

## CHAPTER 6

# CONCLUSIONS, FINDINGS, AND RECOMMENDATIONS

### 6.1 CONCLUSION

Maori currently rank highly in the negative statistics of all social indicators from education to health. While we did not receive substantial historical evidence, we believe it would not be difficult to argue that the seeds of current Maori underachievement in the modern tertiary education system were sown by some of the past education policies of the Crown. The Crown is concerned to improve the participation and achievement of under-represented groups in tertiary education, including Maori, and it acknowledges the positive contribution that wananga are making to Maori education.<sup>1</sup>

Modern wananga are attempting to fulfil various important objectives. Two of the principal reasons for the development of modern wananga by Maori were to address the current underachievement of Maori in tertiary education and to help in the development of New Zealand society generally. Another primary objective of wananga is to help revitalise te reo Maori and matauranga Maori. Claimant witnesses clearly demonstrated to us that all three wananga were committed to the positive development of Maori and contribute to the wider education of New Zealand as a whole.

Wananga are a significant Maori tertiary education initiative based on an ancient Maori process of advanced learning. The wananga system of learning has a set of standards and values, and is dependent on te reo and matauranga Maori. Three wananga Maori have successfully sought TEI status in the belief that this statutory recognition would secure them a successful future, enabling them to provide significant help in the development and advancement of Maori society. The various financial reports that we received in evidence demonstrate that currently all three wananga are financially insecure and unable to expand their operations.

The Government acknowledges that wananga are improving Maori education, yet it has denied to them the capital establishment funding granted to all other TEIS. The Crown has also declined an application for capital injection by Te Wananga o Aotearoa. It was denied, despite there being several precedents of substantial funding being allocated to other TEIS under this policy. On equitable terms alone, this was unjust. Regardless of Treaty rights, wananga, as TEIS, deserve to be treated fairly.

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1. Paper 2.4(a), para 11

Wananga now lack a stable capital base from which to deliver their educational services. The evidence clearly shows that this has served to compromise both their financial viability and their integrity as a significant Maori educational initiative.

## 6.2 SUMMARY OF FINDINGS

Our findings are as follows:

- (a) Pursuant to section 6(3) of the Treaty of Waitangi Act 1975, the Tribunal must consider whether a claim is well founded or not. We find that this claim is well founded.
- (b) Having had regard to all the circumstances of the case, we find that the Crown has breached the principles of the Treaty in failing to honour its obligation actively to protect Maori rights in matters relating to tertiary education; in particular, by failing to provide wananga with capital establishment grants in a similar manner to mainstream TEIS.
- (c) We find that the Maori process of teaching and learning known as wananga is a taonga that is inextricably linked with te reo Maori and matauranga Maori.
- (d) We find that the Crown has further failed adequately to protect and support its Treaty partner through the EFTS system of funding, which does not adequately cater for the specific needs of wananga.
- (e) We find that, after 1990, the Crown did provide capital injections to some TEIS but refused to do so for wananga, thereby prejudicing wananga.

## 6.3 INTRODUCTION TO RECOMMENDATIONS

There were a number of problems that faced the Tribunal when it came to determining the nature of the recommendations that it should make to the Government on how it might resolve the settlement of this claim. These problems arose from a number of factors, including:

- (a) the differences in the nature of the formal and informal leasehold properties and the freehold ownership of the land occupied by the three wananga and their various satellites;
- (b) the different financial and capital positions of the wananga, taking into account their land, buildings, funds, plant, equipment, and liabilities;
- (c) the different dates on which the wananga were established as education providers; and
- (d) the different rolls, both present and forecast, that each wananga caters for.

The Tribunal is concerned that the Government be provided with a formula enabling it to achieve a just and transparent settlement of the claim. In undertaking that task, the Tribunal is equally concerned to assist in the sensible resolution of the claim.

There is concern expressed by the claimants, in the written closing submissions and in oral submissions of their counsel, that the Crown should not seek to deal with

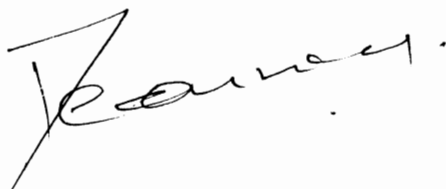
the settlement of their claim on a 'Band-Aid' or drip-feed basis. There is, in the clear view of the Tribunal, an urgent need that the settlement of this claim be achieved by injections of capital to place wananga on the footing that would have applied had they been exempted from the legislative provisions ending initial capital funding in 1990.

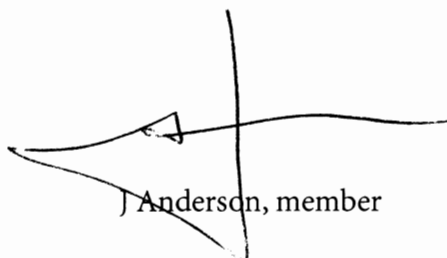
#### 6.4 RECOMMENDATIONS


We recommend that a one-off payment of a capital sum be made to each of the wananga sufficient to cover the following objectives:

- (a) to compensate the claimants, as a matter of urgency, for the expenditure of capital and labour that they have invested in the land, buildings, plant, and equipment on the various sites that they occupy, and on which they operate their teaching programmes and provide accommodation and other necessary amenities for their staff and students;
- (b) to make a payment to each of the claimants that will be sufficient to cover the real cost of bringing the buildings, plant, and equipment of the various establishments up to a standard comparable to other TEIS and commensurate with the needs of their existing and anticipated rolls over the next three years; and
- (c) to meet the proper costs and disbursements of the claimants incurred in the preparation and presentation of their claims.

Dated at Wellington this 22<sup>nd</sup> day of April 1999

  
Judge R R Kearney, presiding officer

  
J Anderson, member

  
K Walker, member



