

SUBMISSION ON THE PROPOSED NEW MĀORI LANGUAGE STRATEGY

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This submission is provided in the form of comments that respond to the proposed new Māori Language Strategy released in December 2013 and discussed at various hui between 10 and 21 February, 2014.

What is in the new Strategy?

1. The strategy outlines these priorities:

- Increasing the number of whānau Māori and other New Zealanders who can speak Māori
- Increasing the importance of the Māori language among whānau Māori, other New Zealanders and globally
- Increasing the quality of Māori language spoken and supporting a focus on Iwi dialect
- Increasing the use of Māori language among whānau Māori and other New Zealanders in a range of places with a focus on the language being passed down from parents and grandparents to their children and grandchildren.

Comment: These are very good priority areas however there is no focus on critical awareness among iwi, whānau and communities, i.e. making sure that people understand why the Māori language is important and what they can do to help themselves and their wider community to reverse the decline of the language. This needs to be an integral part of the strategy. As well there is real risk of kōunga/quality being misunderstood, i.e. increased quality is vague. An emphasis on 'increased appropriateness of language use' instead may be more appropriate. There is also an issue in the greater emphasis on increased language use placed on people rather than environments that will encourage people to use their language. Establishing immersion environments should be encouraged and supported. The emphasis on people makes the focus too broad and potentially inefficient.

2. The strategy introduces three key principles:

- Strengthening the focus on whānau Māori, hapū and iwi
- Strengthening Māori leadership
- Supporting effective, efficient and co-ordinated government that increases access to Māori language programmes and services for whānau Māori

Comment: These are very good principles.

3. The strategy proposes to create a new Māori Language Entity, Te Mātāwai:

Te Mātāwai is described as a representative iwi entity and will be made up of nine members who will be drawn from seven 'regional clusters' of iwi who will nominate 1 member each and two members nominated by a Māori language stakeholders group.

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- The Māori Language Stakeholders group will include; TKR National Trust, Te Rūnanga nui o ngā KKM, Te Tau Ihu o ngā Wānanga, Te Ataarangi, Te Whakaruruhau o ngā reo Irirangi, Ngā Aho Whakaari, Ngā Kaiwhakapūmau I te Reo Māori and Te Huarahi Tika Trust.

Comment: *There is a real need to develop/establish an Iwi-based Coalition of Reo Revitalisation Strategy active participants, e.g. Ngāti Raukawa, Ngāti Kahungunu and Ngāi Tahu. It is debatable whether all the groups listed as part of the Māori Language Stakeholders group will have language revitalisation as their guiding priority. They may say they do but practice says otherwise*

Ownership of Te Taura Whiri i te Reo Māori and Te Māngai Pāho is proposed to transfer to Te Mātāwai.

- Ownership means that Te Mātāwai will set the overarching direction for TTWh and TMP, will appoint the Boards of TTWh and TMP, will confirm the functions and activities of TTWh and TMP and will manage and maintain the assets and equity of TTWh and TMP
- The Crown (ie Minister of Māori Affairs and other Ministers) maintain a relationship with TTWh and TMP through an annual purchase agreement that specifies funding and outputs for Māori Language programmes and services to be provided by TTWh and TMP.

Comment: *Each Government Department has a Minister who looks after the Governments ownership interest. This includes the authority to purchase services based on the policies developed.*

What is proposed in the new Māori Language Strategy is that a limited form of ownership for TTWh and TMP is transferred to Te Mātāwai but that the authority to purchase is retained by the responsible Minister, i.e. the Government still holds the 'purse strings'. Further to this the features of ownership which include the monitoring and management of the performance of Agencies and their respective programmes are proposed to be transferred to Te Puni Kōkiri which leads to questions about the value of a limited form of ownership.

What is actually proposed is an arrangement that dismantles the ownership and functions of two unique Māori Autonomous Crown Entities, TTWh and TMP. As Crown Entities they are afforded some protection from political interference by Ministers (and their Ministries) and ensure that 'ownership' of the Māori language is not wholly vested in and controlled by the Crown. What must be remembered and emphasised here is that regardless of Crown support the Māori language belongs to iwi and Māori.

Te Taura Whiri i te Reo Māori in particular has a very powerful piece of legislation which allows it to do everything it can to support the revitalisation of te reo Māori. That includes the development of policy, programmes, advice, resources, support for Iwi, hapū and whānau, the undertaking of research, the ongoing work involved in language planning and implementation, keeping wider NZ engaged in the idea of te reo Māori as a public good, writing dictionaries, certifying translators and interpreters and generating engagement and debate around the language itself.

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As a Crown Entity TTWh can receive and disburse public funds, can set its direction and priorities in consultation with the Minister, can consult freely about what these should be, and is responsible through its Board to report on its performance directly to the Minister of Māori Affairs. In terms of its current Governance arrangements there is nothing preventing the Minister from seeking nominations from Iwi right now and appointing all Iwi representatives to the current Board of TTWh and TMP for that matter. Such a move would enable the Agency to be jointly run by the responsible Minister and the Board of Iwi representatives and importantly retain the current powers and functions of existing legislation.

If Te Mātāwai was established as intended it is vitally important that members understand what language revitalisation is about. Getting a mix of Board members with mixed priorities can have a major effect on the long-term revitalisation goals. It is not clear whether the strategy fully appreciates the difference between reo revitalisation and reo management.

4. Te Pūtahi Paoho (the Māori Television Electoral College) will be replaced by Te Mātāwai.

- This means that Te Mātāwai will appoint four of the seven Board members of the Māori Television Service and will jointly approve the Statement of Intent and receive the Annual Report with the Ministers of Māori Affairs and Finance. The Ministers of Finance and Māori Affairs will oversee the provision of funding to MTS, which will be managed through an output plan
- Te Mātāwai will be responsible for the provision of spectrum licences on behalf of Iwi, hapū and whānau Māori.

Comment: *The theme of a limited form of ownership is again apparent in the arrangements proposed for the Governance of the MTS with the purchasing authority retained by the responsible Ministers (and their Ministries). As well it is important to note that the priorities for a broadcast service are different to revitalisation and may serve as a distraction.*

5. Roles of Government Lead Agencies

There are six Government Agencies identified in the Strategy as having key roles in the delivery of the Māori Language Strategy.

- **Te Taura Whiri i te Reo Māori**
 - Māori Language Whānau Development
 - Māori Language Community Development
 - Māori Language Information Programme
 - Developing the Māori Language
- **Ministry of Education**
 - Māori Language Education
- **Te Māngai Pāho**
 - Māori Language Broadcasting
- **Māori Television Service**
 - Māori Language Broadcasting
- **Ministry for Culture and Heritage**
 - Māori Language Arts

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- **Te Puni Kōkiri**

- Māori Language Public Services
- Monitoring the Health of the Māori Language
- Policy Advice and Evaluation
- Guidance, monitoring, evaluation and assistance for Māori Language Agencies in line with the accountability framework established by the Minister
- Reviews ‘value for money’ within and across all Māori Language programmes and services
- Report annually to relevant Ministers (to determine future funding and purchase arrangements)

Comment: *The only real changes proposed in the collation of key roles is the transfer of current statutory functions allocated in the Māori Language Act, of **Policy Advice and Evaluation**, from TTWh to TPK. Policy Advice and Evaluation drives priorities and allocation of resources. The transfer of these functions will place the power to determine, define and decide on the quality, validity and necessity of Māori language programmes and services, and of course to assign funding and resources from TTWh to TPK. In short TTWh will become little more than a business unit of TPK once Te Mātāwai has determined its general direction.*

What is not mentioned here but should be noted is that the proposal is silent on the ongoing status of both TTWh and TMP as Crown Entities. One must assume that with the transfer of ownership to Te Mātāwai that both will effectively cease to be Crown Entities. The loss of the only two Māori Crown Entities in the Government, both hard won via a long and arduous process of protest, Tribunal Claims and negotiation will mark the end of Māori Crown Entities as a feature of NZ Government. The beauty of a Crown Entity is its ability to reside in Government, resist political interference, act in the interests of its kaupapa and work closely with communities. Importantly Crown Entities can establish direct working relationships with Ministers in their own right and receive and account for public monies.

It is also important to note that the strategy is silent on language revitalisation research and knowledge development. This looks like it is left to chance and/or to the universities.

6. Proposed changes to the Māori Language Act 1987

The Māori Language Act 1987 will need to be changed in order to give effect to the Governance arrangements proposed and to transfer many of its current statutory powers and functions from TTWh to TPK and Te Mātāwai. Basically, Te Mātāwai will have the power to confirm the functions and activities of TTWh and TPK will become the lead agency responsible for policy advice and evaluation.

The Māori Language Strategy also proposes that general principles be added to the Māori Language Act in order to guide the engagement of Government Agencies. The principles suggested are drawn from the NZ Sign Language Act 2006.

It is also intended that the new legislation be enacted in both English and Māori Languages.

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Comment: *The proposal is silent on the kinds of changes that will be required in order to give effect to the new Governance arrangements; however it does state clearly that Te Mātāwai will be responsible for determining the functions of TTWh and that TPK will take the lead role for policy and evaluation where the Māori Language is concerned.*

In order to achieve this, the Māori Language Act 1987 will have to be totally reformed and the Broadcasting Amendment Act 1993, the Māori Television Act 2003 and potentially the Ministry of Māori Development Act 1991 amended in order to give full effect to what is contained within this proposal.

*It is difficult to imagine the size and scope of such a task as the redrafting and reform of legislation is complex. With this being an election year Parliament closes in August and with consultation not due to be completed until the end of February the time frame to achieve the work itself is very tight. This in itself will prevent proper debate and discussion about the nature of the legislative reforms and in particular discussion about how such reforms might benefit the growth and development of the Māori language. **As we have learned a Bill passed in haste often becomes the subject of deep discord and controversy.** Furthermore a potential Bill change during the election creates a field day for the media and invites attacks from the public. It does not lock the next Government in to approaching the redrafting with the same level of integrity the strategy drafters initially propose here and we may end up with something completely different with a change of Government.*

It is also unclear what happens to the official status of the language in the event that the official body is not owned by a Minister. It is unsure at this stage if a representative Iwi entity has the authority within Government to hold the official status of the language and all that goes with it. It may well be that in the finish this also will be transferred to TPK.

What is very clear is that the immediate impact of the changes proposed to the Māori Language Act will strip TTWh of the powers and functions that make it a unique champion for and of the Māori Language and transfer them to TPK whose interests and functions are broad and diverse and whose performance in the interests of the Māori Language over many years has been criticised by TTWh, the Office of the Auditor General, and the Waitangi Tribunal.

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7. SUMMARY

There are several weaknesses in the proposed strategy and its documents.

7.1 There is no clear definition or description of what the actual problem is with the current arrangements and what needs fixing.

The proposed new Māori Language Strategy dives straight into creating a solution for a problem that it has not yet defined. Nowhere in the strategy documents is the problem with the current arrangements for the Māori language outlined. A cursory look at the performance documents for all three Māori Language Agencies suggest that there is no problem with performance and that what is in fact challenging for them is the level of funding and resource available to support a very real and growing demand within communities and whānau to address the decline of te reo Māori as a living and spoken language.

The section that deals with the reviews of the last Māori Language Strategy fall short in that they do not offer a full and frank overview of what either the Office of the Auditor General, the Waitangi Tribunal or Te Paepae Motuhake said. What have been collated are the bits that align nicely to this proposal.

One suggestion from the Waitangi Tribunal in Wai 262 that didn't make the cut was that TTWh become a Crown/Iwi partnership, be properly funded to fulfil its legislative mandate and that the Māori Language Act 1987 be beefed up and given some teeth to ensure that Government do the right thing by the language, and communities are supported.

7.2 The proposal takes away from TTWh its legal mandate and functions conferred in sections 7 & 8 of the Māori Language Act 1987 and transfers them to TPK.

The provisions in the current legislation were carefully considered and drafted following the recommendations of the Waitangi Tribunal in Wai 11. To strip them out and transfer them at this stage when our people have called for more rather than less teeth for the Māori Language Act and TTWh is at odds with all three reviews of the Māori Language Strategy and sector to date.

7.3 The proposal suggests a limited form of ownership for Iwi of Te Mātāwai by splitting ownership and purchasing responsibilities.

*There is much made of the transfer of ownership to Iwi via the establishment of Te Mātāwai but what is actually being transferred to Iwi? Will Iwi representatives sitting on the Board of an Electoral College, which has the right to set the broad direction of Government Agencies with a responsibility to the Māori language, have the desired impact? Without the means to act as **full owners and purchasers** who determine policy and investment, such direction setting may well be meaningless.*

In Government, ultimately only Ministers can be held accountable for the way in which public money is spent and allocated and they can only delegate that authority to Government Agencies. Decisions about public money in the end will determine how much money Kōhanga Reo, Kura, Te

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Ataarangi, Iwi Radio, Māori Television and even Iwi and Māori Language Communities get to do the work they need to do for the language. Decisions about public money are driven by policy makers, bureaucrats and Ministers who do not delegate their authority to do these things to any Agency outside of the Government.

7.4 Māori potentially lose two Māori Crown Entities – the ONLY Māori Crown Entities in Government.

In the days when TTWh and TMP were being established this was well understood. That is why these entities were established as Crown Entities so that authority could be delegated from Ministers for public funds to Agencies that make room at the table for our people. In this way the authority to determine, define and decide what is good for the language stayed where it belongs, with whānau, hapū and iwi – and these Crown Entities were established to play their part in keeping the Government honest and supportive of the work needed to re-establish te reo Māori as a living language.

If we lose these Crown Entities the Māori world will not have recourse to these types of tools again. Iwi will be reduced to sitting at the table of an Iwi Entity which has a limited form of ownership over Māori Language Service Agencies but has no mana to set the policy agenda or determine where public funds might be best expended in the interests of the language. Iwi will also continue to sit at the table of TTWh to negotiate contracts for the delivery of Māori Language Activities. The value of their work under this proposal will be evaluated by TPK. The work of determining broad policy direction and priorities for Māori Language programmes that will determine the shape and the nature of the contracts available to Iwi will also be transferred to TPK under this proposal.

Iwi in my view would be better off working with Ministers on a proposal to ensure that appointments to Māori Crown Entities become a priority for Iwi leaders in the future and ensuring that a database of suitably skilled Iwi professionals is available. Iwi membership of these boards would enable a true Iwi/Crown partnership over an entity whose mana is intact and not subject to the priorities of any Ministry.

7.5 The proposal lacks detail on how the proposal would be implemented and made operational.

There is no detail supplied which could potentially see the pushing through of legislation in haste without proper recourse to the impact on existing Agencies and the various Māori language communities they serve.

7.6 The priority areas are missing a focus on raising critical awareness amongst communities, iwi and whānau

It's not enough for people to simply learn the language in the hope that by doing so one will speak it and it will survive. It is vitally important that communities of Māori language learners and users understand some fundamentals of language revitalisation at an iwi, whānau and community level and what steps can be taken to restore te reo Māori as a living language of their whānau.

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7.7 The proposal provides no costings for the set up and ongoing operations of Te Mātāwai.

A new entity in the mix would draw resources away from Māori Language Programmes and Services adding another layer of bureaucracy to the mix. The example of the Māori Statutory Board in Auckland has been given which is worrying, as this Board costs \$3.2 million per annum to run.

The 2003 Māori Language Strategy was roundly criticized for retaining the lion's share of the resource allocated to benefit the language inside Government. Adding more bureaucracy sends much needed resource away from iwi, whānau and communities rather than towards them.

7.8 The timeframe for consultation from 10-21 February is short with the timeframe for the required amendments and reforms to existing legislation even shorter.

Short times frames lead to decisions in haste. Haste is oft regretted. Getting it right for the language has never been more critical. Getting it right takes time. Having taken five years to create a proposal it seems unreasonable to give key stakeholders less than three weeks for consultation.

8. CONCLUSION

All of the current indicators tell us that the language is still in a perilous state. The recent census told us that the speaker rate is steadily dropping, even amongst young people. This means that in the years to come we can expect to have a smaller number of people able to have a conversation in te reo Māori which means less teachers for Kōhanga Reo and Kura, less marae able to conduct their formalities in te reo Māori, fewer whānau raising their tamariki in te reo, less available translators and interpreters, and even less people reading, writing, thinking, singing, composing and living in te reo Māori. A declining trend will lead us to a point where our language becomes assimilated into NZ English rather than holding its own as a living and distinctive language in its own right.

The general intent and principles of the new Māori Language Strategy are heading in the right direction and will need some tweaking. The implementation of the intent is flawed with real power not being transferred to a responsible iwi entity such as Te Mātāwai, but rather remaining with TPK, that is, the Crown.

9. OPTIONS

As explained already the proposed strategy does have some flaws. Other options to consider could range from a completely independent entity such as Te Mātāwai established on the basis of further redress under the WAI 11 claim to a more balanced Crown/Iwi power sharing entity than that proposed. This needs more work to develop and fulfil the intent as outlined in the key priorities for the new Māori Language Strategy. These are better determined by people with a good understanding of the machinery of Government. The following considerations are provided as well;

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- Establish Te Mātāwai with clearer priorities for more robust strategies of language revitalisation especially contrasting it with previous strategic approaches, i.e. reo revitalisation vs reo management.
- There is the potential for Te Mātāwai to determine who are the majority members of TTWh and TMP. In much the same way the strategy proposes for MTS relationship but with increased ratio to Crown appointments.
- The role of Te Mātāwai should also clearly describe how it would influence the Ministry of Education, Ministry of Culture and Heritage and TPK in determining what are their language priorities rather than limiting their influence to TTWh and TMP.
- The role of research is not clear. There is a large reliance placed on tertiary institutions but the relationship with Te Mātāwai or this strategy is not described. The Crown is not compelled to consider it.
- It is a concern that the strategy talks about the seven Iwi regional clusters. Apart from the appointing of a representative, what impact does the strategy have on their continued function and support by the Crown or is it just the appointment of representatives?

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