

**IN THE WAITANGI TRIBUNAL  
TAIHAPE - RANGITĪKEI KI RANGIPŌ INQUIRY**

**WAI 2180**

**IN THE MATTER** of the Treaty of Waitangi Act 1975

**AND**

**IN THE MATTER** of Taihape - Rangitīkei ki Rangipō Inquiry



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**PRESENTATION SUMMARY FOR GENERIC CLAIMANT CLOSING SUBMISSIONS  
REGARDING EDUCATION, HEALTH AND OTHER SOCIAL SERVICES**

**Dated: this 30<sup>th</sup> day of September 2020**

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## MAY IT PLEASE THE TRIBUNAL

### 1. INTRODUCTION

- 1.1 The experience of Taihape Māori in relation to education, health and other social services has been characterised by disempowerment, missed opportunities, and inequity.
- 1.2 Kāwanatanga has run roughshod over tino rangatiratanga, leaving little to no space for Taihape Māori to chart their own paths or to provide meaningful input into matters affecting their socioeconomic wellbeing. Inequities are widespread; from access, to the standards of services, to outcomes.
- 1.3 Much of the responsibility for this lies squarely with the Crown, whose acts and omissions in the Taihape – Rangitīkei ki Rangipō inquiry district (“**inquiry district**”), have contributed significantly to the issues faced.

### 2. CROWN DUTIES – TE TIRITI

- 2.1 Counsel highlight the following points from the education, health and other social services closing submissions (“**closing submissions**”):
- (a) Te Tiriti o Waitangi/Treaty of Waitangi (“**Te Tiriti**”) recognised two distinct spheres of authority, each with distinct functions, from which the principles of kāwanatanga and rangatiratanga derive.<sup>1</sup>
- (b) The interplay of tino rangatiratanga and kāwanatanga envisaged in Te Tiriti will not function without provision for the exercise of tino rangatiratanga in all matters affecting Māori, including the development and provision of social services for Māori, and any other issue affecting the socioeconomic wellbeing of Māori.

### 3. RESPONSE TO TRIBUNAL STATEMENT OF ISSUES

#### **TSOI 18(1)-(3): Social service delivery – roles for Māori and their concerns and preferences**

##### Health

- 3.1 For an extended period of time:

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<sup>1</sup> See excerpts from Waitangi Tribunal *Te Mana Whatu Ahuru: Report on Te Rohe Pōtae claims - Part I* (Wai 898, 2018) at 180-182.

- (a) The evidence indicates little to no role was provided by the Crown for Taihape Māori in relation to provision of health services.
- (b) The evidence available about the role Taihape Māori expected to play in the organisation and management of health service delivery is relatively limited. This appears to be due in large part to the lack of consultation or involvement provided for by the Crown or its agents.
- (c) Notwithstanding this, the evidence does indicate that Taihape Māori have consistently sought to engage in matters affecting them, including health and health services. Counsel have not located any evidence to suggest expectations, such as they were, were satisfied.
- (d) There is little to no evidence of meaningful consultation or engagement by the Crown with Taihape Māori about their concerns or preferences when it comes to health and health services.

### 3.2 To elaborate:

- (a) Before 1900, there was no provision for Māori consultation or participation in the provision of health services.<sup>2</sup>
- (b) In the early 1900s, Māori councils provided an opportunity for Māori to assist in improving health and sanitation within their rohe. Taihape Māori were involved through the Kurahaupo Maori Council. While such councils were reported to have effected some improvement, greater improvements were hampered by a lack of government funding, which can be contrasted with the considerable increase in government health expenditure overall after 1900.<sup>3</sup> Instead, it appears these were primarily reliant on being funded by Māori themselves.<sup>4</sup>
- (c) From the 1920s, with the exception of typhoid inoculations, there does not appear to be any evidence that decision-making regarding provision of health services in the inquiry district involved Taihape Māori or the identification of their needs. The main consideration of healthcare provision, as in the case of Taihape hospital, appears to have been the

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<sup>2</sup> #A41 at 254.

<sup>3</sup> #A41 at 251.

<sup>4</sup> #A41 at 305.

needs of settlers, which was a consistent pattern throughout most of the 20<sup>th</sup> century.<sup>5</sup>

- (d) In the late 1940s, tribal committees (three of which were established in the inquiry district) were formed under the Maori Social and Economic Advancement Act 1945, and performed some health-related functions. It appears this was particularly in relation to typhoid inoculations.<sup>6</sup>
- (e) Since approximately the early 1990s, it appears there has been some consultation or involvement of Taihape Māori in decision-making on matters affecting Māori health and on aspects of the provision of health services, for example through the Otaihape Māori Komiti.<sup>7</sup>
- (f) Tāngata whenua evidence sheds light on the barriers to Taihape Māori being involved in the health workforce and contributing towards the health of their people. This includes issues with racism, lack of pay equity when working for Māori health providers as compared with non-Māori “mainstream” providers, financial barriers to pursuing studies, and the lack of gender pay equity.<sup>8</sup> Tāngata whenua evidence also indicates there are issues with the lack of Māori health services and limited Māori representation on health boards (with a single iwi representative on the Whanganui Health Network Board) in the rohe.<sup>9</sup>

3.3 To conclude, the evidence indicates Taihape Māori have:

- (a) Generally been constrained to exercising very limited decision-making power over their health and wellbeing.
- (b) Been unable to choose how to organise themselves, and how or through what organisations they express their tino rangatiratanga when it comes to health services for an extended period of time.

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<sup>5</sup> #A41 at 254.

<sup>6</sup> #A41 at 254.

<sup>7</sup> #A41 at 243, 254. Now, Mōkai Pātea Services Trust. From #A41 at 254 it is apparent that the Whanganui District Health Board has a memorandum of understanding with Hauora A Iwi, an inter-tribal forum that includes Otaihape Iwi. Counsel have not located any information on the record about the extent to which this has resulted in involvement of Taihape Māori in decision-making regarding health services. See also Brief of evidence of Barbara Ball, dated 18 September 2017 (Wai 2180, #G7).

<sup>8</sup> See for example: Brief of evidence of Waiharakeke Winiata dated 30 April 2018 (Wai 2180, #K4) at [10], Brief of evidence of Raewyn Iosia-Sipeli dated 30 April 2018 (Wai 2180, #K7) at [10], [14].

<sup>9</sup> See for example: Brief of evidence of Waiharakeke Winiata dated 30 April 2018 (Wai 2180, #K4) at [17], Brief of evidence of Maurini Haines-Winiata dated 3 May 2018 (Wai 2180, #K6) at [37].

- (c) Not been afforded the opportunity to truly partner with the Crown in the provision of health services, although there appears to have been some improvement in the ability to be involved in health service provision in more recent times.
- (d) Generally been limited in their ability to influence the health services provided to them.

### Education

#### 3.4 For an extended period of time:

- (a) The evidence indicates that there have been extremely limited roles provided by the Crown for Taihape Māori in relation to provision of education.
- (b) The evidence is very clear that Taihape Māori expected to play a significant role in the organisation and management of education delivery for their tamariki and have placed a high importance on their tamariki receiving an appropriate education from the 1840s to the present day. The precise roles Taihape Māori hoped to play are less clear at certain points in history, which appears to be due to the fact that limited, if any, opportunities have been provided to them by the Crown to explicate or develop these further. The evidence demonstrates that:
  - (i) Taihape Māori were and continue to be very interested in the education of their tamariki.
  - (ii) Taihape Māori have on a number of occasions sought to be involved or to have input into the education of their tamariki, generally with limited or no success.
  - (iii) While Crown engagement with iwi and hapū in relation to education may be improving at a national level in the present day, there is still significant improvement needed in this inquiry district; and

- (iv) Significant issues remain with working within the strictures of a system that has historically failed to acknowledge the value of te reo and the culture of Taihape Māori.
- (c) Counsel have not located any evidence to suggest the expectations of Taihape Māori were satisfied.
- (d) There is limited evidence of meaningful consultation or engagement by the Crown with Taihape Māori about their concerns or preferences when it comes to education.

### 3.5 To elaborate:

- (a) On the evidence available, it appears that the role provided by the Crown for Taihape Māori, or the consultation it engaged in with Taihape Māori regarding the institutions and processes it established in relation to education has been extremely limited for an extended period of time:<sup>10</sup>
  - (i) To the extent that the evidence can establish with any degree of certainty that there might have been some role provided prior to the 2000s, was through the Moawhango school committee, which was active between 1944 and 1969, and through members of a whānau being involved in the school committee at Utiku school.<sup>11</sup> It is noted, however, that Native school committees, such as that of Moawhango, had more limited powers and responsibilities.<sup>12</sup>
  - (i) Taihape Māori do not have any role in substantive decision-making about the education their tamariki receive.<sup>13</sup> There has been some engagement with, and role provided for, Ngā Iwi o Mōkai Pātea Services in education in recent years, although it is evident that this has occurred within the strictures of Crown models and views on education. It is patently clear that aspirations of such groups stretch well beyond the role that has been afforded to them to date. Counsel have left further elaboration on this to specific claimant counsel.

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<sup>10</sup> See discussion in #A41 at 152-153.

<sup>11</sup> See discussion in #A41 at 26-27, 152-153.

<sup>12</sup> #A41 at 81.

<sup>13</sup> See Brief of evidence of Barbara Thomason dated 12 February 2018 (Wai 2180, #112) at [23].

- (ii) Despite the significant proportion of ākongā Māori in the inquiry district, there are limited opportunities provided to Taihape Māori to be involved on boards of trustees.<sup>14</sup> Tāngata whenua evidence illustrates how Taihape Māori have sought to be involved on school boards, to no avail.<sup>15</sup>
  - (iii) This experience seems to mirror the experience of Māori nationally. For example, a recent Independent Taskforce in 2018 identified, in summary, that the majority of schools do not have Māori engaged in decision-making at the governance level.<sup>16</sup>
- (b) Taihape Māori have sought to engage with the education system since the establishment of schools within the inquiry district. This is evident right from the mid-late 1800s (which saw repeated requests by Taihape Māori for a school at Moawhango as a way to provide for their futures as their lands decreased in quantity),<sup>17</sup> and extends through to the present day. Tāngata whenua evidence illustrates the significant efforts Taihape Māori have gone to, almost to the point of exhaustion, to engage with the education system, to provide their input, and to advocate for the needs of their tamariki.<sup>18</sup> This includes efforts to start a kura kaupapa in the inquiry district. In the face of an often unwilling and unhelpful Te Tiriti partner, these efforts have generally been to no avail.
- (c) Even where initiatives have been commenced by the Crown that Taihape Māori have invested time and effort in, these have often been stopped with no replacement.<sup>19</sup>
- (d) The evidence indicates that the concerns and preferences of Taihape Māori have been largely rendered invisible in education. To the extent that they have been acknowledged, such as with the request and push

<sup>14</sup> Responses from the Ministry of Education to questions of clarification (Wai 2180 #M27(g)) at 19. Ngā Iwi o Mōkai Pātea Services selects two iwi representatives to the Board of Trustees for Taihape Area school, since June 2004. Of the other eight schools in the inquiry district, only one other (Moawhango) enables Taihape Māori to select iwi or hapū representatives for Board of Trustees, since October 2018.

<sup>15</sup> Brief of evidence of Barbara Thomason dated 12 February 2018 (Wai 2180, #112) at [19]-[22], in particular [16]. Despite Otamakapua school having a role made of approximately 50% Māori tamariki, attempts of whānau to become members of the school board on a number of occasions have been unsuccessful.

<sup>16</sup> Responses from the Ministry of Education to questions of clarification (Wai 2180 #M27(g)) at 26-29.

<sup>17</sup> #A41 at 59.

<sup>18</sup> See for example: Brief of evidence of Nicola Chase dated 18 September 2017 (Wai 2180, #G9) at [6]-[42].

<sup>19</sup> See for example #M27 Ministry of Education evidence at [45] and Responses from the Ministry of Education to questions of clarification (Wai 2180 #M27(g)) at 12. An example is Taihape Area School's involvement with Te Kauhua, a pilot programme aiming to enhance teacher effectiveness in working the Maori students in English medium settings, which does not appear to have been followed up with a substantive programme of a similar or improved nature in the inquiry district.

for a kura kaupapa, in 2003-2004, their preferences generally appear to have fallen on un-listening ears. To the extent that Māori views more generally have been heard, key issues identified persist.<sup>20</sup>

- 3.6 To conclude, despite the stated aspirations of MOE education strategies,<sup>21</sup> the experience of Taihape Māori indicates that in practice, the space for contributing has been extremely limited.
- 3.7 The lack of visibility of Taihape Māori in roles in education, or of their concerns or preferences when it comes to education, comes down to kāwanatanga running roughshod over tino rangatiratanga. The evidence indicates that:
- (a) Taihape Māori have been extremely limited in their ability to exercise decision-making power over the education of their tamariki. The nature of the education their tamariki receive is almost exclusively at the will of the Crown.
  - (b) Taihape Māori have been unable to choose how to organise themselves or how or through what organisations they express their tino rangatiratanga when it comes to education of their tamariki. The Crown has:
    - (i) Shown itself unwilling to work through structures Taihape Māori have expressed a preference for. Taihape Māori are limited to roles designed within the Crown's accepted ways of operating.
    - (ii) Failed to protect the availability and viability of kaupapa Māori solutions to education, alongside "mainstream" education.
  - (c) Taihape Māori have not been afforded the opportunity to truly partner with the Crown in the provision of education.
  - (d) Taihape Māori have generally been very limited in their ability to influence education services provided to their tamariki.

<sup>20</sup> Hearing week eleven transcript (Wai 2180, #4.1.19) – Tribunal questions and cross-examination of Ministry of Education officials at 79-81. Transcript referred to hereafter as "#4.1.19 – hearing week eleven transcript".

<sup>21</sup> #M27 Ministry of Education evidence at [26]. "*Ka Hikitia and Tau Mai Te Reo highlight the importance of the contribution of whanau, hapu and iwi to the educational success of Maori students*".



## Housing

3.8 For an extended period of time:

- (a) The evidence indicates that there has been little to no role provided for Taihape Māori in relation to provision of housing assistance.
- (b) The evidence available regarding Taihape Māori expectations about the role they expected to play in the organisation and management of housing is limited. It is suggested that the lack of consultation or involvement provided for by the Crown or its agents is a key reason for this. Notwithstanding this, the evidence does indicate that Taihape Māori generally sought to engage in matters affecting them, including housing.<sup>22</sup> Counsel have not located any evidence to suggest expectations, such as they were, were satisfied.
- (c) The evidence indicates that there has been little to no meaningful consultation with Taihape Māori in relation to housing. Indeed, it appears Taihape Māori have rarely been consulted on programmes to assist with housing and have participated only to a small extent in such programmes, for example through the Kuruhaupo Māori Council, and through the grant of funds by the Board of Māori Affairs to build four kaumātua flats in 1984 at Winiata Marae.<sup>23</sup>

## **Education**

### *TSOI 18(4): Assimilation*

3.9 For an extended period of time, assimilation formed part of state-run education provided to Māori, including Taihape Māori. The evidence indicates that:

- (a) State-run education has played a significant role in seeking to effect cultural assimilation, with extensive negative effects on Taihape Māori. It is evident that the education system the Crown provided acted to assimilate many important aspects of the culture of Taihape Māori, and to replace these with Pākehā values. The system:

<sup>22</sup> See for example Brief of Evidence of Barbara Ball, dated 18 September 2017 (Wai 2180, #G7) at [6]. In the 1950s, the Ngāti Whiti Tribal Committee formed to address issues around health, social, housing, education, justice and whenua.

<sup>23</sup> #A41 at 284-285, 307-308, Summary of *Education, Health, Housing in the Taihape Inquiry District, 1880-2013* (Wai 2180, #A41(c)) at 8.

- (i) In native schools (of which there was one in the inquiry district), aimed to ‘civilise’ tamariki, and in general schools, generally ignored them altogether;
  - (ii) Excluded te reo Māori from the classroom (except as a tool for teaching English) for an extended period of time, and, during certain periods, saw corporal punishment for speaking te reo.
  - (iii) Failed to provide for, and further, often denigrated Māori and their history and culture.
- (b) While there have been some improvements, the education system in the inquiry district to this day has failed to address the effects of this, and continues to have an assimilationist effect, including by:
- (i) Consistently ignoring or generally at best, placing an often tokenistic emphasis on key aspects of Māori culture, including te reo Māori me ōna tikanga.
  - (ii) Failing to address issues of racism and unconscious cultural bias, of which not an insignificant proportion has arisen due to the attitudes of the Crown and educators and the failure to accurately portray the history of Aotearoa.

### 3.10 To elaborate:

- (a) The whole colonial enterprise had a strongly assimilationist agenda.<sup>24</sup>
- (b) With respect to schooling, the native schools system had a lot of “*overtly assimilationist aspects to it*”, while the general school system was “*assimilationist in that it ignored Māori language and culture*”.<sup>25</sup>
- (c) The Crown-provided education system acted to assimilate many important aspects of Taihape Māori culture, and to replace these with Pākehā values. This included through acting to create and reinforce the notion that many important aspects of the Māori culture, including their reo, was inferior to that of western / Pākehā culture. The assimilationist

<sup>24</sup> #4.1.15 – hearing week seven transcript at 456, answers of Dr Christoffel.

<sup>25</sup> #4.1.15 – hearing week seven transcript at 425, answers of Dr Christoffel.

attitudes and objectives encapsulated in the provision of education for Māori are exemplified by the circular accompanying the 1880 Native Schools Code.<sup>26</sup>

- (d) Consistent with this, counsel refer to a finding of the Tribunal in the Te Rohe Pōtae Inquiry, that in the school system, tamariki were “*taught that the language, culture, and mātauranga Māori that they were brought with them to school were, at worst, inferior, or at best, irrelevant to them in the modern world*”, which had a “*profound effect*” on their self-belief and experiences of those tamariki.<sup>27</sup>
- (e) A key aspect of this assimilation was the extended period in which te reo Māori and tikanga were actively discouraged or excluded from the education system. In a similar vein, official encouragement for Māori cultural activities was generally limited to Māori schools, of which there was only one in the inquiry district. Other than this, there appears to have been only very occasional inclusion of language or culture in the education system later on in the 20<sup>th</sup> century within the inquiry district.<sup>28</sup>

3.11 Counsel now summarise some crucial aspects of the treatment of te reo and the issue of racism and unconscious biases as are relevant to the issue of assimilation.

### Te reo Māori in education

3.12 In the early 20<sup>th</sup> century, native schools shifted to an immersion approach for teaching English.<sup>29</sup> As a consequence, the use of te reo Māori was increasingly suppressed in the native schools.

3.13 Despite it contravening the Native Schools Code,<sup>30</sup> it is evident that doling out punishment for speaking te reo Māori became a widespread practice throughout Aotearoa,<sup>31</sup> whether that school was a general or native school. Counsel are unaware of any evidence to indicate that the case was materially different in this

<sup>26</sup> 1880 Native Schools Code, referred to in #A41 at 58. This included comments about teachers being expected to “*exercise a beneficial influence on the Natives, old and young; to show by their own conduct that it is possible to live a useful and blameless life*”.

<sup>27</sup> Waitangi Tribunal *Te Mana Whatu Ahuru: Report on Te Rohe Pōtae claims* – Part V (Wai 898, 2020) at 229.

<sup>28</sup> #A41 at 152-153.

<sup>29</sup> See for example *Summary of Education, Health, Housing in the Taihape Inquiry District, 1880-2013* (Wai 2180, #A41(c)) at 3.

<sup>30</sup> No evidence has been located as to whether general schools (of which all in the inquiry district were with the exclusion of Moawhango from 1944) prohibited corporal punishment for speaking te reo.

<sup>31</sup> See for example statements in Waitangi Tribunal *Te Reo Maori Claim* (Wai 11, 1986) at 9.

inquiry district. Dr Christoffel stated under cross-examination that it was fairly clear that there “*must have been a policy, even if it wasn’t formally spelt out, that Māori ought to be discouraged within all schools*”.<sup>32</sup>

- 3.14 Tāngata whenua kōrero from Taihape Māori provides clear evidence of corporal punishment being meted out to tamariki speaking te reo.<sup>33</sup>
- 3.15 Even where punishment was not used, te reo was systematically excluded by the Crown from the education system for an extended period of time. There was no evidence located in the available reports to indicate that te reo was offered as a subject in schools in the inquiry district until the 2000s, with the exception of the possibility of studying this by correspondence at Taihape school.<sup>34</sup>
- 3.16 The Crown’s approach to te reo and Māori culture resulted in an erosion of their perceived value, a matter supported both by previous Tribunal findings<sup>35</sup> and tāngata whenua evidence, the latter of which illustrates the significant negative impacts of the treatment of te reo on Taihape Māori, including the impact on the transmission of te reo through generations,<sup>36</sup> and the erosion of the perceived value of the reo for successive generations of Taihape Māori.<sup>37</sup>
- 3.17 Even when it became apparent that levels of fluency in te reo Māori were declining, insufficient action was taken by the Crown to address this, a problem that has plagued Taihape Māori to the present day.

#### Racism and unconscious cultural biases

- 3.18 Tāngata whenua evidence demonstrated the Eurocentric nature of the education provided to Māori, which beyond focusing on the English language,

<sup>32</sup> #4.1.15 – hearing week seven transcript at 428.

<sup>33</sup> See for example: Brief of evidence of Patricia Cross dated 15 June 2016 (Wai 2180, #C2) at [11], Brief of evidence of Nicola Chase dated 18 September 2017 (Wai 2180, #G9) at [16], Brief of evidence of Hineaka Winiata dated 27 November 2017 (Wai 2180, #H3) at [11], Brief of evidence of Greg and Rhonda Toatoa dated 19 March 2018 (Wai 2180, #J9) at [23].

<sup>34</sup> #4.1.15 – hearing week seven transcript at 414-416.

<sup>35</sup> See Waitangi Tribunal *He Whiritauonoka: The Whanganui Land Report* (Wai 903, 2015) at 1174, 1147.

<sup>36</sup> See for example: Brief of evidence of Te Rina Warren dated 18 September 2017 (Wai 2180, #G8(a)) at [4], [5], [14], Brief of evidence of Neville Lomax dated (Wai 2180, #H10) at [20], [23], [28], [30], Brief of evidence of Peter Fraser dated 12 February 2018 (Wai 2180, #I6) at [25].

<sup>37</sup> See for example: Brief of evidence of Carol Walker dated 18 September 2017 (Wai 2180, #G2) at [3], Brief of evidence of Te Rina Warren dated 18 September 2017 (Wai 2180, #G8(a)) at [14], Brief of evidence of Neville Lomax dated (Wai 2180, #H10) at [20], [23], [28], [30], Brief of evidence of Te Rangianganoa Hawira dated 29 November 2017 (Wai 2180, #H11) at [12]-[15], Brief of evidence of Peter Fraser dated 12 February 2018 (Wai 2180, #I6) at [25], Brief of evidence of Adrian Wagner dated 12 February 2018 (Wai 2180, #I15) at [12], Brief of evidence of Ngaire Anne Kauika-Stevens dated 19 March 2018 (Wai 2180, #J5) at [26], [27].

also focused on English narratives of history, and did not provide for mātauranga Māori, history or stories.<sup>38</sup>

- 3.19 However, more than simply not focusing on Māori history, Māori were also often depicted negatively and their history was often ignored, or disregarded as incorrect. Sources cited in Dr John Barrington's report for another inquiry district illustrated how reading materials provided to young tamariki fed into the idea of the superiority of the colonisers.<sup>39</sup> Counsel have not located any evidence to suggest the experience for Taihape Māori was materially different.
- 3.20 The education received had a negative impact on Māori, but also on Pākehā children's attitudes towards Māori and on the way that Pākehā children understood Aotearoa's history.<sup>40</sup>
- 3.21 Also evident from Dr Barrington's work, is that racial antipathy became an issue from early on in Crown-Māori relations; from as early as 1914.<sup>41</sup>
- 3.22 It is equally evident that racism and unconscious cultural biases against Māori continue to be an issue within the education system to the present day.<sup>42</sup>
- 3.23 Despite racism and unconscious cultural biases clearly being an issue for an extended period of time, from the evidence available, it appears that historically there has been virtually nothing done by the Crown to address this, while in more recent times, some limited action has been taken.
- 3.24 However, when it comes to this inquiry district, the picture is more concerning again. It has been over 18 years since Te Kotahitanga, the first programme to address unconscious cultural biases and racism, started in schools. Each of the initiatives in place have run in a limited number of schools for a limited period of time. Only one of these has ever been run in the inquiry district, for a short

<sup>38</sup> See for example: Brief of evidence of Hari Benevides dated 18 March 2018 (Wai 2180, #J13) at [10], Brief of evidence of Barbara Thomason dated 12 February 2018 (Wai 2180, #I12) at [18].

<sup>39</sup> See for example Bundle of documents filed by Rainey Collins for cross-examination of Dr Christoffel (Wai 2180, #A41(e)) at 86, citing excerpt from Dr Barrington's report *Northland Language, Culture and Education Part One: Education* (Wai 1040, #A2) at 63.

<sup>40</sup> See for example Bundle of cross-examination documents for #A41 report filed by Rainey Collins (Wai 2180, #A41(e)), at 86-87, citing excerpts from Barrington, *Northland Language, Culture and Education Part One: Education* (Wai 1040, #A2) at 63-74.

<sup>41</sup> Bundle of documents for cross-examination of Ministry of Education witnesses filed by Rainey Collins (Wai 2180, #M27(f)) at 304, excerpts from Dr J Barrington *Northland Language, Culture and Education Part One: Education* (Wai 1040, #A2).

<sup>42</sup> #M27 Ministry of Education evidence at [118]. See also Responses from the Ministry of Education to questions of clarification (Wai 2180 #M27(g)) at 26-29, Bundle of documents for cross-examination of Ministry of Education witnesses filed by Rainey Collins (Wai 2180, #M27(f)) at 299, McGregor and A Webber *He Whakaaro, Education Insights: What do we know about discrimination in schools* (Ministry of Education, 2019) at 1, Bundle of documents for cross-examination of Ministry of Education witnesses filed by Rainey Collins (Wai 2180, #M27(f)) at 271 onwards, Office of the Children's Commissioner, New Zealand School Trustees Association *He manu kai matauranga: He tirohanga Māori, Experiences of Tamariki and Rangatahi Māori*, Education matters to me series (2018) (<https://www.occ.org.nz/publications/news/education-matters-to-me-six-detailed-reports-are-now-available/>).

period. For Taihape Māori, it remains the case that little is being done to address this issue, with the most recent programme introduced, Te Hurihanganui, to again run in a limited number of schools and again not scheduled to include this inquiry district.<sup>43</sup>

- 3.25 It cannot be disputed that there is a great deal of rhetoric these days around improving the experiences of Māori in the education system, including Taihape Māori. It is a separate question whether any of this will trickle down in the form of action to improve the experiences of Taihape Māori; on the evidence available at present, it appears unlikely, at least for some time.

*TSOI 18(5)-(6): Restricted curricula*

- 3.26 For an extended period, the curriculum choices of Taihape Māori have been restricted, at times by design, and at others, by their effect. The short point is that Taihape Māori have consistently had limited to no role or ability to influence the design and delivery of education to their tamariki. Perceptions of successive Pākehā-dominated governments have guided the manner of the education received by Taihape Māori, bringing with them their underlying biases and mistaken presumptions regarding the educational abilities and needs of Māori. In particular:

- (a) The evidence indicates there was no inclusion of mātauranga Māori in the Crown designed curricula in the inquiry district, with very few exceptions, for an extended period of time.
- (b) The evidence indicates that there was little to no role provided by the Crown for Taihape Māori in relation to the design and delivery of curricula in schools. This lack of role in the design and delivery of curricula generally persists to the present day.
- (c) The evidence is very limited in terms of whether the Crown attempted to provide a consistent standard of service across education levels.
- (d) Curricula choices imposed by the Crown, either by design or effect, encouraged Taihape Māori into specific vocations, for an extended period of time.

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<sup>43</sup> #4.1.19 – hearing week eleven transcript at 89-95.

3.27 With respect to the curricula choices and standard of education provided, counsel refer to the evidence pointed to regarding education in response to questions 18(1) to 18(4) and further highlight the following:

- (a) There are at least two facets to the question of how the design or effect of curricula was to encourage Taihape Māori into specific vocations. The first, is the practical focus that certain schools had at times, and the second, is the issue of low expectations of teachers:
  - (i) First, at times, schools attended by Taihape Māori, particularly schools providing secondary education, included a more practical-based focus. In the early-mid 20<sup>th</sup> century, officials and politicians were particularly keen that secondary schools provide training in agriculture, especially in the case of district high schools and Māori boarding schools.<sup>44</sup> District high schools, such as Taihape District High School (the only secondary school in the district for an extended period time) tended to emphasise practical subjects on the assumption that most rural pupils were likely to embark on rural occupations or become farmer's wives.<sup>45</sup> Taihape Māori who attended secondary classes before the 1940s appear likely to have attended Māori boarding schools outside the inquiry district.<sup>46</sup> There is evidence that boarding schools such as Te Aute College and Turakina Māori Girls College included various practical and manual activities in their curricula,<sup>47</sup> and that in the case of schools like Te Aute, this occurred in the face of pressure and the threat of financial penalties should such a curricula not be adopted.<sup>48</sup> Despite the lack of appetite for such an approach, the Government persisted with this for approximately 16 years, and at the same time, suspended university scholarships for Māori for approximately a decade.<sup>49</sup>

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<sup>44</sup> Christoffel, *The Provision of Education Services in Te Rohe Potae, 1840 – 2010* (Wai 898 #A27) at 186.

<sup>45</sup> See for example *Summary of Education, Health, Housing in the Taihape Inquiry District, 1880-2013* (Wai 2180, #A41(c)) at 4.

<sup>46</sup> See for example *Summary of Education, Health, Housing in the Taihape Inquiry District, 1880-2013* (Wai 2180, #A41(c)) at 10.

<sup>47</sup> #A41 at 112-119.

<sup>48</sup> #4.1.15 – hearing week seven transcript at 386.

<sup>49</sup> #4.1.15 – hearing week seven transcript at 410-412.

- (ii) Secondly, tāngata whenua evidence suggests that not infrequently, teachers had low expectations of Taihape Māori in terms of academic achievement, and accordingly, tamariki did not receive the same degree of encouragement when compared with their non-Māori counterparts. This is supported by the references above regarding racism and unconscious biases. Tāngata whenua kōrero provides clear evidence of the limited expectations held by teachers and how these affected tamariki.<sup>50</sup>

3.28 In conclusion, the evidence indicates that the Crown has failed to:

- (a) Actively protect mātauranga Māori as a taonga in education.
- (b) Provide sufficient opportunities for Taihape Māori to truly partner with the Crown in the design and delivery of curricula.
- (c) Actively protect Taihape Māori as Māori in the provision of education, by providing an education that has either by design or effect, encouraged Taihape Māori into specific vocations for an extended period of time.
- (d) Provide an equal standard of education, instead providing an education that has, at times, subjected Taihape Māori to restricted curricula to a greater degree than their non-Māori counterparts.

*TSOI 18(7): Contributions by Māori towards education of their tamariki*

3.29 The evidence indicates that Māori seeking a native school were required to contribute land (and at times, resources too), under native school legislation.<sup>51</sup>

3.30 Counsel are not aware of equivalent requirements necessitating provision of land by those seeking a general school.<sup>52</sup>

3.31 To conclude, the evidence indicates that the Crown failed to treat Taihape Māori equitably as compared with non-Māori, by requiring the provision of title to land

<sup>50</sup> See for example the Brief of evidence Barbara Thomason dated 12 February 2018 (Wai 2180, #12) at [17].

<sup>51</sup> See Native Schools Act 1867, and in particular, requirements outlined in section 8(2), (3), which required a site in extent of not less than one acre to be provided by the inhabitants of the district, as well as a financial contribution to cover a proportion of the outlay. The Native Schools Act was amended by the Native Schools Act Amendment Act 1871 to reduce or waive altogether the contribution required by Māori communities, but by 1880, the 1880 Native Schools Code increased the minimum requirement for land donated by Māori communities for schools to at least two acres, along with an additional contribution in money or in kind towards the cost of buildings as the Minister might require.

<sup>52</sup> Education boards could require a contribution of some form under the Education 1877 (and to a lesser degree in the 1914 Act), but this was discretionary, compared with the almost compulsory expectation for the gifting of land from Māori; Waitangi Tribunal *Te Mana Whatu Ahuru: Report on Te Rohe Pōtae claims* – Part V (Wai 898, 2020) at 170.



before a native school could be established. The Crown also failed to actively protect Taihape Māori in requiring title to land, due to the significant land loss Taihape Māori were already being subjected to.

*TSOI 18(8): The role Taihape Māori expected to play in the appointment of teachers*

- 3.32 There was only one native school in this inquiry district, at Moawhango.<sup>53</sup>
- 3.33 Counsel are not aware of any specific statements from Taihape Māori about the role they expected to play in the appointment of teachers at this school.
- 3.34 However, as already set out, the evidence is very clear that Taihape Māori expected to play a significant role in the organisation and management of education delivery for their tamariki and placed a high importance on their tamariki receiving an appropriate education from the 1800s to the present day.
- 3.35 It thus appears highly likely that Taihape Māori would have expected or hoped to be involved in appointment of teachers at Moawhango school, but counsel have not located evidence as to whether any such expectations were satisfied.

*TSOI 18(9): Standard of service and education expected by Taihape Māori*

- 3.36 Counsel are unaware of any evidence that indicates that Taihape Māori would desire a high-quality education for their tamariki less than non-Māori.
- 3.37 On the evidence available, counsel submit it is clear that, at the very least, Taihape Māori expected that the education their tamariki were provided with:
- (a) Protected and respected their reo, their tikanga, and mātauranga;
  - (b) Did not create and sustain large and ongoing inequities in education outcomes between their tamariki and non-Māori children; and
  - (c) Ensured equitable treatment of students, both Māori and non-Māori.
- 3.38 It is apparent that, in general, such expectations have not been met, and in many cases, the reality has fallen well short of these expectations.

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<sup>53</sup> This was originally a general school but changed to a native school in 1944; #A41 at 65.

### **TSOI 18(10)-(11): Urbanisation, urban migration, and dispersal from homelands**

- 3.39 The evidence available indicates that many Taihape Māori dispersed from the inquiry district during the course of the 20<sup>th</sup> century to urban centres.<sup>54</sup>
- 3.40 It is unclear from the evidence the extent to which social service provision influenced urban migration. However, while these services might not necessarily have been the *primary* influence on Taihape Māori to move away from their tūrangawaewae, it is clear, including from tāngata whenua evidence, that other factors, such as loss of whenua,<sup>55</sup> inaccessibility of remaining whenua, or an inability to utilise that remaining whenua to support present and future generations is likely to have had a significant influence on movement to urban centres to obtain employment.<sup>56</sup>
- 3.41 To conclude, acts and omissions of the Crown have had the effect of leaving many Taihape Māori in a position where urban migration has become necessary. Counsel have not located any clear evidence on the record to indicate that the Crown has acted appropriately to redress this.

### **TSOI 18(12)-(13): Impacts on communities and social structures**

- 3.42 Crown policies, acts and/or omissions have clearly contributed to and facilitated impoverishment within Taihape Māori communities.
- 3.43 The extent to which impoverishment has occurred and how it has occurred, stretches beyond just matters of health, education, and other social services, to the manner in which the Crown, in exercising what it has defined as its kāwanatanga, has engaged with the tino rangatiratanga of Taihape Māori.
- 3.44 Counsel summarise at a high level the cumulative effects of Crown acts and omissions on Taihape Māori as follows:
- (a) An exercise of kāwanatanga that has not provided sufficient space for the exercise of rangatiratanga by Taihape Māori, and which, for an extended period of time has prioritised the interests of Pākehā settlers and their subsequent generations; and

<sup>54</sup> Armstrong, *Mokai Patea Land, People and Politics* (Wai 2180, #A49) at 96.

<sup>55</sup> See for example *Summary of Education, Health, Housing in the Taihape Inquiry District, 1880-2013* (Wai 2180, #A41(c)) at 11.

<sup>56</sup> See for example: Brief of evidence of Te Rangianganoa Hawira dated 29 November 2017 (Wai 2180, #H11) at [32]-[41].

- (b) Very much interlinked and running parallel to this:
- (i) Extensive land loss by Taihape Māori, particularly facilitated through Crown purchasing, the operation of the Crown-introduced Native Land Court and its system of individualisation, and subsequent private purchasing.
  - (ii) Difficulties experienced by Taihape Māori in using any remaining lands for economic gain, including due to lack of access (landlocked or otherwise), title difficulties, and quality of land.
  - (iii) Lack of appropriate alternative means provided by the Crown for Taihape Māori to participate in economic development.
  - (iv) Consequent substantially reduced ability of Taihape Māori to provide for their present and future generations.
  - (v) Urban migration.
- (c) The cumulative impact of these factors, along with the Crown's manner of providing, for example, education and health services, has negatively impacted on the fabric of the society of Taihape Māori communities, including their social cohesion, their rangatiratanga, their whānau and wider social structures, their reo and their mātauranga.

3.45 To conclude, the evidence indicates that the Crown has, by its acts and omissions, negatively impacted on the social cohesion of Taihape Māori, and failed to take Te Tiriti-compliant steps to address this.

#### **4. OVERVIEW OF THEMES OR ISSUES IN THE INQUIRY**

##### **Health**

4.1 Three key themes arise in relation to health. The issue of representation is already dealt with above and is not repeated in this presentation summary.

##### Inequities in health outcomes

4.2 The evidence has shown that while there have been improvements over time, there remains a significant inequity between the health outcomes of Māori and

non-Māori, including in terms of life expectancy and certain health conditions.<sup>57</sup>  
In some areas, the inequity has been reported to have been growing.<sup>58</sup>

- 4.3 Counsel are unaware of any evidence indicating that the situation is materially better for Taihape Māori, and indeed the evidence available suggests that it is reflective of the national situation.<sup>59</sup>
- 4.4 Counsel submit that the continued inequities indicate that, while the Crown has taken some steps towards addressing Māori ill-health, these have fallen short of what is necessary as a responsible Te Tiriti partner; the Crown has failed to ensure a general equality of health outcomes as between Māori (including Taihape Māori) and non-Māori.

#### Access

- 4.5 Access to appropriate health services is often more difficult in rural areas. However, it has proven particularly difficult for many Taihape Māori.
- 4.6 Distinct from other inquiries, there has been no evidence of native health nurses, district nurses, or native medical officers being based in the inquiry district, and there is no evidence that the only native school in the inquiry district provided any health services.<sup>60</sup> Doctors were based in the inquiry district from the 1880s, although they charged fees and were thus beyond the financial reach of most Māori.<sup>61</sup>
- 4.7 The isolation of Taihape Māori has proven to be a major barrier to accessing health services in the inquiry district, and has affected them more than their non-Māori counterparts. This was particularly so due to the fact that Māori were often further from main transport hubs, and because the main consideration of healthcare provision appears to have been the needs of settlers throughout most of the 20<sup>th</sup> century.<sup>62</sup>

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<sup>57</sup> Counsel refer, for example to the life expectancy statistics contained in Revisions to Report and to Questions of Clarification by Dr Christoffel (Wai 2180, A#41(f)) and Responses to questions of clarification by Dr Christoffel (Wai 2180, #A41(d)) at 14-15.

<sup>58</sup> #A41 at 242 – for example, in relation to mental health – see reference to report in 2007.

<sup>59</sup> See life expectancy statistics contained in Revisions to Report and to Questions of Clarification by Dr Christoffel (Wai 2180, #A41(f)). These appear to align closely with the national figures – see #4.1.15 Hearing week seven transcript at 397. See also Responses to Questions of Clarification for #A41 (Wai 2180, #A41(d)) at 14-15 setting out statistics for other health outcomes.

<sup>60</sup> #A41 at 251, 257.

<sup>61</sup> #A41 at 252.

<sup>62</sup> #A41 at 254, 255.

- 4.8 Further increasing the barriers to accessing healthcare, were the cultural and financial barriers that for a time inhibited Māori from attending hospitals and hospitals from accepting Māori patients.<sup>63</sup>
- 4.9 Tāngata whenua evidence clearly sets out the difficulties and gaps encountered in accessing medical services particularly mental health services, palliative care, aged care facilities and hospital services since the closure of Taihape Hospital. Issues appear to have arisen due to transport costs, distances to services, and financial situation.<sup>64</sup>
- 4.10 To conclude, the evidence indicates that the Crown has failed to provide equitable access to health services for Taihape Māori as compared with non-Māori. While remote populations might have made it more difficult to be equitable, the health inequities faced by Taihape Māori meant the Crown should have better prioritised access for Māori.<sup>65</sup>

## Education

### Delay in establishing school requested by Taihape Māori

- 4.11 While Māori at Moawhango requested a school in 1886 and offered land for this purpose as required by native schools legislation,<sup>66</sup> there was significant delay in establishing the school, which in the end, commenced as a general school after a local settler approached the Wanganui Education Board and offered to provide a building and free board for a teacher for a year.<sup>67</sup> This delay had meant tamariki at Moawhango were unable to access education services for an extended period of time.<sup>68</sup>
- 4.12 Only once a Pākehā got involved, did matters seem to progress; there was a rapid turnaround after this point.<sup>69</sup>
- 4.13 To conclude, the evidence indicates that the Crown failed to treat Taihape Māori equitably as compared with non-Māori in the setting up of the school at

<sup>63</sup> #A41 at 255, #4.1.15 – hearing week seven transcript at 399-400.

<sup>64</sup> See for example: Brief of evidence of Raewyn Iosia-Sipeli dated 30 April 2018 (Wai 2180, #K7) at [18]-[21], [29], Brief of evidence of Lualua'ai Simi dated 3 May 2018 (Wai 2180, #K8) at [13]-[14], [19]-[20], Brief of evidence of Waiharakeke Winiata dated 30 April 2018 (Wai 2180, #K4) at [24].

<sup>65</sup> See for example comments in Waitangi Tribunal *Te Mana Whatu Ahuru: Report on Te Rohe Pōtae claims* – Part V (Wai 898, 2020) at 60.

<sup>66</sup> For example Native Schools Act 1867, Native Schools Act Amendment Act 1871.

<sup>67</sup> #A41 at 54-62.

<sup>68</sup> Indeed, in #A41 at 56, an education official comments in 1888 indicate that the education services available at that time “do not reach any points within 50 miles of them”.

<sup>69</sup> #4.1.15 – hearing week seven transcript at 402-403, answers of Dr Christoffel.

Moawhango, both due to the insistence on receiving title to land before setting up the school and due to the evidently rapid turnaround managed once a Pākehā individual also indicated interest in having a school.

Apparent lack of understanding of Te Tiriti obligations and principles within the education system

4.14 During the course of hearings, it became increasingly apparent that the MOE, while expecting staff to act in accordance with Te Tiriti,<sup>70</sup> do not provide clear or up to date guidance on what the principles of Te Tiriti are, or how staff or educators can give effect to these. This filters down to curricula documents that guide the manner in which tamariki are educated. In particular:

- (a) Te Tiriti principles in key documents, if they are actually set out at all, are limited to “the three Ps”, namely “*partnership, participation, and protection*”, which MOE witnesses confirmed are the principles the MOE recognises and considers when carrying out its mahi.<sup>71</sup> These principles do not reflect the nature and extent of the Te Tiriti principles, a matter addressed by the Tribunal in Stage One of the Wai 2575 Health Services and Outcomes inquiry.<sup>72</sup>
- (b) There is limited, if any, guidance in key documents about how Te Tiriti principles are to be given effect to, a matter evident in key strategies and policy documents, including Ka Hikitia. For example, despite the assertion that Ka Hikitia “*gives expression to how the principles of the Treaty of Waitangi are applied in education*”,<sup>73</sup> the strategy makes a statements that in large part do not get close to meeting the standards of Te Tiriti, and instead refers to considering Māori “fairly” in policies and funding and about Te Tiriti providing “context” to Crown-Māori relations.

4.15 To conclude, the evidence available indicates the MOE is utilising outdated references to Te Tiriti principles in key documents (if it references them at all) and appears to give little to no useful guidance of how to put these into practice.

<sup>70</sup> #4.1.19 – hearing week eleven transcript at 75-79. MOE Responses to Questions of Clarification (Wai 2180, #M27(g)) at question 27.

<sup>71</sup> #4.1.19 – hearing week eleven transcript at 75-79. These can be found in, for example, the MOE’s Statement of Intent 2018-2023, the strategy *Whakapūmautia Papakōwhaitia, Tau Ana*.

<sup>72</sup> Waitangi Tribunal *Hauora: Report on Report on Stage One of the Health Services and Outcomes Kaupapa Inquiry* (Wai 2575, 2019) at 79, 80, 97.

<sup>73</sup> Appendices to the Brief of Evidence of Iona Holsted and Jann Marshall for the Ministry of Education, dated 18 February 2019 (Wai 2180, #M27(a)) citing various passages Ka Hikitia, including in particular at 14.

4.16 Counsel question how the MOE, its staff, and educators more widely, are able to give effect to Te Tiriti and its principles, if it is unclear what these are and how to give effect to them. Counsel suggest that this lack of understanding and clarity has contributed to the breaches of Te Tiriti alleged in these submissions.

Policies and strategies: verging on the multitudinous, flawed in implementation, limited monitoring, and delays in updating

4.17 Another striking set of issues arising in relation to education were the sheer quantity of policies and strategies, flawed implementation of key policies and strategies, the apparent lack of monitoring of the efficacy of these, and the delays in updating policies and strategies that need refreshing.

4.18 With respect to the quantity of policies and strategies, counsel highlight the cross-examination of MOE witnesses in which this issue was discussed.<sup>74</sup> Comments from educators and reports by the Office of the Auditor General bear out the difficulty of having multiple strategies and policies, often fragmented and lacking coherence, which make implementation a real challenge.<sup>75</sup>

4.19 In terms of flawed implementation of policies and strategies, the key Māori education strategy, Ka Hikitia has seen a number of issues, both in its first iteration from 2008-2012 and its second and current iteration from 2013-2017. Issues have been traversed in reports by the Office of the Auditor General. They were also acknowledged by MOE witnesses before the Tribunal.<sup>76</sup>

4.20 With respect to monitoring the success or otherwise of the key Māori educational strategy, Ka Hikitia, it is evident this is no longer completed in the way initially intended and that the MOE is now looking for options for reporting on strategy progress.<sup>77</sup>

<sup>74</sup> #4.1.19 – hearing week eleven transcript at 93-98.

<sup>75</sup> Bundle of documents for cross-examination of Ministry of Education witnesses filed by Rainey Collins (Wai 2180, #M27(f)) citing *Report of the Auditor General Summary of our Education for Māori reports* (2016).

<sup>76</sup> See for example Bundle of documents for cross-examination of Ministry of Education witnesses filed by Rainey Collins (Wai 2180, #M27(f)) at 67, citing *Report of the Auditor General Education for Māori - Implementing Ka Hikitia* (2013), Hearing Week Eleven transcript (Wai 2180, #4.1.19) – Tribunal questions and cross-examination of Ministry of Education officials at 41-42, 59.

<sup>77</sup> See for example Appendices to the Brief of Evidence of Iona Holsted and Jann Marshall for the Ministry of Education, dated 18 February 2019 (Wai 2180, #M27(a)) at 58, Responses from the Ministry of Education to questions of clarification (Wai 2180 #M27(g)) at 25.

- 4.21 It is also evident that a number of these policies and strategies were due for “refreshes” but that these have not occurred as scheduled, for example, the refreshes of Ka Hikitia and Tau Mai Te Reo.<sup>78</sup>
- 4.22 To conclude, while there is a significant amount of rhetoric about improving the educational outcomes and experiences of Māori tamariki, it is clear that there is some way to go before this rhetoric consistently filters down and translates to positive impacts on the experiences of Taihape Māori in education.

#### Consistent failure to provide a te reo Māori pathway

- 4.23 The lack of pathway for te reo Māori in the education system is another fundamental theme for education.
- 4.24 Counsel note the following in relation to the te reo pathway in education:
- (a) The MOE is clearly aware (and has been for some time) about the importance of te reo to educational success for Māori.<sup>79</sup>
  - (b) Notwithstanding its acknowledged importance, evidence from the MOE and from tāngata whenua evidence illustrates the serious and ongoing gaps in the pathway for learning te reo Māori in the inquiry district.<sup>80</sup>
  - (c) Taihape Māori have been tireless in seeking to ensure that their reo is catered for in the education system.
  - (d) However, this has not been met by equal commitment from the Crown. To the contrary, the Crown’s response has been one of complacency, with an overwhelming preference for the status quo. This is particularly evident in relation to the request by Taihape Māori for a kura, which had its genesis in wānanga and collaborative measures within the hapū and the marae of this area, and which was declined by the Crown.
  - (e) This complacency on the part of the Crown has continued to the present day in this inquiry district. Indeed, over 15 years have passed since the

<sup>78</sup> See for example Updated Summary of evidence of Iona Holsted and Jann Marshall on behalf of the Ministry of Education (Wai 2180, #M27(d)) at [22], Summary of evidence of Iona Holsted and Jann Marshall on behalf of the Ministry of Education (Wai 2180, #M27(b)) at [21], Responses from the Ministry of Education to questions of clarification (Wai 2180 #M27(g)) at 26.

<sup>79</sup> #M27 Ministry of Education evidence at [24].

<sup>80</sup> See for example: Brief of evidence of Nicola Chase dated 18 September 2017 (Wai 2180, #G9) at [9], Brief of evidence of Neville Lomax dated 29 November 2017 (Wai 2180, #H10) at [24]-[30], Brief of evidence of Barbara Thomason dated 12 February 2018 (Wai 2180, #I12) at [23].



initial request that was made by iwi about the possibility of having a kura kaupapa in the inquiry district, but this has not been revisited by the MOE, on the basis that it did not receive a new request.<sup>81</sup>

- 4.25 In summary, when it comes to the Crown's efforts to actively protect te reo Māori of Taihape Māori in their rohe, it has been long on words, short on action. The Crown has failed to actively protect te reo Māori in this inquiry district, and has shown little appetite for changing this.

### Inequities

- 4.26 In general, while there have been improvements to aspects of the education provided to Māori, there are continued inequities between education outcomes of Māori and non-Māori, and the education system is still failing a disproportionate number of Māori students. As stated by MOE witnesses, they *"know that the education system is still not producing equitable outcomes for Maori students in the Inquiry district, and across Aotearoa. There are a number of challenges that we need to address."*<sup>82</sup>
- 4.27 While there are some variations in respect of certain education outcomes (and fluctuations due to a smaller school population) in the inquiry district, counsel are unaware of any evidence to suggest that the overall situation is materially better for Taihape Māori than it is for Māori elsewhere in Aotearoa.
- 4.28 For example, MOE evidence stated that *"Maori students in the Taihape Inquiry district have lower NCEA Level 2 achievement when compared to Maori in decile 4 secondary schools across all New Zealand over the period 2015-2017 (73%). On average, 75% of Maori in decile 4-7 English medium area schools achieved NCEA Level 2 over the period 2015-2017"*.<sup>83</sup>
- 4.29 Crucially, educational outcomes feed into employment opportunities down the track; for example, students who achieve at NCEA Level 2 or above are more likely to have positive employment outcomes.<sup>84</sup>
- 4.30 The available statistics are indicative of the fact that, although employment in agriculture and forestry has to some extent reduced the negative impact on the

<sup>81</sup> Responses from the Ministry of Education to questions of clarification (Wai 2180 #M27(g)) at 13-14.

<sup>82</sup> #M27 Ministry of Education evidence at [31].

<sup>83</sup> #M27 Ministry of Education evidence at [70].

<sup>84</sup> #M27 Ministry of Education evidence at [67].

employment levels of Taihape Māori in spite of lower qualifications, they have been unable to share equally in the fruits of the resources and employment opportunities in the inquiry district when compared with non-Māori.

- 4.31 The evidence indicates the Crown has failed to ensure a general equality of educational outcomes between Māori (including Taihape Māori) and non-Māori.

### **Housing**

- 4.32 A key theme arising in relation to housing is that the evidence indicates that there have been inequities as between Māori and non-Māori with respect to housing standards and access to housing assistance over time.<sup>85</sup>

## **5. PREJUDICE**

- 5.1 Due to the Crown's acts and omissions in relation to education, health and other social services, the prejudice suffered by Taihape Māori includes:

- (a) A significant reduction in the ability of Taihape Māori to provide for their present and future generations.
- (b) The overrepresentation of Taihape Māori in negative socioeconomic statistics, as compared with their non-Māori counterparts.
- (c) The undermining of mana and tino rangatiratanga of Taihape Māori.

## **6. REMEDIES**

- 6.1 The closing submissions set out a range of remedies, which are not repeated for the purpose of the presentation summary.

**Dated** this 30<sup>th</sup> day of September 2020

The image shows two handwritten signatures in blue ink. The signature on the left is 'P Johnston' and the signature on the right is 'E Martinez'. Both signatures are written in a cursive, flowing style. Below the signatures is a horizontal line.

**P Johnston / E Martinez**

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<sup>85</sup> #A41 at 264-267, 279, 311.