



Minute of Decision

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Adjustments to the Maori Language (Te Reo Maori) Bill

Portfolio Māori Development

On 19 October 2015, Cabinet:

Background

- 1 **noted** that in May 2014, Cabinet agreed to policy changes to implement the new Māori Language Strategy [CAB Min (14) 17/13];
- 2 **noted** that in June 2014, Cabinet approved the introduction of the Māori Language (Te Reo Māori) Bill (the Bill) [CAB Min (14) 22/7];
- 3 **noted** that the decisions in paragraphs 1 and 2 primarily concerned the establishment of a new independent statutory entity, Te Mātāwai, and the change in status of Te Māngai Pāho and Te Taura Whiri i te Reo Māori from autonomous Crown entities to independent statutory entities overseen by Te Mātāwai;
- 4 **noted** that the Bill:
 - 4.1 holds a category two priority on the 2015 Legislation Programme (must be passed in 2015);
 - 4.2 is currently being considered by the Māori Affairs Committee, which is scheduled scheduled to report back to the House of Representatives by 24 December 2015;
- 5 **noted** that the Minister for Māori Development (the Minister) established a Māori Language Advisory Group to provide independent expert advice on the Bill;

Enactment in te reo Māori

- 6 **agreed** that the Bill be enacted through a dual-language Bill, encompassing the English version and a Māori-language translation;
- 7 **agreed** that in the event of any conflict in meaning between the Māori and the English sections within the Māori Language (Te Reo Māori) Act (the Act), the Māori text shall prevail;
- 8 **noted** that the Minister considers that the Act is uniquely suited to being enacted in te reo Māori, and would therefore not consider the enactment of this Act in te reo Māori as setting a precedent for enactment in te reo Māori for any future legislation including legislation of general application and legislation of particular application to Māori;

Te Whare o te Reo Mauri Ora: The Māori language whare

- 9 **noted** that in developing some of these proposals the Minister was informed by the methodology in the Māori Language Advisory Group's final report, viewing the desired future state as a 'whare' (house), representing the te reo partnership model with two sides:
- 9.1 the left side represents iwi, hapū, whānau and communities. This side of the whare, with Te Mātāwai as its representative, is responsible for language planning and policy at the iwi and community (or micro) level;
- 9.2 the right side represents the Crown. This side of the whare is responsible for language planning and policy at the government and national (or macro) level reflecting the unique status of te reo Māori as the indigenous language, an official language of New Zealand, and a taonga for all New Zealanders;
- 10 **noted** that the approach discussed in paragraph 9 proposes a partnership, with both the Crown and Māori having distinct, but equally necessary roles. This approach will:
- 10.1 establish an enduring vision and strategies for the Māori language that will encourage greater collaboration;
- 10.2 allow Māori to better determine and drive outcomes for the Māori language;
- 10.3 clarify the roles of both Māori and the Crown, while continuing to ensure that the Bill transfers power and responsibility from the Crown to Māori;
- 10.4 limit institutional change to where it will add greater value to Māori language outcomes;

Principles and strategies

- 11 **agreed** that the Māori Language (Te Reo Māori) Bill provide for the development of two distinct, but related, Māori Language Strategies:
- 11.1 the Maihi Karauna (Crown) Strategy to be developed by Te Puni Kōkiri and approved by the Minister, and focus on language planning and policy at the government and national (or macro) level;
- 11.2 the Maihi Māori (Māori) Strategy to be developed by Te Mātāwai and approved in a manner to be determined by Te Mātāwai, and focus on language planning and policy at the iwi and community (or micro) level;
- 12 **noted** that the current Māori Language Strategy will stay in effect until Maihi Karauna is approved, which will not occur until after the establishment of Te Mātāwai;
- 13 **noted** that the Minister intends that both strategies be developed within one year of the establishment of Te Mātāwai, with the initial strategies to be in place for up to five years;
- 14 **agreed** that a set of principles to guide the interpretation of the Bill be added, which include values such as the Māori language being guaranteed as a taonga, being an official language and having inherent mana, and reflect a set of values relating to the Māori language [a draft set of values is attached as Appendix two to the submission under CAB-15-SUB-0168];

Te Mātāwai purpose and functions

15 **noted** that, in May 2014, Cabinet agreed that the purpose of Te Mātāwai would be:

Te Mātāwai will be an agent of iwi and Māori. It will provide leadership for the kaitiakitanga of iwi and Māori with regard to the health and wellbeing of the Māori language. It will give practical effect to this leadership through its direction and oversight of Te Taura Whiri i te Reo Māori and Te Māngai Pāho. It will provide direction and oversight for MTS in conjunction with the Minister of Māori Affairs and the Minister of Finance. It will maintain a close working relationship with the Minister of Māori Affairs to give effect to the Crown-iwi relationship envisaged within the Treaty of Waitangi;

[CAB Min (14) 17/13]

16 **agreed** that the purpose of Te Mātāwai will be instead to act on behalf of iwi and Māori to:

16.1 provide leadership and support to promote the health and well-being of the Māori language at the iwi, hapū, whānau and community level;

16.2 support, inform and influence the Crown's efforts to revitalise the Māori language;

16.3 give effect, through its association with Crown Ministers and in particular the Minister for Māori Development, to the relationship of the Crown with iwi and Māori in regard to the Māori language;

17 **noted** that in May 2014, Cabinet agreed to a set of functions for Te Mātāwai that was focused on Te Mātāwai's oversight role of Te Taura Whiri i te Reo Māori and Te Māngai Pāho [CAB Min (14) 17/13];

18 **agreed** to amend the functions of Te Mātāwai to the following:

18.1 lead the development of Maihi Māori;

18.2 provide services and administer programmes that contribute to the implementation of Maihi Māori;

18.3 advise Te Puni Kōkiri and the Minister for Māori Development on the development of the Maihi Karauna;

18.4 advise all Ministers with portfolios relevant to the purpose of the Act to identify issues, find joint solutions and progress opportunities for cross-sector collaboration relating to the Māori language;

18.5 provide advice and guidance to government agencies on their contribution to both Māori Language Strategies;

18.6 provide nominations to the Minister for appointments to the boards of Te Taura Whiri i te Reo Māori and Te Māngai Pāho;

18.7 the appointment, re-appointment and removal of four of seven members of the board of the Māori Television Service;

18.8 management of the spectrum management rights in line with the provisions of the Māori Television Service Act 2003;

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- 18.9 any and all other functions currently undertaken by Te Pūtahi Paoho, as set out in the Māori Television Service Act 2003;
- 19 **agreed** that the following community language programmes administered by Te Taura Whiri be transferred to Te Mātāwai when the Minister is confident that Te Mātāwai is able to undertake a fund administration role:
- 19.1 Mā te Reo (\$2.500 million per annum);
- 19.2 Community-Based Language Initiatives (\$2.317 million per annum);
- 19.3 He Kāinga Kōrerorero (\$1.500 million per annum);
- 20 **agreed** to delegate the timing of the transfer to the Minister in consultation with the Minister of Finance provided it is within 18 months following the enactment of the Bill;
- 21 agree that \$1 million of the \$2 million appropriated for Māori language research be transferred from Te Taura Whiri to Te Mātāwai beginning 2016/17;

Te Mātāwai membership

- 22 **agreed** that the board of Te Mātāwai have 13 members as follows:
- 22.1 seven members appointed by regional iwi clusters;
- 22.2 four members appointed by a Māori language stakeholder group, Te Reo Tūkūtu;
- 22.3 two members appointed by the Minister;
- 23 **agreed** that Te Reo Tūkūtu members be grouped into four clusters, each of which would select one member;
- 24 **agreed** that the clusters and their membership initially be:
- 24.1 *education*: Te Kōhanga Reo National Trust; Te Rūnanga Nui o Ngā Kura Kaupapa Māori o Aotearoa; Te Ringa Raupā o Ngā Kura-ā-Iwi; and Te Tauihu o Ngā Wānanga;
- 24.2 *media*: Te Whakaruruhau o ngā Reo Irirangi Māori o Aotearoa; Ngā Aho Whakaari;
- 24.3 *community*: Ngā Kaiwhakapūmau i te Reo Māori; Te Rūnanga o Te Ataarangi Trust; Māori Women's Welfare League Incorporated; New Zealand Māori Council;
- 24.4 *urban*: National Urban Māori Authority;
- 25 **noted** that in May 2014, Cabinet agreed that each regional cluster and the Māori language stakeholders group be responsible for determining their own processes for appointing members to Te Mātāwai, and for meeting their own costs [CAB Min (14) 17/13];
- 26 **agreed** that Te Puni Kōkiri be initially responsible for facilitating the initial selection round only, and after that round the selection process will be the responsibility of Te Mātāwai and individual selection groups;
- 27 **agreed** that some basic selection requirements be added to the Bill, such as quorums for establishing a selection group and thresholds for making appointments to provide some certainty and consistency for the process;

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- 28 **agreed** that any regional iwi cluster or Te Reo Tukatuku cluster may remove the member appointed by that cluster and appoint an alternative member under the same process necessary for appointments;
- 29 **agreed** that appointments to Te Mātāwai are rotated by making initial appointments by the Minister and Te Reo Tukatuku two years;
- 30 **agreed** that additional guidance is provided for the selection groups to nominate and select members to Te Mātāwai;
- 31 **agreed** that Te Mātāwai be required to produce a Statement of Intent, the contents of which will be modelled on the Crown Entities Act 2004;
- 32 **agreed** that Te Mātāwai be required to produce an annual purchase agreement, approved by the Minister for Māori Development, specifying the outputs that the Crown will purchase from Te Mātāwai, and include performance expectations;
- 33 **agreed** that that the Minister for Māori Development have the power to conduct a review of Te Mātāwai, and seek information from Te Mātāwai;

Status and functions of Te Taura Whiri i te Reo Māori and Te Māngai Pāho

- 34 **noted** that in May 2014, Cabinet agreed that Te Taura Whiri i te Reo Māori and Te Māngai Pāho would cease to be Crown entities and would be re-established as statutory entities overseen by Te Mātāwai [CAB Min (14) 17/13];
- 35 **agreed** that Te Taura Whiri i te Reo Māori remain an autonomous Crown entity subject to all standard provisions of the Crown Entities Act 2004 except with regard to appointments to its board;
- 36 **agreed** that Te Māngai Pāho remain an autonomous Crown entity subject to all standard provisions of the Crown Entities Act 2004 except with regard to appointments to its board;
- 37 **agreed** that the Minister will make all five board appointments to both Te Taura Whiri i te Reo Māori and Te Māngai Pāho, but for each board that three of five come from nominations made by Te Mātāwai;
- 38 **agreed** that:
- 38.1 if the Minister considers that any of the nominations fail to meet criteria for board membership, or for some other reason a nomination is unsuitable, the Minister may request new nominations;
- 38.2 if Te Mātāwai fails to provide alternative acceptable nominations in a reasonable time, the Minister can fill those roles with other candidates;
- 39 **agreed** that existing board members of Te Taura Whiri i te Reo Māori and Te Māngai Pāho remain in office for the duration of their current terms;
- 40 **agreed** that the functions of Te Taura Whiri i te Reo Māori are:
- 40.1 to take such steps as are reasonably necessary to give effect to the status of Māori as an official language of New Zealand;

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- 40.2 to promote the Māori language as a living language and ordinary means of communication;
- 40.3 lead the coordination of the implementation of the Maihi Karauna Strategy;
- 40.4 to make provision for, and to grant certificates and to prepare and maintain a public register of those that hold such certificates;
- 40.5 consider and report to the Minister on matters relating to the Māori language;
- 41 **noted** that the primary functions of Te Māngai Pāho remain, that is to promote the Māori language and culture by making funds available, on the terms and conditions it thinks fit for broadcasting and for the production of programmes to be broadcast;
- 42 **agreed** to expand the secondary functions of Te Māngai Pāho to include the ability to fund “other activities to promote Māori language and culture”;

Governance and Engagement Forums

- 43 **agreed** to establish a governance partnership group called Te Rūnanga Reo to demonstrate an active partnership between the Crown and Māori in regard to the Māori language;
- 44 **agreed** that to provide appropriate flexibility, the establishment, purpose, membership and roles of Te Rūnanga Reo and Te Papa Kōrero not be specified in legislation but instead by Cabinet decision;
- 45 **agreed** that the initial membership of Te Rūnanga Reo be:
 - 45.1 Chair of Te Mātāwai;
 - 45.2 five other members of Te Mātāwai;
 - 45.3 Minister for Māori Development;
 - 45.4 Minister for Arts, Culture and Heritage;
 - 45.5 Minister of Education;
 - 45.6 Minister of Finance;
 - 45.7 Minister for Tertiary Education, Skills and Employment;
- 46 **agreed** that the Minister be the Chair of Te Rūnanga Reo;
- 47 **agreed** that changes to the membership of Te Rūnanga Reo be made on agreement of the Chair of Te Mātāwai, the Minister for Māori Development and any affected member;
- 48 **agreed** if a change in Ministerial portfolio composition affects the membership of Te Mātāwai, the Chair of Te Mātāwai and the Minister for Māori Development will determine what is the most appropriate change to membership, in consultation with relevant Ministers;
- 49 **agreed** that Te Rūnanga Reo will meet at least annually to:
 - 49.1 appraise and confirm a shared vision for the Māori language;

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- 49.2 identify issues with the Maihi Karauna Strategy and prioritise outcomes within the Strategy;
- 49.3 identify issues of shared importance, opportunities and risks related to both Māori Language Strategies;
- 50 **agreed** to establish Te Papa Kōrero, a Chief Executive engagement forum to support the implementation of the Maihi Karauna Strategy;
- 51 **agreed** that the membership of Te Papa Kōrero include the Chief Executive of Te Mātāwai and the Chief Executives of government agencies identified in the Maihi Karauna Strategy;
- 52 **agreed** that Te Papa Kōrero will meet no less frequently than once per year, and more frequently if required or directed by Te Rūnanga Reo, to:
- 52.1 identify opportunities to advance collaborative initiatives across agencies and portfolios and provide Te Rūnanga Reo with recommendations on large-scale actions that require support of Ministers or Māori leaders;
- 52.2 consider joint-agency work plans to advance the objectives of the Māori Language Strategies and report to Te Rūnanga Reo on the cross-government contribution to the Māori Language Strategies;
- 52.3 attend to other matters as seems appropriate to Te Papa Kōrero or as recommended by Te Rūnanga Reo;

Other Matters

- 53 **agreed** that the Bill provide for amendments to be made to the schedule of courts or tribunals in which Māori can be used by Order-in-Council on the joint recommendation of the Minister and the Minister responsible for the court or tribunal in question;
- 54 **agreed** that Te Mātāwai be given a specific tax exemption that is linked to the accountability requirements provided for in the Bill;
- 55 **agreed** to re-instate the wording of section 8(1) of the Māori Television Service Act 2003 from 'te reo Māori me ōna tikanga' back to the original 'te reo Māori me ngā tikanga Māori';

Financial Implications

- 56 **noted** that in May 2014, Cabinet noted that Te Mātāwai's ongoing operational funding will be fiscally neutral through reprioritisation from within Vote Māori Development of an estimated \$2.000 million per annum [CAB Min (14) 17/13];
- 57 **noted** that following confirmation of the above proposals for Te Mātāwai, the Minister will direct Te Puni Kōkiri to undertake work on implementation including a detailed budget to determine the precise funding required for establishment of Te Mātāwai and its ongoing operational expenses;
- 58 **noted** that following the approval of the above proposals any changes to the appropriations required to give effect to the above policy decisions are intended to be fiscally neutral and will be considered and authorised by the Minister of Finance and Minister in accordance with Cabinet Office Circular CO (15) 4, which may include the establishment of a Multi Category Appropriation;

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Legislative Implications

- 59 **noted** that the Minister will seek to give effect to any changes to the Bill through the Select Committee process;
- 60 **authorised** the Minister to make decisions, consistent with the policy intent set out above, on any issues that arise during the drafting process;
- 61 **noted** that drafting is subject to the discretion of the Parliamentary Counsel Office.

Michael Webster
Secretary of the Cabinet

Reference: CAB-15-SUB-0168

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