

I TE RŌPŪ WHAKAMANA I TE TIRITI O WAITANGI
IN THE WAITANGI TRIBUNAL

WAI 3327

KEI RARO I TE MANA O

te ture o te Tiriti o Waitangi Act 1975

Ā

I TE TAKE O

Te Reo I te Kāwanatanga Ruku Tātari
Ohotata/ Te Reo in the Public Sector
Urgent Inquiry (Wai 3327)

SUPPLEMENTARY SUBMISSIONS

Dated: 13 Whiringa-ā-rangi 2024

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Barristers & Solicitors

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Waitangi Tribunal

13 Nov 24

Ministry of Justice
WELLINGTON

TĒNĀ, E TE TARAIPUNARA

INTRODUCTION

1. These supplementary submissions are filed by counsel on behalf of the following interested parties:
 - a. Jasmine Cotter-Williams, for and on behalf of her whānau and Ngāti Taimanawaiti iwi (Wai 2063);
 - b. Stephanie August, for and on behalf of the late Robert Charles William James Farrar and her whānau (Wai 3096);
 - c. Robert Gabel, for and on behalf of Ngāti Tara of Ngāti Kahu (Wai 1886);
 - d. April Grace, for and on behalf of her whānau, Ngā Wahapū o Te Rarawa, Ngāti Whātua and Ngāpuhi Nui Tonu (Wai 2206);
 - e. Annette Hale, for and on behalf of the Wikotu whānau of Te Upokorehe (Wai 2743);
 - f. Te Enga Harris and Lee Harris, for and on behalf of the Wiremu Hemi Harris and Meri Ōtene whānau, and on behalf of members of Ngāti Rangī, Ngāti Here, Ngāi Tūpoto, Ngāti Hōhaitoko, Ngāti Kōpuru, Te Rarawa and Ngāti Uenuku (Wai 1531);
 - g. Tasilofa Huirama, for and on behalf of the Huirama whānau and members of Ngāti Ueoneone and Ngāti Tautahi of Ngāpuhi (Wai 2890);
 - h. Te Urunga Evelyn Aroha Kereopa, for and on behalf of the Kereopa whānau and members of Te Ihingārangi, hapū of Ngāti Maniapoto (Wai 762);
 - i. Richard Nathan, for and on behalf of the Mangakahia Hapū Claims Collective (Wai 861);
 - j. Diane Marie Paekau for and on behalf of her whānau and members of Ngāti Hounuku, Ngāti Houa, Ngāti Poua, Ngāti Mahuta, Ngāti Te Ata and Ngāti Whātua (Wai 3104);

- k. John Pikari, for and on behalf of the descendants of Hone Karahina and members of the hapū of Te Uri o Hua and Ngāti Torehina (Wai 2394);
- l. Rueben Taipari Porter, for and on behalf of the hapū of Ahipara (Wai 1968);
- m. Audrey Okeroa Rogers, for and on behalf of her whānau and members of Ngāti Koheriki (Wai 2869);
- n. Jane Stevens, for and on behalf of her whānau and Ngāi Tahu iwi (Wai 2671);
- o. Violet Eva Walker, for and on behalf of her whānau and members of Ngāti Rangi o Waiapu ki Tawhiti and Ngāti Kahu ki Whangaroa (Wai 2382);
- p. Kahura James Watene and Elizabeth Watene, for and on behalf of Ngāi Tukōkō and Ngāti Moe of Rangitāne me Ngāti Kahungunu (Wai 2778); and
- q. Michael Williams and Jessica Williams, for and on behalf of their whānau, and members of Ngaitūpango, hapū of Ngāpuhi (Wai 2838).

(the “**interested parties**”)

2. On 1 Whiringa-ā-rangi 2024, his Honour Judge Williams granted the interested parties’ request for the Crown to provide additional discovery concerning the Government Workforce Policy Statement (“**GWPS**”) by **5pm, 6 November 2024**.¹
3. With the provision of the aforementioned discovery by the Crown, the claimants and interested parties were directed to file any further submissions on the final GWPS by **5 pm, 13 November 2024**.² In addition, leave was

¹ Waitangi Tribunal, *Memorandum-Directions of Judge Williams* dated 1 Whiringa-ā-rangi 2024, Wai 3327, #2.6.5 at [27].

² Waitangi Tribunal, *Memorandum-Directions of Judge Williams* dated 1 Whiringa-ā-rangi 2024, Wai 3327, #2.6.5 at [29].

granted³ to file submissions in reply to those filed by the Crown on the Local Water Done Well Programme and associated legislative amendments that concern the name change of the Crown agent, *Taumata Arowai – The Water Services Authority*.⁴ These matters are the subject of submissions below. The submissions should be read in conjunction with the:

- a. Joint Closing Submissions for the Interested Parties dated 6 July 2024, particularly paragraphs [11]-[16], [68]-[69], [85]-[96] and [100]- [121] (“**closing submissions**”);⁵
 - b. Memorandum of Counsel in response to Additional Crown Disclosure dated 6 August 2024 (“**August memorandum**”);⁶
 - c. Memorandum of Counsel dated 3 October 2024.⁷
4. For the sake of clarity, none of the submissions below have been previously made to the Waitangi Tribunal by counsel for the interested parties nor by any other counsel.

GOVERNMENT WORKFORCE POLICY STATEMENT

5. On 7 August 2024, the Honourable Nicola Willis, the Minister for the Public Service, published the GWPS.⁸ Ms Willis stated it would outline expectations and priorities for employment relations across the public sector.⁹ On 21 August 2024, the Crown provided a copy of the GWPS to the Tribunal and all parties.¹⁰

³ Waitangi Tribunal, *Memorandum-Directions of Judge Williams* dated 1 Whiringa-ā-rangi 2024, Wai 3327, #2.6.5 at [28].

⁴ S Bisley, *Memorandum of Counsel for the Crown*, dated 13 September 2024, Wai 3327, #3.4.1.

⁵ D Naden, V Tumai, A Johns, R Wihongi, S Rickard, T Henry, W McMaster, *Joint closing submissions*, dated 6 July 2024, Wai 3327, #3.3.18 at [11] – [16], [68] & [69], [85] – [96], [100] – [121].

⁶ D Naden, V Tumai, S Rickard, T Henry, A Johns, *Memorandum of Counsel in Response to Additional Crown Disclosure* dated 6 August 2024, Wai 3327, #3.2.18 at [12]-[14].

⁷ V Tumai, *W McMaster, Memorandum of Counsel* dated 3 October 2024, Wai 3327, #3.4.3.

⁸ Te Kawa Mataaho, *2024 Government Workforce Policy Statement*, accessed via:

[https://www.beehive.govt.nz/sites/default/files/2024-](https://www.beehive.govt.nz/sites/default/files/2024-08/Government%20Workforce%20Policy%20Statement%202024.pdf)

[08/Government%20Workforce%20Policy%20Statement%202024.pdf](https://www.beehive.govt.nz/sites/default/files/2024-08/Government%20Workforce%20Policy%20Statement%202024.pdf) on 24 September 2024.

⁹ <https://www.beehive.govt.nz/release/new-direction-public-service>.

¹⁰ S Bisley, *Memorandum of Counsel for the Crown*, dated 21 Hereturikōka 2024, Wai 3327, #3.4.2 & #3.4.2(a).

6. The (then) draft GWPS¹¹ featured prominently during the hearing for this inquiry. Multiple witnesses gave evidence concerning it.¹² The Crown provided both written and oral closing submissions on the topic.¹³ It is an important document because it sets expectations on the public service's terms and conditions of employment.¹⁴
7. The GWPS states the Crown is committed to improving the effectiveness, efficiency and responsiveness of the public service.¹⁵ To achieve this goal, four priority areas of focus have been set along with associated expectations.¹⁶ The GWPS was informed by a coalition government commitment to reduce public sector expenditure, including expenditure on contractors and consultants.¹⁷
8. The first priority area of focus under the GWPS is to ensure that "[employment] outcomes are fiscally sustainable and respond to the current fiscal context and any current budget advice."¹⁸ A Crown expectation that is associated with this priority area of focus is stated as follows:

Ensure that all workforce costs, including the outcomes of remuneration reviews and collective bargaining are affordable within an agency's baseline, and sustainable in the long term [...]
Any increases or changes in terms and conditions should not lead labour market movements and trends.

(Emphasis added)

9. This particular Crown expectation was not before the claimants or interested parties during the inquiry hearing.

¹¹ A Chadwick, *Brief of Evidence* dated 27 May 2024, Wai 3327, #A42a at 1-4.

¹² For example, see: A Chadwick, *Brief of Evidence* dated 27 May 2024, Wai 3327, #A42; H Baggott, *Brief of Evidence* dated 29 May 2024, Wai 3327, #A46 at [74] – [79]; N Apanui-Barr, *Brief of Evidence* dated 27 May 2024, Wai 3327, #A45 at [36] & [37]; Waitangi Tribunal, *Te Reo i te Kāwanatanga Ruku Tātari Ohotata - Te Reo in the Public Sector Urgent Inquiry hearing week one held at Waitangi Tribunal Offices 10-14 June 2024*, dated 27 June 2024, Wai 3327, #4.1.7 at 346 -371.

¹³ S Bisley, *Closing Submissions for the Crown* dated 5 July 2024, Wai 3327, #3.3.17 at [5.2], [91]–[118]; Waitangi Tribunal, *Te Reo i te Kāwanatanga Ruku Tātari Ohotata - Te Reo in the Public Sector Urgent Inquiry hearing week one held at Waitangi Tribunal Offices 10-14 June 2024*, dated 27 June 2024, Wai 3327, #4.1.7 at 683 – 693.

¹⁴ Te Kawa Mataaho, *2024 Government Workforce Policy Statement*, at 1.

¹⁵ Te Kawa Mataaho, *2024 Government Workforce Policy Statement*, at 1.

¹⁶ Te Kawa Mataaho, *2024 Government Workforce Policy Statement*, at 1.

¹⁷ TKM.005.001, Cabinet paper submitted by the Office of the Minister for the Public Service to the Expenditure and Regulatory Review Committee, at 1.

¹⁸ Te Kawa Mataaho, *2024 Government Workforce Policy Statement*, at 1.

10. At a time when the Crown should be taking vigorous action to revitalise te reo Māori,¹⁹ it is submitted that the aforementioned expectation constrains the Crown’s willingness and ability to be an industry leader in developing te reo Māori allowances and other language-related employment conditions and incentives. This limiting GWPS missive clashes with the “bold vision for te reo Māori [...]” set out in the Maihi Karauna. It also conflicts with the three **audacious** goals established by the Maihi Karauna.²⁰ The GWPS provided the Crown with an opportunity to exhort its agencies to foster te reo. Regrettably, that opportunity was not taken despite the palpable compulsion that should drive the Crown to do so.

11. A reduction in public sector expenditure is a GWPS goal.²¹ The Crown is entitled to set this goal for itself. However, the pursuit of its goal must not, and cannot, come at the expense of the fulfilment of the Crown’s duty to revitalise te reo Māori *with vigour*.²² The aforementioned goal must be subject to the Crown’s duties under te Tiriti and Te Ture mō Te Reo Māori 2016 (the ‘**2016 Act**’).

Te reo allowances

12. The second GWPS priority is stated as follows—“[e]mployment conditions and remuneration settings support a high performing public sector and delivery of effective, efficient, and responsive services” (“**second GWPS priority**”). There is an expectation associated with the second GWPS priority which relates to the payment of allowances in the public sector:

Adequately plan for and recognise specific skills required for the employee to perform their role within the base salary for that specific role. The payment of allowances in addition to base salary may be acceptable in limited circumstances, for example, to recognise skills or duties which are occasional, rather than core to the role. The payment of allowances can be justified where the agency can demonstrate that payment of that allowance will be an effective way for the Crown to uphold its

¹⁹ D Naden, V Tumai, A Johns, R Wihongi, S Rickard, T Henry, W McMaster, Joint closing submissions, dated 6 July 2024, Wai 3327, #3.3.18 at [38] & [100].

²⁰ Te Puni Kōkiri, *Maihi Karauna; The Crown’s Strategy for Māori Language Revitalisation 2019-2023*, dated February 2019, at 11-14.

²¹ Above at n 17, TKM.005.0001 at 1.

²² *New Zealand Māori Council v Attorney-General* [Broadcasting assets case] [1994] 1 NZLR 513 (PC), at 5.

obligations including under Te Ture mō Te Reo Māori 2016/the Māori Language Act 2016 or any other Act or obligations.

13. It should be noted that the general starting point for allowances is that they “may be acceptable in limited circumstances”. The second GWPS priority places stipulations and limits on when the Crown will financially compensate public service kaimahi for their te reo proficiency and skills.
14. More notably, te reo allowances “**can**” be justified if any such allowance can be an effective way for the Crown to uphold its obligations under the 2016 Act. The word “can” provides the Crown agency with a discretion to grant allowances. Any such discretion dilutes the nexus between te reo Māori proficiencies and the Crown’s recognition thereof. As opposed to warranting payment of the allowance upon the displaying of the requisite skill set, there is wriggle room for the Crown not to pay such that the discretion will have a chilling effect on allowance aspirants and ultimately on language retention.

Workforce development

15. The third GWPS priority is stated in the following terms— “[h]ave a workforce that is responsive to the needs of all New Zealanders” (“**third GWPS priority**”).²³ The expectation that is associated with the third GWPS priority is set out below:

Agencies can provide workplace development, where it is needed to deliver on this priority, including to enhance the Public Service’s ability to support the Crown in its relationship with Māori and to uphold [the 2016 Act].

16. Similar to the previous expectation discussed above, the Crown states that agencies “**can**” provide workplace development so that its kaimahi are responsive to the needs of Māori when accessing or interacting with the public service. However, the interested parties submit that the use of ‘can’ creates another loophole through which the Crown can avoid its heavy obligation to develop workforce proficiency and use of te reo.

²³ Te Kawa Mataaho, *2024 Government Workforce Policy Statement*, at 2.

17. The use of ‘can’ in this and the abovementioned expectation, and the leeway it provides Crown agencies, including Ministers, to not support language growth is inconsistent with the Crown’s duty to revitalise te reo. As opposed to the provision of a discretion, the GWPS should make it compulsory for the Crown to take vigorous action to preserve a dying language. The Crown’s failure to make such provision constitutes breaches of te Tiriti principles of partnership, good faith and active protection.

Further Tribunal consideration of the GWPS

18. The interested parties acknowledge that few collective bargaining agreements have been finalised since the GWPS came into force, so the full implications of the Crown’s expectations for te reo allowances set out therein cannot yet be measured.
19. According to an aide memoire to Hon Nicola Willis dated 11 December 2023, approximately 77 per cent of public service collective agreements will be negotiated between late 2024 and mid-2025.²⁴ The Crown provided the aide memoire referred to during initial discovery but redacted the reference to the large number of public service collective agreements that are up for negotiation soon; deeming the information in question to be ‘irrelevant’ despite it clearly being germane to the Tribunal’s consideration of the GWPS.²⁵ An unredacted copy of the aide memoire is **attached** and marked “**Appendix A**” for the Tribunal’s reference. That having been said, we note that the discovery provided by the Crown on 6 November 2024 includes a graphical representation of the upcoming collective agreements to be negotiated between late 2024 and mid-2025.²⁶
20. The interested parties are of the view that by mid-2025, the implications of the GWPS on te reo allowances will become more apparent as collective agreements are negotiated and finalised. These developments will allow a comparative analysis to be undertaken of te reo allowances as they currently stand with those that will result from the GWPS and upcoming negotiations.

²⁴ Te Kawa Mataaho, *Aide Memoire – Meeting with Public Service Association*, dated 11 December 2023, at 2.

²⁵ TKM.001.1446.

²⁶ TKM.005.0019.

It is submitted that the effect of the GWPS on te reo allowances cannot be properly gauged until the comparative exercise has been completed.

21. The interested parties, therefore, respectfully seek that the Tribunal reserve the possibility of reconvening to hear issues related to the impact of the GWPS on te reo allowances following the upcoming collective agreement negotiations and a subsequent analysis thereof. To facilitate such an approach, counsel seek a direction from the Tribunal that the Crown file ongoing discovery of collective agreements as they are finalised, alongside the most recent collective agreements.
22. In raising this proposal, the interested parties re-emphasise the pressing need to build capacity and normalise the use of te reo Māori within the public sector as part of the Crown's language revitalisation efforts, supported by the evidence of Dr Plank and Dr Ka'ai Mahuta.²⁷ Te reo allowances are an important mechanism for incentivising and recognising te reo Māori proficiency in the public sector, which in turn, contributes to overall language use and revitalisation. Counsel further submit that the impact of the updated GWPS on te reo allowances falls squarely within the scope of this inquiry as it relates to the prejudicial impacts of a coalition government policy to limit the status and use of te reo in the public sector.²⁸
23. Counsel acknowledge the imperative of issuing a report by the end of the year and therefore propose that the Tribunal consider issuing an interim report pending a supplementary analysis on the impact of the GWPS vis a vis collective bargaining for te reo Māori allowances.

²⁷ M Plank, R Ka'ai-Mahuta, Brief of evidence dated 15 May 24, Wai 3327, #A017, at [9] referenced by the interested parties in their joint closing submissions: D Naden, V Tumai, A Johns, R Wihongi, S Rickard, T Henry, W McMaster, *Joint closing submissions* dated 6 July 2024, Wai 3327, #3.3.18, at [17].

²⁸ Waitangi Tribunal, *Tribunal Statement of Issues for Te Reo i te Kāwanatanga Ruku Tātari Ohotata – Te Reo in the Public Sector Urgent Inquiry*, Wai 3327, #1.4.3.

TAUMATA AROWAI NAME CHANGE

Crown submissions

24. In the Crown’s memorandum of counsel dated 13 September 2024, the Crown reiterated its claim that there is no overarching Crown policy to change agency names in accordance with the National/New Zealand First coalition agreement.²⁹ Instead, the Crown maintained that agency policy regarding the status and use of te reo is ultimately the responsibility of individual Ministers.³⁰
25. The Crown addressed counsel’s submission regarding the Crown’s failure to consult with Māori, Te Taura Whiri i te Reo Māori and Te Mātāwai about the name change. It was said that in accordance with the Cabinet Manual and the CabGuide, the “lead department consulted Te Arawhiti and Te Puni Kōkiri” because they were “the agencies with an interest in the subject matter of a policy decision” given that the primary focus of the paper in question was not te reo Māori but broader issues of water regulation.³¹

In reply

Name change

26. The interested parties submitted in closing that there is an overarching Crown policy in the manner discussed.³² That position is maintained despite the Crown’s reiterated claim above. The recently provided discovery compounds the existence of an overarching Crown policy because, consistent with other Crown agency name changes of late where the Māori name thereof was subordinated, the Taumata Arowai name change subordinates the Māori name of that Crown agency.³³ It is impossible for the

²⁹ S Bisley, *Memorandum of Counsel for the Crown*, dated 13 September 2024, Wai 3327, #3.4.1, at [4]. Please note, his Honour’s memorandum of directions stated the date of this Crown memorandum of counsel is 16 September 2024. It is in fact dated 13 September 2024, but was received by the Tribunal on 16 September 2024.

³⁰ S Bisley, *Memorandum of Counsel for the Crown*, dated 13 September 2024, Wai 3327, #3.4.1, at [5].

³¹ S Bisley, *Memorandum of Counsel for the Crown*, dated 13 September 2024, Wai 3327, #3.4.1, at [7].

³² D Naden, V Tumai, A Johns, R Wihongi, S Rickard, T Henry, W McMaster, *Joint closing submissions* dated 6 July 2024, Wai 3327, #3.3.18 at [59]-[67].

³³ See D Naden, V Tumai, A Johns, R Wihongi, S Rickard, T Henry, W McMaster, *Joint closing submissions* dated 6 July 2024, Wai 3327, #3.3.18 at [73]-[81] which outline name change proposals to Toka Tū Ake / Earthquake Commission, Whaikaha / Ministry of Disabled People, Te Manatū Waka / Minister of Transport, Waka Kotahi / NZ Transport Agency.

litany of Crown agency name changes to have occurred without adherence by the respective agencies to an overarching Crown policy.

27. Furthermore, even if the status and use of te reo by a Crown agency is the individual Minister's responsibility, the evidence clearly establishes that a number of Ministers are moving or have moved to undermine the prominence of te reo Māori within their respective Crown agencies, by subordinating the Māori name to the English name, and that those concerted moves began upon or after the Coalition Agreement was signed and subsequently implemented.

Lack of consultation

28. The interested parties note that the Crown does not reject the interested parties' claim that Māori, Te Mātāwai or Te Taura Whiri were not consulted with in relation to the name change. Consequently, on that basis alone, it is available for the Waitangi Tribunal to find that Crown consultation regarding the name change was inadequate.
29. The Crown's response is to state that there was consultation and that this was with Te Arawhiti and Te Puni Kōkiri. However, the Crown's response is redundant because that consultation with Te Arawhiti and Te Puni Kōkiri was not about the agency's name change. By the Crown's own admission, it was concerned instead with the "broader issues of water regulation".
30. Additionally, the interested parties highlight once again the statutory duty on the Crown pursuant to the Act 2016 to revitalise te reo Māori. As per the Crown's own strategy for revitalisation, which it must issue under s 10 of the 2016 Act, the Crown is required to work with Māori to revitalise te reo Māori.³⁴ This obligation clearly envisions a requirement to consult with Māori on Crown decision-making that will impact the status and use of te reo Māori. The Crown intention to subordinate the Māori name of Taumata Arowai is clearly one such decision. The Crown's obligation to consult with Māori is

³⁴ Te Puni Kōkiri, Maihi Karauna; The Crown's Strategy for Māori Language Revitalisation 2019-2023, dated February 2019, at 12.

not restricted to decisions where te reo Māori is the primary focus of that decision.

31. Furthermore, it is highly improper for the Crown to place its Cabinet Manual duties over and above its (2016 Act) statutory duties even if, in accordance with s 9(2) of the 2016 Act, the Crown's statutory duties are not enforceable in a court of law. In the least, the Crown should exercise its Cabinet Manual duties consistently with its legislative duties. Neither do the Cabinet Manual provisions cited by the Crown suggest that Te Taura Whiri or Te Mātāwai should not have been consulted.³⁵

32. Ironically, the Cabinet Manual can be cited in support of the interested parties' reply submissions to say that the Crown should have consulted with Māori, Te Taura Whiri and Te Mātāwai. We note from the Cabinet Manual that it:³⁶
 - a. contemplates that the Treaty of Waitangi may indicate limits in the Crown's polity on majority decision-making;

notes the law sometimes accords a special recognition to Māori rights and interests, particularly those covered by Article 2 of the Treaty (which the Tribunal has found to include te reo Maori);
 - b. states that Ministers must draw attention to any aspects of a bill that have implications for, or may be affected by, the principles of the Treaty of Waitangi.

33. The Crown concludes its submissions in the following way:³⁷

[this] inquiry has highlighted the potential significance of decisions about, and [encouraged] best practice for, changes to agency names in a way that will inform future decisions about consultation on such matters.

³⁵ S Bisley, *Memorandum of Counsel for the Crown*, dated 13 September 2024, Wai 3327, #3.4.1, at [7] refers to Cabinet Office, *Cabinet Manual 2023*, at [5.19] – [5.20]. It also makes an unspecified reference to the CabGuide: Cabinet Office Guide "Cabinet paper consultation with Government agencies" (5 August 2024) accessed via: <https://www.dpms.govt.nz/publications/cabinet-paper-consultation-government-agencies>.

³⁶ Cabinet Office, *Cabinet Manual 2023*, at 2, 116 at [7.68a].

³⁷ S Bisley, *Memorandum of Counsel for the Crown*, dated 13 September 2024, Wai 3327, #3.4.1, at [8].

It is as if the Crown's eyes have just been opened to best practice for agency name change when, in fact, the Crown has long been aware of both the significance of decisions about, and best practice for, changes to agency names and bilingual signage. The '*Māori-English Bilingual Signage: A guide for best practice*' was first released seven years ago following a Cabinet directive.³⁸ This guide forms an official part of the Crown's Maihi Karauna strategy to revitalise te reo Māori. The Crown's long-held awareness of name change best practice aggravates the breaches of te Tiriti that the interested parties have sought to highlight.

CONCLUSION

34. The GWPS demonstrates the Crown's unwillingness to be ambitious in its actions to revitalise te reo Māori. The Crown is remaining unambitious despite the clear previous findings of this Tribunal and a legislative acknowledgement of its linguicidal actions against te reo.
35. The recent discovery evidences a further instance of te reo Māori being made subordinate to te reo Pākehā. It also evidences the Crown's overarching policy of language constraint. The overarching policy echoes the earlier linguicidal Crown policies and actions that have almost destroyed the language's health and well-being. As opposed to going forward with language revitalisation, the Crown has us taking a fatal step backwards.
36. The Crown failed to use the GWPS to show the businesses and people of New Zealand how language retention can be assisted through collective and individual wage bargaining. Instead, in breach of te Tiriti principles of partnership, good faith and active protection, it was fortified amongst the populace that revitalising te reo Māori need not be a priority.

³⁸ Te Puni Kōkiri, *Māori-English Bilingual Signage*, accessed via: <https://www.tpk.govt.nz/en/nga-putea-me-nga-ratonga/te-reo-maori/tohureorua?translate=en> on 19 September 2024.

37. The Crown will be in a continued breach of te Tiriti if it continues to fail to revitalise te reo Māori.

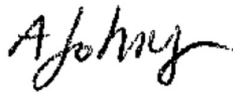
DATED at Tāmaki Makaurau this 13th day of Whiringa-ā-rangi 2024



Darrell Naden
Counsel Acting



Victoria Tumai
Counsel Acting



Ashley Johns
Counsel Acting



William McMaster
Counsel Acting