

Office of Hon Erica Stanford

Minister of Education
Minister of Immigration
Lead Coordination Minister for the Government's Response
to the Royal Commission's Report into Historical Abuse in
State Care and in the Care of Faith-based Institutions



Hon Paul Goldsmith
Minister of Justice

Ref: ESC7329

Tēnā koe Paul

I am writing to seek your confirmation that section 127 (1)(d) of the Education and Training Act 2020 (Act) is included within the scope of the Government's Treaty Clause Review.

Section 127 of the Act sets out State school boards (including kura). One of the current objectives is for school boards to give effect to Te Tiriti o Waitangi (section 127 (1)(d)), and it sets out the minimum actions a board must take to achieve this objective, including 'achieving equitable outcomes for Māori students'. I have attached this subsection for your information.

Cabinet agreed to a range of amendments to section 127 to be included in the Education and Training Amendment Bill (No 2). The key changes are to make 'educational achievement' the paramount objective for State school boards and for student attendance to be a key focus for schools. As part of these approvals, Cabinet also agreed that the requirement for schools to achieve equitable outcomes for Māori students be elevated in the list of requirements to increase its visibility and strengthen schools' focus on Māori students' achievement. [CAB-24-MIN-0493.01]

On 21 August 2024, the Cabinet Social Outcomes Committee (SOU) agreed that I consult on these and other proposals. At that meeting, we discussed whether section 127 (1)(d) of the Act should be included as part of the Government's broader review of legislation that references the Treaty of Waitangi principles, and I expressed my desire to see it included. SOU agreed [SOU-24-MIN-0101]:

that section 127(1)(d) will be considered for inclusion as part of the Government's broader review of legislation that references the Treaty of Waitangi principles, as per the National Party Coalition Agreement with New Zealand First.

I am still of the view that section 127 (1)(d) of the Act should be included within the scope of the review of legislation that references Treaty principles. Although this provision does not refer to Treaty principles, it is a fundamental provision for school boards and we need to ensure boards are clear on their legal requirements, that they are achievable, and meet their communities' needs and aspirations.

Could you please confirm that section 127 (1)(d) will be included in the Treaty Clause Review as soon as is practicable. I have asked my officials to prepare an analysis of these provisions in accordance with the Ministry of Justice analytical framework.

A handwritten signature in blue ink, appearing to read 'Erica Stanford'.

Nāku noa, nā
Hon Erica Stanford
Minister of Education

Section 127 (1)(d) of the Education and Training Act 2020

127 Objectives of boards in governing schools

- (1) A board's primary objectives in governing a school are to ensure that—
- (d) the school gives effect to [Te Tiriti o Waitangi](#), including by—
- (i) working to ensure that its plans, policies, and local curriculum reflect local tikanga Māori, mātauranga Māori, and te ao Māori; and
 - (ii) taking all reasonable steps to make instruction available in tikanga Māori and te reo Māori; and
 - (iii) achieving equitable outcomes for Māori students.