

REVIEW OF TE TURE MŌ TE REO MĀORI 2016

REPORT TO

Te Minita Whanaketanga Māori, Hon Willie Jackson
Hoa Toihau mō Te Mātāwai, Reikura Kahi

November 2022

Kupu Whakataki / Forward

*Tēnei au ka hoki
Ki te mahau o tōku whare
Te ruruhau mō tāku reo
Te Whare o Te Reo Mauriora.
Ka rauna tāku hongī
I ōna whakairo i maihitia
Ka wetekina ngā pōhue
Kia whītikina e te rā.
He kawa i tākina:
'Kia ūkaipō anō tāku reo,
Kia māhorahora ōna kōrero.'
Me whakatika ki te whakatutuki
Kia eke ai te taukī:
'Ko te reo kia tika, kia rere, kia Māori tonu atu e!'*

In 2015 the late Tūhoe leader, Professor Wharehuia Milroy, a member of the Māori Language Advisory Group tasked with providing advice to government during the development of what became Te Ture mō Te Reo Māori 2016 (**the Act**)¹, surmised that future revival of te reo Māori would be reliant on strengthened Māori Crown relations. The Act in establishing Te Mātāwai (a new independent entity representing iwi Māori authority) and repositioning the key Māori language Crown entities, would provide the infrastructure – Te Whare o Te Reo Mauriora (**Te Whare**) – to support a new working relationship. The key however, as Professor Milroy pointed out, was ensuring the key components or 'poupou within Te Whare' worked with a deliberate balance of autonomy and interconnectedness on each other.

Fast forward to 2022 and having nearly six years of implementation as the basis for consideration, the first review of the Act (**the Review**) sheds further light on how critical, role definition within the relationship has been for the revival of the Māori language. Initiated in 2019, the Review of the Act has taken longer than expected with the impacts of COVID-19 delaying its start, and much broader, in-depth engagement and consultation on the Act having been undertaken than an administrative review might have envisaged.

The broad engagement on the Act has surfaced the need to operate in partnership and strategically. While having two distinct maihi strategies each for iwi and Māori and for the Crown has been key to each part of Te Whare prioritising objectives, resources, and efforts. The success of that prioritisation has been evident in an upswing in awareness and demand for te reo Māori.

However, the absence of a statement within the Act describing the Māori Crown partnership as the nexus of the dual maihi strategies approach, has meant 'silo mentality' has not surprisingly crept in, and as Professor Milroy describes above, 'not talking to each other', is recognisable in parts of the Act's implementation. For the future success of revitalisation efforts, it will be important that Te Whare operates with unified purpose and joined up action.

¹<https://www.tpk.govt.nz/docs/Maori%20Language%20Advisory%20Group%20Final%20Report%20English%20Version.pdf>

The Review of the Act has been undertaken in a manner consistent with the expectations for engagement with Māori. A steering group (**Steering Group**) comprised of equal numbers from the Crown and Te Mātāwai has worked actively with officials throughout the period of the Review. In practice, this has meant the Review team has been co-designing and working actively across iwi, Māori and reo Māori kaupapa drivers, and government departments and agencies to understand how operationalising the Act has aided in the outcomes sought from and by both Maihi strategies. My thanks to the Steering Group members and to the working group for their efforts and their insights.

Given the intrinsic relationship between the Māori language and a broad range of kaupapa – many of which are subject to their own reviews and potential change – the Steering Group recommends that the momentum built through the process of working together should be maintained and further work undertaken. In our view, a Te Whare based on-going work programme that gives effect to the Māori Crown partnership intended through the formation of the Act, would enable, and strengthen the various policy settings that impact on the Māori language. This would more strongly position our collective efforts to achieve the goals iwi, Māori and wider Aotearoa New Zealand have for te reo Māori.

Kia toitū te mana motuhake o te reo Māori hei oranga mō tōna iwi Māori me te motu whānui – mō te katoa.



Mere-Hēni Simcock-Rēweti
Steering Group Chair

INTRODUCTION

1. This report sets out the outcomes of the Review (**the Review**) of Te Ture mō Te Reo Māori 2016 (**the Act**). The Review, as required by Section 44 of the Act has been variously delayed by the impacts of COVID-19. It was initiated in 2019, however in effect, the Review has largely been undertaken from September 2021 to November 2022.²
2. The overarching purpose of the Review, as set out in its terms of reference (attached as **Appendix 1**), was to assess whether:
 - the Act is achieving what it was set out to do
 - the mechanisms established under the Act are operating as expected/intended
 - any unintended consequences of the Act are or need to be resolved
 - any further opportunities for strengthening the impact of the Act, which may have arisen since enactment can be explored.
3. The five focus areas are: Partnership – *Te Whare o Te Reo Mauri Ora (Te Whare)*; Status of te reo Māori; Te Mātāwai; te reo Māori entities; Government.
4. As is common for relatively recent pieces of legislation, the Review is largely a high-level technical and administrative review to ensure that the Act is fit for purpose. Nonetheless, the nature and timing of the Review raised a wide range of broader issues that will require on-going policy and operational work.

High-level summary

5. The Review has found the Act broadly serves its purpose and is functioning adequately. The Review has identified an opportunity to better calibrate the system of supports for te reo by strengthening the Act where it makes sense to do so, especially to take account of changing attitudes towards te reo, and to draw from the lessons arising from implementation.
6. In the context of ensuring te reo use grows and is sustained for future generations, there is still much more to achieve.
7. The Review has found considerable progress has been achieved in terms of the Act meeting its overarching policy objectives and contributing to the revitalisation of te reo Māori. More people – Māori and non-Māori – are speaking te reo, the idea of language revitalisation is gaining momentum, and there are heightened levels of public awareness.
8. Good progress is being made against the mātauranga goal of the Maihi Karauna with 907,000 New Zealanders aged 15 and over (23.6%) estimated to being able to speak about at least basic things in te reo Māori (up from 770,000 in 2016).³

² The Review was intended to take place several years after enactment to allow sufficient time for the establishment of Te Mātāwai and the development of the Maihi Karauna.

³ The Maihi Karauna Indicators Report Update. Published by Te Puni Kokiri March 2022.

9. Throughout Aotearoa there are waiting lists for te reo classes – te reo is increasingly heard and seen everywhere – the streets, theatres, festivals, and supermarkets.
10. In implementing actions arising from the Act, a wide range of important activities and innovative approaches have emerged over the period since, as the examples below illustrate:

2016

- *Te Ture mō Te Reo Māori (Māori Language Act 2016)*. This Act resulted in the establishment of Te Mātāwai – an independent statutory entity that acts on behalf of iwi/Māori, as the kaitiaki of te reo Māori and supports kāinga, hapori and iwi to identify, pursue and fulfil their own Māori language aspirations. Te Mātāwai also develops and leads the Maihi Māori.
- The Māori language was again acknowledged as a taonga of iwi and Māori and recognised as an official language of New Zealand. The Act also legislated for two maihi (Māori language strategies): the Maihi Māori and the Maihi Karauna.

2017

- *Bilingual towns becoming officially recognised*. Rotorua became New Zealand's first officially declared bilingual city in 2017. Wairoa Council adopted a te reo Māori policy to support the Te Wairoa Reorua 2040 initiative. Ōtaki is also very much a bilingual town with a wānanga, four kōhanga reo, two kura Māori, as well as bilingual and immersion units at the state and Catholic primary schools.⁴

2019

- *Māori language learning in schools*. In this year, for the first time, the number of secondary school students studying te reo Māori exceeded 30,000.
- *Celebrating Te Reo Māori*. Despite COVID-19 impacting on Te Wiki o te reo Māori, the language was celebrated by over one million people coming together at midday for a virtual Māori language moment.

2021

- *Engaging Te Reo Māori through Music*. The release of songs like '35' by Ka Hao and 'Te Ao Mārama / the World of Light' by Lorde highlighted popular music in te reo Māori.

2022

- *Increasing the Māori language landscape*. The Land Transport Rule: Traffic Control Devices (Kura/School Signs) Amendment Act came into force on April 5, 2022, ensuring New Zealand will have bilingual traffic

⁴ 13 percent of the total Ōtaki population (of around 6,000 people) are able to use the language. Nationally, 20 percent of the Māori population, and 3 percent of the general population speak Māori.

signs by 2023. As a start, 'Kura' will be featured on signs at over 2000 schools across Aotearoa.⁵

- *Māori knowledge shared through Māori language.* Matariki, one of the most significant celebrations in the Māori calendar, becomes a public holiday, and a means of educating the public in the wider cultural traditions of Māori as well as te reo Māori.⁶

Strengthening the Māori Crown Partnership

11. The key finding from the Review is that the structures established by the Act are primarily functional and benefit both maihi. The Review also identifies that there are improvements that can be made. The intent of the Act is to strengthen iwi Māori autonomy and bring a stronger distinction to the roles and responsibilities of Māori and the Crown (through the establishment of Te Mātāwai, and the two Maihi). While this has been achieved, more purposeful framing of the Māori Crown partnership should be considered. This may assist in addressing issues around the balance of decision-making and resourcing between government-led efforts and iwi and Māori determined efforts, enabling more equitable outcomes to arise from both Maihi. In the same manner, iwi Māori autonomy and leadership, as set out in the Act, becomes more meaningful within the partnership arrangements.
12. Extensive consultation with relevant sector stakeholders – Te Mātāwai and its stakeholders, Māori language entities, and government agencies – was conducted during the review process. Community level consultation was undertaken by Te Mātāwai as well as successive rounds of engagement through the entities that contribute to the Māori language sector.
13. The view of many of the stakeholders can be summarised as 'wanting improved transparency, trust, equity, partnership, relationships, and collaboration' across all the groups that work to give effect to the purpose of the Act. The inclusion of an overarching statement in the Act that reconciles the two strategies provided for in legislation may enable a shared strategy across the Māori-Crown partnership to come into effect. This in turn may see government agencies considering the impact and opportunities across both strategies when developing and implementing the various Māori language policies and programmes they are charged with.
14. In line with revitalisation methodologies, a shared overall approach across both strategies may ensure appropriate emphasis on macro planning at a national level, particularly through the education and broadcasting sectors, and at the micro level (or community-based intergenerational language activities) home and community settings.
15. In the same vein, regarding the role of iwi Māori raised throughout engagement, we consider a stronger emphasis on Māori Crown partnership – as opposed to role distinction – would assist and enable iwi and Māori to be recognised for their longstanding leadership of Māori language revitalisation. Represented through the broad membership of Te Mātāwai,

⁵ Waka Kotahi and Te Mātāwai will continue to investigate other bilingual or te reo Māori only traffic signs which can be enabled across the motu as part of the He Tohu Huarahi Māori bilingual traffic signs programme.

⁶ Matariki was officially celebrated as a public holiday on the 24th of June 2022.

we see the mana and varied experience of iwi Māori continuing to evolve and creating significant leadership opportunities for both Maihi.

16. The government's primary role should be to support and contribute at the national level while also ensuring agencies and service providers are complementing micro (community level) efforts, where possible. In essence, the Act should look to take account of the changes to functions within the Māori language sector that have occurred over the past six years, building on the developments in both macro and microenvironments and subsequent growth in demand, complexity of provision and broader expectations.
 17. The Act needs to facilitate greater iwi and Māori leadership in the context of the Māori-Crown partnership that has evolved over the past six years. The Act needs to reflect an expectation that the macro and micro level language policy and planning activities, resources, and processes that underpin each Maihi are more strongly aligned and coordinated, with greater opportunities for overarching leadership from iwi and Māori.
 18. Not all the recommendations from the Review require legislative change – in many areas, to address the views raised through engagement will require improvements to current operational practice and policy settings. We note that during the period of this Review other key workstreams were being considered across kaupapa such as education and broadcasting. Given the likelihood of these each impacting on te reo Māori, we recommend that any future legislative, regulatory or policy changes be considered contemporaneously.
 19. The revitalisation of te reo Māori has been made possible because of the boldness and vision of those who have gone before us. It seems fitting in the first year it is celebrated as a public holiday in Aotearoa, that the spirit of Matariki guides us forward. This report reflects on the past, celebrates the present, and proposes changes for the future ahead.
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SECTION 1. THE REVIEW OF TE TURE MŌ TE REO MĀORI 2016

An overview of the Act

20. The purpose of the Act is two-fold. Firstly, to reinforce the status of the Māori language in Aotearoa New Zealand and, secondly, to provide the means to support and revitalise the Māori language.⁷
21. The Crown expresses its commitment in the Act to work in partnership with iwi and Māori to continue to actively protect and promote the Māori language, for future generations.⁸
22. The Act contains a range of provisions to that effect, including the partnership approach to te reo revitalisation which includes:
 - a. recognition of the Māori language as a taonga of iwi and Māori and as an official language of New Zealand
 - b. the establishment of Te Mātāwai as an independent statutory entity, provides for its functions, and prescribes its reporting obligations and taxation status
 - c. the development of two Māori language strategies (the Maihi Māori and the Maihi Karauna)
 - d. confirmation of the rights of people to use the Māori language in courts and tribunals
 - e. principles to guide the interpretation of the Act generally and the development of the Māori language strategies in particular, as well as giving guidelines for Departments of State
 - f. a general provision on interpretation, including the provision that the two language versions (te reo and English) are of equal authority, but that in the event of a conflict between the two versions, the te reo Māori translation of the Act prevails
 - g. the definition of key terms in the Act.
23. The Act also provides for the continuation of Te Taura Whiri i te Reo Māori and Te Reo Whakapuaki Irirangi as autonomous Crown entities subject to the Crown Entities Act 2004 and, in the case of Te Reo Whakapuaki Irirangi, Part 4A of the Broadcasting Act 1989. The Act disestablishes Te Pūtahi Paoho, repeals the Māori Language Act 1987, and amends the Māori Television Service (Te Aratuku Whakaata Irirangi Māori) Act 2003.⁹

⁷ Part 2, s3 (2)(a)(b) of the Act.

⁸ Part 2, s6(2) of the Act.

⁹ The Māori Television Service is now known as Whakaata Māori meaning 'to mirror', 'to reflect' or 'to display.' The name change occurred in May 2022.

Terms of Reference for the Review

24. The Terms of Reference for the review were confirmed in 2020 by the Co-Chairpersons of Te Mātāwai, and the then Minister for Māori Development.
25. The Review was delayed due to the impacts of COVID-19 on the resources available to undertake it. The stages of the Review, consultation, and engagement were then further delayed in part due to resourcing and workforce constraints and in part due to the need to hold some aspects in a face-to-face manner.

Terms of Reference: Focus areas

26. Five focus areas form the basis of the Review: partnership, the status of te reo Māori, the roles of Te Mātāwai, te reo Māori entities, and government agencies. The focus areas are outlined in Table 1 below.

Table 1: Te Ture mō Te Reo Māori 2016 – Review Focus Areas

<p>FOCUS AREA 1:</p> <p>Partnership (Te Whare o Te Reo Mauri Ora): enabling an effective and strong Māori/Crown partnership at a strategic and operational level.</p> <p>Matters considered:</p> <ul style="list-style-type: none"> the process for development of the Maihi Karauna and the Maihi Māori operation and effectiveness of Te Rūnanga Reo and Te Papa Kōrero the interface between the Maihi Māori and the Maihi Karauna and opportunities to strengthen this to support the revitalisation of te reo Māori provisions to protect and revitalise te reo Māori at both a government and community level. 	<p>FOCUS AREA 2</p> <p>Status of te reo Māori: elevating the status of te reo Māori within Aotearoa New Zealand society.</p> <p>Matters considered:</p> <ul style="list-style-type: none"> increasing accountability for te reo Māori outcomes across government links to, and provisions within, other legislation to support the revitalisation of te reo Māori opportunities to further recognise or entrench te reo Māori as an official language of Aotearoa New Zealand (including in instruments and symbols of national identity). 	<p>FOCUS AREA 3</p> <p>Te Mātāwai: ensuring the Act remains effective in supporting Te Mātāwai in the execution of its statutory functions and responsibilities.</p> <p>Matters considered:</p> <ul style="list-style-type: none"> its independence and autonomy representation and leadership on behalf of whānau, hapū, iwi and Māori communities its leadership within Te Whare o te Reo Mauri Ora its nomination and appointment functions the expectations and accountability requirements the government has of Te Mātāwai Schedule 3 of the Act – Regional clusters of iwi.
<p>FOCUS AREA 4</p> <p>Entities with te reo Māori Statutory responsibilities: ensuring the Act supports the three entities - Te Taura Whiri i te Reo Māori, Te Māngai Pāho, and Whakaata Māori (formerly the Māori Television Service) - to effectively deliver on their roles and functions within te reo Māori revitalisation.</p> <p>Matters considered:</p> <ul style="list-style-type: none"> joint strategic development and accountability processes between te reo Māori entities shared services models between te reo Māori entities the structural organisation of the te reo Māori sector leadership across the te reo Māori sector and government mechanisms for the provision of advice to the Minister on issues relating to te reo Māori consolidating the entities (governing legislation) under Te Ture mō Te Reo Māori 2016 the practical operation of the Act, and the impacts of this on relevant entities. 	<p>FOCUS AREA 5</p> <p>Government: ensuring provision for ongoing commitment from all of government to the success of the Maihi Karauna.</p> <p>Matters considered:</p> <ul style="list-style-type: none"> findings arising from other reviews across government: Māori Media Sector Shift, National Archives and Library Institutions, State Sector reform, Education strengthening the role of the Maihi Karauna across government. 	

27. Those areas outside the scope of the Review are the:
 - a. principles set out in section 8 of the Act
 - b. ongoing implementation of the Maihi Karauna and Maihi Māori. The maihi are out of scope because they have their own monitoring and evaluation frameworks (and timelines) in place.
28. Te Taura Whiri i te Reo Māori was undertaking a formative evaluation of the implementation of the Maihi Karauna and Te Whare during the period that the Review was undertaken. Those evaluations – when released – will help inform next steps alongside the findings presented in this report.¹⁰

Steering Group governance and project approach

29. Given the size and scale of involvement sought in the Review, a Steering Group of experts was created to provide guidance and strategic direction. The Steering Group membership reflects the Crown/iwi Māori partnership that underpins Te Whare. The Steering Group comprises three representatives from Te Mātāwai, and one each from Te Taura Whiri i te Reo Māori, Te Arawhiti, and Te Puni Kōkiri.
30. There is a broad range of skills and experience amongst the Steering Group, ranging from language, broadcasting and education experts to the Māori Crown relationship, and government policy specialists.
 - a. ***Te Mātāwai***
Represented by: Charlie Tepana (former Co-Chair), Bernie O'Donnell (Board member), and Dr Cathy Dewes invited by Te Mātāwai to represent iwi and kaupapa Māori
 - b. ***Te Taura Whiri i te Reo Māori Board***
Represented by Professor Rawinia Higgins, Chairperson and Commissioner at Te Taura Whiri i te Reo Māori
 - c. ***Te Arawhiti – The Office for Māori Crown Relations***
Represented by Mere-Hēni Simcock-Rēweti, Director, who chaired the Steering Group.
 - d. ***Te Puni Kōkiri***
Represented by Geoff Short, Deputy Secretary.
31. Te Puni Kōkiri and Te Mātāwai staff members formed the Working Group which undertook the policy analysis, co-ordinated the stakeholder engagement, and provided secretariat support to the Steering Group.
32. This design was consistent with expectations from Te Arawhiti and the Public Services Commission around Māori engagement and policy development. It is also consistent with the principles of the Act.
33. It has taken a significant amount of time to assemble the various components of the report. It was considered that this time was necessary to ensure consensus, wherever possible, and it has contributed to a thorough appraisal of the Act.

¹⁰ The Maihi Karauna has a monitoring and evaluation framework which enables the Crown to track implementation and progress towards achieving the goals, outcomes and priorities of the strategy, how it is achieving its objectives, and where improvements can be made.

34. The Steering Group is responsible for delivering the Review report to the Minister for Māori Development and the Co-Chairs of Te Mātāwai for their consideration of the recommendations.

Stakeholder engagement process and methodology

35. The focus of the engagement was primarily to understand the experiences of those key stakeholders who operate under the Act. These include government agencies with responsibility for revitalising te reo Māori under the Maihi Karauna, and iwi and Māori via Te Mātāwai and its eight Pae Motuhake under the Maihi Māori.

Te Mātāwai

36. Feedback was sought from past and present Te Mātāwai Board members, Pae Motuhake¹¹, and three renowned te reo advocates and Māori leaders.¹² The engagements took place over a two-month period between 11 October and 3 December 2021 via online hui as well as in-person hui.

Entities with te reo Māori statutory responsibilities and government agencies (refer to **Appendix 4** for further detail)

37. The following entities provided their views over a four-month period (October 2021 to January 2022) on how the legislation was performing and could be enhanced:

Entities with te reo Māori statutory responsibilities	Crown agencies
a. Te Taura Whiri i te Reo Māori b. Te Māngai Pāho c. Whakaata Māori	a. Te Tāhuhu o te Mātauranga b. Manatū Taonga c. Te Tari Taiwhenua d. Tatauranga Aotearoa

38. Representatives of each of these stakeholders (including at board level, where appropriate) were asked to comment and provide input either through individual interviews or agency workshops.
39. Stakeholder ideas ranged from establishing a new entity or board to carry the responsibilities of the Māori language entities or simply better co-ordination and communication. Recognition of rangatiratanga and mana motuhake for Te Mātāwai on behalf of iwi/Māori was a common theme throughout stakeholder deliberations.

Entity boards with te reo Māori statutory responsibilities – general comments

40. The entity boards with te reo Māori statutory responsibilities commented on what they considered to be an imbalance in the level of resources and the lack of clear partnership expectations within Te Whare. They particularly noted parity issues between the Maihi Māori and the Maihi Karauna, where the latter receives considerably more resourcing than the former. There was

¹¹ Pae Motuhake are the community based panels of te reo Māori practitioners and revitalisation champions. There are eight panels in total that span the whole country as well as the founding language movement groups reflecting education, broadcasting, community and urban interests.

¹² Kahurangi Iritana Tawhiwhirangi, Tā Tamati Reedy and Kahurangi Tilly Reedy.

a broad call from the boards to establish a kawa and tikanga under which Te Whare should operate and for greater visibility of partnering the sector.

Specialist advice

41. Dr Ruakere Hond provided an expert view on Te Whare in relation to the Act. Dr Hond was a member of the Māori Language Advisory Group appointed to review the Māori Language Amendment Bill and make recommendations that eventually resulted in the current Act being passed in 2016. He is a well-respected and recognised expert in language revitalisation theory and champions the revitalisation of te reo Māori at a community level.
42. Several meetings were held with Dr Hond and his thoughtful contribution was much appreciated – and well received – by the Steering Group. The key points he raised were:
 - a. while there has been a major improvement to the status and use of te reo Māori across New Zealand society since the Act was introduced, this also disguises underlying problems
 - b. on the surface, te reo appears to be thriving but it is still not being used in enough Māori homes or communities. On the ground, many Māori – individuals and communities – are overwhelmed by the prevalence of English language use and find it difficult to access suitable Māori language learning programmes
 - c. the experience since 2016, when the Act came into effect, suggests that the Maihi Māori on its own is insufficient to lift community revitalisation. The Maihi Māori requires both more government support and a closer connection with the Maihi Karauna
 - d. the Act is silent on the essential role played by ‘critical awareness’ in language revitalisation. Critical awareness is necessary for a community-led development approach and requires sustained effort and support.

SECTION 2. MĀORI CROWN PARTNERSHIP AND LANGUAGE DEVELOPMENTS.

Māori commitment to strengthening and reclaiming te reo Māori

43. Māori leadership has had a significant and measurable impact on reviving the Māori language over the past five decades. The anniversary of the Māori language petition which was commemorated on 14 September 2022 symbolised this dedication and energy.¹³ It is representative of the major Māori-led language recovery programmes, like Te Kōhanga Reo, Te Ataarangi, Kura Kaupapa Māori, and other important developments – including iwi radio and Whakaata Māori.¹⁴
44. While there are still significant challenges to overcome, there has undoubtedly been a strong language resurgence beginning in 1972 and continuing to the present-day. The Act imported the rights granted by the Māori Language Act 1987 and has contributed to building a strong language revitalisation foundation. **Appendix 2** sets out key developments since the Act's inception.

The Crown's role in supporting te reo Māori revitalisation and past efforts

45. Te reo Māori is an official language of Aotearoa. Fostering opportunities for the use and awareness of te reo Māori is a responsibility that successive governments have made a commitment to (as set out in the Act).
46. The legislative arrangements to support te reo recognise the Crown's responsibility to honour the principles of the Treaty of Waitangi. This includes taking all reasonable steps to actively protect and promote te reo Māori in partnership with Māori and to preserve te reo as a taonga for future generations.
47. Past efforts to support Māori language revitalisation were through the Māori Language Act 1987 and Māori language strategies (2003, 2008 and 2014) which were largely government-led. These strategies all recognised that the Māori language is a highly valued taonga of Māori and wider Aotearoa. The intended outcomes identified in these strategies did not often bring about the desired results when implemented. Various reviews pointed to this in part arising from not fully understanding language revitalisation policy – as it applied to te reo Māori – and planning for intergenerational language transmission. The previous strategies nevertheless provided a broad foundation of effort across the Māori language sector to build on.

¹³ The petition presented by Hana Jackson to Parliament on the 14th of September 1972, requested that courses in Māori language and culture be offered in all schools with large Māori rolls and in all other New Zealand schools as a gift to the Pakeha. It was a rallying point for the struggle to reclaim Māori language and culture. On 14 October 2021 the government announced that the 50th anniversary of the event in 2022 will be given tier 1 status – a status reserved for major events that significantly changed the country.

¹⁴ Te Ataarangi was developed in the late 1970's by Dr Kāterina Te Heikōkō Mataira and Ngoingoi Pewhairangi. It was designed as a community-based programme for adult Māori language learning and utilises cuisenaire rods (rākau) and oral/aural teaching strategies. In 1982 the National Te Kōhanga Reo Trust was established, initially through a pilot in Wellington. Te Kōhanga Reo focuses on total immersion in Māori language and values for preschool children and is based on the principles of a whānau way of working. As of August 2022, there are 38 Ngā Kura a Iwi, 62 Kura Kaupapa and 428 Kōhanga Reo.

The Māori / Crown partnership for approaching Māori language revitalisation

48. The Act took a different approach to the earlier government strategies by legislating for dual strategies, one led by the government and the other by iwi and Māori. The strategies draw on the analogy of a whareniui, where the two maihi, support each other meeting at the kōruru (the apex). One maihi (bargeboard) represents the iwi/Māori language strategy – the Maihi Māori – and is developed and delivered by Te Mātāwai. The other maihi represents the Crown Māori language strategy - the Maihi Karauna – which is issued by the Minister for Māori Development.
49. Te Mātāwai, operationalised through iwi and Māori, has a key role in nurturing intergenerational transmission of te reo in Māori homes and communities (the micro level). The Maihi Māori would have a complimentary ‘micro’ role to the Maihi Karauna that focuses on revitalisation within communities and whānau. This approach envisioned the restoration of te reo Māori as a nurturing first language: *kia ūkaipō anō te reo Māori*.¹⁵
50. The Maihi Karauna strategy took a macro perspective by focusing on creating the societal conditions for te reo to thrive and ensuring that government systems support that approach.¹⁶ This is indicated in the the vision statement: *kia māhorahora te reo*.
51. Together the two maihi are intended to support and complement each other. The micro and macro connect at many interfaces and, therefore, what happens on one side of Te Whare affects the other. They should not operate in complete isolation.

Māori-Crown Partnership (Te Whare o Te Reo Mauriora)

52. The Māori-Crown Partnership approach to language revitalisation is characterised as Te Whare. During the Act’s implementation, Te Whare was the model applied to the development and operation of both the Maihi Karauna and Maihi Māori.
53. Te Whare describes, in te ao Māori terms, the roles required to support the revitalisation of te reo Māori. Taraiti and Taranui speak to the responsibilities that iwi / Māori and government agencies undertake within Te Whare. One should lead (Taraiti) while the other supports and guides (Taranui), as at a pōwhiri. Te Whare approach privileges the haukāinga to lead, as the kaitiaki of te reo Māori, while the Crown is on the manuhiri side. Inside the ‘whare’ the Taraiti is traditionally the side for tangata whenua.
54. It is important to understand how Te Whare is spatially organised because although the Act intends for the Crown and iwi/Māori to have complementary roles, with iwi Māori having a strong leadership role, it currently stops short of expressing why this is necessary, opting instead to focus on each Maihi’s purpose and function.
55. Te Mātāwai is the independent statutory entity established in 2016 by the Act to represent iwi and Māori and to promote the use of te reo Māori in homes and communities. Te Mātāwai occupies the Taraiti space of Te Whare while the Crown occupies the Taranui space.

¹⁵ Cabinet paper (Māori Crown Relations Te Arawhiti Committee. Cabinet Minute: MCR-18-MIN-0012. Title - Maihi Karauna: Final Strategy and Implementation Approach.

¹⁶ Cabinet paper (Māori Crown Relations Te Arawhiti Committee. Cabinet Minute: MCR-18-MIN-0012. Title: Maihi Karauna: Final Strategy and Implementation Approach.

56. The Crown's responsibility, as the holder of the Taranui space, is to be a responsive and supportive partner. At the operational level the government is required to develop and implement the Maihi Karauna. The Maihi Karauna sets out how government agencies resource, coordinate, and manage services, programmes, and policies to create the necessary macro level conditions. This Review brings with it an opportunity to consider design solutions that will better support how Te Whare is given effect to in practice.

The importance of Waitangi Tribunal claims to language revitalisation and understanding partnership

57. The partnership approach taken in the design of the Act was intended to align with previous Waitangi Tribunal findings regarding the Crown's role in supporting the Māori language. Significant claims include WAI 11 (the Te Reo Māori claim), WAI 262 (Ko Aotearoa Tēnei)¹⁷, WAI 150 and WAI 776 (the radio frequency and spectrum cases), WAI 2336 (Kōhanga Reo claim) and WAI 2224 (the spectrum claim).
58. WAI 1718, a more recent claim filed in 2021 by Te Rūnanga nui o ngā Kura Kaupapa, on behalf of all 63 kura nationwide, concerns the active protection and promotion of Kura Kaupapa Māori as a taonga in their own right and as critical agents in the maintenance and transmission of te reo Māori as a first language of tamariki Māori.
59. The Waitangi Tribunal has reflected in past claim reports and recommendations that there is an opportunity within the Māori language sector for developing improved Crown-iwi/Māori partnerships.

Language planning methodology

60. The Act was informed by language planning principles which were to be applied at both the macro and micro levels. The five key elements of language planning for revitalisation purposes are: critical awareness, status, corpus, acquisition, and use.
61. Critical awareness (leading to conscious choices to use the language), use (the behaviour of speaking the language) and acquisition (continuing to learn the language) are inter-related. If critical awareness is not well-understood there is a temptation to focus on language learning in a classroom setting or extramurally with little flow-on effect to the change in behaviour required to actively learn and use the language (as a personal matter of priority).
62. Of the five elements, critical awareness – understanding language revitalisation – is arguably the least understood but the most important element, in this phase of Aotearoa's language development.
63. We must also not lose sight of the need to raise the consciousness of Māori in order to motivate and inspire them to reclaim their own language which many have lost. Acquisition is the process whereby the target language is learned by listening and speaking in ordinary everyday contexts where the learner feels safe and supported. The first step, of course, is knowing and

¹⁷ Wai 262 is a Waitangi Tribunal claim about the recognition of rights around, and control of, traditional Māori knowledge, customs and relationships with the natural environment. It resulted in the 'Ko Aotearoa Tēnei' report which traversed the government's role in relation to mātauranga Māori. Te Pae Tawhiti, a Te Puni Kōkiri-led programme of work seeks to address the issues raised by WAI 262 claimants as set out in the Waitangi Tribunal's report.

believing – at a personal level – that the reo journey is important and must be undertaken.

64. Community and motivation are also essential. The importance of individual motivation to learn a language – and becoming part of a community of speakers – so te reo can be used and experienced on a daily basis.
65. In the next section, each focus area is examined alongside the Steering Group's views and recommendations. An overview of stakeholder views and issues is also provided.

SECTION 3. FOCUS AREAS OF THE REVIEW AND RECOMMENDATIONS

66. The five focus areas that form the basis of the Review are:
 - a. Māori Crown Partnership
 - b. Status of te reo Māori
 - c. Role of Te Mātāwai
 - d. Role of entities with te reo Māori statutory responsibilities; and
 - e. Role of Government agencies.
67. Each area is considered in the context of the consultation that took place, analysis of relevant government policies, and the views of the Steering Group on how to address the issues.
68. Key themes for each group of stakeholders have been included under each focus area and **Appendix 4** sets out the Māori language entity and government agency views.

FOCUS AREA 1:

Māori Crown Partnership (Te Whare o Te Reo Mauriora): enabling an effective and strong Māori/Crown partnership at a strategic and operational level.

Matters considered:

- the process for development of the Maihi Karauna and the Maihi Māori
- operation and effectiveness of Te Rūnanga Reo and Te Papa Kōrero
- the interface between the Maihi Māori and the Maihi Karauna and opportunities to strengthen this to support the revitalisation to te reo Māori
- provisions to protect and revitalise te reo Māori at both a government and community level.

TE MĀTĀWAI STAKEHOLDER THEMES

Te Whare o Te Reo Mauriora

- The Act is silent on the application of Te Whare model despite Te Mātāwai (on behalf of iwi and Māori) occupying the Taraiti side which has an overarching responsibility for te reo Māori revitalisation.
- It is unclear whether the two parties (Māori / Crown) come together for shared te reo Māori revitalisation or even work towards a common vision. Greater clarity is required on how this partnership which should be active, but has been largely passive, is given effect in practice.

Partnership

- The Māori / Crown partnership is both inactive and inequitable in terms of resourcing and decision-making processes. The roles, functions and responsibilities of the various government agencies and entities involved in te reo revitalisation require better delineation.
- When the partnership relationship breaks down, it is not explicit who plays a mediation or arbitration role as there is no formal provision for that function in the Act.

ENTITIES WITH TE REO MĀORI STATUTORY RESPONSIBILITIES, THEMES

Partnership imbalance

- The perceived imbalance in the current partnership model – felt to be weighted in the Crown’s favour – needs to be addressed; this is evident both in resourcing and decision-making. There are few mechanisms in the Act which hold the Crown partner to account.
- Maihi Karauna and Maihi Māori efforts are not joined up – most collaboration efforts are reactive. There needs to be an improved understanding of the roles and functions of Māori Language Entities across Te Whare and how both should be resourced.

Lack of agency understanding of the Maihi Māori and Te Mātāwai’s role

- Some agencies appear uncertain as to how they should interact with Te Mātāwai and would benefit from better understanding of Te Mātāwai's role and responsibilities and the purpose of the Maihi Māori.
- Agencies are at varying levels of maturity when it comes to understanding their te reo Māori responsibilities and how their plans relate to the Maihi Māori.
- Given the macro focus of the Maihi Karauna and the micro focus of the Maihi Māori, there needs to be an improved understanding of the roles and functions of Māori Language Entities across Te Whare and reconsideration of how they are funded. Resources get shifted to other initiatives or reduced without a full impact assessment against both maihi.

More competition than collaboration

- The current resource allocations and funding parameters create a competitive environment that limits sector/agency collaboration and coordination. There is an urgent need for improved resourcing of Māori Language Entities.
- The current settings have created unintended consequences for both Maihi. A practical example is the division created amongst the Māori language entities as they compete for funding allocations from the same Vote.

Accountabilities are unclear and need improvement

- As there is no Te Whare performance measure or framework in place, entities largely monitor their own progress toward their language plans, and the goals set out in their respective strategies, without knowing how their actions contribute to the overall strategy.
- More specifically, the Crown entities governing bodies set their respective strategic directions with no responsibility or direct ability to coordinate or collaborate in Te Whare.
- There is an opportunity to encourage more joined up ways of working through shared planning and performance and the setting of common Ministerial / Te Mātāwai expectations for the sector. There's a strong desire amongst all organisations, including government agencies, for greater collaboration within Te Whare.

GOVERNMENT AGENCY THEMES

- There appears to be a general lack of clarity regarding Te Whare roles and responsibilities and how each agency contributes to language outcomes and where leadership lies. For example, which agency is responsible for the strategic oversight of the Maihi Karauna strategy – Te Taura Whiri i te Reo Māori or Te Puni Kōkiri?¹⁸
- Joint accountability appears to be lacking. Government departments consider shared priorities, or a shared work-programme would increase collaboration but also ensure accountability back to Te Whare.

¹⁸ Te Puni Kōkiri is responsible for the development of the Maihi Karauna while Te Taura Whiri i te Reo Māori co-ordinates its implementation.

- Stakeholders also noted the use of two strategies and added that it may have hindered revitalisation efforts because the focus is split. They also queried if one strategy with different branches might work better as shared priorities forces collaboration, coordination and provides clear measures and goals to work toward.
- There is a genuine willingness and commitment to Te Whare but the partnership model is weighted too heavily on the side of the Crown which gives it more control. Both partners need to have a similar level of input and authority.
- The Act is about the Māori-Crown partnership but is silent on the role of local government despite the many language revitalisation activities happening at the community level. While the local government relationship sits outside the terms of reference it is something that should be considered in the future, given the importance of communities and infrastructure.

Steering Group view

69. A healthy functioning relationship between all the parties involved in te reo revitalisation is critical to the Act functioning well. While much goodwill is evident, there are weaknesses in the way entities engage with each other. Māori language entities, in particular feel situated in a competitive rather than collaborative space. A post-review discussion on how improved co-operation can be achieved – and the support required to achieve that – is proposed.
70. The part government agencies play requires careful consideration. Some agencies appear to be clear – and proactive – about how to achieve their Maihi Karauna language objectives. For example, the Ministry of Education leads with the Tau Mai Te Reo strategy and the Treasury with the implementation of He Ara Waiora (a framework that helps the Treasury to understand te ao Māori perspectives on wellbeing). Other agencies appear to focus more on developing internal cultural capability and the completion of language plans.
71. How the two Maihi work together in a more effective manner is important to avoid any slowing down of revitalisation efforts. There may be a lack of understanding on the part of some Maihi Karauna agencies about how the Whare model should function and the need for cross-Maihi collaboration. We are advised, for example, that while some agencies occasionally approach Te Mātāwai on Maihi Karauna or Maihi Māori matters, most do not look wider than their own plans or consider the spaces where the macro and micro – and the two maihi meet.
72. An opportunity exists for the two Maihi to be more united and complementary, as was intended by the Act, and for this to be reflected in decisions on resourcing and prioritisation. One way is to make it explicit in the Act that Te Whare should guide all those involved in language revitalisation. It would signal that, while having two sides, Te Whare is a unified house linked by complementary but distinct strategies and signal that both Maihi are engaging with each other.¹⁹

¹⁹ This would first involve consideration by Te Rūnanga Reo as to how a Te Whare o te Reo Mauriora work programme might be resourced and/or how the Maihi Karauna and Maihi Māori work programmes could be better coordinated.

73. Also, an opportunity exists for Chief Executives and their agencies to receive clearer engagement guidance and to consider Maihi Māori priorities prior to proposing new programmes. This should be mandatory.
74. Breathing life into any legislative partnership arrangements will require a dedicated work programme led by Te Puni Kōkiri and Te Mātāwai reporting to Te Rūnanga Reo, Te Whare's Governance and Partnership Group.
75. Both Te Rūnanga Reo – and Te Papa Kōrero (the current Chief Executives' forum led by Te Taura Whiri i te Reo Māori) are critical to setting a more strategic and unified approach to achieving te reo outcomes. While Te Rūnanga Reo meetings were impacted by COVID-19 over the past two and a half years, it has recently reconvened, and is set to meet regularly.
76. As noted earlier in the report, we are aware that Te Taura Whiri i te Reo Māori has recently undertaken a formative evaluation of the implementation of the Maihi Karauna and Te Whare. Both this Review and the evaluation findings will contribute to strengthening revitalisation efforts going forward.

Steering Group Recommendations

1. **Amend** the Act to include a Māori-Crown Partnership section outlining its purpose and function and supporting Māori to exercise tino rangatiratanga.
2. **Amend** the Act to strengthen the guidelines for Departments of State (s9(3)): that Chief Executives must consult specifically with *Te Mātāwai as the representative body of iwi/Māori (or 'have regard to' or to 'recognise and provide for')* on matters relating to Māori language policy and investment.
3. **Develop** a Māori-Crown Partnership work programme which focuses on collaboration across the two Maihi Strategies. This would include developing a kawa and ritenga to guide both Te Whare partners.
4. **Agree** to the Māori language entities (Whakaata Māori, Taura Whiri i te Reo Māori, Te Māngai Pāho) working with Te Puni Kōkiri on how they might be further supported to achieve te reo Māori outcomes (s40 (1-2)).

FOCUS AREA 2

Status of te reo Māori: *elevating the status of te reo Māori within Aotearoa New Zealand society.*

Matters considered:

- increasing accountability for te reo Māori outcomes across government
- links to, and provisions within, other legislation to support the revitalisation of te reo Māori
- opportunities to further recognise or entrench te reo Māori as an official language of Aotearoa New Zealand (including in instruments and symbols of national identity).

TE MĀTĀWAI STAKEHOLDER THEMES

Official status

- The creation of a genuinely bilingual nation where the Māori language is normalised and highly visible is considered the ideal.
- While the Act states that te reo Māori is an official language, its status is not reflected in practice. The Act gives few real rights beyond being able to speak the Māori language in legal proceedings.
- Interventions that make a difference are sought. For example, an inclusion of te reo Māori as an official data set in the Data and Statistics Amendment Bill, or for parliamentary reporting to be required, as with the Child Poverty Reduction Act.

Accountability

- The Act is weighted too heavily towards bureaucratic requirements of Te Mātāwai which ultimately undermines the desired partnership approach.
- The Act is also weak on how the Crown is held to account for Māori language revitalisation. The wording in the Act related to responsibilities and consultation with Te Mātāwai needs to be strengthened to be more compelling and less optional.
- A role similar to that of the Parliamentary Commissioner for the Environment was suggested – someone who is independent of Parliament with status and authority. This could address the perceived need for the Crown to be accountable to an independent party.

Crown acknowledgement of past actions

- Although the Act references the detrimental effects of past Crown policies and practices in relation to te reo Māori, Te Mātāwai stakeholders consider this is not sufficient. At the very least they consider there should be acknowledgement of the effort, commitment, and passion of Māori who kept the Māori language alive.²⁰

²⁰ The Hon Dover Samuels has publicly called for a formal Crown apology for the past generations of Māori subjected to corporal punishment for speaking te reo in schools.

ENTITIES WITH TE REO MĀORI STATUTORY RESPONSIBILITIES, THEMES

- As noted in focus area 1, there was consensus among the Māori Language Entities that the current partnership mechanisms don't seem to function as well as they could and should.
- The status of te reo could be improved through strengthening the Right to Speak Māori in Legal Proceedings (s7).

GOVERNMENT AGENCY THEMES

- Apart from Te Puni Kōkiri and the Ministry of Education, agencies were clear that progress and a commitment to Te Whare is difficult when it is not considered a core function or a priority.
- Some also went as far as stating that the wording in the Act itself doesn't seem to compel agencies to undertake their responsibilities for te reo Māori revitalisation. This comes through in resourcing, capacity and capability building as well as their ability to use the agency strengths such as data collection and public service directives.
- Despite agencies sitting within Te Whare, the Act does not provide strong or clear enough wording for te reo Māori to be a core business focus or compel particular agencies to prioritise te reo Māori outcomes.
- Some agencies find it difficult to actively support the aspirations of iwi, hapū and whānau and Māori in respect to the Māori language. This could be helped if these agencies better understood the aspirations of iwi, hapū and Māori – there was general acceptance that greater collaboration with Te Mātāwai could support this.
- The Public Service Act 2020 anticipates that the Commissioner and Chief Executives will develop a system capable of engaging with Māori and understanding Māori perspectives. Whāinga Amorangi (a multi-year cross-agency work programme designed to lift the Māori Crown relations capability of the public service) goes some way to focus on capability across the Public Sector. However, there is still an internal capability issue with the level of public service proficiency and understanding of te reo Māori revitalisation, beyond the beginner level.

OTHER

THE RIGHT TO SPEAK MĀORI IN LEGAL PROCEEDINGS

- Analysis of the legislation by the Working Group regarding the right to speak Māori in legal proceedings led to consideration of the following sections:
 - s7(5) which permits the making of rules to require litigants to give notice of their intention to speak te reo, and the associated court rules
 - s7(6) which provides for the making of rules allowing costs to be awarded against a party who fails to give notice of the intention to speak.

- Māori choosing to speak te reo in a court setting may be financially impacted, through the awarding of court costs, should sufficient advance notice not be given under s7(6).
- Although the Act provides for the right to speak te reo in legal proceedings, in practice, the Courts may lack the resources and capability to provide for this right in practice and this issue needs to be further investigated.
- At present there is also insufficient data to establish whether Māori are being charged a fee if they give late notice of their intention to speak te reo in court. We propose exploring the potential removal of that section as it would be punitive if applied, create barriers to the use of te reo Māori, and is potentially redundant if it has not been utilised since the Act came into force.

Steering Group view

77. As noted previously, there have been many positive developments and te reo Māori is held in increasing esteem by New Zealanders. However, the Act gives few real rights beyond being able to speak te reo in certain legal proceedings and there is no reporting requirement to report on the health of the Māori language to Parliament.
78. The Act was intended to create ‘a model of partnership in practice’ and for a better aligned and coordinated approach to the measurement and achievement of Māori language outcomes. However, the Act does not contain any reporting requirement regarding the health of te reo Māori.
79. The Māori Language Commission – Te Taura Whiri i te Reo Māori – was established under the Māori Language Act 1987 and continues under the current legislation. The purpose of the Commission is to promote the use of Māori as a living language and as an ordinary means of communication. While the commission reports on matters relating to the Māori language, the commissioners are not charged with reporting to Parliament or to play an Ombudsman-like role.
80. If an annual parliamentary report was introduced, it would encourage greater public awareness regarding the state of the Māori language and increased accountability because published targets, measures, and indicators would be reported on. This would be similar to the Data and Statistics Amendment Bill with regards to iwi data and the Child Poverty Reduction Act. We propose exploring this idea of an annual report to Parliament and improving accountability arrangements.
81. We also propose that, as part of the post-review work, issues regarding the right to speak te reo in legal proceedings be raised with the Minister of Justice and then the Rules Committee. Specifically, whether sections s7(5) and s7(6) are consistent with the spirit and intent of the Act, and if not, what changes can be made.²¹

²¹ The Rules Committee is a statutory body established by s51b of the Judicature Act 1908 and continued by s155 of the Senior Courts Act 2016 and has responsibility for procedural rules in the Supreme Court, the Court of Appeal, the High Court, and the District Court. Section 7(5) permits the making of rules to require litigants to give notice of their intention to speak te reo, and the associated court rules and s7(6) provides for the making of rules allowing costs to be awarded against a party who fails to give notice of the intention to speak.

82. The above proposals would form part of the proposed work programme of substantive issues requiring work before a recommendation on any amendments can be made.
83. It is also important to ensure that te ao Māori terms and concepts are accurately reflected in the Act in both Māori and English. Kaitiaki is currently interpreted simply as 'guardian' which is a very narrow description and should therefore be expanded upon. Similarly, kāhui is a more appropriate word to use than 'group' and 'imi' (the Moriori word for iwi) should be included as an alternative term to ensure inclusivity. These would comprise some of the more minor amendments proposed.

Steering Group Recommendations

1. **Consider** introducing an annual parliamentary report on the health of te reo Māori, with indicators, as part of a Te Rūnanga Reo work programme.
2. **Explore** current accountability arrangements with the aim of increasing government transparency on supporting te reo where appropriate.
3. **Approach** the Minister of Justice and the Rules Committee regarding the right to speak te reo in legal proceedings: whether clauses s7(5) and s7(6) are consistent with the spirit and intent of the Act and if not, what changes can be made.
4. **Amend** the Act to ensure te ao Māori concepts and terms are expressed and/or applied in an appropriate way in both Māori and English:
 - update the definition of Kaitiaki
 - replace 'cluster' with 'kāhui' (s13 and Schedule 3 – Regional clusters of iwi)
 - include 'imi' in the interpretation section and also Schedule 3 – Regional clusters.

FOCUS AREA 3

Te Mātāwai: ensuring the Act remains effective in supporting Te Mātāwai in the execution of its statutory functions and responsibilities.

Matters considered:

- its independence and autonomy
- representation and leadership on behalf of whānau, hapū, iwi and Māori communities
- its leadership within Te Whare
- its nomination and appointment functions
- the expectations and accountability requirements the government has of Te Mātāwai
- Schedule 3 of the Act – Regional clusters of iwi.

TE MĀTĀWAI STAKEHOLDERS THEMES

Mana Motuhake and the authority of Te Mātāwai

- Te Mātāwai upholds the authority of iwi and Māori, but this representative role – and Te Mātāwai’s statutory independence – is lost in the weight of the accountability provisions required by the Crown. The oversight function of Te Mātāwai in Māori language revitalisation is neither known nor well understood by Maihi Karauna agencies.
- As an independent entity, Te Mātāwai should be able to manage its own processes, as far as possible. This means being afforded the flexibility to respond to the changes that take place across the Māori language revitalisation space, without having to continually seek regulatory change, such as:
 - Te Mātāwai developing a revised internal board appointments policy that aligns with proven practices and accountability requirements.
 - updating its external nominations and appointments provisions, validity of appointments, terms of office to be consistent with the Co-Chair/s arrangement.
 - Explore opportunities to strengthen Te Mātāwai’s role in the process of making appointments to the Māori language entities.

Lack of critical awareness of revitalisation theory

- The Act doesn’t fully reflect the role of homes and communities as being critical to the revitalisation of te reo Māori. The reinstatement of Māori as a normal language of use in the home and community will drive its sustainability and lead to better language outcomes. This is central to Te Mātāwai’s role.
- Te Mātāwai functions need to be expanded to demonstrate the actual work required to reclaim the space where whānau feel they can achieve their Māori language aspirations. These wider functions potentially include research,

training and development, language planning and raising consciousness in the community.

Steering Group view

84. Te Mātāwai questions whether its legal status as an independent statutory entity is sufficiently recognised and understood by government. There was a strong view through stakeholder feedback that it was treated more like a Crown entity than as an independent statutory entity.
85. Given Te Mātāwai receives funding from Vote Māori Development there are naturally obligations to ensure fiscal accountability, as set in the Public Audit Act. However, Te Mātāwai is in a unique situation as there is no other independent statutory entity exactly like it.
86. As Te Mātāwai has been in existence since 2016 and represents a bespoke organisational and accountability model, there is an opportunity to consider whether improvements could be made to the way in which the Crown engages with it as a partner. This does not mean a review of Te Mātāwai but rather consideration of how Te Mātāwai can be supported to better give effect to its role and functions.
87. The ability to make some Māori language entity board appointments rather than just nominating candidates is a key example. Another is the proposal that rather than the current wording of '*spirit of service to the public*', more appropriate wording would be '*service to Māori*' or '*service to the Māori language*'. This would more accurately reflect Te Mātāwai's role and purpose.²²
88. Te Mātāwai's status as an independent statutory entity should be explored in conjunction with the Public Service Commission and Audit Office with the aim of clarifying its accountability arrangements while ensuring maximum flexibility in its operations. This may lead to further amendments to the Act once this work is completed.

Steering Group Recommendations

1. **Explore** improvements to the status of Te Mātāwai as a statutory independent entity and to current accountability arrangements (by the relevant agencies in conjunction with Te Mātāwai) with a view to making legislation or policy amendments once further work is complete.
2. **Support** the flexible process approach proposed by Te Mātāwai e.g., a revised internal appointments policy, updating its external nominations and appointments provisions, validity of appointments, the Co-Chair/s arrangement (including terms of office).

²² The collective duties of Te Mātāwai and members section (20(2)(b)) currently states that Te Mātāwai must perform its functions in a manner consistent with the spirit of service to the public.

3. **Explore** opportunities to strengthen Te Mātāwai's role in the process of making appointments to the Māori language entities.
4. **Change** the current wording of '*spirit of service to the public*', to either '*service to Māori*' or '*service to the Māori language*' to more accurately reflect Te Mātāwai's role and purpose.

Note: these recommendations may result in some technical amendments being recommended once the work is completed.

FOCUS AREA 4

Entities with te reo Māori statutory responsibilities: ensuring the Act supports the three te reo Māori entities (*Te Taura Whiri i te Reo Māori, Te Māngai Pāho, and Whakaata Māori*) to effectively deliver on their roles and functions within te reo Māori revitalisation.

Matters considered:

- joint strategic development and accountability processes between te reo Māori entities
- shared services models between te reo Māori entities
- the structural organisation of the te reo Māori sector
- leadership across the te reo Māori sector and government
- mechanisms for the provision of advice to the Minister on issues relating to te reo Māori
- consolidating the entities (governing legislation) under the Act
- the practical operation of the Act, and the impacts of this on relevant entities.

TE MĀTĀWAI STAKEHOLDERS

- As noted previously, there is little clarity around how the Māori language entities work with Te Mātāwai (note; much of the feedback spanned multiple focus areas so repetition is avoided as far as possible, hence the brevity of this section).

ENTITIES WITH TE REO MĀORI STATUTORY RESPONSIBILITIES'

STAKEHOLDER THEMES

- While Māori language entities share a common purpose, being clustered together within statutory, government policy and operational settings is not always conducive for individual or collective success.
- Māori language entities are severely under resourced which presents significant capacity issues and limits their impact and ability to achieve their language aspirations. They are all 'scrambling for the same crumbs' resulting in a competitive approach which affects their ability to collaborate and build strong partnerships which in turn impacts longer-term planning.
- Whakaata Māori is placed in the difficult position of trying to meet the expectations of both Maihi and while also functioning as a multimedia organisation. Board members are appointed by both Te Whare partners (Te Mātāwai and the government) but funded by the Crown only and it operates under separate legislation from the other Māori language entities.
- Te Taura Whiri i te Reo Māori feels excluded through processes and policies from their role as the lead agency for the co-ordination of the implementation of the Maihi Karauna and considers it should also develop the next Maihi Karauna

Strategy, as part of its leadership role and be directly represented on Te Rūnanga Reo.²³

GOVERNMENT AGENCIES STAKEHOLDER THEMES

- Te Papa Kōrero discussions are too operational in nature and need to be lifted up to a more strategic level.
- Low levels of trust across organisations have made open dialogue and collaboration difficult in the past.

Steering Group view

89. The suggestion that Māori language entities are under-resourced in comparison to mainstream agencies, and that their roles could be better configured to achieve language outcomes, requires further consideration through Budget processes rather than through the legislative review.
90. We agree that there are apparent anomalies in the system that need addressing, including levels of resourcing, but this matter could not be explored in the time available for this Review.
91. Whether structural changes or non-legislative change – possibly a policy and funding responses – is unclear but given the feedback received we consider further investigation of this issue is merited.
92. Te Puni Kōkiri and the relevant Māori language entities could likely address these issues together with a focus on improving outcomes rather than reviewing functions. The Māori Language entities should be appropriately empowered to discharge their responsibilities and meet their obligations under Te Whare and this should be the focus of future discussions with the government.

Steering Group Recommendation

1. **Explore** the strategic development, resourcing, and accountability processes relating to te reo Māori entities – to be undertaken by Te Puni Kōkiri in conjunction with the Māori language entities through a mutually agreed process. No legislative amendment is proposed at this time, but changes may result following further investigation.

²³ Te Rūnanga Reo was not established through legislation and therefore does not require an amendment to the Act.

FOCUS AREA 5

Government: *ensuring provision for ongoing commitment from all of government to the success of the Maihi Karauna.*

Matters considered:

- findings arising from other reviews across government: Māori Media Sector Shift, National Archives and Library Institutions, State Sector reform, Education
- strengthening the role of the Maihi Karauna across government.

Māori media and broadcasting

93. In Budget 2022, \$40m over two years was announced which will help position the Māori broadcasting and media sector within a new public media environment by growing capacity, workforce capability and delivery of content.
94. The investment will include creating a workforce strategy, the maintenance and growth of iwi media collaboration in news and current affairs, and the creation of content that reflects te reo Māori and stories by the independent production community for distribution across a range of platforms.

Te Pae Tawhiti (WAI 262)

95. Many of the Maihi Karauna entities involved in Te Pae Tawhiti have initiatives underway which will either directly or indirectly benefit Māori language revitalisation, protect mātauranga Māori, and enhance cultural identity.
96. \$28 million dollars over four years was allocated for Te Pae Tawhiti activities in the most recent government budget: Budget 2022. This funding will be utilised for the protection of mātauranga Māori and taonga, including intellectual property.
97. A whole-of-government work programme announced for Wai 262 by the then Minister Nanaia Mahuta in September 2019, was reconfirmed in January 2022.²⁴ This kaupapa will encompass collaborative cross-agency and inter-institutional mahi, including projects which enable access to taonga and mātauranga collections.

National archives and library institutions

98. The Crown-funded institutions caring for nationally significant collections of taonga and mātauranga important to te reo Māori revitalisation include:
 - a. the National Library of New Zealand – Te Puna Mātauranga o Aotearoa (Te Tari Taiwhenua / The Department of Internal Affairs)
 - b. Archives New Zealand – Te Rua Mahara o te Kāwanatanga (Te Tari Taiwhenua / The Department of Internal Affairs)
 - c. Ngā Taonga Sound & Vision.

²⁴ CBC-22-MIN-0004 (Cabinet Business Committee 25 January 2022).

99. These institutions, as stewards of taonga Māori, work in partnership with iwi and Māori in accordance with the Treaty of Waitangi. The collections contain important Māori language resources including digital or print publications, sound recordings, and audio-visual or computer files. A major archival repository building project is underway and there has been significant government investment for this project along with digitisation activities through recent budgets.
100. A strategic programme across the three institutions called '*Te Ara Tahī – ko te ara tahī, te ara ki te āpōpō: the shared path, the path to tomorrow*' is underway. The institutions are investigating options for enhancing iwi and Māori connection to taonga Māori and mātauranga Māori and enabling improved access to collections.

Te Pae Roa and the future of kaupapa Māori and Māori medium education

101. A review of the Māori medium and kaupapa Māori pathways programme that will reconnect more Māori tamariki with their language and culture is underway. The objective is to have 30 per cent of Māori learners participating in Kaupapa Māori/Māori medium education by 2040.
102. Te Pae Roa is an independent Ministerial Advisory Group considering how the education system can be reformed to support Māori medium education and grow kaupapa Māori education.²⁵ This is an important kaupapa for all tamariki, mokopuna and their whānau who want to start or transition into an uninterrupted kaupapa Māori education pathway and work within a system that supports its growth.
103. Following independent engagement with Māori stakeholders, Te Pae Roa will submit a report with recommendations to the Minister for Education regarding legislative change.
104. In addition, Te Matakahuki (a collective of Maori education initiatives including Te Kōhanga Reo National Trust) are preparing a report for the Associate Minister of Education with recommendations on a Kaupapa Maori parallel pathway.

UN Declaration on the Rights of Indigenous Peoples

105. Te Puni Kōkiri leads the development of a draft New Zealand Declaration Plan and is working closely with the National Iwi Chairs Forum and the Human Rights Commission. This plan, when ready, will help guide the government's progress towards the Declaration's aspirations.

New Zealand Public Service

106. Parliament has set new requirements for the public service to strengthen capability to better engage and work in partnership with Māori. The Public Service Act 2020 seeks to improve the Public Service's relationships with Māori by creating and continuing collaborative approaches that are mutually beneficial.
107. The public service reforms aim to complement the work of the Maihi Karauna by extending beyond language revitalisation and broadly setting out both system and agency baseline capability expectations. This places a responsibility on the Commissioner, Chief Executives, and all Public Service

²⁵ Current independent Te Pae Roa board members are: Dr Wayne Ngata (Chair), Moe Milne, Jason Ake, Miriama Prentice and Rāhui Papa.

leaders to develop and maintain the capability of the system to engage with Māori and understand Māori perspectives.

108. The Public Service Commission is working closely with Te Arawhiti and Te Puni Kōkiri to strengthen system leadership and capability across the Public Service in this important area. Public servants are also building their knowledge of te reo Māori and this will continue to grow.²⁶

Steering Group view

109. The Review connects with the contemporary policy developments and government work programmes described above: Te Pae Tawhiti, the Māori media sector shift, state sector reform (as it relates to Māori), Te Pae Roa, and developments in the archives sector. They all have a strong focus on Māori culture, identity, and language outcomes.
110. International indigenous rights instruments are important reminders of how Māori connect to their indigenous whanaunga and global indigenous rights matters. The UN Declaration on the Rights of Indigenous Peoples is clear that indigenous peoples have rights to their own institutions, spiritual and religious customs and language and identity.
111. The selection of initiatives, led by the government in tandem with Māori, demonstrates there are many activities happening that will strengthen te reo revitalisation over time. Harnessing these initiatives to support Māori language outcomes, particularly the goal of intergenerational transmission, should be a key consideration for those who take this kaupapa forward.
112. For this reason, we propose that Te Rūnanga Reo be the unifying body for developments in this space given the relevant ministers are presented in this forum. Many of the substantive issues that fall out of this Review naturally form a potential Te Rūnanga Reo-led work programme while others could be led by relevant agencies, depending on the issue.

Steering Group Recommendation

113. **Develop** a Māori Crown Partnership work programme (based on the relevant proposals in this report) under the direction of Te Rūnanga Reo.

²⁶40,000 public servants responded to Te Taunaki Public Service Census 2021. Public servants were asked about their Māori Crown capability skills. 65 percent said staff at their agency are encouraged to use te reo Māori, 59 percent are supported to develop their skills and 58 percent use at least some te reo Māori at work. Fewer are proficient, with six percent of all respondents saying they can have a conversation about a lot of everyday things in te reo Māori. This increases to 26 percent for Māori public servants.

SECTION 4. PROPOSED CHANGES TO THE ACT AND NEXT STEPS

114. A range of issues have been considered by this Steering Group during the period of the Review, some major and others more minor in nature. In carrying out our task, we have reviewed the engagement feedback, the Act, and other relevant government policy.
115. Underpinning our recommendations is the understanding that to remain viable as a living thriving language, the Māori language requires a critical mass of fluent speakers of all ages who use te reo as their everyday means of communication in their homes and communities. It also requires the continued respect and support of the people of Aotearoa.
116. The focus of our deliberations is on assessing whether the intent of the Act has been fulfilled as was intended by those who crafted the legislation, to what extent this has been achieved, and where improvements and future opportunities lie. The following high-level approaches have been identified to better position all entities involved in language revitalisation so the collective purpose envisaged by the Act can be achieved.

A. OVERVIEW OF HIGH-LEVEL PROPOSALS

Presenting the Māori Crown partnership (Te Whare o Te Reo Mauriora) in a new section of the Act

117. This will signal the importance of partnership, co-operation, and the leadership role that iwi and Māori should play in relation to Māori language revitalisation. It would also highlight the importance of the Crown's role in supporting iwi and Māori in their efforts to ensure te reo is a living language, especially within homes and communities.
118. The purpose, function, roles of relevant parties, and guiding principles of the partnership should be set out in a new section to define and describe **the partnership** and **how** it comes together for Māori language revitalisation.

Strengthening Te Mātāwai's leadership role

119. Te Mātāwai's role and responsibilities as an independent statutory entity should be better articulated in the Act. This will provide greater role clarity and assist all parties to understand how Te Whare should operate in practice and be true to the spirit and original policy intent of the legislation.

Increasing Crown accountability for te reo revitalisation

120. The Crown should be more accountable for Māori language revitalisation outcomes. The ways in which this could be achieved should be explored further by the relevant parties following this Review.

Encouraging a more understanding and respectful Māori / Crown partnership

121. Consider a stronger Crown acknowledgement of Māori revitalisation efforts over the past 50 years in light of the detrimental effects of past Crown policies on te reo Māori.

Utilising Te Rūnanga Reo as a mechanism to achieve improved co-ordination and decision-making

122. Developing a work programme based on the recommendations of this Report should be taken forward under the korowai of Te Rūnanga Reo. This is an opportunity for the forum to be more participatory and reflective of partnership and joint strategic decision-making.

Clarifying te ao Māori terms and concepts and refining administrative aspects of the Act

123. Terms such as kaitiakitanga, rangatiratanga, mana motuhake, and kāhui should be appropriately explained in the Act in both languages.
124. Take the opportunity to update the Act so it better reflects how Te Mātāwai operates six years after its enactment to position it well for the future. This includes a number of recommendations relating to administrative functions, policies and board appointments.

B. CATEGORISATION OF REVIEW RECOMMENDATIONS

125. The recommendations are placed in the following three categories:
- Category 1** – technical amendments that are considered minor changes; they do not change the effect of the law in significant respects and are not considered controversial.
 - Category 2** – matters which require further investigation before they can be considered technical amendments. Once this work has been completed then the majority will move to Category 1.
 - Category 3** – more substantive issues requiring further policy analysis and stakeholder engagement before legislative amendments (or policy changes) might be proposed.

Category 1. Technical amendments to help improve the operational effectiveness of the Act.

- **Clarify** Te Mātāwai’s purpose by including ‘lifting critical awareness to current wording and defining ‘promoting’ in the interpretation section as meaning ‘raising awareness of revitalisation activity, encouraging, supporting and empowering’ (s3(3)(a)).
- **Replace** ‘cluster’ with ‘kāhui’ – the more appropriate te reo term (s13 and Schedule 3: Regional clusters of iwi).
- **Insert** ‘imi’, the Moriori term for iwi – this will ensure Moriori is listed separately as an ‘imi’ not ‘iwi’ which will recognise its language revitalisation objectives (Schedule 3: Regional clusters of iwi).
- **Revise** the term ‘kaitiaki’, currently ‘guardian’, so it conveys a Māori meaning consistent with the intent of the Act.²⁷
- **Remove** the unnecessary word ‘actual’ from Purpose of Purchase Agreement s23(d) “to provide a base against which actual performance can be assessed”.

²⁷ Kaitiaki is currently defined only as ‘guardian’ in the Act whereas other legislation (e.g., the Resource Management Act 1991) provide more nuanced interpretations.

- **Replace** the three-year review (now redundant) with a clause requiring another review in five years. This second review will be able to consider a more mature partnership model given many stakeholders commented that the current model is still developing.
- **Insert** a new section: s45(4) with similar effect to s45(3) in relation to Schedule 3 of the Act (list of iwi) to enable changes to be made to the kāhui-makeup without having to amend the Act again in the future.
- **Consider** a range of wording changes to Collective Duties in relation to Schedule 5 (s20(2)(b)(c)) e.g., deleting 'spirit of service to the public' and replacing with 'service to Māori and Moriori or to the Māori language' (or similar) to more accurately reflect the partnership.

Category 2. Issues requiring further work before moving to become Category 1 amendments.

- **Amend** provisions relating to Te Mātāwai board appointment processes and powers:
 - Te Mātāwai to develop a revised appointments policy that aligns with proven practices and accountability requirements but is also flexible enough that it maintains currency in a changing and maturing environment.
 - update external nominations and appointments provisions, validity of appointments, terms of office to be consistent with the Co-Chair/s arrangement.
 - Explore opportunities to strengthen Te Mātāwai's role in the process of making appointments to the Māori language entities.
- **Approach** the Minister of Justice and the Rules Committee regarding the right to speak te reo in legal proceedings: whether sections s7(5) and s7(6) are consistent with the spirit and intent of the Act and, if not, what changes can be made to ensure they are.
- **Consider** a stronger acknowledgement of the detrimental effects of past Crown practices and policies / recognition of Māori language revitalisation efforts (s6). Noting:
 - the Crown is yet to issue a full and comprehensive apology for the impact it had on te reo Māori and consideration also needs to be given to acknowledging the efforts of those Māori that revitalised te reo Māori during its critical years of revival.
 - this would potentially result in a full account of impact on Māori from the loss of te reo Māori within the Act which could also include an apology.

Category 3. Substantive issues.

These are issues that require in-depth consideration, and which could form a future work programme resulting in legislative and policy changes.

- **Insert** a new clause referencing the Te Whare o Te Reo Mauriora partnership model. Te Whare will require the most significant policy development given its various components. The following indicative process is proposed:

- the development of a concept paper to test with Te Mātāwai board members and relevant government agencies regarding the implications of including Te Whare in legislation (this may require a new advisory/governance group to be established).
- this paper would detail how inclusion of a Te Whare section would relate to the existing framework, the key elements, and the desired outcome (a clearer understanding of roles, functions, and responsibilities and working towards a common vision).
- this would provide the basis for the development of potential proposals including any work programme component.
- the development of policy proposals (and costings) which would be subject to further consideration by you, followed by Cabinet and legislative processes.
- Strengthen Te Mātāwai's role / functional responsibilities:
 - clarify Te Mātāwai's enabling functions to include research, community capacity training and development and micro-language planning functions. Also be explicit in the Act that revitalisation is a long-term inter-generational process.
 - enable changes to be made to the kāhui-makeup without having to amend the Act e.g., 'The Governor General may, by Order in Council, 'on the agreed recommendation of the Minister and Te Mātāwai' (new wording), 'make regulations to amend Schedule 3 and 4 by altering, adding or removing the name of an iwi or organisation.'
 - explore whether it is necessary to retain the purchase agreement / statement of intent provisions (s24) or whether they can be replaced with alternative arrangements more reflective of the Māori Crown relationship.

COMMUNICATIONS

126. We propose that communications on the outcome of the Review, tailored to Māori audiences and for the public, be developed for release once the report has been considered by the Co-Chair of Te Mātāwai and yourself.

NEXT STEPS

127. Our responsibility comes to an end with the provision of this Report to you. The Chair and other members are available should you wish to discuss the issues and recommendations contained in it.

128. We propose that a copy of the report be provided to Te Rūnanga Reo and Te Papa Kōrero with your agreement. Consideration could then be given to the next post-review phase and the development of a work programme to take these recommendations, with your approval, forward.

RECOMMENDATIONS

Review of Te Ture mō Te Reo Māori (the Māori Language Act 2016)

1. **note** a review is required by Section 44 of Te Ture mō Te Reo Māori (the Māori Language Act 2016): “*The Minister must, as soon as practicable after the expiry of 3 years from the commencement of this Act [30 April 2016]*”
2. **note** the statutory Review of Te Ture mō Te Reo Maori 2016 was initiated in 2019 but largely undertaken between September 2021 and November 2022
3. **note** stakeholders included:
 - a. Te Mātāwai Board members
 - b. Pae Motuhake
 - c. Te reo Māori dignitaries

Māori language entities with te reo Māori statutory responsibilities

- d. Te Mātāwai, ngā mema o ngā Kāhui me te Reo Tukutuku (Te Pae Motuhake, representatives of community interests)
 - e. Te Taura Whiri i te Reo Māori
 - f. Te Māngai Pāho
 - g. Whakaata Māori
- #### *Maihi Karauna agencies*
- h. The Ministry of Education
 - i. The Ministry for Culture and Heritage
 - j. The Department of Internal Affairs
 - k. Statistics New Zealand
 4. **note** the Steering Group has assessed the stakeholder engagement findings and identified those substantive issues requiring further policy consideration before decisions on potential amendments can be made
 5. **note** the Steering Group wish to highlight some of the key themes that emerged from the consultation process:
 - a. the Māori Crown partnership (implemented through the Te Whare o Te Reo Mauriora approach) requires rebalancing – the partnership is not equitable in terms of resourcing, collaboration, or decision-making
 - b. a ritenga (kawa and tikanga) framework is required to guide Te Whare o Te Reo Mauriora agencies and their relationship going forward
 - c. while many aspects of the current system can be improved and there is a strong foundation of goodwill that can be built on, trust needs to be strengthened between participating organisations to ensure strong partnerships and co-operation.

Steering Group recommendations

6. **note** the Steering Group established to conduct the Review has completed its work and places its recommendation in three categories for your consideration:
- a. technical amendments to improve operational effectiveness of the Act **(Category 1)**
 - b. issues requiring further work and consideration before becoming Category 1 technical amendments **(Category 2)**
 - c. substantive issues to be progressed before further amendments are proposed **(Category 3)**.
7. **note** that the stakeholder engagement undertaken by Te Mātāwai and Te Puni Kōkiri during the course of the Review, as detailed in this report, supports the Steering Group proposals and recommendations

8. **agree** for the following technical amendments (Category 1) to be progressed:

- a. explaining 'promoting' in the interpretation section as meaning 'raising awareness of revitalisation activity, encouraging, supporting and empowering' (s3(3)(a)). **YES/ NO**
- b. replacing 'cluster' with 'kāhui'. **YES/ NO**
- c. inserting imi, the Moriori term for iwi, to support Moriori language revitalisation objectives. **YES/ NO**
- d. improving the interpretation of 'kaitiaki', currently 'guardian' to one consistent with existing legislation like the Resource Management Act 1991 and te ao Māori perspectives. **YES/ NO**
- e. removing the word 'actual' from the Purpose of Purchase Agreement clause (s23(d)) to read: "to provide a base against which performance can be assessed." **YES/ NO**
- f. replacing the three-year review (now redundant) with a section requiring another review in five years. **YES/ NO**
- g. considering a range of wording changes to Collective Duties (s20(2)(b)(c)) e.g., deleting *spirit of service to the public* and replacing with '*service to Māori or to Māori language*'. **YES/ NO**
- h. inserting a new section: s45(4) with similar effect to s45(3) in relation to Schedule 3 of the Act (list of iwi) to enable changes to be made to the kāhui-makeup without having to amend the Act again. **YES/NO**
- i. revising the directions around unanimous written resolutions so it is consistent with in-person meeting resolutions (Schedule 5, s13 and s14). **YES/NO**
- j. agreeing to Te Puni Kōkiri and Te Mātāwai progressing policy work on Category 2 (minor issues) and Category 3 (substantive issues) in 2022 and to report back to you for decisions on additional legislative amendments post-review. **YES/ NO**

9. **note** the Category 2 issues requiring further work before becoming technical amendments are:
- a. amending provisions relating to Te Mātāwai board membership processes and external appointment powers:
 - revising Te Mātāwai internal nominations / appointments and ratification processes.
 - explore opportunities to strengthen Te Mātāwai's role in making appointments to the Māori language entities.
 - updating external nominations and appointments provisions, validity of appointments, terms of office to be consistent with the operating context of Te Mātāwai.
 - b. exploring an apology or stronger acknowledgement of the detrimental effects of past Crown policies and practices on te reo Māori and iwi and Māori te reo revitalisation efforts (s6).
 - c. considering whether the rules of court relating to the right to speak Māori in legal proceedings are consistent with the intent of the legislation.
10. **note** the Category 3 issues requiring substantial work before further amendment decisions can be made include:
- a. *Māori Crown partnership approach*
 - referencing the Māori Crown partnership approach in the Act to signal that both Maihi Strategies are underpinned by a broader Treaty commitment to partnership and recognising the leadership role iwi/Māori has in respect of te reo Māori revitalisation. It is a unified house linked by complementary but distinct strategies that are interdependent at times.
 - strengthening the wording that applies to the guidelines for departments of State: that Chief Executives 'must' [new wording] consult specifically 'with Te Mātāwai as the representative body of iwi/Māori' (or 'have regard to' or to 'recognise and provide for') on matters relating to Māori language policy and investment (s9(3)).
 - considering the appointment of an advocacy/advocate function across both Maihi or expanding the ability for Te Taura Whiri i te Reo Māori commissioners to take on this role and/or introducing a parliamentary report on the health of te reo Māori, with measures and indicators.
 - Explore the roles and functions of the Māori language entities (Whakaata Māori, Te Taura Whiri i te Reo Māori, and Te Mātāwai) and how they might be supported to better collaborate with each other on te reo Māori outcomes Part 4 (s40–s43).

- b. *Strengthening Te Mātāwai's role / functional responsibilities by recognising its role as partner with the Crown (Category 3):*
- clarifying Te Mātāwai's functions to include research, community capacity training and development and micro-language planning function.
 - enabling changes to be made to the kāhui without having to amend the Act e.g. 'The Governor General may, by Order in Council, 'on the agreed recommendation of the Minister and Te Mātāwai' (new wording), 'make regulations to amend Schedule 3 and 4 by altering, adding or removing the name of an iwi or organisation.'
 - exploring whether current accountability provisions must be retained, including Schedule 5, or whether they can be replaced with alternative arrangements more reflective of the Māori Crown relationship.

Next steps

11. **note** the Steering Group's responsibility is at an end with the provision of this report to you and the Co-Chairs of Te Mātāwai.
12. **note** the Steering Group chair and other members are available should you wish to discuss the recommendations and matters contained in this report.

Appendix 1. Te Ture mō Te Reo Māori 2016 – Terms of Reference

Appendix 2. Māori language developments 1972 to 2016

YEAR	EVENT
1972	The Hana Jackson petition and the first Māori language day held
1979	Te Ataarangi movement is established in an attempt to restore knowledge of the Māori language among Māori adults.
1981	Te Wānanga o Raukawa in Ōtaki is established by Te Āti Awa, Ngāti Raukawa and Ngāti Toa Rangatira (Te Wānanga o Aotearoa opens in 1984).
1982	The first Kōhanga Reo opens at Wainuiomata.
1983	Radio station Te Reo o Poneke runs on a trial basis for three years before becoming the permanent iwi station, Te Upoko te Ika.
1985	The first kura Kaupapa Māori (Māori total immersion school) is established at Hoani Waititi Marae, West Auckland. Kura Kaupapa Māori are established to cater for the needs of Māori children emerging from Kōhanga Reo (early childhood language nests). Te reo Māori claim WAI11 is brought before the Waitangi Tribunal by Ngā Kaiwhakapūmau i te Reo. Huirangi Waikerepuru, the Chairman of Ngā Kaiwhakapūmau i te Reo, leads the claim, which results in the Māori Language Act 1987
1986	The Report of the Waitangi Tribunal on the Te reo Māori Claim (WAI11) is published. The Māori Language Act is passed in Parliament and te reo Māori is declared an official language.
1987	Te Taura Whiri i te Reo Māori is established as the Māori Language Commission (Te Kōmihana mō Te Reo Māori).
1988	The 'Matawaia Declaration' is a call by bilingual school communities for the creation of an independent, statutory Māori education authority to establish Māori control and the autonomy of kaupapa Māori practices in the education system.
1989	The Education Act 1989 formally recognises kura kaupapa Māori as educational institutions.
1990	The Radio Spectrum case (WAI150) results in FM frequencies being put aside for Māori radio in 1991.
	The Education Act is amended to recognise wānanga as educational institutions and allow the Minister of Education to designate a state school as a kura kaupapa Māori.
1991	The Flora and Fauna Claim (WAI262) is brought before the Waitangi Tribunal.
1999	The Waitangi Tribunal finds (in WAI776) that the radio spectrum can be used to protect and promote the Māori language.
2004	The Māori Television Service (Whakaata Māori) begins broadcasting, mainly in te reo Māori. It is to play a key role in the survival of the language.
2016	Te Ture mō Te Reo Māori enacted – the second bilingual Act and the first in which the Māori language has precedence. Te Mātāwai is established.

Appendix 3. Legislation, policy papers, and other relevant material analysed as part of the reviewing process

Material analysed during the course of the Review
<ul style="list-style-type: none">• Relevant Treaty of Waitangi claims and reports e.g., WAI 11 (Te Reo Māori Claim 1986), WAI 262 (Ko Aotearoa Tēnei, Chapter 5)• Māori Language Act 1987• Te Ture mō Te Reo Māori 2016• Te Whare o Te Reo Mauri Ora advisory group report• The 2014 Te Rautaki Reo Māori Language Strategy• Māori Language (Te Reo Māori) Bill: Interim report of the Māori Affairs Committee 2015• The Māori Language Bill• Public submissions on the bill for Te Ture mō Te Reo Māori 2016• The interim and final departmental papers related to the Act• Relevant Cabinet papers related to the Act including (Cabinet paper – Adjustments to the Māori Language Bill (SOC-15-SUB-0005))

Appendix 4. Stakeholder views as provided to Te Amokura Consultants during a series of Māori language Entity and government agency wananga from October 2021 to January 2022 on how the Act was performing and how it could be enhanced.

<i>Māori Language Entities with te reo Māori statutory responsibilities</i>	<i>Crown Agencies</i>
a. Te Taura Whiri i te Reo Māori b. Te Māngai Pāho c. Whakaata Māori.	a. Te Tāhuhu o te Mātauranga b. Manatū Taonga c. Te Tari Taiwhenua d. Tatauranga Aotearoa.

Ngā kitenga | general engagement observations

- Māori language entities noted that the days of multi-day wānanga that allowed for joint planning, discussion, collaboration and forward thinking are gone.
- The current resource allocations, funding parameters and expectations on individuals has created a competitive environment that limits collaboration and coordination.
- The framing around the purpose and focus areas of the review failed to make mention of kaitiakitanga and mana motuhake. This was a concern to the Māori language entities.
- Both clusters accepted that there is a noted imbalance in the operation and implementation of Te Whare.
- As there is no strategy, nor a performance measure or framework for Te Whare, entities monitor their own progress toward their language plans and the goals set out in their respective strategies without knowing how those actions contribute to the overall strategy.
- There were varied levels of knowledge and understanding within government departments of the Act and Te Whare. This presented issues with feedback as it did not go beyond policy parameters. This may have just been a consequence of timing than capability.
- There are competing thoughts in feedback received from entities within Te Whare that should be resolved in the course of this review.
- Maihi Karauna and Maihi Māori efforts are not joined up and most collaboration efforts are reactive or left to personalities to push. Mechanisms such as Te Tokomatua and Te Papa Kōrero are too operational in nature and need to be lifted.
- Low levels of trust across organisations have made open dialog and collaboration difficult.
- There are differing levels of engagement, understanding and prioritisation of the Act and Te Whare o te Reo Mauri Ora amongst government

Departments that seldom go beyond internal language and capability plans.

- Given the age of the Act, government departments are at varying levels of maturity when it comes to their te reo Māori plans and responsibilities.
- Most agencies within the Maihi Karauna do not have their own relationship with Te Mātāwai or the Maihi Māori.
- Agencies are also uncertain on how they may interact or work with the Te Mātāwai. Until recently, relationships have developed at the request of Te Mātāwai or the Maihi Māori.
- Despite agencies sitting within Te Whare, the Act does not provide strong or clear enough wording for te reo Māori to be a core business focus or compel particular agencies to prioritise te reo Māori.

Government department wānanga key themes

- The need for more clarity over the strategic oversight of Te Whare.
- The partnership (or lack thereof) can be better held to account.
- Strengthening the language within Act to enable te reo Māori to be made a priority for agencies.
- The need for greater collaboration within the Maihi Karauna and across both Maihi.
- Processes are still maturing, and we are yet to see the full potential of the framework.
- There are varying degrees of understanding and capability within government departments about the Act and Te Whare.
- There is an imbalance in the partnership model, particularly in decision making and resourcing.

Māori language entities wānanga key themes

- There is a need to establish a *kawa* for Te Whare and ensure that *kawa* connects to the *kawa* of the entities within it.
- There is a need to decide what a healthy partnership looks like to us as the current one is not working.
- There is a huge lack of clarity of roles and functions for Māori language entities. Entities are not able to fulfil their responsibilities under Te Whare (with particular regard to Te Taura Whiri i te Reo Māori and their ability to lead the Maihi Karauna strategy).
- Māori language entities are more restricted by policy settings and other legislation than the Act. There are a lot of opportunities for change that sit outside the Act.
- A desire for greater collaboration and coordination within Te Whare.
- An urgent need for greater resourcing of Māori language entities.

- A need for greater access and opportunity to influence Te Whare (Te Taura Whiri having direct access to Te Rūnanga Reo).
- There is a risk in reviewing respective Acts in isolation. The Māori media review is currently being finalised and should be more integrated with this review. There is a risk that these may not complement each other and dilute focus towards achieving aligned strategic priorities; whilst still acknowledging the unique roles each hold in Te Whare.
- There is an opportunity to encourage more cohesive ways of working through shared planning and performance and setting of common Ministerial / Te Mātāwai expectations for the sector.

Appendix 5: Table of Te Ture mō Te Reo Māori (Māori Language Act 2016) Review Recommendations

Relates to	Category 1 – Technical amendments	Sections
	Explain “promoting” in the interpretation section as meaning ‘raising awareness of revitalisation activity, encouraging, supporting and empowering’.	3(3)(a)
	Replace ‘cluster’ with ‘kāhui’.	Schedule 3
	Insert imi, the Moriori term for iwi, to support Moriori language revitalisation objectives.	13 and Schedule 3
	Improve the interpretation of ‘kaitiaki’, currently ‘guardian’ to one more consistent with te ao Māori and existing legislation like the Resource Management Act 1991.	13
	Remove the word ‘actual’ from the Purpose of Purchase Agreement to read: ‘to provide a base against which performance can be assessed.’	23(d)
	Replace the three-year review (now redundant) with a clause requiring another review in five years.	44
	Consider a range of wording changes to Collective Duties (e.g., deleting <i>spirit of service to the public</i> and replacing with <i>service to Māori or to the Māori language</i> ’.	20(2)(b) and (c)
	Insert a new section: s45(4) with similar effect to s45(3) in relation to Schedule 3 of the Act (list of iwi) to enable changes to be made to the kāhui-makeup without having to amend the Act again.	Proposed new section
	Revise the directions around unanimous written resolutions so it is consistent with in-person meeting resolutions (Schedule 5 s13 and s14).	13 and 14 Schedule 5
Category 2 – issues requiring more work – may lead to further amendments		
	Agree to Te Puni Kōkiri and Te Mātāwai progressing policy work on <u>Category 2</u> (minor work required) and <u>Category 3</u> (substantive issues) in 2022 and to report back to the Minister for Māori Development and Co-Chairs of Te Mātāwai for decisions on additional legislative amendments post-review.	-
	Amend provisions relating to Te Mātāwai board membership processes and external appointment powers: <ul style="list-style-type: none"> - revising Te Mātāwai internal nominations / appointments and ratification processes - exploring opportunities to strengthen Te Mātāwai’s role in making appointments to the Māori language entities 	20 and 21

	- updating external nominations and appointments provisions, validity of appointments, terms of office to be consistent with Te Mātāwai operating context	
	Explore an apology or stronger acknowledgement of the detrimental effects of past Crown policies and practices on te reo Māori and highlight iwi and Māori te reo revitalisation efforts	6
	Consider whether the rules of court relating to the right to speak Māori in legal proceedings are consistent with the intent of the legislation.	7
Category 3 issues requiring substantial work before further amendment decisions can be made		
<i>Māori/Crown partnership approach</i>	Reference the Māori Crown partnership model in the legislation to signal that the Maihi Strategies are underpinned by a broader Treaty commitment to partnership and recognising the leadership role iwi Māori has in respect of te reo Māori revitalisation. It is unified house linked by complementary but distinct strategies that are interdependent at times.	Proposed new section
	Strengthen the wording that applies to the guidelines for departments of State: that Chief Executives [new wording] ‘must consult specifically with Te Mātāwai as the representative body of iwi/Māori (or ‘have regard to’ or to ‘recognise and provide for’) on matters relating to Māori language policy and investment.	9(3)
	Consider the appointment of an advocacy/advocate function or expanding the ability for Te Taura Whiri i te reo Māori commissioners to take on this role and/or introducing a parliamentary report on the health of te reo Māori, with indicators. The nature of the report would require much deliberation, a narrative description perhaps e.g., Ngā Kura Nui, Te Piko o te Māhuri.	-
	Explore the roles and functions of the Māori language entities (Whakaata Māori, Te Taura Whiri i te Reo Māori, and Te Mātāwai) and how they might be supported to better collaborate with each other on te reo Māori outcomes.	Part 4 40 to 43.
<i>Strengthening Te Mātāwai’s role / functional responsibilities by recognising its role as partner with the Crown (Category 3)</i>	Clarify Te Mātāwai’s functions to include research, community capacity training and development, and micro-language planning function.	19

	Enable changes to be made to the kāhui without having to amend the Act e.g. similar to s45(3) [new wording], 'The Governor General may, by Order in Council, on the agreed recommendation of the Minister and Te Mātāwai, make regulations to amend Schedule 3 and 4 by altering, adding or removing the name of an iwi or organisation.'	-
	Explore whether current accountability provisions must be retained, including schedule 5, or whether they can be replaced with alternative arrangements more reflective of the Māori Crown relationship	23 to 36