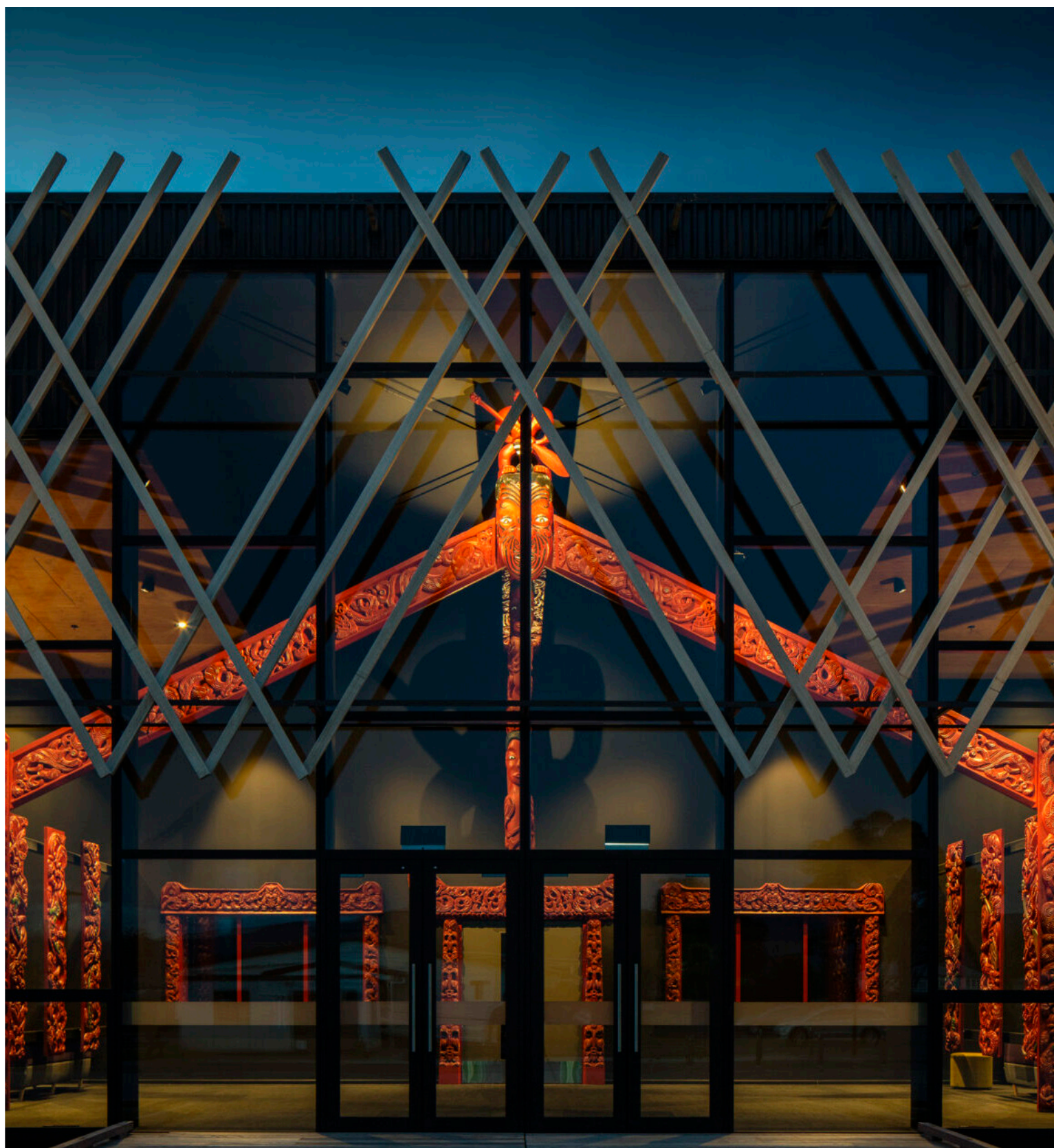


DISCUSSION DOCUMENT:

RECONSTITUTING TE WĀNANGA O RAUKAWA

September - October 2022



DISCUSSION DOCUMENT

PROPOSAL TO RECONSTITUTE TE WĀNANGA O RAUKAWA THROUGH ORDER IN COUNCIL

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Overview

The Ministry of Education and Te Wānanga o Raukawa have been working together to develop a legislative proposal to recognise the mana and tino rangatiratanga of Te Wānanga o Raukawa, reflect the Tiriti o Waitangi/Treaty of Waitangi-based relationship that Te Wānanga o Raukawa has with the Crown, and acknowledge the unique role that Te Wānanga o Raukawa plays in the tertiary education system.

From the perspective of Te Wānanga o Raukawa, Crown tertiary education policy and legislative changes have undermined the exercise of tino rangatiratanga by the ART Confederation (Te Āti Awa ki Whakarongotai, Ngāti Raukawa, and Ngāti Toa Rangatira) in relation to the whakatupu mātauranga activity of Te Wānanga o Raukawa. Whakatupu mātauranga activity is uniquely Māori activity with uniquely Māori goals undertaken to assure the survival, and further enrichment and enhancement, of Māori as a people.

The proposal outlined in this discussion document is intended to rebalance the relationship between kāwanatanga and tino rangatiratanga by:

- reflecting the commitment that the ART Confederation provided to establish and support Te Wānanga o Raukawa, and providing the right balance of accountability between the Crown and the ART Confederation;
- enabling a partnership approach for Te Wānanga o Raukawa and the Crown to determine the purpose, functions, governance arrangements, interventions, entity status and accountabilities of Te Wānanga o Raukawa; and
- providing a foundation upon which the interests of both the Crown and Te Wānanga o Raukawa can be advanced in a manner that gives expression to Te Tiriti o Waitangi/the Treaty of Waitangi.

The proposed changes to the legislative settings for Te Wānanga o Raukawa relate to its entity type, purpose, functions, governance arrangements, applicable interventions, monitoring, financial provisions, and annual reporting requirements. The proposed changes would also set a statement of strategic direction for Te Wānanga o Raukawa.

These changes would be made through an Order in Council (OIC) enabled through a proposed new Wānanga sector framework set out within the Education and Training Act 2020 (E&T Act). This Wānanga sector framework proposal is the focus of a separate discussion document (see conversation.education.govt.nz/conversations/wananga-sector-framework-proposal).

Other important provisions would continue to apply to Te Wānanga o Raukawa such as funding administered by the Tertiary Education Commission (TEC), New Zealand Qualifications Authority (NZQA) quality assurance requirements, links to the Tertiary Education Strategy (TES), and learner wellbeing and safety obligations (see [Tertiary and International Learners Code of Practice » NZQA](#)). We are separately working with Te Wānanga o Raukawa, the TEC, and NZQA to develop a future funding framework with Te Wānanga o Raukawa and to address its concerns with the quality assurance system, which does not at this stage require legislative change.

Below is a high-level overview of the proposed changes:

Change	Status quo	Proposed change
Entity type	Te Wānanga o Raukawa is a tertiary education institution.	Te Wānanga o Raukawa is established through Order in Council as an independent statutory entity.
Legislative purpose	Te Wānanga o Raukawa does not have a specific legislated purpose.	The purpose of Te Wānanga o Raukawa (to maximise its contribution to the survival of Māori as a people) is legislated.
Legislated functions	Te Wānanga o Raukawa does not have legislated functions.	The kaupapa of Te Wānanga o Raukawa is embedded into its legislative functions.
Governance arrangements	The Crown specifies number of council members, 3-4 of which are appointed by the Minister of Education.	Te Wānanga o Raukawa decides the makeup of its council and legislates for greater representation of the ART Confederation.
Crown monitoring, interventions, and the establishment of new powers to appoint Iwi Matapopore ¹	The TEC monitors Te Wānanga o Raukawa as it does all tertiary education organisations (TEOs). The ultimate decision maker on when and how to intervene is the Minister of Education. The Minister of Education can decide to dissolve the council and appoint a commissioner and advisory committee.	The TEC and Te Wānanga o Raukawa would develop a monitoring framework together and agree to its contents. Te Wānanga o Raukawa and the Minister of Education could mutually agree to interventions. The current power that allows the Minister of Education to appoint a commissioner will be transferred to iwi. The ART Confederation could dissolve the council and appoint a Matapopore to act in place of the council.
Financial accountability and reporting requirements	Te Wānanga o Raukawa must seek permission to invest, borrow money, and dispose of its assets. It is required to report to the Crown.	The Crown will have less direct influence over Te Wānanga o Raukawa's financial decisions. Te Wānanga o Raukawa makes its own decisions to invest, borrow, and dispose of assets. Te Wānanga o Raukawa reports to the ART Confederation and the Crown. Te Wānanga o Raukawa must produce a statement of strategic direction and engage students, the ART Confederation, and the Minister of Education in its development.

¹ Matapopore means to watch over, to cherish, to take care of; also to value highly or to prize. As a noun, it means guardianship or care.

Submissions on the proposals outlined in this document are open from **20 September 2022** until 4pm, **28 October 2022**. For more information about how you can engage, please see the 'how to have your say' section (page 27).

Following the public consultation process, we will summarise the submissions and the Associate Minister of Education (Māori Education) and the Minister of Education will consider and take into account any views expressed and feedback received through the consultation.

Part one: Background

Wānanga are currently tertiary education institutions (TEIs) under the E&T Act. The diagram below shows the current landscape of tertiary education organisations (TEOs).



Under the E&T Act, a Wānanga is characterised by teaching and research that maintains, advances, and disseminates knowledge and develops intellectual independence, and assists the application of knowledge regarding āhuatanga Māori (Māori tradition) according to tikanga Māori (Māori custom). Wānanga are distinguished by their ‘by Māori, for Māori’ educational provision and their focus on Māori as members of whānau, hapū and iwi. This means that they have important differences to other TEIs, not just in what they teach, but in how they teach. Te Taihū o Ngā Wānanga (the collective national association comprised of representatives from the three Wānanga) notes the Wānanga role and function is characterised by the pursuit of:

- a. the empowerment of whānau, hapū and iwi and the diverse communities the wānanga serve specifically, through the delivery of tertiary education; and
- b. the advancement, maintenance, and protection of mātauranga Māori.

While the Wānanga share common characteristics - such as their role in maintaining, developing, and disseminating mātauranga Māori - each Wānanga is distinctive in its own right and each has its unique histories and aspirations.

Te Wānanga o Raukawa

Te Wānanga o Raukawa was established in Ōtaki in 1981, by the ART Confederation (Te Āti Awa ki Whakarongotai, Ngāti Raukawa and Ngāti Toa Rangatira). Like other Wānanga, it is an expression of the mana of its founding iwi. It became a TEI in 1993.

Te Wānanga o Raukawa on Whakatupuranga Rua Mano

The iwi and hapū of the ART confederation suffered widespread (in some cases, total) land removal during the late nineteenth and early twentieth centuries. The impact of this upon both mātauranga and reo within the confederation was catastrophic, driving the people to the brink of cultural extinction. By the 1970s, marae throughout the region, once focal points of hapū life, had been largely abandoned; te reo Māori was in its death throes, spoken by no one under the age of 30 years and vanishing rapidly as the older generations passed on; and the mātauranga continuum was hanging by a thread. The people had become almost completely alienated from the distinctive body of wisdom that former generations had designed with the specific aim of ensuring the long-term survival of the iwi. This was the context within which Whakatupuranga Rua Mano, a twenty-five-year strategy to halt and reverse the crisis encountered by the confederation, was devised.

In 1975 the Raukawa Marae Trustees, comprising hapū representatives from the three iwi, launched Whakatupuranga Rua Mano. This iwi development strategy was underpinned by four principles: restoring and revitalising the marae of the ART Confederation; revitalising and protecting te reo; developing and retaining iwi members; and exercising tino rangatiratanga. Te Wānanga o Raukawa is a product of Whakatupuranga Rua Mano and strives to uphold its founding principles.

Te Wānanga o Raukawa is a relatively small institution with approximately 4,680 students enrolled in 2021, 58 percent of which were Māori. In 2021, the average age of its students was 38, and 46 percent of its students were 40 years and over. Of its students, 92 percent were enrolled part-time in 2021.

Course provision at Te Wānanga o Raukawa is unique

The purpose of Te Wānanga o Raukawa is to maximise its contribution to the mātauranga continuum for the survival of both hapū and iwi of the ART Confederation and Māori as a people. Course provision has been purposely designed to counter the threat of cultural extinction and to build a future where Māori thrive. All programmes of study at level 5 or above include compulsory papers in te reo (constituting 25 percent of the workload) and in iwi and hapū studies (a further 25 percent). The remaining 50 percent of each programme is made up of specialisation papers, for example, teaching, laws and philosophy, social work, management, and so on.

The term Huia te Reo describes the approach of Te Wānanga o Raukawa to facilitating language acquisition. The word huia, used figuratively, refers to anything that is prized. It also refers to the bird, the tail feathers of which were highly valued and worn by Rangatira as a symbol of mana. Once common throughout the ART Confederation region, the huia is now extinct - a cautionary reminder of the near-death of te reo and of the need to pay careful attention to its retention and revitalisation. Additionally, the word huia describes the gathering together of people, signifying that language acquisition is primarily a collective pursuit: language is pointless unless there are others with whom to communicate.

The idea of being joined together also speaks to the fact that te reo does not exist in isolation: it is inextricably bound to mātauranga, to identity, and to the health and wellbeing of the people.

Iwi and hapū studies are a direct response to the impact of land removal on the social, political, and economic integrity of hapū and iwi. It requires students to re-engage with their marae, and with the mātauranga and the language specific to that marae. It encourages them to contribute to the revitalisation of hapū and iwi and it enables them to strengthen (or, in many cases, to regain) their identity, as members of hapū and iwi, and ultimately, as Māori.

Mātauranga Māori is part and parcel of every programme of study at Te Wānanga o Raukawa. In accordance with its aim of encouraging its students to see the world through Māori eyes, every specialisation is taught through a mātauranga lens.

Huia te reo, iwi and hapū studies, and mātauranga are not simply academic subjects that are “taught” to students. Nor can they be neatly separated out into discrete subject domains. Students at Te Wānanga o Raukawa experience them as a cohesive whole, designed not simply to educate but to change the trajectory of their lives and, by extension, the lives of their whānau, hapū and iwi.

Te Wānanga o Raukawa Whakatupu Mātauranga (WAI 2698) claim

The WAI 2698 claim was registered with the Waitangi Tribunal in December 2017. The claim concerns two main issues:

1. The impact of Crown tertiary education and science policies and funding mechanisms on the educational provision delivered by Te Wānanga o Raukawa and its contribution to the mātauranga continuum; and
2. The tension between different understandings of tino rangatiratanga and kāwanatanga by Te Wānanga o Raukawa and the Crown, and how they are expressed in Crown tertiary education and science policies and processes.

In its WAI 2698 claim, Te Wānanga o Raukawa expressed a strong desire to re-set its relationship with the Crown. As a TEI, it is currently subject to requirements which, in its view, limit its tino rangatiratanga by giving the Crown additional control over the organisation, thereby reducing its decision-making ability, and creating additional administrative burden.

Our approach to working together

This Government is taking a future-focused, policy-oriented approach to resolving contemporary Waitangi Tribunal claims and we have committed to a co-design approach to resolving WAI 2698 alongside Te Wānanga o Raukawa.

The Crown entered into a Relationship Protocol agreement with Te Wānanga o Raukawa in 2019. The Protocol provides a framework for discussing and resolving the issues raised by the WAI 2698 claim and sets the principles of engagement. These principles include clear and effective communication, early and ongoing communication, acknowledgement of difference and the power and resource imbalance, and mana enhancing outcomes.

Milestones in our work together on the WAI 2698 claim

2019: Te Wānanga o Raukawa was provided with a one-off grant of \$10 million in partial recognition of a shortfall in research funding over time and as a demonstration of the Crown's commitment to resolving the claim.² Ministers agreed to amend the constitution of Te Wānanga o Raukawa to increase the maximum number of terms that may be served by all council members as an interim step towards addressing their concerns with governance arrangements. The Relationship Protocol agreement was signed.

2020: In 2020, a one-off Crown contribution of \$300,000 was made towards the costs incurred by Te Wānanga o Raukawa in working with the Crown and its officials on WAI 2698 over an extended period to July 2019. Additional funding of \$8 million (paid over 3 years) was also secured as a stop gap measure to ensure Te Wānanga o Raukawa can continue to deliver on its mission and role while we work on a more sustainable funding solution.

2021: Budget 2021 maintained an increase to the Wānanga Research Capability Fund and secured ongoing access to the stop-gap funding. The Budget 2021 tagged operating contingency 'Addressing Inequitable Funding of Wānanga' was used to develop the Whakatupu Mātauranga medium-term fund of \$4 million per annum with Te Wānanga o Raukawa. The medium-term fund supplements volume-based funding to support and acknowledge the unique roles and functions of Te Wānanga o Raukawa that are not adequately resourced by the current funding system.

Overview of proposed changes

This discussion document sets out proposed changes to the administrative settings of Te Wānanga o Raukawa that would be made through an Order in Council (OIC), in line with the proposed Wānanga sector framework (which is the focus of the companion discussion document: conversation.education.govt.nz/conversations/wananga-sector-framework-proposal).

The proposals in this document involve amending certain administrative settings for Te Wānanga o Raukawa, such as its purpose, functions, governance arrangements, interventions, entity status, and accountabilities.

These proposed changes would affect Te Wānanga o Raukawa only and would not change the administrative settings for the other two Wānanga.

Companion proposal to establish Wānanga sector framework

Currently, Wānanga are classified as TEIs and are subject to the same statutory, policy, and funding frameworks as universities (although the programme approval process required to receive funding is different).

² The position of Te Wānanga o Raukawa is that the Performance-Based Research Fund (PBRF) cannot adequately assess the quality of its whakatupu mātauranga activity, and that as a TEI, it has been financially disadvantaged by the introduction of the PBRF. These concerns about the PBRF form a significant part of the WAI 2698 claim. Te Wānanga o Raukawa commissioned Deloitte to determine the amount of its research underfunding. Deloitte came to a higher amount than the \$10 million figure that officials calculated, which was based on what Te Wānanga o Raukawa may have received for the period 2004 to 2017 had the former EFTS-based "research top-up" system not been superseded by the introduction of the PBRF.

As set out in the companion discussion document – *Wānanga Sector Framework* – Wānanga currently operate under legislative, funding, and quality assurance frameworks that were not developed with their unique contribution in mind, and this has created ongoing challenges from both a Crown and a Wānanga perspective. The Ministry of Education has been working constructively with the Wānanga to develop a proposal for legislative change to address these issues. This change, in combination with related workstreams to address funding and quality assurance issues, will support and recognise the value of the Wānanga and better reflect their place in the education system.

The companion proposal is to create an enabling, high-level Wānanga sector framework in primary legislation that outlines provisions that would apply across all the Wānanga, such as the characteristics of a Wānanga and the process to establish and disestablish a Wānanga. The proposed Wānanga sector framework would also enable particular administrative settings to be varied in how they apply to each Wānanga (such as their purpose, functions, governance arrangements, interventions, entity status, and accountabilities) through OICs. Until changes are made through an OIC for an individual Wānanga, the current provisions of the Act would apply by default.

This discussion document outlines a proposal for Te Wānanga o Raukawa based on Option 2 of the enabling Wānanga sector framework proposed in the companion discussion document.

Scope of the work

Joint work programme with the Wānanga sector

The proposed changes to legislative settings for Te Wānanga o Raukawa are part of our joint work programme to address the issues raised in the Whakatupu Mātauranga (WAI 2698) claim. Alongside the work on the governance, legislation, and accountability settings for Te Wānanga o Raukawa, we are separately working to develop a future funding framework with Te Wānanga o Raukawa and to address its concerns with the quality assurance system (that work is outside the scope of this discussion document).

Our work with Te Wānanga o Raukawa on its WAI 2698 claim sits alongside a broader programme of work with all three Wānanga. The proposal for a Wānanga sector framework, which we are consulting on at the same time as the proposal to reconstitute Te Wānanga o Raukawa, comes from this collaborative work with the Wānanga sector. Like the WAI 2698 work programme, we are also working with the Wānanga on the development of a funding framework that best supports educational delivery and outcomes of the Wānanga, and a quality assurance framework that enables the Wānanga to exercise tino rangatiratanga over their mātauranga while maintaining confidence in Wānanga educational delivery. This work, which we are progressing alongside the administrative work stream in partnership with the Wānanga, does not at this stage require legislative change.

Māori Medium Education / Kaupapa Māori Education (MME / KME) pathways

The Ministry's work with the Wānanga also sits alongside a work programme to grow Māori medium education and Kaupapa Māori education (MME/KME) in early learning, schooling and tertiary education. While our work with Te Wānanga o Raukawa is distinct and separate from the MME/KME work programme, there is a shared focus on improving outcomes for Māori learners and growing the MME/KME system of delivery (which includes Wānanga).

In September 2021, Cabinet agreed that the Ministry develop a work programme to grow MME/KME, in conjunction with a Māori Medium Education Oversight Group (Te Pae Roa).

In September 2021, Cabinet agreed that the Ministry develop a work programme to grow MME/KME, in conjunction with a Māori Medium Education Oversight Group (Te Pae Roa). The MME/KME work programme aims to address deep and enduring challenges including unmet demand, incomplete and unclear pathways, a lack of agency and authority by Māori over MME and KME, and significant workforce development requirements. The goal is increasing the number of taura Māori in MME and KME early learning and schooling to 30 percent of Māori learners by 2024, and growing pathways in tertiary education.

For the past 8 months, Te Pae Roa has consulted with Māori to gauge views on options for growing MME and KME. Cabinet will consider this work in October 2022 and decide next steps.

Purpose of the changes

Addressing one of the key issues raised in the WAI 2698 claim

The proposal by Te Wānanga o Raukawa is intended to rebalance the relationship between kāwanatanga and tino rangatiratanga by:

- reflecting the commitment the ART Confederation provided to establish and support Te Wānanga o Raukawa, and providing the right balance of accountability between the Crown and the ART Confederation; and
- enabling a partnership approach for Te Wānanga o Raukawa and the Crown to determine the purpose, functions, governance arrangements, interventions, entity status, and accountabilities of Te Wānanga o Raukawa; and
- providing a foundation upon which the interests of both the Crown and Te Wānanga o Raukawa can be advanced in a manner that gives expression to Te Tiriti o Waitangi.

A relationship that balances tino rangatiratanga and kāwanatanga means Te Wānanga o Raukawa benefits from greater autonomy as a tertiary education provider, but it continues to have a relationship with the Crown over shared interests.

The proposal is also intended to enable Te Wānanga o Raukawa to embed its purpose of maximising its contribution to the survival of Māori as a people in secondary legislation, and choose the settings that best support this, for the generations to come.

Māori enjoying and achieving education success as Māori

The education system has underperformed for Māori learners and their whānau over an extended period. As a result, Māori learners collectively experience worse education outcomes than other New Zealand learners and are less engaged in our education system. This has significant social, cultural, health and economic impacts for whānau, hapū, iwi, Māori, and New Zealand as a whole.

We know that a strong sense of belonging and feeling secure in culture and identity are crucial for Māori to succeed as Māori. Kaupapa Māori education provides safe learning environments where Māori values are visible and Māori learners are supported and learn as Māori. In particular, Te Wānanga o Raukawa provides an opportunity for all to learn within a tikanga Māori community under the principles of the iwi development strategy, Whakatupuranga Rua Mano: Generation 2000.

The Wānanga play an important and unique role in facilitating Māori learner success in the tertiary education system, despite significant system barriers. Approximately 55 percent of enrolments in the Wānanga sector in 2020 were Māori, and at Te Wānanga o Raukawa, 75 percent of its students were Māori.

Māori students in the Wānanga sector have a completion rate of approximately 70 percent after four years across all qualification levels, compared to 51 percent for Māori students in universities.³

Te Taihū o Ngā Wānanga on the role of Wānanga in the tertiary education system

Wānanga are playing a key role in ameliorating the deleterious impacts of educational underachievement by Māori and have made significant contributions to transformational change for whānau, hapū, and iwi over the last three decades. This is despite the cultural, structural, and political factors that continue to marginalise and undermine how and what we do, and our ways of knowing and being. Māori education (Kōhanga, Kura Kaupapa, Whare Kura, and Wānanga) as we know it today, was born out of the historical resistance and struggle for the revival of our language and culture.

Te Wānanga o Raukawa uses a range of learning environments, including noho marae, purpose-built facilities, online learning, and support for students learning on their home marae, to ensure students are placed in learning environments where being Māori is the norm. This is part of a deliberate strategy to support students to become confident and resilient learners and to restore students' confidence in themselves, as learners and as Māori.

Te Wānanga o Raukawa comment on the student support it provides

A significant number of Te Wānanga o Raukawa students are adult learners who have been failed by the state education system. For many, their experience of education has been overwhelmingly negative and, after years of being told that they are poor students, they lack confidence. Many grew up surrounded by racist messages about the pointlessness of te reo and tikanga - indeed about the worthlessness of being Māori. Many also require support with literacy and with acquiring the necessary study skills and habits. The vast majority of them are part-time students, juggling formidable work and whānau responsibilities with the demands of study.

We have an open entry policy, consistent with our stance that educational failure represents a failure of the system, rather than of the individual. We also hold strongly to the view that, for Māori people, te reo and mātauranga are a matter of birth right which therefore should not be reserved for the privileged few who have managed to navigate their way through the state education system successfully. This means that we must do whatever is necessary to equip our students with the necessary skills to complete our programmes so that they can experience the satisfaction of educational success and the exhilaration of reconnecting with a philosophical framework that makes them unique in the world. All teaching staff go to extraordinary lengths to support students through their particular programmes of study.

³ Controlled for age (25+ years).

Part two: Understanding the issues

The Crown's understanding of Te Tiriti/the Treaty in this kaupapa

The Crown has acknowledged its Te Tiriti/Treaty obligations through Te Tiriti/Treaty settlements, the Cabinet Office circular on Te Tiriti o Waitangi/Treaty of Waitangi Guidance, Te Arawhiti guidance, and other authorities. The E&T Act also provides recognition of the Crown's Te Tiriti/Treaty obligations, broadly at section 4, and more specifically at section 9.

The Crown has acknowledged Te Tiriti/Treaty obligations to consider partnership to Wānanga specifically, through the Deeds of Settlement for WAI 718 and WAI 1298, and through the signing of the Relationship Protocol with Te Wānanga o Raukawa.

The Ministry considers that Te Tiriti/the Treaty requires the Crown to consider its partnership and active protection obligations in the context of the kāwanatanga and tino rangatiratanga spheres. The Crown must also give consideration to the principles of equity and options. These principles should be considered in relation to the Wānanga in the first instance, but also to iwi and Māori more broadly. These broader groupings also have interests in Māori learner success in the tertiary education system, and the revitalisation, protection and transmission of te reo Māori, mātauranga Māori, and Wānanga as a system of delivery.

Underlying the Ministry's work are the following high-level Tiriti/Treaty assumptions:

- Each Wānanga as an organisation has tino rangatiratanga.⁴
- The Crown has an obligation to recognise the tino rangatiratanga of the Wānanga. The Crown's Te Tiriti/Treaty obligation is to foster, support, and assist their exercise of tino rangatiratanga.⁵
- The Crown also has obligations to recognise the tino rangatiratanga of other iwi/Māori in the context of the tertiary education system.
- Te reo Māori and mātauranga Māori are taonga.
- Wānanga, as a system of learning that is inextricably linked with te reo Māori and mātauranga Māori, is a taonga.⁶
- The transmission of mātauranga Māori and Māori success in the education system are valid Te Tiriti/Treaty interests.⁷

These assumptions are derived from Articles 1-3 of Te Tiriti o Waitangi/Treaty of Waitangi jurisprudence, including findings of the Courts and the Waitangi Tribunal, as well as deeds of settlement between Wānanga and the Crown.

The Waitangi Tribunal's *Wānanga Capital Establishment Report*, quoted below, has heavily informed our thinking about the Crown's active protection obligations in relation to Wānanga as a system of learning, mātauranga Māori and te reo Māori:

⁴ Waitangi Tribunal, The Report on the Aotearoa Institute claim concerning Te Wānanga o Aotearoa, p. 37 / Waitangi Tribunal, Te Whānau o Waipareira, p. xxv.

⁵ Waitangi Tribunal, The Wānanga Capital Establishment Report, p. 48.

⁶ Waitangi Tribunal, The Wānanga Capital Establishment Report, p. 54.

⁷ Waitangi Tribunal, Ko Aotearoa Tēnei, p. 558.

Wananga [sic] is an ancient process of learning that encompasses te reo and matauranga Maori. Wananga embodies a set of standards and values. As a verb, 'to wananga' is to make use of matauranga Maori in all its forms in order to teach and learn. It is clear that te reo Maori and matauranga Maori are taonga. Wananga is given life by these taonga, and in the reciprocal nature of the Maori world, wananga also serves to give life to te reo and matauranga. Each is dependent on the others to nurture, sustain, and develop. Wananga as a system of learning, and a repository of matauranga Maori, is a taonga in its own right, but it does not exist in isolation from te reo and matauranga Maori.

The *Wānanga Capital Establishment Report* has also informed our understanding of the Crown's relationship with Wānanga in the context of Te Tiriti/the Treaty:

Rangatiratanga involves, at the very least, a concept of Maori self-management. This can be seen in many of the Tribunal's previous reports. The wananga that have been recognised as TEIs have all developed out of the efforts of Maori iwi groups to provide tertiary education to, in the first instance, their own people; in the second instance, Maori students; and, in the third instance, anyone who wishes to embrace this particular form of education. As such, the efforts of these tribal groups to create and sustain TEIs are a vital exercise of rangatiratanga. The establishment of wananga as TEIs recognised by the State represents an attempt to engage actively with the Crown in the exercise of rangatiratanga in the management of new forms of tribal and Maori education. The Crown's Treaty obligation is to foster, support, and assist these efforts. In doing so, the Crown needs to ensure that wananga are able to remain accountable to, and involved in, the communities that created them.

There are broad-ranging Tiriti/Treaty interests held by the Wānanga and Māori more broadly in the tertiary education system – including the safety and wellbeing of staff and students, and the development of scholarship in alignment with the interests and needs of whānau, hapū, iwi and mātauranga Māori, and according to tikanga. The Ministry's work on administrative settings will not directly address these interests but is intended to facilitate greater recognition of the tino rangatiratanga of the Wānanga in the education system to enable them to realise their interests. There is further work to be done to facilitate broader Tiriti/Treaty interests and fuller recognition of tino rangatiratanga to be realised in the tertiary education system.

The problem and opportunity

Te Wānanga o Raukawa emerged as a response from iwi to poor outcomes for Māori in mainstream education, and risks to the survival of mātauranga and te reo Māori. It was founded as an iwi-based and iwi-led institution. In order to achieve their goals for Māori and to grow as organisations, all three Wānanga were initially established as private training establishments (PTEs) and then transitioned to become TEIs in the 1990s. The Wānanga fought hard to be recognised as TEIs as a way for them to:

- achieve their strategic objectives as Māori tertiary providers;
- formalise their status alongside universities and polytechnics; and
- expand their scope of provision, and to enable greater access to government funding.

Becoming a TEI has meant that the Wānanga are forced to fit into an education system that is led and directed by the Crown. In order to survive, Wānanga have had to focus on achieving

the things that the Crown values, and its priorities for achieving broader education outcomes for New Zealand.

While there were clear benefits to Wānanga from becoming TEIs, fitting into this system has meant that the Wānanga have had less autonomy and ability to regulate their own affairs and respond to the objectives that hapū/iwi/Māori may have.

Te Wānanga o Raukawa delivers clear and unique benefits to the tertiary education system in terms of education outcomes, particularly for Māori. It makes an important contribution to the retention, revitalisation, and extension of te reo and mātauranga, and its educational provision has been built on a 'by Māori, for Māori' approach. The Wānanga system has built its capability over decades to provide these benefits at a scale that is not matched elsewhere in the education system. However, it is clear that the current administrative settings do not reflect their mana, or their unique public role and functions, and are limiting their ability to flourish as Wānanga and best meet the needs of their founding iwi, their staff, their taura, and wider communities.

The administrative settings for Wānanga do not adequately reflect the relationship between kāwanatanga and tino rangatiratanga as expressed in Te Tiriti/the Treaty. The E&T Act establishes a system of accountability for Wānanga, as TEIs, to the Crown only. Only the Crown can establish and disestablish Wānanga under the Act, and Wānanga are accountable to the Crown for both financial and educational performance.

This tension between how tino rangatiratanga and kāwanatanga have been understood by Te Wānanga o Raukawa and the Crown, and their expression in Government policies and processes, is at the core of the WAI 2698 claim. For Te Wānanga o Raukawa, Crown tertiary education policy and legislative changes have undermined the exercise of tino rangatiratanga by the ART Confederation in relation to the whakatupu mātauranga activity of Te Wānanga o Raukawa. Whakatupu mātauranga activity is uniquely Māori activity with uniquely Māori goals undertaken to assure the survival, and further enrichment and enhancement, of Māori as a people.

For Te Wānanga o Raukawa, there are government policies and processes that overextend the Crown's kāwanatanga role and come from legislative settings that do not recognise the unique role of Te Wānanga o Raukawa, enable Te Wānanga o Raukawa to exercise its tino rangatiratanga, or provide room for the significance of the relationship between Te Wānanga o Raukawa and the ART Confederation.

There is an opportunity to reconstitute Te Wānanga o Raukawa through the proposed enabling Wānanga sector framework (see the companion discussion document) and make changes to its administrative settings to establish a relationship between Te Wānanga o Raukawa and the Crown that is based in Te Tiriti/the Treaty. This would also emphasise the importance of the relationship between Te Wānanga o Raukawa and the ART Confederation, which has been eroded over time by the ever-increasing amount of time and resourcing that the Wānanga has been forced to expend on Crown compliance.

A Tiriti/Treaty-based relationship enshrined in legislation would provide a foundation upon which the other workstreams of the WAI 2698 claim and areas of shared interests (such as outcomes for learners and the normalisation of te reo Māori) can be advanced in a manner that gives expression to Te Tiriti o Waitangi/the Treaty of Waitangi.

These other areas of work may have more significant operational impacts for Te Wānanga o Raukawa, for instance through changes to funding mechanisms. The proposal for reconstituting Te Wānanga o Raukawa and changing its legislative settings, as outlined in this document, is an important first step. It is part of a package of policy changes that we are working through in order to fully address the issues raised in the WAI 2698 claim.

Part three: Options analysis

Objectives of legislative change

The objectives of the changes proposed in this discussion document are to ensure the administrative settings for Te Wānanga o Raukawa:

- are consistent with Te Tiriti o Waitangi/the Treaty of Waitangi – in particular, that they:
 - recognise the mana of Te Wānanga o Raukawa and reflect the Tiriti/Treaty-based relationship it has with the Crown; and
 - that they enable flexibility to reflect the unique purpose, role and functions of Te Wānanga o Raukawa in the tertiary education system; and
- emphasise the importance of the relationship between Te Wānanga o Raukawa and the ART Confederation and enable Te Wānanga o Raukawa to re-strengthen this relationship; and
- maintain confidence in the tertiary education system as a whole.

Options for legislative change

The companion discussion document – *Wānanga Sector Framework* – sets out different options for the overall legislative design, approach to OIC provisions, and the detail of the legislative framework.

As outlined in the *Wānanga Sector Framework* discussion document, Option 2 is our preferred option for the overall legislative design. Option 2 would involve the Crown and the Wānanga co-developing an opt-in enabling legislative framework for the Wānanga sector. This framework would set out certain administrative settings that would be common to all Wānanga, namely the characteristics of a Wānanga and the process for establishing and disestablishing Wānanga.

This Wānanga sector framework would also enable each individual Wānanga to work with the Crown to co-develop bespoke administrative settings (within a particular set of parameters). It would enable two high-level options for the administrative settings of an individual Wānanga:

- **Option 2a - Bespoke TEI entity:** Retain TEI status, with bespoke purpose, function and governance arrangements, or
- **Option 2b - New statutory entity:** Become a new type of statutory entity which retains the focus on education provision and provides greater independence in terms of bespoke arrangements, extending to accountability.

Existing provisions of the E&T Act would continue to apply to Wānanga unless varied by an OIC.

These two sub-options and their implications for Te Wānanga o Raukawa are discussed below.

Option 2a: Te Wānanga o Raukawa is reconstituted as a bespoke TEI entity

Under this option, Te Wānanga o Raukawa would maintain TEI status but could develop some bespoke administrative arrangements under the enabling Wānanga sector framework related to its purpose, functions, and governance. Te Wānanga o Raukawa would still be a TEI as the settings would maintain the accountability settings to Ministers and Parliament.

Option 2b: Te Wānanga o Raukawa is reconstituted as a new statutory entity

Under this option, Te Wānanga o Raukawa would be reconstituted as a new statutory entity under the Wānanga sector framework. This would allow Te Wānanga o Raukawa to be recognised as a new type of statutory entity with unique accountability arrangements. Te Wānanga o Raukawa would be able to develop bespoke arrangements which could cover purpose, functions, and governance, as well as accountability mechanisms such as monitoring and interventions.

Criteria for evaluating options

We have identified the following criteria to assess the options for changing the administrative settings and reconstituting Te Wānanga o Raukawa:

- a) Recognises the unique public roles and functions that Te Wānanga o Raukawa undertakes and fulfils for their learners, whānau, communities and founding iwi, and in the tertiary education system;
- b) Facilitates an appropriate sharing of accountability for Wānanga, reflecting the Māori-Crown partnership;
- c) Provides mana-enhancing recognition of the public role and functions of Te Wānanga o Raukawa; and
- d) Facilitates certainty and minimises transition risks in tertiary education system.

Criteria a-c reflect the Crown's understanding of its obligations of Te Tiriti/the Treaty in this context. In assessing the options, we have been particularly mindful of the need to accord greater weight to the Crown's Te Tiriti obligations within the tertiary education sector. Criteria d reflects the importance of maintaining certainty and minimising the risk of unintended consequences within the tertiary education system, and for Te Wānanga o Raukawa. It also reflects the nature of this policy development process, which is responding to the intent of the Associate Minister of Education (Māori Education) to progress legislative change in this term of Government and is therefore progressing at pace. This raises the risk of unintended consequences that is present in any policy development process.

Analysis of options

Under either option, there would be minimum requirements for the scope of what the Crown and Te Wānanga o Raukawa could agree in the reconstitution of Te Wānanga o Raukawa, including aligning any changes to the characteristics of a Wānanga (as set in primary legislation) and reflecting its role as a provider of education. These requirements would need to ensure a model where risks and trade-offs are well understood, acknowledging both the opportunities created through greater autonomy for Te Wānanga o Raukawa and the ongoing interest of the Crown in Wānanga success while mitigating risk where possible.

Option 2a: Te Wānanga o Raukawa is reconstituted as a bespoke TEI entity

Option 2a goes some way to addressing the issues raised by Te Wānanga o Raukawa by enabling a partnership approach for Te Wānanga o Raukawa and the Crown to determine the purpose, functions, and governance arrangements of Te Wānanga o Raukawa. This meets criteria a, c, and d. It also supports the Government's objective of enabling Māori to exercise greater agency and authority in education.

However, this option would maintain the accountability settings to Ministers and Parliament and the limitations on the nature of the governance arrangements that could be agreed. We understand that for Te Wānanga o Raukawa, emphasising their relationship to the ART Confederation and providing a line of accountability and responsibility from Te Wānanga o Raukawa back to the founding iwi is of critical importance.

Option 2b: Te Wānanga o Raukawa is reconstituted as a new statutory entity

This option would reflect the commitment of the ART Confederation to establish and support Te Wānanga o Raukawa. It would provide a foundation upon which the interests of both the Crown and Te Wānanga o Raukawa can be advanced in a manner that gives expression to Te Tiriti o Waitangi/the Treaty of Waitangi (criteria b). We consider that this option is most aligned with the purpose of this work and best meets its objectives and the criteria a-d set out above.

We consider that for Te Wānanga o Raukawa, in the context of their WAI 2698 claim and our work together on the claim outside of the Tribunal process, that Option 2b would best facilitate an appropriate sharing of accountability, reflecting the Māori-Crown relationship (criteria b).

In shifting the responsibility for the success or failure of Te Wānanga o Raukawa from the Crown to the ART Confederation, the Crown will have less ability to directly influence Te Wānanga o Raukawa should it be at risk of financial or operational failure. Ongoing monitoring by the TEC and interventions will be mutually agreed to by Te Wānanga o Raukawa and the Minister, and the Minister may seek to provide additional support. The Minister will not have a formal power to step in should a significant risk eventuate, as this power will be transferred to the ART Confederation who will have the ability to intervene and dismiss the council. The Minister will need to work in partnership with Te Wānanga o Raukawa and the ART Confederation to work towards shared interests and objectives and manage any issues that arise.

Ultimately Te Wānanga o Raukawa will be answerable to the ART Confederation for the organisation's performance, and collectively they will be responsible for its success or failure. However, should Te Wānanga o Raukawa be at risk of failure, the Crown may seek to influence or provide support due to the Crown's continued interest in supporting a strong network of by-Māori for-Māori tertiary education, and in the taonga of te reo and mātauranga Māori supported by the Wānanga system of tertiary education.

Te Mana Whakahaere, the council of Te Wānanga o Raukawa, has been regularly updated throughout the policy development process and is familiar with all aspects of the proposal, including the proposal to reconstitute Te Wānanga o Raukawa as a new statutory entity. Option 2b is the preferred option of the Ministry and Te Mana Whakahaere.

Proposal to reconstitute

Part four: Te Wānanga o Raukawa under the sector framework

The proposed changes to the legislative settings for Te Wānanga o Raukawa relate to its entity type, purpose, funding, functions, governance arrangements, applicable interventions, monitoring, financial provisions, and annual reporting requirements. The proposed changes would also set a statement of strategic direction for Te Wānanga o Raukawa.

Other important provisions will continue to apply to Te Wānanga o Raukawa such as funding administered by the TEC, NZQA quality assurance requirements, links to the TES and learner wellbeing and safety.

Change to entity type

Status quo

Te Wānanga o Raukawa is currently established as a TEI (a type of Crown entity) under the E&T Act. Te Wānanga o Raukawa has indicated that the implications of the current TEI framework (i.e., that the Crown in some sense “owns” institutions) fails to appropriately reflect the Tiriti/Treaty-based nature of its relationship with the Crown.

Proposed policy intent

The policy intent is to reframe the relationship from one of Crown ownership to a shared interest in the success of Te Wānanga o Raukawa and outcomes for learners.

Proposed approach to achieve this intent

It is proposed that Te Wānanga o Raukawa be established through OIC under the proposed Wānanga sector framework as a new statutory entity.

Key questions

1. Do you support the proposal that Te Wānanga o Raukawa would become a statutory entity? Why/why not?

Establishing a new legislative purpose

Status quo

As a TEI, Te Wānanga o Raukawa does not currently have a specific legislated purpose. However, when establishing a Wānanga, the Minister must take into account certain criteria which creates an implied purpose. These criteria include that:

A Wānanga is characterised by teaching and research that maintains, advances, and disseminates knowledge and develops intellectual independence, and assists the application of knowledge regarding ahuatanga Māori (Māori tradition) according to tikanga Māori (Māori custom).

This implied purpose does not recognise the distinct history and mission of Te Wānanga o Raukawa, namely to further the goals of Whakatupuranga Rua Mano and maximise its contribution to the survival of Māori as a people.

Te Wānanga o Raukawa, like the other Wānanga and kaupapa Māori education organisations, was established through the strong leadership of iwi-Māori and has been subject to increasing Crown control over time as they have been incorporated into the Pākehā mainstream education system. As a result of this, Te Wānanga o Raukawa has been limited in its ability to express its unique whakapapa, kaupapa, and aspirations.

Proposed policy intent

The policy intent of introducing a new legislative purpose is to recognise the distinct purpose of Te Wānanga o Raukawa and enable the individual expression of its kaupapa and aspirations. This is intended to strengthen the sense of identity, culture, leadership and whānau involvement at Te Wānanga o Raukawa and, in turn, support higher learning outcomes for Māori.

Through this proposal, we also intend for the Crown to remain within the rightful limits of kāwanatanga and support Te Wānanga o Raukawa to exist distinctively by not prescribing to Te Wānanga o Raukawa what its purpose is. We intend for the Crown to respect the right of Te Wānanga o Raukawa to determine its own course to achieve its principal mission of maximising its contribution to the survival of Māori as a people according to kaupapa and tikanga tuku iho.

Further, we intend that the proposed legislated purpose puts Whakatupuranga Rua Mano upfront and emphasises the importance of the relationship between Te Wānanga o Raukawa and the ART Confederation. This is an important foundation for Te Wānanga o Raukawa to re-strengthen its relationship with the ART Confederation which has suffered as Te Wānanga o Raukawa has been forced to expend increasing amounts of time and effort responding to Crown compliance requirements.

Proposed approach to achieve this intent

It is proposed that Te Wānanga o Raukawa would have a clear legislated purpose, and that this purpose would be to maximise its contribution to the survival of Māori as a people by:

- Furthering the goals of Whakatupuranga Rua Mano.
- Facilitating and advancing the reclamation, exploration and development of the mātauranga continuum.
- Supporting staff and students to become effective theorists, practitioners and kaitiaki of mātauranga.
- Championing the reclamation and revitalisation of te reo Māori and mātauranga by whānau, hapū and iwi.
- Advancing and demonstrating the expression of its foundational kaupapa (whakapapa, te reo, tino rangatiratanga, manaakitanga, whanaungatanga, ūkaipōtanga, kotahitanga, wairuatanga, pūkengatanga, kaitiakitanga) in all aspects of its operations.

Key questions

1. What are your views on the proposed legislated purpose for Te Wānanga o Raukawa? Do you agree that it reflects the mission and role of Te Wānanga o Raukawa?

Establishing new legislated functions

Status quo

TEIs do not currently have legislated functions.

Proposed policy intent

The policy intent is to embed the kaupapa of Te Wānanga o Raukawa into its legislated functions. We know that kaupapa Māori education supports tauira and whānau Māori to achieve educational success as Māori. For instance, Te Wānanga o Raukawa utilises noho marae, purpose-built facilities and support for students learning on their home marae to ensure that its students are placed in learning environments where being Māori is the norm. This range of learning environments is purposefully employed to restore students' confidence in themselves, as learners and as Māori.

Te Wānanga o Raukawa understands that tauira decide to study with them because of the distinctive kaupapa-based learning environments and the delivery of provision through a mātauranga Māori lens. The proposed functions are intended to provide Te Wānanga o Raukawa with a strong foundation to respond to the needs and aspirations of its students and to take them into the future as global Māori.

Proposed approach to achieve this intent

The proposed legislative changes mean that Te Wānanga o Raukawa would have a clear set of legislated functions, and that these functions would capture the following intent:

- To provide education and training with a focus on higher education that contributes to the survival of Māori as a people, including:
 - Academic programmes that enable and support the acquisition of, and increased fluency in, te reo Māori.
 - Academic programmes that are taught in the medium of te reo Māori.
 - Academic programmes that foster and extend mātauranga.
 - Academic programmes that strengthen whānau, hapū and iwi.
 - Academic programmes that support and enhance kaupapa-based approaches within a range of disciplines.
- To facilitate, support and conduct whakatupu mātauranga activity that contributes to the survival of Māori as a people by reclaiming, nurturing and extending the mātauranga continuum.
- To be responsive to the higher education and whakatupu mātauranga needs of Te Āti Awa, Ngāti Raukawa and Ngāti Toa Rangatira.
- To improve higher education outcomes for Māori learners and Māori communities in collaboration with whānau, hapū and iwi
- To optimise its resources in order to enable it to fulfil its purpose.

It is also proposed that additional legislative functions could be added in the future through the OIC process, with agreement from the Minister of Education.

Key questions

1. What are your views on the proposed functions for Te Wānanga o Raukawa?
2. Are there important functions that have not been reflected here? If yes, what are they?
3. Are there functions that should not be included and if so, why?

Changes to governance arrangements

Status quo

As a TEI, governance arrangements are set out in the E&T Act which specifies that the governing council of Te Wānanga o Raukawa must:

- have a total of between 8 and 12 members;
- include 3 or 4 members (depending on the council's overall size) appointed by the Minister after consultation with the council (depending on the council's overall size); and
- be appointed on the basis of skills and attributes (among other considerations).

As a result of these requirements, Te Wānanga o Raukawa cannot exercise its tino rangatiratanga in managing itself internally, including the ability to make all its own appointments to its governing council.

Proposed policy intent

The intent of the proposed policy change is to ensure that the membership of Te Mana Whakahaere (the council of Te Wānanga o Raukawa) better reflects the accountability of Te Wānanga o Raukawa to the ART Confederation. It aims to provide greater status to the ART Confederation by strengthening the Confederation's voice on the council so that it has greater decision-making power and the ability to influence the strategic direction of Te Wānanga o Raukawa.

Proposed approach to achieve this intent

It is proposed that the governing council of Te Wānanga o Raukawa would consist of a maximum of 10 members which must include:

- Two representatives from each of the three iwi of the ART Confederation (6 in total) that are appointed by the three iwi: Te Ātiawa ki Whakarongotai, Ngāti Raukawa ki te tonga and Ngāti Toa Rangatira;
- The Tumuaki (Chief Executive) of Te Wānanga o Raukawa; and
- Three members appointed by Te Mana Whakahaere to ensure a suitable mix of skills and experience.

The ART Confederation representatives appointed to Te Mana Whakahaere will be chosen on the basis of their skills and experience. The members will then consider the overall skill needs of the council and work to fill any gaps with the three additional members.

Further work is needed on the detail of these governance arrangements, including the role of the ART Confederation in removing individual council members.

Key questions

1. Do you support the proposed governance arrangements for Te Wānanga o Raukawa? Why/why not?
2. Do you see particular risks with these arrangements?

Changes to Crown monitoring, interventions, and the establishment of new powers to appoint Iwi Matapopore

Status quo

As part of its monitoring function, the TEC collects information on financial and educational performance of all TEOs, including Te Wānanga o Raukawa.

The E&T Act sets out interventions that can be undertaken in relation to TEIs, including Te Wānanga o Raukawa. If certain criteria are met, the responsible Minister may:

- appoint a Crown observer to the council of the institution; and
- dissolve an institution's council and appoint a commissioner along with an advisory committee.

Under the current settings, the ultimate decision-maker on when and how to intervene is the Minister. The ART Confederation does not have decision-making power in the interventions process, which is inconsistent with the nature of the relationship between the ART Confederation and Te Wānanga o Raukawa.

Proposed policy intent

The policy intent is to support a shift in the relationship between the Crown and Te Wānanga o Raukawa from one based on an 'ownership' interest towards a relationship based on shared interests. It is also intended to provide a balance between kāwanatanga and tino rangatiratanga by providing a line of accountability and responsibility from Te Wānanga o Raukawa back to the founding iwi.

Proposal for monitoring requirements

It is proposed that the TEC would continue to monitor Te Wānanga o Raukawa and collect information on financial and educational performance (as per the status quo). The TEC and Te Wānanga o Raukawa would develop a monitoring framework together and agree to its contents.

As part of its monitoring responsibilities, the TEC would be able to request information from Te Wānanga o Raukawa for the purposes of assessing risk. Both the TEC and Te Wānanga o Raukawa would be expected to raise any issues early and as part of the monitoring, so that risks can be identified, analysed and mitigated.

If an issue arose (which Te Wānanga o Raukawa would be aware of), then the TEC would advise the Minister on the issue and if further steps were needed in terms of an intervention.

Proposal for amended Crown interventions

It is proposed that the current Crown interventions in relation to Te Wānanga o Raukawa would be amended to introduce a process through which Te Wānanga o Raukawa and the Minister could mutually agree to action the following interventions. The interventions would include:

- information and advice to support Te Wānanga o Raukawa to resolve any issues;
- appointing an independent observer on the Council to offer help and advice; and
- agreeing specialist support, such as specific skills to support management or governance.

Early-stage interventions would help to mitigate the risk of Te Wānanga o Raukawa financially and/or operationally failing. They provide a way for Te Wānanga and the Crown to work in partnership to support the success of Te Wānanga o Raukawa and its taura. However, because assistance is limited, it would not entirely mitigate this risk. Ultimately Te Wānanga o Raukawa and the ART Confederation will be responsible for the financial and operational success or failure of its organisation.

Proposal for the establishment of new powers to appoint Iwi Matapopore

In addition to the mutually agreed interventions proposed above, it is proposed that a provision be included that allows the ART Confederation to collectively dissolve the council and appoint a 'Matapopore' to act in place of the council if the three iwi believe on reasonable grounds for example that:

- there is a serious risk to the operation or long-term viability of Te Wānanga o Raukawa; and
- other methods of reducing the risk either have failed or appear likely to fail.

The iwi would need to consult with the Minister before deciding to dissolve the council.

Further work is needed on the detail of arrangements.

Key questions

1. What are your views on the role of TEC in monitoring Te Wānanga o Raukawa and on the proposed Crown interventions/support?
2. Do you see particular risks with these monitoring and Crown intervention proposals?
3. What are your views on the proposed ability of founding iwi to dissolve the council and appoint a Matapopore?

Changes to financial accountability and reporting requirements

Status quo

The following requirements apply to Te Wānanga o Raukawa:

- approval from the Minister of Finance is required for non-public investments;
- approval from the Secretary for Education is required for borrowing and the disposal of assets; and
- it must maintain New Zealand bank accounts.

Te Wānanga o Raukawa is currently required under the E&T Act to provide to the responsible Minister annual report/financial statements, and statements of service performance.

While these are appropriate settings for a Crown entity, within the education system these requirements mean Te Wānanga o Raukawa has to seek permission to invest, borrow money and dispose of its assets which does not reflect the level of independence that Te Wānanga o Raukawa is seeking.

Proposed policy intent

The policy intent is to reflect the dual accountability of Te Wānanga o Raukawa to both the ART Confederation and the government. In particular, we are intending to enhance the voice of the ART Confederation and of taurira in the future of Te Wānanga o Raukawa. Further, we intend to enable Te Wānanga o Raukawa to exercise its tino rangatiratanga over the strategies it employs to support its staff and students and the freedom to determine any other activity that is needed to better understand, restore and contribute to the mātauranga continuum.

Proposal for non-public investments and borrowing and disposal of assets

It is proposed that current requirements around seeking permission for non-public investment, borrowing and disposal of assets would not apply and Te Wānanga o Raukawa would make these decisions independently.

Proposal for reporting requirements

It is proposed that the following requirements would apply to Te Wānanga o Raukawa:

- Te Wānanga o Raukawa would be accountable to the ART Confederation and the responsible Minister for:
 - progress towards achieving the stated purpose of Te Wānanga o Raukawa;
 - financial performance; and
 - educational performance.
- Te Wānanga o Raukawa would provide to the ART Confederation and the responsible Minister:
 - an annual report and financial statement;
 - statements of service performance; and
 - an annual statement of the progress the Council has made towards achieving the goals and objectives set out in its statement of strategic direction (see below).
- Te Wānanga o Raukawa would publish its annual report on its website.

Proposal for a statement of strategic direction

It is proposed that the Te Wānanga o Raukawa governing Council must, at least once every three years, issue a statement setting out its strategic direction for the next five years. This statement must include:

- progress towards achieving the purpose of Te Wānanga o Raukawa; and
- how the Council intends to perform its functions; and
- how the Council intends to give effect to the relevant parts of the TES; and
- the performance measures the Council will use to assess its performance against the goals and objectives set out in the statement.

Before issuing a statement, the Council must:

- engage with students to develop the statement; and
- consult the following on the proposed statement:
 - the ART Confederation; and
 - the Minister; and
 - persons or bodies it considers on reasonable grounds to have an interest in, or be affected by, the activities of Te Wānanga o Raukawa.

The Council must publish a copy of the statement on an Internet site maintained by or on behalf of the Council.

Key questions

1. What are your views on the proposed accountability and reporting provisions for Te Wānanga o Raukawa? Do you see particular risks with these arrangements?
2. What are your views on the proposed process for setting a strategic direction for Te Wānanga o Raukawa?

How to have your say

These proposals are a significant step in our joint work programme with the Wānanga and in the Government's work to ensure Māori are enjoying and achieving education success as Māori, as they develop the skills to participate in te ao Māori, Aotearoa and the wider world.

We look forward to hearing your views about the proposals.

To participate and provide feedback on the proposals, you can:

- Visit the Kōrero Mātauranga website conversation.education.govt.nz/conversations/te-wananga-o-raukawa-reconstitution-proposal and complete the online submission form
- Send us an email to Wananga.Consultation@education.govt.nz

The consultation is open from **20 September 2022** until 4pm, **28 October 2022**.

Following this consultation, the Ministry will collate and analyse the feedback provided and use this to inform joint Ministers. Joint Ministers will then consider any views expressed and feedback received through the consultation.

Your submission may be made public

All submissions received by the government will be subject to the Official Information Act 1982.

Please set out clearly in your submission if you object to the release of any information in the submission, and in particular, which part (or parts) you consider should be withheld, together with your reasons for withholding the information. The Ministry of Education will take such objections into account when responding to requests under the Official Information Act 1982.

Glossary

ART Confederation	Te Āti Awa ki Whakarongotai, Ngāti Raukawa and Ngāti Toa Rangatira
E&T Act	Education and Training Act 2020
OIC	Order in Council
MME / KME	Māori Medium Education/Kaupapa Māori Education
NZQA	New Zealand Qualifications Authority
TEC	Tertiary Education Commission
TEI	Tertiary Education Institution
TEO	Tertiary Education Organisation
TES	Tertiary Education Strategy