

24 February 2021



Tēnā koe

Official Information Act Request

Thank you for your request of 21 December 2020, under the Official Information Act 1982, for the following information:

The 2020 NCEA level two history exam included in the supporting material for one activity part of a poem by Lionel Terry.

I understand that such material is produced through the work of people contracting to NZQA. From my understanding of Ombudsman decisions such work is covered by the OIA and my request accordingly extends to the whole process of the development and decision-making around the poem and its inclusion.

1) Please provide me with all documents related to the poem and decisions about it at all levels of the process of setting the exam. This includes all emails and other correspondence.

2) Please also provide me with the following information if it is not clearly included in the documents requested:

- Who (name and role) proposed, and who (name and role) decided on, the inclusion of the poem?*
- Who (name and role) proposed, and who (name and role) decided on, the deletion of three stanzas of the poem as presented?*
- For what reason were those stanzas deleted?*
- With the deletion of the stanzas will you explain please why NZQA considers the poem to be a 'primary source' as stated in your response to the Stuff article on this issue? For clarity I can put this another way: why is a poem sourced from a book and edited to less than half its original length considered a 'primary source'?*
- Why was Mr Joe Kum Yung a New Zealand resident of 25 years, referred to by NZQA as an 'immigrant' while his killer, a resident of only 5 years, was not? Was any thought given to the extent to which this labelling accepts the 'British' and 'Alien' categories which formed part of the killer's thinking?*

3) Please provide me with the following information if it is not clearly included in the documents requested:

- What consideration, if any, was given to the fact that the poem's writer was a murderer who killed for racist reasons.*
- What consideration, if any, was given to the fact that other than in its scale the terrorist actions of Lionel Terry*

- *What consideration was given, if any, to the possible impact on students generally, and students of Chinese ethnicity specifically, of having to deal with a poem by a person who committed an act of terror against the Chinese community?*
- *What consideration was given, if any, to the possible impact on students generally, and students of Jewish ethnicity or religion specifically, of having to deal with a poem by one of New Zealand's most famous and extreme anti-Semites?*

Please provide all details of any such consideration including, as well as written material, the memories held by those involved.

If no such consideration was given please say so clearly. In this case I request any information about later further discussion as to whether such consideration should have been given.

4) Please provide me with all documents including emails held by NZQA or its agents about any complaints or media inquiries relating to the inclusion of the poem and proposed or actual responses. This includes media logs, communication plans, discussion with contractors and communications with any Minister's office. As part of this please provide the full communication to Stuff in relation to its story and any communication by or to NZQA or within NZQA following the conversation with Stuff. The story I refer to is this.

5) Please tell me of any procedures formally in place or typically followed by NZQA on consultation with ethnic or religious or other communities likely to be concerned about the content of exams.

6) If not provided in response to my other requests please include any formal briefings on this matter to any Minister.

For clarity, my request for documents includes text messages and drafts of the type the Ombudsman's guidance says should be released.

NZQA is committed to an equitable, inclusive and bias-free system of assessment.

While we have systems in place to prepare examinations to meet these criteria, where concerns are raised, we listen and seek to understand them.

NZQA takes seriously the concerns raised by representatives of the New Zealand Chinese community and the students who complained about the inclusion of the Lionel Terry poem in the examination resources and we have since had an opportunity to meet with them.

The study of history requires the ability to rigorously examine and evaluate critical sources and information. In preparing materials used to test these skills, we need to consider the way in which content could resonate with students.

The concerns raised have led us to consider further measures we can take to appropriately contextualise materials. This includes ensuring that there are diverse perspectives applied in the sensitivity and appropriateness review process that is applied to all examination materials.

This is particularly relevant and important where the achievement standard being assessed is decontextualised – that is where students learn the skills and concepts of the discipline (subject) through the year, and apply them in the examination using a context (topic) set by the examiners. The student then answers the questions using the resources provided.

Background Note

The Level 2 NCEA History examination for the Standard 91231 "Examine sources of an historical event that is of significance to New Zealanders" is one of three standards that may be attempted by students in the Level 2 History examination. This standard requires students to apply the skills they have learned during the year to interpret and analyse evidence based on a context set by the

examiner. The other two standards require students to demonstrate in depth knowledge of historical events they have studied during the year.

The resource booklet contained 12 pages and included historical evidence to enable students to address the three examination questions for this standard. For the question on perspectives of the treatment of patients at Seacliff and/or the way patients responded to treatment, students were required to select two of the five perspectives provided.

When selecting an event of significance to New Zealanders and evidence relating to it, the examiners in the context of the standard must consider the importance of the event to people alive at the time and the extent to which the event continues to affect society.

The 2020 NCEA Level 2 History examination was held on the afternoon of 25 November 2020. NZQA later received three formal complaints regarding the inclusion of the poem by Lionel Terry in the examination resource booklet: one from two students, one from a sister of a student and one from the New Zealand Chinese Association.

See below for the information covered by your request, broken down by question.

The 2020 NCEA level two history exam included in the supporting material for one activity part of a poem by Lionel Terry.

I understand that such material is produced through the work of people contracting to NZQA. From my understanding of Ombudsman decisions such work is covered by the OIA and my request accordingly extends to the whole process of the development and decision-making around the poem and its inclusion.

1) Please provide me with all documents related to the poem and decisions about it at all levels of the process of setting the exam. This includes all emails and other correspondence.

Document name	Context
C01 - 2.3 Draft Questions 2020	First draft of examination questions. This draft was produced on 15 January 2020.
C02 - 2.3 Draft Questions 2020 NAF comments	First draft of examination questions with comments attached. Comments were made on 12 February 2020.
C03 - 2.3 Questions 2020	Second draft of examination questions. This draft was produced on 5 March 2020.
C04 - 2.3 Questions 2020 V2	Third draft of examination questions. This draft was produced on 13 March 2020.
C05 - Draft Resource Booklet 2020	Draft resource booklet. Note that Source D material was not used in the final resource booklet for the examination. This draft resource booklet was produced on 11 February 2020.
C06 - Final draft Resource Booklet 2020	Final draft resource booklet. Note that Source D material was not used in the final resource booklet for the examination. This draft resource booklet was produced on 13 March 2020.
C07 - Standard 91231 check	Sensitivity check results for Standard 91231 <i>Examine sources of an historical event that is of significance to New Zealanders.</i>
Assessment Schedule for Standard 91231 <i>Examine sources of an historical event that is of significance to New Zealanders</i> – will be available at: https://www.nzqa.govt.nz/ncea/assessment/view-detailed.do?standardNumber=91231	This has been withheld under section 18(d) of the Official Information Act 1982 (OIA). The Assessment Schedule will be made available on NZQA's website by the first full week of April, once the process for students to have their results reviewed or reconsidered concludes.

2) Please also provide me with the following information if it is not clearly included in the documents requested:

- **Who (name and role) proposed, and who (name and role) decided on, the inclusion of the poem?**
- **Who (name and role) proposed, and who (name and role) decided on, the deletion of three stanzas of the poem as presented?**

Examinations are developed each year by a panel of externally contracted subject specialists currently teaching the subject in secondary schools. The panel includes the following roles:

- Examiners
- Materials Developer
- Materials Critiquers
- Independent Checker
- Subject Matter Checker
- Sensitivity Checker

The Examiner and Materials Developer jointly discuss a topic and decide upon resource material to be included in the examination. The resource material is specifically chosen to support the questions asked.

NZQA does not release the names of externally contracted subject specialists who undertake the development of examinations, to protect the security and integrity of the examination development and marking process. Accordingly, the names of the examination development team have been withheld under OIA sections 9(2)(a) and 9(2)(ba)(ii).

2) continued:

- **For what reason were those stanzas deleted?**

The other stanzas of the Lionel Terry's poem were not included in the examination resource booklet as they were not relevant to the question which asked students to comment on perspectives of the treatment provided at Seacliff.

Please note that all materials provided in the resource booklet are extracts from larger sources. Only extracts relevant to the questions are included so that students do not have to spend time reading extraneous materials and the assessment is manageable and can be completed in the time allowed.

2) continued:

- **With the deletion of the stanzas will you explain please why NZQA considers the poem to be a 'primary source' as stated in your response to the Stuff article on this issue? For clarity I can put this another way: why is a poem sourced from a book and edited to less than half its original length considered a 'primary source'?**

The examiners considered the excerpt of the Lionel Terry poem to be a primary source as it is his first-hand account and he is the author of the poem, despite it being included in a publication by another author.

Please note that all materials provided in the resource booklet are extracts from larger sources.

2) continued:

- **Why was Mr Joe Kum Yung a New Zealand resident of 25 years, referred to by NZQA as an 'immigrant' while his killer, a resident of only 5 years, was not? Was any thought given to the extent to which this labelling accepts the 'British' and 'Alien' categories which formed part of the killer's thinking?**

NZQA understands the concern raised about this aspect of the contextualisation of the resource. While the examination development team did not intend in any way to reinforce such a depiction, and provided context which identified Terry's racist views and that he had murdered Mr Joe Kum Yung, we agree that this is a valid point and it will inform our detailed quality assurance of future examination materials.

3) Please provide me with the following information if it is not clearly included in the documents requested:

- **What consideration, if any, was given to the fact that the poem's writer was a murderer who killed for racist reasons.**
- **What consideration, if any, was given to the fact that other than in its scale the terrorist actions of Lionel Terry**
- **What consideration was given, if any, to the possible impact on students generally, and students of Chinese ethnicity specifically, of having to deal with a poem by a person who committed an act of terror against the Chinese community?**
- **What consideration was given, if any, to the possible impact on students generally, and students of Jewish ethnicity or religion specifically, of having to deal with a poem by one of New Zealand's most famous and extreme anti-Semites?**

Please provide all details of any such consideration including, as well as written material, the memories held by those involved.

If no such consideration was given please say so clearly. In this case I request any information about later further discussion as to whether such consideration should have been given.

The Examiners selected a range of resources for the examination based on their assessment of how well these would enable students to demonstrate the knowledge and skills required for this standard. The resources are intended to enable students to show that they understand the usefulness or otherwise of different types of evidence, and critically appraise the reliability of that evidence. Among the five perspectives included were two (including Terry) of the more well-known people incarcerated at Seacliff. Students are expected to examine perspectives critically and assess the reliability of these sources.

The Examination Development team did not identify concerns in the use of the resources for the assessment within the context of the question and the standard being assessed. NZQA undertakes a sensitivity check for all examination materials, however, the checker did not raise a concern.

While all examination materials are reviewed by a sensitivity checker, to ensure that materials are appropriate and inclusive, NZQA is strengthening this process to ensure a diverse range of perspectives are applied when these checks are undertaken in future for all examination resources.

4) Please provide me with all documents including emails held by NZQA or its agents about any complaints or media inquiries relating to the inclusion of the poem and proposed or actual responses. This includes media logs, communication plans, discussion with contractors and communications with any Minister's office. As part of this please provide the full communication to Stuff in relation to its story and any communication by or to NZQA or within NZQA following the conversation with Stuff. The story I refer to is this.

Please see the included files and timeline which details the requested documents.

Note that under the Official Information Act 1982, several redactions have been made to this information under the following sections:

- 9(2)(a) to protect the privacy of natural persons;
- 9(2)(b)(i) to protect information where the making available of the information would disclose a trade secret;

- 9(2)(ba)(ii) to protect information which is subject to an obligation of confidence, where the making available of the information would be likely otherwise to damage the public interest; and
- 9(2)(g)(i) to maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to Ministers of the Crown or members of an organisation or officers and employees of any public service agency or organisation in the course of their duty.

Note that all information that has been redacted for being out of scope does not relate to the NCEA Level 2 History Examination.

5) Please tell me of any procedures formally in place or typically followed by NZQA on consultation with ethnic or religious or other communities likely to be concerned about the content of exams.

Because of the need to maintain the security of examination materials, NZQA is not able to consult on source material as it may suggest or disclose the content, and compromise the integrity of the examinations.

However, all examination papers are published following examinations to ensure visibility of papers to students and to interested members of the public.

6) If not provided in response to my other requests please include any formal briefings on this matter to any Minister.

For clarity, my request for documents includes text messages and drafts of the type the Ombudsman's guidance says should be released.

Correspondence to the Minister's Office has been included in Question 4 in the following documents:

Document name	Attachment
E07 - 20201211 - FYI - media enquiry	D01
E44 - 20201216 - RE_ Follow up enquiry on Level 2 History exam	D10

As part of the commitment to open and transparent government, it is standard practice for NZQA to proactively release responses to Official Information Act requests which are of public interest. Your name and contact details will be removed before publication.

If you require further assistance or believe we have misinterpreted your request, please email ministerials@nzqa.govt.nz.

If you are dissatisfied with our response, you have the right, under section 28(3) of the Official Information Act 1982, to lodge a complaint with the Office of the Ombudsman at www.ombudsman.parliament.nz. You can also telephone 0800 802 502 or write to the Ombudsman at PO Box 10152, Wellington, 6143.

Nāku nā



Dr Grant Klinkum
Pouwhakahaere/Chief Executive