum writing group?

Jodie Hunter, A37

1. With regard to the second rewrite of the maths curriculum, you've heard that it was sent to an Australian company to rewrite. What is the basis for this understanding? Was that company Learning First?

Questions in writing for Crown witnesses

Ellen MacGregor-Reid, A42

1. You say at [18] that the Ministry carries treaty duties 'irrespective of their precise expression' in legislation. Would you agree, however, that the way these duties are expressed can have significant real-world impacts and legal consequences?

Andrew Jackson, A43

1. During the Tribunal panel's questioning, you were asked whether the Ministry had provided any advice to Minister Stanford on the consistency with Te Ture mō Te Reo Māori 2016 of the change at Committee of the Whole House stage to the obligation on school boards only to take reasonable steps to teach Māori 'on request of their parents or immediate caregivers'. You said you thought there might have been. If there was, can you please provide that?

2. You were also asked whether the Ministry gave Minister Stanford any advice about The Tribunal's Ngā Mātāpono/The Principles: Part III report after its release on 22 October 2025. In particular, the Tribunal noted that '[t]he Ministry of Justice advised against adding it [s 127(1)(d)] to the review because any decision to bring in references to the Treaty / te Tiriti only (rather than the principles) risked broadening the review, increasing the 'litigation risk and risk to [the] Crown Māori relationship.'[1] The Tribunal recommended (among other things) that the review expand the time for engagement with Māori, take repealing clauses off the table, and, if amendments or repeals are planned, allow co-design or full reflection

[1] Waitangi Tribunal *Ngā Mātāpono/The Principles: Part III of the Tomokia Ngā Tatau o Matangireia – the Constitutional Kaupapa Inquiry Panel on the Crown's Treaty Principles Bill and Treaty Clause Review Policies* (Waitangi Tribunal, 2025), p 24

of Māori views in decisions.[2] If there was advice provided to Minister Stanford on the report and its recommendations, can you provide it?

3. Can you provide the terms of reference for the Māori Education Ministerial Advisory Group?

4. Do you know why Dr Wayne Ngata resigned as chair of this group in June 2025?

Pauline Cleaver, A44

1. At [18] you note that, in late 2023, a Curriculum Ministry Advisory group was set up. Did the Ministry give any advice about the composition of this group? Document A4(a)(ii) is a blog post by Bevan Holloway which suggests that the Ministry neither recommended Rata's membership nor Johnston's position as chair.

2. You say at [53] that 'The use of a knowledge-rich curriculum has been shown to have a positive impact on bridging the knowledge gap and promoting greater educational equity', and you reference here the 2024 Australian Education Research Organisation (AERO) report. Later, at [63], you cite the AERO report as 'international evidence' of the 'knowledge-rich' approach leading to greater equity. Would you accept that there are academic critics of the AERO report (both in Australia and beyond), who fault what they see (among other things) as its 'narrow approach to knowledge'? See, for example, documents A49 and A50.

3. How many times does the AERO report reference the work of Elizabeth Rata?

4. Has the Ministry considered other international evidence, such as curriculum approaches in Nordic countries and East Asia?

5. Can you comment on the UK Labour Government's recent review of the knowledge-rich approach in England, which has been in place since 2013 (document A51)? Did this show that equity gaps had remained wide despite E D Hirsch's theory that those gaps would close? Is there any other comment you would like to make about this review?

6. Can you please give us the wording of the commission of Learning First to conduct the literature review?

7. Is it true that Learning First's CEO, Ben Jensen, has had a number of meetings with Minister Stanford?[3]

8. At [55], you mention the oversight role of the Coherence Group. Does that group have any Māori members? You say it was established by the Ministry. Were its members nominated by the Ministry then, or picked by the Minister? Have you provided its terms of reference? If not, could you do so?

9. At [73] you refer to growing concerns among iwi on the burden on them of mātauranga Māori being given greater weight, and 'growing debate emerging from New Zealand academics and some members of the general public who were concerned about the validity of its inclusion in the schooling education pathway'. You don't name these academics but is this a reference to the seven professors' letter to the *Listener* in 2021

[2] Waitangi Tribunal *Ngā Mātāpono/The Principles: Part III of the Tomokia Ngā Tatau o Matangireia – the Constitutional Kaupapa Inquiry Panel on the Crown's Treaty Principles Bill and Treaty Clause Review Policies* (Waitangi Tribunal, 2025), pp xiv, 49

[3] A Curriculum Designed by New Zealanders for New Zealanders (Aotearoa Educators' Collective Substack post, 26 September 2025)

arguing that mātauranga Māori was not on a par with Western science? (One of those signatories was Elizabeth Rata). Why did you not also mention the contrasting support from other academics for the recognition of aspects of mātauranga Māori as science that ensued in that debate?

10. After the disbanding of Te Rōpū Whāiti has the oversight group for Te Marautanga effectively become the Coherence group?

11. Does the Ministry forget, as alleged by Watson Ohia, that kura ā-iwi use both Te Maurautanga and the New Zealand Curriculum?

12. In case Mr Jackson has not been able to answer this question, do you know why Dr Wayne Ngata resigned as chair of the Māori Education Ministerial Advisory Group in June 2025?

Andrew Kibblewhite and Caroline Greaney, A54

1. At [26], you state that 'On 9 July, the Minister of Justice confirmed to the Ministry of Justice that all Education and Training Act provisions should be included in the review. The Ministerial Advisory Group was subsequently asked by the Ministerial Oversight Group to review all provisions in the Education and Training Act that refers to the Treaty of Waitangi or Te Tiriti o Waitangi.' Can you confirm the date on which the Ministerial Oversight Group asked the Ministerial Advisory Group to review all provisions in the Education and Training Act that refers to the Treaty of Waitangi or Te Tiriti o Waitangi?

2. In their 8 August 2025 report, the Ministerial Advisory Group refers to material it considered as part of its review, including 'analysis provided by officials, particularly the assessment framework and analysis, developed by the Ministry of Justice with input from other agencies' (document A52, p 22). Could you provide copy of that assessment framework and analysis?