TAKU REO KURA

TAKU REO KAHURANGI

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Te Rerenga i Mua i te Whakaputa

WAI 3327

HE PŪRONGO A TE RŌPŪ WHAKAMANA
I TE TIRITI O WAITANGI 2025

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RĀRANGI UPOKO

Te Hōnore Tama Potaka
Minita mō Te Arawhiti
Minita mō Te Puni Kōkiri

Te Hōnore Judith Collins KC
Minita mō te Ratonga Tūmatanui

Te Hōnore Paul Goldsmith
Minita o Te Tāhū o te Ture

Te Hōnore Nicola Willis
Minita mō ngā Take Pūtea

Te Hōnore Brooke van Velden
Minita o Te Tari Taiwhenua
Minita mō Mahi Haumaru Aotearoa

Ngā Whare o te Paremata
Te Whanganui-ā-Tara

23 o Whiringa-ā-nuku 2025

Taku Reo Kura
Taku Reo Kahurangi

Kōkiri, kōkiri e taku reo kura, ki te ao o te ahurea nui e whakapātaritari mai rā. E mau i te pākē o te riri ki tō tinana, tākaia te whakapuru ki tō ringa māui, rāua tahi hei ārai atu i ngā rākau taurekareka a te hunga pakiriha e whakaneinei mai ana kia mate koe e taku reo kahurangi, te reo i kīia ai ahau he tangata, i tau ai taku noho i te whenua rangatira o ōku mātua tīpuna. Kō tō pounamu ki tō ringa matau, hei huaki i te ara ki te ora. Pāteretia te aho whakaheke i ngā kura huna o taku ao Māori – tōna rōreka, tōna hōhonu, tōna waitī, tōna waitā, tōna aroha me tōna mana

tautitotito. Ki te ngaro koe, he aha te hua o taku kīia he Māori? Kei hea he tūranga mōku ki te ngāro koe? Ko te whenua anake ka maumahara ki a koe, i te mea kua whakataukītia, he kura kāinga e hokia, he kura tangata, he kura reo e kore e hokia.

Nā me pēhea? Me pakanga rā kia ora tonu koe e taku reo rangatira. Kōrerohia tō mana, tō ātaahua me tō whai wāhi ki te mana motuhake o Aotearoa ki te ao. Whakaminaminatia a Aotearoa – Pākehā mai, tangata manuhiri mai, pakeke mai, taiohi mai, tamariki mai – ki te kura o te reo, i te mea e kore e whai pakiaka ki te riro mā Māori rautakitahi anake koe e whakaora, e kōrero; engari ka pūwawau koe i ngā pari kārangaranga o te motu, ki te whai wāhi mai a rautakitini ki te whakaora i a koe, e taku reo kura, e taku reo kahurangi.

Tīkina atu rā te reo kura
o aku tīpuna
te reo kahurangi o te Kāhui Ariki,
herea ki te rangi
herea ki te whenua,
kia rangona tōna hā i te marae ātea
o te Ao Tukupū,
ka whakamau kia tīnā.

Kei roto tō mātou pūrongo o te ruku tātari ki ngā kerēme e pā ana ki ngā kaupapahere, ngā ritenga, ngā mahi me ngā hapa a te Karauna mō te whakamahinga o te reo Māori ki te ratonga tūmatanui. Ko te arotahinga o ngā kerēme mēnā e takahi ana ngā kaupapahere o te Kāwanatanga haumi ki te whakangoikore i te whakamahinga o te reo Māori ki te rāngai tūmatanui i te Tiriti/the Treaty me ōna mātāpono. I rongo ohotata mātou i ngā kerēme i te Pipiri 2024.

He māharahara tino nui te whakaiti i te tautoko a te Karauna i te whakarauoratanga o te reo. Pērā i tā te Taraipiunara i kite i mua, ko te reo me te whenua ngā take whakahihiko i ngā porotū Māori i ngā tekau tau nō nā tata nei. Kei te noho mōrearea tonu te reo (he āhuatanga i whakaaehia e te Karauna ki tō mātou ruku tātari), ā, i hohoro te whakamahara mai a ngā kaihāpai i te reo ki a mātou kia kaua rawa e noho noa.

Nō reira, i tumeke katoa i ngā takohanga e rua o te whakaaetanga haumi nō te 24 o Whiringa ā-rangi 2023 i waenganui i a Nāhinara me Aotearoa Tuatahi. Tuatahi, i whakaae ngā pāti kia 'noho ngā ingoa matua o ngā tari kāwanatanga katoa ki te reo Pākehā, atu i ērā e hāngai pū ana ki te Māori'. Tuarua, i whakaae rātou kia 'noho mātāmua te reo Pākehā ki

ngā whakawhiti kōrero a ngā tari kāwanatanga me ngā Hinonga Karauna – atu i ērā e hāngai pū ana ki te Māori'.

I roto i tō mātou ruku tātari, i whakahē te rōia mō te Karauna he kaupapahere Kāwanatanga ēnei whakaaetanga i waenganui i ngā pāti tōrangapū, ā, ka tāpae atu kei tua ērā i tō mātou mana ā-ture. I kī mai te rōia mō te Karauna, kia mutu rā anō ngā mahi mō ngā kaupapahere me ngā whakatau a te Kāhui Minita, kātahi ka taea te kī he mahi nā te Karauna. I whakahē atu mātou ki tēnei. I te Whiringa-ā-rangi 2023 ka tautoko te Kāhui Minita i ngā whakaaetanga haumi hei tūāpapa mō ngā mahi a te Kāwanatanga, nā tērā ka noho ki tō mātou mana ā-ture. Waihoki, i here tētahi mātārere Tari Kapenata nō te 25 o Poutūterangi 2024 i ngā Minita me ngā āpiha kia 'whai tukanga' hei whakatinana i ngā whakaaetanga.

I tohe anō te rōia mō te Karauna he iti noa iho ngā pānga o ēnei takohanga, ā, ka tautoko tonu te Kāwanatanga i te reo Māori. Engari kua tohutohu ngā Minita i ngā panonitanga – inarā ko ngā ingoa o ngā tari – kua whakamātāmuri i te tūnga me te mana o te reo Māori ki te reo Pākehā. He mea taupatupatu tēnei, kaua ki ngā kupu ārahi mō ngā tohu reorua a te Karauna anake, engari anō ki ngā ritenga pai rawa huri noa i te ao mō te whakarauora reo. Mārama ana te kite he pānga whakamataku ki te whakamahinga o te reo Māori huri noa i ngā tari, te takohanga e pā ana ki ngā whakawhiti kōrero.

E hia kē ngā tekau tau, kua āta kōkiri te Karauna ki te tautoko i te whakarauoratanga o te reo. E whakaae ana mātou ko te takune he āwhina ki te whakahaumaru i te anamata o te reo, tae atu ki ngā kaupapa ture pērā i te Ture Reo Māori 1987 me Te Ture mō Te Reo Māori 2016. Ahakoa kei reira ngā hapa o ētahi āhuatanga o tēnā tautoko, i te nuinga o te wā e ū ana ngā kōrero tūmatanui a te Karauna ki te reo. Kia pēnei te kōrero, whai muri i ngā mahi a te Karauna ki te pēhi i te reo mō te nuinga o te rautau rua tekau, kua huri te tai ki te tautoko i te reo mai i te tekau atu i te 1980.

Ko te mea e māharahara ana, e pōkaikaha ana i ngā kaikerēme ko ngā tohu kua tīmata te tautoko o te Karauna ki te mimiti. Kāore tēnei i hua mai i ngā takohanga i roto i te whakaaetanga haumi me ngā tohutohu minita noa iho, engari i te pānuitanga ohorere a te Minita mō te Ratonga Tūmatanui i muri tata i te tūnga o te Kāwanatanga ka pīrangi ia ki te whakamutu i ngā utu tāpui mō te reo Māori ki ngā kaimahi kāwanatanga.

Kua kite mātou, nā āna mahi, kua takahi te Karauna i ngā mātāpono o te Tiriti/the Treaty, tae atu ki te rangatiratanga, te rangapū mahitahi, te matapopore moroki, te wairua tōkeke me te kāwanatanga pai. Kua kite anō mātou kāore ngā mahi a Te Kawa Mataaho i whai i te Tiriti/the

Treaty i roto i āna kupu ārahi i te tīmatanga ki a Minita Willis, ka mutu i te māharahara kē ki te whakatutuki i ngā awhero tōrangapū o te Minita, kaua ki te hāpai i i ngā takohanga a te Karauna i raro i te Tiriti/the Treaty.

Nā runga i te noho mōrearea o te reo, kua kite mātou i whakahāweatia ngā kaikerēme e ēnei takahitanga. Waihoki, kua kite mātou kāore ngā mahi a te Karauna i te hāngai ki ōna ake takohanga kei roto i Te Ture mō Te Reo Māori ki te whiriwhiri kōrero ki ngā iwi me te Māori mō ngā take e pā ana ki te reo, mō te whakamahi i te reo ki te whakatairanga i ngā ratonga kāwanatanga, me te rangapū mahitahi ki ngā iwi me te Māori hei tiaki, hei whakatairanga hoki i te reo.

Nō reira, i waenganui i ō mātou tūtohunga, kua tautohu mātou i te hiahia kia hāngai ake ki ngā kupu Māori ngā kupu Pākehā o Te Ture mō Te Reo Māori, ā, ko te pānga o tēnā he whakapakari ake i te Ture kia kaha ake te here a ngā haepapa o te Karauna. I tūtohu anō mātou mō tētahi panonitanga ki te mūhore te whakatutuki i ēnei takohanga ka taea te hari ki te kōti. He mea nui te hauora me te mauri o te reo Māori, ā, e whakapono ana mātou me eke ka tika te Karauna ki ngā taumata tiketike.

Hei kupu āpiti, i muri mai i te tuhituhi i tō mātou pūrongo, i whakamōhiotia mātou ki ētahi kaupapa anō a te Karauna ki te whakamātāmuri i te tūnga me te mana o te reo Māori ki muri i te reo Pākehā, arā mō ngā panonitanga kua whakaarahia ki te Uruuruwhenua o Aotearoa. I te tau 2021, i whakatairanga tētahi pānui pāpāho i whakaputaina e Te Tari Taiwhenua i te hoahoa motuhake o te uruuruwhenua i tāngia ki a 'Uruwhenua Aotearoa' ki runga ake i a 'New Zealand Passport', he mea 'poho kererū', ā, e miramira ana i te whakamahinga o te reo Māori huri noa i te uhi me te uruuruwhenua.* Heoi anō, i te Hōngongoi 2025, i pānui te Minita mō Te Tari Taiwhenua a Brooke van Velden ka whakawhiti ngā tūnga o ngā kupu i runga i te uruuruwhenua kia noho mātāmua te reo Pākehā nā te mea koirā te reo e kōrero whānuihia ana e te marea o Aotearoa.†

Tērā pea e tika ana kia whakakapi ki te kōrero e whai ake nei nā Te Rōpū Whakamana i te Tiriti o Waitangi, i roto i tōna *Pūrongo o Te Rōpū Whakamana i te Tiriti o Waitangi mō te Kerēme o Te Reo Māori*:

> He mea nui te whakamana ōkawa i te reo Māori, engari he mea nui ake te whakawhānui i tōna whakamahinga. Kia nui ake i te mana ki te whakamahi

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* Te Tari Taiwhenua/Department of Internal Affairs, 'New Passports being Phased In', 3 o Haratua 2021, https://tinyurl.com/3a2nynwr, i toro atu i te 19 o Hereturikōkā 2025

† Craig McCulloch, 'English to Appear above Te Reo Māori in New Zealand Passport Redesign', Radio New Zealand, 25 o Hōngongoi 2025, https://tinyurl.com/45skfv6s, i toro atu i te 19 o Hereturikōkā 2025

i te reo ki roto i ngā Kōti. Me whai mana ki te whakamahi i te reo ahakoa te tari, te rōpū ā-rohe rānei, koirā te mana tūturu, ehara i te noho tekoteko noa iho.

Nāku noa, nā

Kaiwhakawā Te Kani Williams
Mana whakahaere

Ko tōku rangatiratanga, ko tōku mana i roto i tōku Ao Māori.
Nō reira, me pūmau tāku aronga ake ki te ako:
Ko wai ahau? Nō hea ahau? I ahu mai ahau i hea?
Kei roto i ngā urupare ki ēnei pakirehua ka puta te mōhio ki tōku whakapapa ā tangata, ki tōku whakapapa ā waka, me tōku whakapapa ā rohe, ā iwi, ā hapū, ā marae, kāti ko tōku whanaungatanga ki ōku rahi.
Me pehea taku whakawhiwhi atu ki tōku ake rangatiratiratanga?
Mā te mārama ki te whakarongo ki ngā tangi o tōku reo.
Mā te matatau ki te whakawhitiwhiti kōrero i roto i tōku reo.
Mā te āhei ki te whakaaro Māori.
Mā te ara ake o tōku wairua Māori.
Mā te akoako i aku tikanga Māori.
Mā te ako i ōku mātauranga Māori.
Mā ānei akoranga katoa ka tū ahau i roto i te rangatiratanga o tōku ake ao Māori.‡

‡ Tākuta Tawhirirmatea Williams rāua ko Tākuta Kaa Williams

The Honourable Tama Potaka
Minister for Māori Crown Relations
Minister for Māori Development

The Honourable Judith Collins KC
Minister for the Public Service

The Honourable Paul Goldsmith
Minister of Justice

The Honourable Nicola Willis
Minister of Finance

The Honourable Brooke van Velden
Minister of Internal Affairs
Minister for Workplace Relations and Safety

Parliament Buildings
WELLINGTON

23 October 2025

Taku Reo Kura
Taku Reo Kahurangi

Kōkiri, kōkiri e taku reo kura, ki te ao o te ahurea nui e whakapātaritari mai rā. E mau i te pākē o te riri ki tō tinana, tākaia te whakapuru ki tō ringa māui, rāua tahi hei ārai atu i ngā rākau taurekareka a te hunga pakiriha e whakaneinei mai ana kia mate koe e taku reo kahurangi, te reo i kīia ai ahau he tangata, i tau ai taku noho i te whenua rangatira o ōku mātua tīpuna. Kō tō pounamu ki tō ringa matau, hei huaki i te ara ki te ora. Pāteretia te aho whakaheke i ngā kura huna o taku ao Māori – tōna rōreka, tōna hōhonu, tōna waitī, tōna waitā, tōna aroha me tōna mana tautitotito. Ki te ngaro koe, he aha te hua o taku kīia he Māori? Kei hea he

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tūranga mōku ki te ngāro koe? Ko te whenua anake ka maumahara ki a koe, i te mea kua whakataukītia, he kura kāinga e hokia, he kura tangata, he kura reo e kore e hokia.

Nā me pēhea? Me pakanga rā kia ora tonu koe e taku reo rangatira. Kōrerohia tō mana, tō ātaahua me tō whai wāhi ki te mana motuhake o Aotearoa ki te ao. Whakaminaminatia a Aotearoa – Pākehā mai, tangata manuhiri mai, pakeke mai, taiohi mai, tamariki mai – ki te kura o te reo, i te mea e kore e whai pakiaka ki te riro mā Māori rautakitahi anake koe e whakaora, e kōrero; engari ka pūwawau koe i ngā pari kārangaranga o te motu, ki te whai wāhi mai a rautakitini ki te whakaora i a koe, e taku reo kura, e taku reo kahurangi.

Tīkina atu rā te reo kura
o aku tīpuna
te reo kahurangi o te Kāhui Ariki,
herea ki te rangi
herea ki te whenua,
kia rangona tōna hā i te marae ātea
o te Ao Tukupū,
ka whakamau kia tīnā.

Enclosed is our report on the inquiry into claims concerning the Crown's policies, practices, actions and omissions regarding the use of te reo Māori in the public service. The focus of the claims was on whether the policies of the coalition Government to limit the status and use of te reo Māori in the public sector are in breach of te Tiriti/the Treaty and its principles. We heard the claims under urgency in June 2024.

Any discernible diminishing of Crown support for the revitalisation of te reo is a matter of serious concern. As the Tribunal has previously observed, te reo has been matched only by Māori land as a galvanising force for Māori protest in recent decades. The language remains in a vulnerable state (something the Crown readily acknowledged in our inquiry) and te reo advocates are quick to remind us that there is no margin for complacency.

Two commitments in the 24 November 2023 coalition agreement between the National and New Zealand First parties therefore raised understandable alarm. Firstly, the parties agreed to '[e]nsure all public service departments have their primary name in English, except for those specifically related to Māori'. Secondly, they agreed to '[r]equire the public

service departments and Crown Entities to communicate primarily in English – except those entities specifically related to Māori'.

In our inquiry, counsel for the Crown denied that these agreements between political parties equated to actual Government policy and submitted that they lay beyond our jurisdiction. It would not be until officials undertook policy work on them and Cabinet made decisions, said counsel, that they could be considered Crown actions. We disagreed with this. On 28 November 2023 the new Cabinet endorsed the coalition agreements as the basis on which the Government would operate, which brought them squarely within our jurisdiction. Furthermore, a Cabinet Office circular of 25 March 2024 required both Ministers and officials to 'have processes in place' to implement them.

Counsel for the Crown further argued that the effects of these commitments would be relatively minor, and Government support for te reo Māori would continue as previously. But Ministers have directed changes – particularly with regard to agency names – that have relegated the placement and status of te reo Māori behind English. This is in contradiction of not just the Crown's own bilingual signage guidance but also international best practice in language revitalisation. The commitment concerning communications has also clearly had a chilling effect on the use of te reo Māori across agencies.

For decades now, the Crown has taken incremental but positive steps to support the revitalisation of te reo. We acknowledge that those steps were intended to help safeguard the language's future, including legislative measures such the Maori Language Act 1987 and Te Ture mō Te Reo Māori 2016. While fault can be found with aspects of its support, the Crown's public utterances have generally expressed a reassuringly strong commitment. In other words, after the Crown's efforts to suppress te reo for much of the twentieth century, the tide has generally flowed in favour of te reo since the 1980s.

What has concerned and bewildered the claimants have been the signs that the Crown's support had begun to ebb. This has not just been in terms of the commitments in the coalition agreement and subsequent ministerial directives, but in the abrupt announcement of the Minister for the Public Service soon after the Government's formation that she would like to stop paying public servants te reo Māori allowances.

We have found that, through its actions, the Crown has breached the principles of te Tiriti/the Treaty, including rangatiratanga, partnership, active protection, equity and good government. We have also found that

Te Kawa Mataaho failed to act in a manner compliant with te Tiriti/the Treaty in its initial advice to Minister Willis, which was more concerned with how the Minister's political ambitions could be facilitated rather than how the Crown's obligations under te Tiriti/the Treaty should be upheld.

Given te reo's fragility, we have found that the claimants have been prejudiced by these breaches. Moreover, we have found that the Crown's actions are inconsistent with its clearly stated obligations in Te Ture mō Te Reo Māori to consult with iwi and Māori on matters relating to te reo, to use te reo in the promotion of government services, and to work in partnership with iwi and Māori to protect and promote the language.

Amongst our recommendations, therefore, we have identified the need for a more accurate reflection of the Māori text in the English text of Te Ture mō Te Reo Māori which has the effect of strengthening the Act to make the Crown's responsibilities more explicitly obligatory. We have also recommended an amendment to make any failures to meet these commitments justiciable. The stakes are high in respect to the health and vitality of te reo Māori, and we believe the Crown should be correspondingly held to the highest standards of account.

As a postscript, after we had finished writing our report, we were appraised of further steps being taken by the Crown to relegate the placement and status of te reo Māori behind English, in this case in regard to changes proposed for the New Zealand Passport. In 2021, a press release from the Department of Internal Affairs promoted the passport's unique design that had 'Uruwhenua Aotearoa' printed above 'New Zealand Passport' as one to 'be proud of' and highlighted the use of te reo Māori both on the cover and throughout the book.* However, in July 2025, Minister of Internal Affairs Brooke van Velden announced that the positions of the text on the passport would be swapped to using English first on the basis that it is the language most widely spoken by the New Zealand public.†

It is perhaps appropriate to end with the following from the Waitangi Tribunal, in its *Report of the Waitangi Tribunal on the Te Reo Māori Claim*:

> To recognise Māori officially is one thing, to enable its use widely is another thing altogether. There must be more than just the right to use it

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* Te Tari Taiwhenua/Department of Internal Affairs, 'New Passports being Phased In', 3 May 2021, https://tinyurl.com/3a2nynwr, accessed 19 August 2025

† Craig McCulloch, 'English to Appear above Te Reo Māori in New Zealand Passport Redesign', Radio New Zealand, 25 July 2025, https://tinyurl.com/45skfv6s, accessed 19 August 2025

in the Courts. There must also be the right to use it with any department or any local body if official recognition is to be real recognition, and not mere tokenism.

Nāku noa, nā

Judge Te Kani Williams
Presiding Officer

Ko tōku rangatiratanga, ko tōku mana i roto i tōku Ao Māori.
No reira, me pūmau tāku aronga ake ki te ako:
Ko wai ahau? No hea ahau? I ahu mai ahau i hea?
Kei roto i ngā urupare ki enei pakirehua ka puta te mohio ki tōku whakapapa ā tangata, ki tōku whakapapa ā waka, me tōku whakapapa ā rohe, ā iwi, ā hapū, ā marae, kāti ko tōku whanaungatanga ki ōku rahi.
Me pehea taku whakawhiwhi atu ki tōku ake rangatiratiratanga?
Ma te mārama ki te whakaronga ki ngā tangi o tōku reo.
Ma te mōhio ki te kōrero i tōku reo.
Ma te matatau ki te whakawhitiwhiti kōrero i roto i tōku reo.
Ma te āhei ki te whakaaro Māori.
Ma te ara ake o tōku wairua Māori.
Ma te akoako i aku tikanga Māori.
Ma te ako i ōku matauranga Māori.
Ma enei akoranga katoa ka tū ahau i roto i te rangatiratanga o tōku ake ao Māori.‡

My stance as somebody of status and importance emanates or comes from my stance and authority in my Māori world.
Therefore, I must take a definite view to learning:
Who am I? Where am I from? I am a result of whom?
In the response to these questions or interrogations will arise in my learning; my ancestral genealogy, my ancestral waka, my ancestral territories, my tribe(s), my hapu, my iwi, my marae, my family, my relationship in the larger community.
How can I obtain, get or be awarded a stance as somebody of status and importance?

‡ Tākuta Tawhirirmatea Williams rāua ko Tākuta Kaa Williams

By being clear in my understanding of my Māori language.
By being knowledgeable and capable of carrying out
a discussion in my Māori language.
By being able to think in my Māori language.
By a growth and arousal in my Māori spirituality.
By learning and knowing my Māori customs,
obligations and conditions.
By learning my Māori knowledge.
It will be because of all this learning and knowledge that
I will be able to stand with status, knowledge and authority in
my Māori world.

NGĀ MIHI

E mihi ana Te Rōpū Whakamana ki ngā kaimahi i āwhina ki te whakarite i tēnei pūrongo, inarā ko Andrea Hepworth rātou ko Esme Stark, ko Stacey Fraser, me Judith Pryor.

E mihi ana hoki ki ērā kaimahi i āwhina ki te whakangāwari i ngā whakahaerenga o tēnēi ruku tātari me ngā nohoanga mō ēnei kerēme ohotata, inarā ko Gabrielle Hunter rātou ko Ana Kathrin de Lara (Kyra) Maquiso, ko Genevieve O'Brien, ko Donald Rowe, ko Heaven-Leigh Teofilo, ko Wiliame Gucake, ko Sophie Gordon, ko Nell Ferrall, me Natalya Holmes-Mustart. Me mihi anō ki ngā pūkenga o Alan Doyle te ringa hangarau ataata-rongo, he tūranga waiwai i roto i ō mātou nohoanga.

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NGĀ WHAKAPOTO / ABBREVIATIONS

ABC	Australian Broadcasting Corporation
AJHR	*Appendix to the Journals of the House of Representatives*
ACT	Association of Consumers and Taxpayers
app	appendix
BIM	briefing to the incoming Disability Issues Minister
CA	Court of Appeal
CE	chief executive
CEO	chief executive officer
ch	chapter
CO	Cabinet Office
COVID-19	Coronavirus Disease of 2019
DNA	deoxyribonucleic acid
doc	document
DOC	Department of Conservation
DPMC	Department of the Prime Minister and Cabinet
EQC	Earthquake Commission
ed	edition, editor, edited by
FW	forward
GHz	gigahertz
GWPS	Government workforce policy statement
IRD	Inland Revenue Department
KO	Kāinga Ora
ltd	limited
LTNZ	Land Transport New Zealand
memo	memorandum
MFAT	Ministry of Foreign Affairs and Trade
n	note
NB	*nota bene*
NHC	Natural Hazards Commission
NHI Act	Natural Hazards Insurance Act 2023
no	number
NZ	New Zealand
NZLR	*New Zealand Law Reports*
NZNO	New Zealand Nurses Organisation
NZPD	*New Zealand Parliamentary Debates*
NZSL	New Zealand Sign Language
NZTA	New Zealand Transport Agency
OIA	Official Information Act 1982
p, pp	page, pages
PC	Privy Council

PCO	Parliamentary Counsel Office
PM	Prime Minister
PSA	Public Service Association
PSC	Public Service Commission
ROI	record of inquiry
s, ss	section, sections (of an Act of Parliament)
SOE	State-owned enterprise
SLT	senior leadership team
TKRK	Tauākī Kaupapahere Rāngaimahi Kāwanatanga
TPOG	Treaty Principles Oversight Group
UN	United Nations
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
v	and (in a legal case name)
vol	volume
Wai	Waitangi Tribunal claim
wh	whārangi

Ki te kore e kī, kei te Wai 3327 pūranga tuhinga o te ruku tātari ngā tohutoro kīwae ki ngā tuhinga kōrero taunaki, ngā kerēme, ngā tuhinga, ngā manatu, ngā whārangi, ngā tāpaetanga, me ngā tuhituhinga, ā, e wātea ana tētahi kape o te kuputohu mēnā ka tono ki Te Rōpū Whakamana i te Tiriti o Waitangi.

Unless otherwise stated, footnote references to briefs, claims, documents, memoranda, papers, submissions, and transcripts are to the Wai 3327 record of inquiry, a full copy of the.index to which is available on request from the Waitangi Tribunal.

Ki te manatawa, he kākano pango. I roto, ko te mana whakatipu.
Ko te manapou, he kakano whero. I roto, ko te mana me te mauri o te reo.
I kawea mai ēnei kākano i roto i te korokoro o te Kākā i te wā i rere mai i Hawaiki ki Aoteaoroa nei. E kī ana te kōrero, i roto i aua kākano ko te reo whāioio o ngā matua tipuna.
Ka tae mai ki Aotearoa, ka puhaina mai aua kākano ki waho. Ka taka ki te whenua, ka tipu he rākau tawa, ka pua, ka hua. Ka kainga ngā hua e te manu ka puta ngā reo o tēnā manu, o tēnā manu, ka tangitangi, ka waiata, ka korihi ki te wao.
Ka 'koekoe' te Tui.
Ka 'ketekete' te Kākā.
Ka 'kūkū' te Kererū.
Ka kainga ngā manu e te Māori. Ka puta ko ngā momo reo, me ngā momo mita o tēnā iwi, o tēnā iwi.

The Manatawa is a black seed. Inside it has the *mana* to grow.
The Manapou is a red seed. Inside it has the integrity and the life essence of the Māori language.
These two seeds were carried in the throat of the Kākā bird as it flew to Aotearoa from Hawaiki. According to talk handed down, inside these seeds were the numerous languages of our ancestors.
When the Kākā arrived at Aotearoa, it spat out those two seeds it held in its throat. The seeds fell to the earth and began to grow into a Tawa tree. It flowered; it bore fruit. The birds ate the fruit and each bird gave voice to their own vocal sounds (their own bird language), a cry, a song, a bird song in the forest.
The Tui goes 'koe koe'.
The Kākā goes 'kete kete'.
The Kererū goes 'kūkū'.
These birds were eaten by our Māori ancestors and consequently each iwi gave voice to their own dialect, their language sounds, their own voices, their own mita.

—Attributed to Professor Timoti Karetu

UPOKO 1

KUPU WHAKATAKI

1.1 He Aha te Take?

He ruku tātari ohotata Te Reo i te Kāwanatanga Ruku Tātari Ohotata e aro ana ki ngā kerēme mō ngā kaupapahere, ngā ritenga, ngā mahi me ngā hapa a te Karauna e pā ana ki te whakamahinga o te reo Māori me ōna tikanga ki te rāngai tūmatanui. I tāpae ngā kaikerēme me ngā hunga e whai take ana i ngā mahi a te Karauna me ngā mahi e whakaarotia ana rānei e te Karauna ki te takahi me te whakapāhunu i te whakamahinga o te reo Māori ki te rāngai tūmatanui, nō reira ka whakaheke i te mana o te reo Māori hei taonga, ka whakararu, ka ārai hoki i te kaunekehanga o te whakarauora i te reo, ā, nā tērā kīhai i te eke ki ngā takohanga i raro i te Tiriti/the Treaty.[1]

I ahu mai ngā āwangawanga i whakaarahia i tēnei ruku tātari i te whakaaetanga haumi nō Whiringa-ā-rangi 2023 i waenganui i te Pāti Nāhinara me te Pāti o Aotearoa Tuatahi. I roto i taua whakaaetanga i whakaae rātou – ahakoa horokukū ana – ki te tautoko me te whakatairanga i ngā kaupapahere me ngā mahi o Aotearoa Tuatahi ki te Kāwanatanga haumi. Ko ngā kaupapahere nō taua whakaaetanga i arotahitia e tō mātau ruku tātari ko:

- Te tohutohu kia noho ngā ingoa matua o ngā tari kāwanatanga ki te reo Pākehā, atu i ērā ingoa e hāngai pū ana ki te iwi Māori.
- Te tohutohu kia mātua whakawhiti kōrero ngā tari kāwanatanga me ngā Hinonga Karauna ki te reo Pākehā – atu i ērā hinonga e hāngai pū ana ki te iwi Māori.[2]

I whakamōhio atu anō ngā take e whai ake nei kei roto i ngā whakaaetanga haumi i waenganui i te Pāti Nāhinara, te Pāti Aotearoa Tuatahi me te Pāti ACT ki te ruku tātari:

1. Ko Rewiti Paraone rātou ko Erima Henare, ko Pita Tipene, ko Te Waihoroi Shortland mō Te Rūnanga o Ngāti Hine e tū ana mō ngā uri o Torongare me Hauhaua (Wai 682 ROI, 1.1. (v)), tauāki whakaraupapa nawe, 21 o Hakihea 2023; te kerēme o Ngāi Te Rangi mō te Kāwanatanga haumi (Wai 3308) (Wai 3308 ROI, 1.1.1 (a)); ko Colleen Skerrett-White rātou ko Timitepo Hohepa ko Te Ariki Derek Morehu mō Ngāti Te Rangiunuora e tautokohia ana e Ngāti Pikiao (Wai 1212 me Wai 1194) (Wai 1194 ROI, 1.1 (d); Wai 1212 ROI, 1.1.1(d)), te panonitanga o te tauāki whakaraupapa nawe tuatahi, 23 o Paengawhāwhā 2024; Nora Rameka rāua ko William Skipper (Kipa) Munro mō Te Rūnanga o Ngāti Rēhia (Wai 3077) (Wai 3077 ROI, 1.1.1(c)), panonitanga o te tauākī whakaraupapa nawe, 22 o Hakihea 2023

2. Tuhinga A65, wh 756 ['Coalition Agreement: New Zealand National Party & New Zealand First', Whiringa-ā-rangi 2023, wh 9]

- Ka whakahōnore te Kāwanatanga Haumi i ngā oati i tutuki i te Karauna mā roto i ngā whakataunga Tiriti o Waitangi o mua.[3]
- Te tautoko i te manapori – ko te hāpai i ngā mātāpono o te manapori rīpera, tae atu ki te kiriraraunga ōrite, te tino rangatiratanga ā-pāremata, ngā tikanga o te ture me ngā tika ā-rawa, ina koa ko te taha ki te whakamārama i te Tiriti o Waitangi.[4]
- E whakaae ana ngā Minita o te Kāwanatanga kia herea e te Aratohu Rūnanga Minita i ō rātou kawenga hei minita, me ngā mahi, ngā kawenga tūmatanui, me ngā pānga whaiaro a ngā Minita.[5]

E mātai ana te pūrongo mehemea e ū ana ngā tukanga, ngā kaupapahere, ngā mahi me ngā hapa ināianei a te Kāwanatanga ki ōna takohanga i raro i te Tiriti/the Treaty me te ture. E whakatakoto ana tēnei upoko i te horopaki ā-tukanga mō te ruku tātari ka tahi, ka rua he whakamōhio atu ko wai ngā kaikerēme, he aha hoki ngā take matua hei whiriwhiri mā te Taraipiunara, ā, me te whakatakoto i te hanga o te pūrongo.

I roto i tēnei pūrongo, ka whakahua mātou i te rerenga 'Te Tiriti o Waitangi', 'te Tiriti' rānei, mō ngā tuhinga i roto i te reo Māori, ā, ko te rerenga 'the Treaty of Waitangi', 'the Treaty' rānei mō ngā tuhinga i roto i te reo Pākehā. Heoi anō, ina whakahua ai mātou i ngā mahi a ētahi kē, ka tārua mātou i ngā kupu ka whakamahia e ngā kaituhi. Ka tīkina e mātou ngā mātāpono i ahu mai i te Tiriti/the Treaty hei 'mātāpono Tiriti'; ki ngā whakataunga kerēme o mua i whiriwhiria ki waenganui i ngā rōpū Māori me te Kāwanatanga hei 'whakataunga Tiriti'; me ngā tohutoro whakatureture ki te Tiriti/the Treaty, ki ngā mātāpono Tiriti rānei hei 'whiti Tiriti'.

Puta noa i te pūrongo, he rite tonu tō mātou whakahua i ngā hinonga Kāwanatanga maha. I whakamahia ngā whakapotonga e rārangi mai ana ki raro nei, whai muri tuatahi i te tātaki ā-kupu i ngā ingoa kei ia upoko kia māmā ake te pānui i te pūrongo. I te rārangi arapū kei raro iho nei, ka whakaatuhia ngā ingoa reo Māori o ngā hinonga i te tuatahi; kīhai tēnei e tohu i ngā ingoa manature o ngā hinonga Kāwanatanga. Kei te upoko 4 ngā taipitopito mō ngā ingoa manature o ngā hinonga Kāwanatanga.

- Kāinga Ora/Homes and Communities → Kāinga Ora
- Manatū Aorere/Ministry of Foreign Affairs and Trade → Manatū Aorere
- Oranga Tamariki/Ministry for Children → Oranga Tamariki
- Taumata Arowai/Water Services Regulator → Taumata Arowai
- Te Arawhiti/Office for Māori Crown Relations → Te Arawhiti
- Te Kawa Mataaho/Public Service Commission → Te Kawa Mataaho
- Te Manatū Waka/Ministry of Transport → Te Manatū Waka
- Te Puni Kōkiri/Ministry of Māori Development → Te Puni Kōkiri

3. Tuhinga A65, wh 757 ['Coalition Agreement: National & New Zealand First', wh 10]

4. Tuhinga A65, wh 744 ['Coalition Agreement: New Zealand National Party & ACT New Zealand', Whiringa-ā-rangi 2023, wh 10]; tuhinga A65, wh 758 ['Coalition Agreement: National & New Zealand First', wh 11]

5. Tuhinga A65, wh 746 ['Coalition Agreement: National & ACT', wh 12]; tuhinga A65, wh 760 ['Coalition Agreement: National & New Zealand First', wh 13]

- Te Tāhū o te Ture / Ministry of Justice → Te Tāhū o te Ture
- Te Tāhuhu o te Mātauranga / Ministry of Education → Te Tāhuhu o te Mātauranga
- Te Tari Taiwhenua / Department of Internal Affairs → Te Tari Taiwhenua
- Te Taura Whiri i te Reo Māori / Māori Language Commission → Te Taura Whiri
- Te Whatu Ora / Health New Zealand → Te Whatu Ora
- Toka Tū Ake / Natural Hazards Commission → Toka Tū Ake
- Toka Tū Ake EQC / Earthquake Commission → Toka Tū Ake (EQC)
- Waka Kotahi / New Zealand Transport Agency → Waka Kotahi
- Whaikaha / Ministry of Disabled People → Whaikaha

1.2 Ngā Whakahaerenga ā-Ture

1.2.1 Te horopaki o te kaupapahere

I whakatakotohia ēnei kerēme whai muri i te waitohutanga o ngā whakaaetanga haumi nō te 24 o Whiringa-ā-rangi 2023 i waenganui i a Nāhinara me Aotearoa Tuatahi ka tahi, me Nāhinara me ACT ka rua, e whakatakoto ana i ngā hōtaka kaupapahere e ū ana ngā pāti ki te whakatutuki ki roto i te Kāwanatanga. Kīhai i roto i te whakaaetanga haumi o ACT ngā kaupapahere e pā ana ki te reo Māori. Heoi anō, pērā i runga ake nei, e ū ana te whakaaetanga o Nāhinara–Aotearoa Tuatahi kia 'noho te ingoa matua o ngā tari kāwanatanga ki te reo Pākehā, atu i ērā e hāngai pū ana ki te iwi Māori', ā, me te herenga 'kia whakawhiti kōrero ngā tari kāwanatanga me ngā Hinonga Karauna ki roto i te reo Pākehā – atu i ērā hinonga e hāngai pū ana ki te iwi Māori'.[6] He kaupapahere anō i tohu i te takune kia whakaturehia te reo Pākehā hei reo whai mana o Aotearoa. Heoi anō, ehara tēnā take i arohia ki tēnei ruku tātari.

I ngā wiki ka whai ake, i puta i ngā Minita nō ngā pāti o Nāhinara me Aotearoa Tuatahi ngā kōrero tūmatanui e whakapāhunu ana i te kōrerotia o te reo e te rāngai tūmatanui, i tohu rānei koirā tonu tō rātou hiahia.[7] Hei tauira, i whakamōhio atu te Minita mō Te Kawa Mataaho i te hunga pāpāho ka kimi kupu āwhina ia mehemea ka taea e ia te aukati i te pūtea mō ngā kaimahi kāwanatanga e matatau ana i te reo Māori ka whiriwhiria ki ngā kirimana tōpū i ngā rā ke heke mai.[8] Ka mātaihia te whānuitanga o ēnei take ki te upoko 3.

6. Tuhinga A65, wh 756 ['Coalition Agreement: National & New Zealand First', wh 9]

7. Hei tauira, tirohia: Raphael Franks, 'Incoming Deputy Prime Minister Winston Peters Blasts Te Reo Māori Names for Government Departments', *New Zealand Herald*, 24 o Whiringa-ā-rangi 2023, https://tinyurl.com/bdfmkdxy, i tomokia i te 22 o Haratua 2024; 'Minister Instructs Waka Kotahi Staff to Use English Name First', *1News*, 4 o Hakihea 2023, https://tinyurl.com/3p 57fmwy, i tomokia i te 22 o Haratua 2024

8. Tuhinga A42(a), wh 152–154 [Phil Pennington, 'Te Reo Māori: Govt Seeks to Halt Extra Pay for Public Servants Fluent in the Language', *Te Reo Irirangi o Aotearoa*, 6 o Hakihea 2023, wh [1]–[3]]

1.2.2 Te whakatau kia tū he ruku tātari ohotata

Whai muri i te whakaaetanga haumi me ngā kōrero a ngā Minita o te Karauna kei runga ake nei, i whiwhi te Taraipiunara i ngā puka tono maha kia tū he ruku tātari ohotata mō ngā mahi a te Kāwanatanga e pā ana ki te reo Māori. Nō te 11 o Hakihea 2023, ka whakatakoto te Taratī Whakataunga o Ngāi Te Rangi i te kerēme me te puka tono mō tētahi ruku tātari ohotata.[9] I whiwhi anō te Taraipiunara i ngā puka tono mō te ruku tātari ohotata mai i Te Rūnanga o Ngāti Hine,[10] me Te Rūnanga o Ngāti Rēhia.[11] I tono anō a Ngāti Te Rangiunuora, ā, i tautokona e Ngāti Pikiao, kia tū he ruku tātari ohotata, ā, ka tāpirihia rātou hei kaikerēme ki te ruku tātari ohotata.[12]

I tohe ngā kaikerēme kei te whakararu te huarahi a te Kāwanatanga mō te reo Māori ki te rāngai tūmatanui, i ngā mahi whakarauora i te reo kua hia tekau tau e kauneke ana. Nā te kore mahi tahi ki te iwi Māori mō ēnei panonitanga, e whakapae ana ngā kaikerēme i takahi te Karauna i te kī taurangi o atikara 2 o te Tiriti mō te tino rangatiratanga ki runga i ngā taonga, ā, otirā kīhai rawa atu i te tiaki i te reo Māori hei taonga.

Waihoki, i whakapae rātou nā te whakaiti i te whakamahinga o te reo ki te rāngai tūmatanui, kua huri tuara te Karauna ki ōna ake ture, tae atu ki Te Ture mō Te Reo Māori 2016; te Public Service Act 2020, arā 'kei roto te wāhi ki te tautoko i te Karaunai i roto i ōna hononga ki te iwi Māori i raro i te Tiriti o Waitangi (the Treaty of Waitangi)';[13] me te whakamana i ngā Ture o ngā tari pērā i te Land Transport Management Act 2003. Nā tērā mahi, e tohe ana ngā kaikerēme kua takahi te Karauna i te atikara 2 o te Tiriti/the Treaty.[14]

I whakahē te Karauna i ēnei whakapae, ā, ka tāpae te Karauna kāore i te eke ngā take kia tū he ruku tātari ohotata. Hei tā te Karauna, kāore ngā here o ngā whakaaetanga haumi i te kaupapahere, i te mahi rānei a te Karauna, māna, ka tae ki te wā hoki, e whakatinanahia ai aua here.[15] E ai ki te Karauna kīhai ngā kaupapahere kei roto i ngā whakaaetanga haumi i 'hua ake i tētahi tukanga kaupapahere i mahia e ngā āpiha', engari kē he wāhanga o tētahi 'whakaaetanga i tutuki i ngā pāti tōrangapū hei whai atu i te tukanga whakahuihui i te kāwanatanga'. Nā te mea

9. Tauākī whakaraupapa nawe (Wai 3308 ROI, 1.1.1); puka tono mō tētahi ruku tātari ohotata me tētahi nohoanga (Wai 3308 ROI, 3.1.1)

10. Tauākī whakaraupapa nawe (Wai 682 ROI, 1.1(v))

11. Panonitanga o te tauākī whakaraupapa nawe (Wai 3077 ROI, 1.1.1(c)), manatu (Wai 3077 ROI, 3.1.2(a)). I whakatakotohia te kerēme taketake o Te Rūnanga o Ngāti Hine (Wai 682) i te tau 1997, ā, mai i taua wā kua tāpirihia ngā take o nāianei ki te kerēme; he pērā anō mō te kerēme taketake o Te Rūnanga o Ngāti Rēhia (Wai 3077). I whakatakotohia te kerēme taketake i te tau 2021, ā, ka panonihia kia tāpirihia ngā take o nāianei, pēnei i te whakamahinga o te reo Māori ki te rāngai tūmatanui.

12. Tauākī whakaraupapa nawe (Wai 1194 ROI, 1.1(c); Wai 1212 ROI, 1.1.1(c)). He ōrite ngā kerēme taketake o Ngāti Te Rangiunuora – e tautokona ana e Ngāti Pikiao – ki ngā kerēme o Wai 682 me Wai 3077, arā i whakatakotohia i mua kātahi ka panonihia kia uru ki roto i ngā take o nāianei. I whakatakotohia ngā kerēme taketake o Wai 1194 me Wai 1212 i te tau 2004.

13. Public Service Act 2020, s14

14. Panonitanga o te tauākī whakaraupapa nawe 1.1.1, wh 2; te panonitanga o te tauākī whakaraupapa nawe tuatahi (Wai 1194 ROI, 1.1(d), wh [5]; Wai 1212 ROI, 1.1.1(d)), wh [5]; tauākī whakaraupapa nawe (Wai 682 ROI, 1.1(v))

15. Tāpaetanga 3.3.5, wh 2

kāore ngā āpiha i whai i tētahi tukanga kaupapahere, ā, kīhai te Rūnanga Minita i whakatau kaupapahere mō te aukati i te whakamahinga o te reo Māori ki te rāngai tūmatanui, ka tāpae te rōia mō te Karauna 'he mea wawe' kia tū he ruku tātari ohotata. Waihoki, hei tā te Karauna kāore ngā kaupapahere i roto i te whakaaetanga haumi, 'ko te tūponotanga kāore e nui te pānga o ngā kaupapahere'.[16]

Ahakoa i whakaae te Karauna he pānga tō ngā tauākī kei ngā whakaaetanga haumi ki te arotake i ngā kaupapahere, ngā mahi rānei a te Karauna ā tōna wā, hei tā te Karauna me whai whakaaro ake ki ēnei mahi i runga i te anga kaupapahere whānui.[17]

Nō te 1 o Poutūterangi 2024, ka whakamana te Hea Tuarua o Te Rōpū Whakamana i te Tiriti o Waitangi a Kaiwhakawā Sarah Reeves i ngā puka tono a ngā kaikerēme kia tū he ruku tātari ohotata.[18] E rua ngā take hei whakatau mā Kaiwhakawā Reeves: ka tahi mehemea i wero te kerēme i ngā mahi, i ngā kaupapahere rānei a te Karauna o nāianei, kāore rānei kia tau, ā, mehemea i whakataumahatia ngā kaitono, he nui rānei te tūponotanga ka whakahāwea rawatia rātou ki te kore e whakatika i te mahi a te Karauna, ka rua.

I whakaae a Kaiwhakawā Reeves he kaupapahere o nāianei, e tārewa ana rānei, ngā whakaaetanga haumi – ahakoa mēnā i hua ake he kupu tohutohu, i puta rānei he whakatau i te Kāhui Minita – i whakatau a Kaiwhakawā Reeves ka whakahāwea rawatia ngā kaikerēme ki te kore he rongoā hei whakatika i ō rātou āwangawanga.

Ko te whakaaro o Kaiwhakawā Reeves, ahakoa 'te āhua nei he mea iti' ngā mahi takitahi, ko te 'aronga o te haere' i tohua e te whakaaetanga haumi e ahu ana 'kia mimiti te mana, kia whakangoikore i te whakamahinga o te reo ki te rāngai tūmatanui'. I whakatau a Kaiwhakawā Reeves ko te āhua nei, kei te whakahē ērā mahi i te rautaki whakarauora reo o te Karauna me ngā whakatau ā-ture a te Taraipiunara mō te mana o te reo Māori hei taonga kua 40 tau te roa.[19]

I whakapuakina e Kaiwhakawā Reeves ōna āwangawanga e pā ana ki ngā 'karere tukituki' i tukua e te Karauna mō tōna ngākaunui ki te reo me te pānga kino pea o ngā kōrero a ngā Minita mō ngā mahi me ngā kawenga a te Karauna e pā ana ki te whakarauora i te reo. Nā runga i tērā, e ai ki a Kaiwhakawā Reeves i 'whakaae ia kāore he rongoā mō ngā kaikerēme i tua atu i te tono mō te ruku tātari ohotata e pā ana ki tēnei kaupapahere a te Karauna', ā, nā te mea kua rite mō te nohoanga, i tutuki te paearu mō te ruku tātari ohotata.[20]

Nā reira, ka whakamana a Kaiwhakawā Reeves i te ruku tātari ohotata e titiro pū ana 'mēnā mea he takahi i ngā mātāpono o te Tiriti o Waitangi ngā kaupapahere

16. Manatu (Wai 3308 ROI, 3.1.6), wh 6
17. Tāpaetanga 3.3.5, wh 2
18. Whakatau ohotata (Wai 3308 ROI, 2.5.10), wh 2, 12. E pā ana ngā puka tono mō te ruku tātari ohotata kaua ki te whakamahinga me te mana o te reo Māori ki te rāngai tūmatanui anake, engari anō ki ngā mahi, ki ngā kaupapahere rānei nō nāianei, e tāria ana rānei a te Karauna e pā ana ki te Pire Mātāpono Tiriti i whakaarahia. I whakatau te Hea Tuarua mā te paewhiri o te Ruku Tātāri ā-kaupapa a Tomokia ngā tatau o Matangireia (Wai 3300) e whiriwhiri i ngā take i whakaarahia e te Pire Mātāpono Tiriti.
19. Whakatau mō te ohotata (Wai 3308 ROI, 2.5.10), wh 11
20. Whakatau mō te ohotata (Wai 3308 ROI, 2.5.10), wh 12

a te Kāwanatanga Haumi ki te takahi i te mana me te whakamahinga o Te Reo Māori ki te rāngai tūmatanui'.[21]

1.2.3 Ngā kaikerēme i tēnei ruku tātari

Ko ngā kaikerēme i whakaingoatia ki tēnei ruku tātari ohotata ko:

- Charles Tawhiao, te Hea o te Taratī Whakataunga o Ngāi Te Rangi, i tū mō te Taratī, ōna kaiwhaipānga Māori, me te iwi o Ngāi Te Rangi (Wai 3308);
- Rewiti Paraone, Erima Henare, Pita Tipene, me Waihoroi Shortland i tū mō Te Rūnanga o Ngāti Hine mō ngā uri o Torongare me Hauhaua (Wai 682);
- Nora Rameka i tū mō Te Rūnanga o Ngāti Rēhia (Wai 3077); me
- Colleen Skerrett-White, Timitepo Hohepa me Te Ariki Morehu i tū mō Ngāti Te Rangiunuora i tautokohia e Ngāti Pikiao (Wai 1194 me Wai 1212).

Rua tekau mā iwa ngā kaitono i whakamanahia kia tū hei hunga whaitake ki tēnei ruku tātari. Kei roto i te tāpiritanga I o tēnei pūrongo te rārangi o te hunga e whai take ana.[22]

1.2.4 Te tukanga o te ruku tātari

I te 5 o Poutūterangi 2024, ka kopou a Kaiwhakawā Matua Caren Fox, te Hea o Te Rōpū Whakamana i te Tiriti o Waitangi, i a Kaiwhakawā Te Kani Williams hei Mana Whakahaere mō te ruku tātari, ā, me ngā mema o te paewhiri a Ahorangi Tā Pou Temara, a Ahorangi Susy Frankel, a Tākuta Hana O'Regan, me Tākuta Paul Hamer.[23] Nā te mea i takaroa te Kāwanatanga ki te whakahou i te wārati o Tākuta Hana O'Regan, tē taea e ia te noho hei mema Taraipiunara ki te ruku tātari, nā reira ka kopoua a Tākuta Ruakere Hond i te 7 o Poutūterangi 2024.[24]

I tū he hui mō te kaiwhakawā me ngā rōia i raro i a Kaiwhakawā Williams i te 5 o Paengawhāwhā ki te matapaki i te tukanga o te ruku tātari, ki te whakatakoto i ngā kōrero taunaki me ngā tuhinga tautoko, me te whakarite i te hōtaka mō ngā nohoanga, ā, mehemea hoki e hiahiatia ana he tauākī whakataunga take hei whakapai ake i te whānuitanga o ngā take.[25] Whai muri i te hui a te kaiwhakawā me ngā rōia, ka tohutohu te Taraipiunara (atu i ētahi atu mea) kia whakatakoto manatu te Karauna e tohu ana mēnā 'e tautoko ana te Karauna i tōna ū ki te reo Māori pērā i ana kōrero kei roto i ngā ture (pērā i a ss 6(2) me 9(1) o Te Ture mō Te Reo Māori 2016/Māori Language Act 2016)'.[26] I roto i tana urupare, ka tāpae te Karauna

> e herea ana te Karauna ki te whai i te ture, ā, e whakapūmau ana e herea ana e ōna kawenga ā-ture e pā ana ki te reo Māori, tae atu ki ērā kei roto i Te Ture mō Te Reo

21. Whakatau mō te ohotata (Wai 3308 ROI, 2.5.10), wh 12
22. Manatu 2.5.15 ; manatu 2.5.15(a), manatu 2.5.4; manatu 2.5.5. O ngā hunga whaitake 30 i te tīmatatanga, kotahi te hunga i puta atu, nā reira ka heke te tapeke ki te 29: manatu 3.1.12.
23. Manatu 2.5.1
24. Manatu 2.5.9
25. Manatu 2.5.3
26. Manatu 2.5.6, wh 6

Māori 2016/Māori Language Act 2016 me ētahi atu ture whaitake e whakaae ana he taonga te reo Māori o ngā iwi me te iwi Māori.[27]

Whai muri i te whakataunga o te tauākī whakataunga take me te whakatakoto a ngā hunga i ngā kōrero taunaki, ka tū he nohoanga ohotata kotahi wiki te roa ki te tari o Te Rōpū Whakamana i te Tiriti o Waitangi i Te Whanganui-a-Tara i waenganui i te 10 ki te 14 o Pipiri 2024.

I pānuitia te nuinga o ngā kōrero taunaki kia ngāwari ake te haere. I tohua e te Taraipiunara, ngā kaikerēme me te Karauna ngā kōrero taunaki a ngā kaikerēme hei whakatakoto, hei whakamātau i roto i ngā mahi uiui kōkirikiri, patapatai hoki. Nā reira i rongo te Taraipiunara i ngā kōrero mai i ngā kaikōrero mō Ngāi Te Rangi, Ngāti Rēhia, Ngāti Kahu, Ngāti Rangi, Te Rōpū Wahine Māori Toko i te Ora/Māori Women's Welfare League, me ngā kaimahi mema Māori o Te Pukenga Here Tikanga Mahi/New Zealand Public Service Assocation. I whakarāpopoto ngā kaikōrero i te hiranga o te reo Māori hei taonga, ā, me ngā mahi neke atu i te 40 tau te roa ki te whakaora me te whakarauora i te reo, tae atu ki te pānga o te kaupapa ki te aukati, ki te tango rānei i ngā utu ki ngā kaimahi kāwanatanga e matatau ana ki te reo.

I whakatakotohia ngā kōrero taunaki a te Karauna e ngā āpiha o te Karauna, pērā i te Toihau Kairīwhi o Te Kawa Mataaho me te Tumu Whakarae, te Kaikōmihana Tuarua (taha rautaki, taha kaupapahere), me te Toihau Tuarua (te hunga kaimahi) o Te Kawa Mataaho/Public Service Commission; te Tumu Whakarae Tuarua (rangapū) o Te Arawhiti/The Office for Māori Crown Relations; te Hēkeretari Tuarua (rangapū kaupapahere) i Te Puni Kōkiri/Ministry of Māori Development; me te Tumu Whakarae o Te Taura Whiri i te Reo Māori/Māori Language Commission. I tukua ā-wahatia ngā kōrero whakakapi, ā, i whakatakotohia ā-tuhinga te katoa o ngā tāpaetanga whakakapi.

I mua i te tīmatanga o te nohoanga, i whai te Karauna kia noho muna ētahi tuhinga i whakatakotohia ki te rēhita kātahi ka tohaina ki ngā rōia kaikerēme i te ruku tātari. Ko te take mēnā ka rau atu ki te pūranga tuhinga tūmatanui mō te ruku tātari, ā, ka tohaina ki ngā kaikerēme, kaua ki te Taraipiunara, ki ngā rōia kaikerēme me ngā hunga e whai take ana anake.[28]

I tohe te Karauna ka taka ngā tuhinga e whakapae ana te Karauna he matatapu ki ngā rōpū e rua. Ko te rōpū tuatahi o ngā tuhinga e pā ana ki 'ngā whiriwhiringa ahumahi, ina whakaae te Karauna kia noho muna tonu ngā tuhinga', ā, kia noho muna hei ārai atu i te 'whakahāweatanga ki ngā whiriwhiringa ahumahi (e haere tonu ana)'.[29] I hāngai atu ki ngā tuhinga te rōpū tuarua o ngā tuhinga 'e whaiwhakaarohia ana e te Kāhui Minita'[30], ā, e whāia ana te matatapu kia whai wā, kia whai wāhi hoki ngā Minita ki te whaiwhakaaro ki ngā kupu ārahi mō

27. Manatu 3.1.24, wh 1

28. I waenganui i ēnei ko tētahi pūrongo whakamārama poto ā-minita e kīia ana ko 'Better Public Services and Strengthening Democracy: Use of the Māori Language by Public Sector Agencies' me tētahi tauākī kaupapahere rāngaimahi Kāwanatanga: manatu 3.1.48, wh 2; manatu 2.5.16, wh 5.

29. Manatu 3.1.39, wh 1, 9

30. Manatu 3.1.39, wh 1

ngā tuhinga 'i runga i te huarahi muna . . . kia 'kotahi ai te whakaaro o te Kāhui Minita.'[31]

Kīhai ngā rōia kaikerēme i whakaae ki ngā kerēme a te Karauna mō te matatapu.[32] I tāpae rātou me mātua mōhio te marea ki ngā kēhi ina whaitake ai ngā tuhinga ki ngā 'mahi a te Taraipiunara arā ki te tātari i ngā kaupapahere, ngā ritenga, ngā mahi me ngā hapa a te Karauna e takahi ana i te mana me te whakamahinga o te reo Māori me ōna tikanga ki te rāngai tūmatanui'.[33] I tū he hui ā-waea ohotata i te 6 o Pipiri 2024 ki te matapaki i ēnei take.[34]

Whai muri i te whakawā i te mātāpono o te tūhura-kore ki te mōhio a te marea i roto i te whakahaerenga o te manatika, ā, whai muri anō hoki i te arotake a te Kaiwhakawā i aua tuhinga, i whakatau mātou me 'noho muna ki waenganui i te Karauna, te paewhiri o te Taraipiunara me ngā rōia kaikerēme'[35] aua tuhinga e pā ana ki ngā whiriwhiringa ahumahi. Heoi anō, me whakatakoto i aua tuhinga i te whaiwhakaarotia e te Kāhui Minita i taua wā tonu ki te pūranga tuhinga mō te ruku tātari, ko ētahi ka tūhurahia te katoa, ā, ko ētahi atu ka mukua ētahi wāhanga nā te mea kāore i te whaitake.

Ki ō mātou whakaaro, he mea nui rawa atu mō te wāhi ki ngā kaikerēme 'kia tika, kia ea te whakamōhio atu i a rātou, kia taea e rātou te whakahaere i ō rātou puka tono', ā, ka whaiwhakaarohia ki tō mātou whakatau te 'hiahia a te marea kia whakahōnore te Karauna i ōna takohanga Tiriti o Waitangi mā te tūtaki me te whiriwhiri ki te iwi Māori mō ngā take e pā ana ki Te Reo Māori, e ai ki ngā pūrongo o Te Rōpū Whakamana i te Tiriti o Waitangi me ngā ture o nāianei'.[36]

Kātahi ka whai te Karauna kia whakaputaina he tuhinga muna anō me tētahi kōrero taurangi e pā ana ki te tuhinga i te wā o te nohoanga. Nō te 11 o Pipiri i tētahi hui matatapu ki te tari o te Kaiwhakawā, ka matapaki mātou ko ngā rōia mō ngā kaikerēme me te Karauna i te noho muna o te tuhinga, ā, i runga i tērā ka puta he momo whakapoto o te tuhinga ka taea te tuku kia wātea i runga i te whakaaetanga.[37]

Whai muri i te nohoanga, ko te tikanga ka whakatakotohia ngā tāpaetanga whakakapi ā-tuhi mā te 1 o Hōngoingoi, engari i panonitia ki te 5 o Hōngongoi whai muri i tētahi tono tukutahi nā te rōia ruruku me te Karauna.[38]

31. Manatu 3.1.39, wh 9
32. Āpitihanga 1, 3.1.39(a), wh [2]
33. Manatu 3.1.59, wh 7
34. Manatu 2.5.16, wh 4
35. Manatu 2.5.8, wh 4
36. Manatu 2.5.16, wh 5–6
37. I te wā anō o te nohoanga, i whakaarahia ngā take maha e pā ana ki te mārama me te whānui o ngā kōrero taunaki. Nā runga i tērā, ka herea ngā rōia mō te Karauna me ngā kaikerēme ki te whakatakoto kōrero taunaki anō. I kati te angawā i te 25 o Pipiri 2024.
38. Manatu 3.4.12, wh 2

1.3 Ngā Take Hei Whakatau

1.3.1 Te takenga mai o te tauākī whakataunga take

I mua i te hui a ngā rōia me te kaiwhakawā i te 5 o Paengawhāwhā 2024, i whakarite ngā rōia kaikerēme me ngā rōia mō te Karauna i ngā tauākī whakataunga take hukihuki hei whakaarotanga mā mātou.[39] I te wā o taua hui, mārakerake ana te kite atu kīhai i taea te whakaae ki tētahi tūnga kotahi mō ngā take o te ruku tātari. I whakatauhia kia whai ngā hunga ki te whakatakoto i tētahi tauākī whakataunga take e whakaaetia ana, whai muri i te tūhura a te Karauna i ngā tuhinga whaitake i whakaritea.[40]

Heoi anō, whai muri i te tūhuratanga, ka whakatakoto ngā rōia kaikerēme i te tauākī whakataunga take hukihuki i te 26 o Paengawhāwhā,[41] he mea whakahē tonutia e te Karauna.[42] Nā te mea kīhai i taea te whakaae ki te tauākī whakataunga take, i whakatau mātou, i tuku mātou i tētahi tauākī whakataunga take whakamutunga i te 7 o Haratua 2024.[43] Nā runga i ngā kaupapa o te ruku tātari, i tono ngā rōia kaikerēme – i runga i te whakaaetanga anō o ngā rōia mō te Karauna – kia reorua (te reo Māori me te reo Pākehā) te tauākī, ā, ka tukuna he whakamāoritanga i te 8 o Haratua 2024. Ka whakaaehia tērā e mātou.[44]

1.3.2 Te tauākī whakataunga take

I tukuna e mātou te tauākī whakataunga take e whai ake nei:

1. He aha ngā mātāpono o te Tiriti/Treaty e whai pānga ana ki te mana me te whakamahinga o te reo Māori me ōna tikanga i te rāngai tūmatanui?
2. He aha ngā takohanga me ngā here a te Karauna ka hua mai i ēnei mātāpono?
3. He aha ngā kaupapa here, ngā ritenga, ngā mahi me ngā hapa o ēnei wā a te Karauna (mena rānei ka pēnei) e takahi ana i te mana me te whakamahinga o te reo Māori me ōna tikanga i te rāngai tūmatanui?
4. E aro tika ana ngā kaupapa here, ngā ritenga, ngā mahi me ngā hapa a te Karauna ki āna herenga ture me āna takohanga ki raro i te Tiriti/Treaty e hāngai ana ki te mana me te whakamahinga o te reo Māori me ōna tikanga i te rāngai tūmatanui?
5. I runga i ngā āhuatanga o runga, kua takahi te Karauna i āna takohanga i raro i te Tiriti /the Treaty me ōna mātāpono e pā ana ki te mana me te whakamahinga o te reo Māori i te rāngai tūmatanui?
6. Ki te pēnei:
    a. He aha ngā whakahāweatanga, te nui rānei o te tūpono whakahāweatanga, ka pā ki te Māori nā ngā kaupapa here, ngā 7 ritenga, ngā mahi me ngā hapa a te

39. Tauākī whakataunga take a te Karauna 1.4.1; manatu 3.1.16; manatu 3.1.18; tauākī whakataunga take hukihuki 1.4.2; tauākī whakataunga take hukihuki 1.4.4
40. Manatu 2.5.6, wh 4
41. Tauākī whakataunga take hukihuki 1.4.2
42. Manatu 3.1.16, wh 5
43. Tauākī whakataunga take a te Taraipiunara 1.4.3
44. Manatu 3.1.22; tauākī whakataunga take a te Taraipiunara i roto i te reo Māori 1.4.3(a); manatu 2.5.11

Karauna e takahi ana i te mana me te whakamahinga o te reo Māori i te rāngai tūmatanui?

b. He aha ngā rongoā mō ēnei whakahāweatanga?
c. He aha ngā tūtohunga e tika ana kia tohutohungia kia aro tika ai te Karauna ki te Tiriti/the Treaty?[45]

1. What Te Tiriti/Treaty principles apply to the status and use of te reo Māori and its customs in the public sector?
2. What are the Crown duties and obligations arising from these principles?
3. What are the current policies, practices, acts and omissions of the Crown (if any) to limit the status and use of te reo Māori and its customs in the public sector?
4. Are the Crown's current policies, practices, acts and omissions consistent with its legislative and Te Tiriti/Treaty obligations in relation to the status and use of te reo and its customs in the public sector?
5. In light of the above, has the Crown breached its Te Tiriti/the Treaty obligations in relation to the status and use of te reo and its customs in the public sector?
6. If so:
   a. What is the prejudice or likely prejudice suffered by Māori as a result of the Crown's policies, practices, acts and omissions to limit the status and use of te reo Māori and its customs in the public sector?
   b. How can the prejudice be removed or remedied?
   c. What recommendations should be made to ensure Te Tiriti/Treaty compliance by the Crown?[46]

Ko te take matua hei whakatau ki tēnei ruku tātari mēnā e takahi ana ngā kaupapahere a te Karauna ki te whakangoikore i te mana me te whakamahinga o te reo Māori ki te rāngai tūmatanui i ngā mātāpono o te Tiriti/the Treaty.

1.4 Te Hanga o tēnei Pūrongo

Kua whakatakotohia ki tēnei upoko te horopaki me ngā take kei mua tonu i te aroaro hei whakatau ki tēnei ruku tātari, nā reira i te upoko 2, ka whakamārama pū i te mana ā-ture o te Taraipiunara me te tuku i te tirohanga whānui o ngā mātāpono o te Tiriti me ngā kawenga e pā ana ki ngā take e tātarihia ana.

I te upoko 3, ka huri mātou ki te horopaki whānui ake o ngā kaupapahere me ngā ture a te Karauna mō te reo Māori i te wā o te kōwhiringa pōti 2023 me ngā mahi a te Kāwanatanga haumi e tātarihia ana. Ka whakatakoto anō mātou i ngā tūnga o ngā hunga.

I te upoko 4, ka mātai mātou i ngā kōrero taunaki i whakatakotohia ki te ruku tātari me te tuku i tō mātou tātaritanga o ngā mahi me ngā hapa a te Karauna.

45. Tauākī whakataunga take a te Taraipiunara i roto i te reo Māori 1.4.3(a)
46. Tauākī whakataunga take a te Taraipiunara 1.4.3

I te upoko 5, ka tuku i ō mātou kitenga mō ngā takahitanga ki te Tiriti/the Treaty me ōna mātāpono, ā, mēnā i whakahāweatia ngā kaikerēme i ngā mahi a te Karauna, ā, me ō mātou tūtohunga.

CHAPTER 1

INTRODUCTION

1.1 What Is at Issue?

The Te Reo i te Kāwanatanga Ruku Tātari Ohotata – Te Reo in the Public Sector Urgent Inquiry (Wai 3327) is an urgent inquiry addressing claims about the Crown's policies, practices, actions and omissions regarding the use of te reo Māori and its customs in the public sector. Claimants and interested parties submitted that the Crown is acting or proposing to act in a manner which will limit and discourage the use of te reo Māori in the public sector, thereby devaluing te reo as a taonga, hindering and regressing the progress of te reo revitalisation and thus not meeting its obligations under te Tiriti/the Treaty.[1]

The origins of the concerns raised in this inquiry derive from the November 2023 coalition agreement between the New Zealand National Party and the New Zealand First Party. In that agreement they acquiesced in acknowledging and promoting New Zealand First's policies and contributions to the coalition Government. The policies from that agreement which were the focus of our inquiry were:

- Ensure all public service departments have their primary name in English, except for those specifically related to Māori.
- Require the public service departments and Crown Entities to communicate primarily in English – except those entities specifically related to Māori.[2]

The following matters contained in the coalition agreements between the New Zealand National Party and the New Zealand First Party, and the New Zealand National Party and the ACT Party also informed the inquiry:

1. Rewiti Paraone, Erima Henare, Pita Tipene and Waihoroi Shortland on behalf of Te Rūnanga o Ngāti Hine for and on behalf of descendants of Torongare and Hauhaua (Wai 682 ROI, 1.1(v)), statement of claim, 21 December 2023; Ngāi Te Rangi Coalition Government claim (Wai 3308) (Wai 3308 ROI, 1.1.1(a)); Colleen Skerrett-White, Timitepo Hohepa and Te Ariki Derek Morehu on behalf of Ngāti Te Rangiunuora, who are supported by Ngāti Pikiao (Wai 1212 and Wai 1194) (Wai 1194 ROI, 1.1(d); Wai 1212 ROI, 1.1.1(d)), first amended statement of claim, 23 April 2024; Nora Rameka and William Skipper (Kipa) Munro on behalf of Te Rūnanga o Ngāti Rēhia (Wai 3077) (Wai 3077 ROI, 1.1.1(c)), amended statement of claim, 22 December 2023

2. Document A65, p756 ['Coalition Agreement: New Zealand National Party & New Zealand First', November 2023, p 9]

- The Coalition Government will honour the undertakings made by the Crown through past Treaty of Waitangi settlements.[3]
- Pro-democracy – upholding the principles of liberal democracy, including equal citizenship, parliamentary sovereignty, the rule of law and property rights, especially with respect to interpreting the Treaty of Waitangi.[4]
- Government Ministers agree to be bound by the *Cabinet Manual* in the exercise of ministerial responsibilities, and on conduct, public duty, and the personal interests of Ministers.[5]

The report examines whether the Government's current actions, policies, acts and omissions are compliant with its obligations under both te Tiriti/the Treaty and the law. This chapter sets out the procedural context for the inquiry, introduces the claimants and the key issues for determination by the Tribunal and sets out the structure of our report.

In this report, we refer to the text in te reo Māori as 'Te Tiriti o Waitangi', or 'te Tiriti', and the text in English as 'the Treaty of Waitangi', or 'the Treaty'. When referring to both texts together, we use 'te Tiriti/the Treaty'. However, when we quote the work of others, we will reproduce the terminology the authors have used. We refer to principles derived from te Tiriti/the Treaty as 'Treaty principles'; to historical claim settlements negotiated between Māori groups and the Government as 'Treaty settlements'; and to legislative references to te Tiriti/the Treaty or Treaty principles as 'Treaty clauses'.

Throughout the report, we refer repeatedly to several Government agencies. For readability and to unclutter the report, we are using the abbreviations listed below after first spelling out the names in full in each chapter. In the alphabetical list below, we show te reo names of agencies first; this does not indicate the Government agencies' legal names. We discuss the legal names of Government agencies in detail in chapter 4.

- Kāinga Ora/Homes and Communities → Kāinga Ora
- Manatū Aorere/Ministry of Foreign Affairs and Trade → Manatū Aorere
- Oranga Tamariki/Ministry for Children → Oranga Tamariki
- Taumata Arowai/Water Services Regulator → Taumata Arowai
- Te Arawhiti/Office for Māori Crown Relations → Te Arawhiti
- Te Kawa Mataaho/Public Service Commission → Te Kawa Mataaho
- Te Manatū Waka/Ministry of Transport → Te Manatū Waka
- Te Puni Kōkiri/Ministry of Māori Development → Te Puni Kōkiri
- Te Tāhū o te Ture/Ministry of Justice → Te Tāhū o te Ture
- Te Tāhuhu o te Mātauranga/Ministry of Education → Te Tāhuhu o te Mātauranga

3. Document A65, p 757 ['Coalition Agreement: National & New Zealand First', p 10]
4. Document A65, p 744 ['Coalition Agreement: New Zealand National Party & ACT New Zealand', November 2023, p 10]; doc A65, p 758 ['Coalition Agreement: National & New Zealand First', p 11]
5. Document A65, p 746 ['Coalition Agreement: National & ACT', p 12]; doc A65, p 760 ['Coalition Agreement: National & New Zealand First', p 13]

- Te Tari Taiwhenua/Department of Internal Affairs → Te Tari Taiwhenua
- Te Taura Whiri i te Reo Māori/Māori Language Commission → Te Taura Whiri
- Te Whatu Ora/Health New Zealand → Te Whatu Ora
- Toka Tū Ake/Natural Hazards Commission → Toka Tū Ake
- Toka Tū Ake EQC/Earthquake Commission → Toka Tū Ake (EQC)
- Waka Kotahi/New Zealand Transport Agency → Waka Kotahi
- Whaikaha/Ministry of Disabled People → Whaikaha

1.2 The Proceedings

1.2.1 The policy context

These claims were filed after coalition agreements were signed on 24 November 2023 between the New Zealand National Party and the New Zealand First Party, and the New Zealand National Party and the ACT Party, setting out the policy programmes the parties were committing to deliver in Government. The ACT Party's coalition agreement did not contain any specific policies regarding te reo Māori. However, as outlined above, the New Zealand National Party–New Zealand First Party agreement committed to ensuring 'all public service departments have their primary name in English, except for those specifically related to Māori' and requiring 'the public service departments and Crown Entities to communicate primarily in English – except those entities specifically related to Māori'.[6] There was an additional policy which signalled an intention to legislate to make English an official language of New Zealand. However, that was not an issue considered in this inquiry.

In the following weeks, various Ministers from both the National and the New Zealand First parties made public comments that they either discouraged the use of te reo by the public service, or signalled they planned on doing so.[7] For instance, the Minister for the Public Service informed media she would seek advice about whether she could prevent allowances for public servants proficient in te reo Māori being negotiated into future collective agreements.[8] We examine these matters in more detail in chapter 3.

1.2.2 The urgency decision

Following the coalition agreement and comments made by Ministers of the Crown mentioned above, the Tribunal received several applications for an urgent inquiry on the coalition Government's actions regarding te reo Māori. On 11 December 2023, the Ngāi Te Rangi Settlement Trust filed a claim and an application for

6. Document A65, p 756 ['Coalition Agreement: National & New Zealand First', p 9]

7. See, for example: Raphael Franks, 'Incoming Deputy Prime Minister Winston Peters Blasts Te Reo Māori Names for Government Departments', *New Zealand Herald*, 24 November 2023, https://tinyurl.com/bdfmkdxy, accessed 22 May 2024; 'Minister Instructs Waka Kotahi Staff to Use English Name First', *1News*, 4 December 2023, https://tinyurl.com/3p57fmwy, accessed 22 May 2024

8. Document A42(a), pp 152–154 [Phil Pennington, 'Te Reo Māori: Govt Seeks to Halt Extra Pay for Public Servants Fluent in the Language', Radio New Zealand, 6 December 2023, pp [1]–[3]]

an urgent inquiry.[9] The Tribunal also received applications for urgency from Te Rūnanga o Ngāti Hine,[10] and Te Rūnanga o Ngāti Rēhia.[11] Ngāti Te Rangiunuora, supported by Ngāti Pikiao, also applied for urgency and were subsequently added as claimants to the urgent inquiry.[12]

The claimants argued that the course the Government has taken on the use of te reo in the public sector would undermine the progress of the last several decades to revitalise the language. By failing to partner with Māori on these changes, claimants alleged the Crown was breaching te Tiriti's article 2 guarantee of tino rangatiratanga over taonga and, indeed, was failing to treat te reo Māori as a taonga at all.

Further, they alleged that by limiting the use of te reo in the public sector, the Crown was acting contrary to its own legislation, including Te Ture mō Te Reo Māori 2016 – Māori Language Act 2016; the Public Service Act 2020, which 'includes supporting the Crown in its relationships with Māori under the Treaty of Waitangi (te Tiriti o Waitangi)';[13] and empowering Acts of specific departments, like the Land Transport Management Act 2003. In doing so, claimants argued that the Crown was also breaching article 2 of te Tiriti/the Treaty.[14]

The Crown rejected these allegations and submitted that claimants had insufficient grounds for an urgent inquiry. It contended that the terms of the coalition agreements did not constitute Crown policies or Crown actions unless, and until, the Crown took steps to bring them into effect.[15] The Crown argued that the policies outlined in the coalition agreements were 'not the product of a policy process that officials have undertaken', but rather formed part of an 'agreement made at a political level by political parties in the process of forming a government'. As officials had undertaken no policy process, and Cabinet had made no policy decisions about preventing the use of te reo in the public sector, counsel for the Crown submitted that an urgent inquiry would be 'premature'. Moreover, the Crown's view was that the policies laid out in the coalition agreement 'would likely have a relatively limited impact'.[16]

9. Statement of claim (Wai 3308 ROI, 1.1.1); application for an urgent inquiry and hearing (Wai 3308 ROI, 3.1.1)

10. Statement of claim (Wai 682 ROI, 1.1(v))

11. Amended statement of claim (Wai 3077 ROI, 1.1.1(c)), memorandum (Wai 3077 ROI, 3.1.2(a)). The original claim for Te Rūnanga o Ngāti Hine (Wai 682) was filed in 1997 and since then contemporary issues have been added to the claim; similarly, the original claim for Te Rūnanga o Ngāti Rēhia (Wai 3077) was filed in 2021, and it was amended to include contemporary issues, such as the use of te reo in the public sector.

12. Statement of claim (Wai 1194 ROI, 1.1(c); Wai 1212 ROI, 1.1.1(c)). The original claims for Ngāti Te Rangiunuora, supported by Ngāti Pikiao, were similar to those of Wai 682 and Wai 3077, filed earlier and then amended to include contemporary issues. The original claims of Wai 1194 and Wai 1212 were both filed in 2004.

13. Public Service Act 2020, s 14

14. Amended statement of claim 1.1.1, p 2; first amended statement of claim (Wai 1194 ROI, 1.1(d)), p [5]; Wai 1212 ROI, 1.1.1(d), p [5]; statement of claim (Wai 682 ROI, 1.1(v))

15. Submission 3.3.5, p 2

16. Memorandum (Wai 3308 ROI, 3.1.6), p 6

Despite conceding that statements in coalition agreements may be relevant to assessing the Crown's future policies or actions, it advanced that these actions needed to be considered within the wider policy framework.[17]

On 1 March 2024, Deputy Chairperson of the Waitangi Tribunal, Judge Sarah Reeves, granted urgency to the claimants' applications.[18] Judge Reeves' decision hinged on two grounds: whether the claim challenged current or pending Crown action or policy, and whether the applicants were suffering or were likely to suffer irreversible prejudice without a reversal of the Crown action.

Being satisfied that the coalition agreements represented current or pending policies – regardless of whether advice was formulated, or a Cabinet decision made – Judge Reeves determined that claimants would suffer irreversible prejudice without a sufficient remedy to address their concerns.

Judge Reeves reasoned that, while individual actions may 'seem minor', the 'direction of travel' signalled by the coalition agreement was towards 'diminishing the status and limiting the use of te reo in the public sector'. Judge Reeves determined that such actions appeared to directly contradict the Crown's te reo revitalisation strategy and 40 years of Tribunal jurisprudence on the status of te reo Māori as a taonga.[19]

Judge Reeves expressed concern at the 'mixed messages' being sent by the Crown on whether it values te reo and the potential chilling effect of ministerial comments on the Crown's te reo revitalisation efforts and obligations. As such, Judge Reeves was 'satisfied that the claimants have no other reasonable alternative remedy but to seek an urgent hearing in relation to this Crown policy' and, being ready for a hearing, met the criteria for urgency.[20]

Judge Reeves, therefore, granted urgency for a targeted and specific inquiry into 'whether the policies of the Coalition Government to limit the status and use of Te Reo Māori in the public sector are in breach of the principles of the Treaty of Waitangi'.[21]

1.2.3 The claimants in this inquiry

The named claimants in this urgent inquiry are:

- Charles Tawhiao, Chairperson of Ngāi Te Rangi Settlement Trust, on behalf of the Trust, its Māori beneficiaries and the iwi of Ngāi Te Rangi (Wai 3308);
- Rewiti Paraone, Erima Henare, Pita Tipene and Waihoroi Shortland on behalf of Te Rūnanga o Ngāti Hine for and on behalf of descendants of Torongare and Hauhaua (Wai 682);

17. Submission 3.3.5, p 2

18. Urgency decision (Wai 3308 ROI, 2.5.10), pp 2, 12. The applications for urgency concerned not just policies regarding the use and status of te reo Māori in the public sector but also current or pending Crown actions or policies relating to the proposed Treaty Principles Bill. The Deputy Chairperson ruled that the issues raised by the proposed Treaty Principles Bill would be determined by the Constitutional Kaupapa Inquiry panel (Wai 3300).

19. Urgency decision (Wai 3308 ROI, 2.5.10), p 11

20. Urgency decision (Wai 3308 ROI, 2.5.10), p 12

21. Urgency decision (Wai 3308 ROI, 2.5.10), p 12

- Nora Rameka on behalf of Te Rūnanga o Ngāti Rēhia (Wai 3077); and
- Colleen Skerrett-White, Timitepo Hohepa and Te Ariki Derek Morehu for and on behalf of Ngāti Te Rangiunuora who are supported by Ngāti Pikiao (Wai 1194 and Wai 1212).

Twenty-nine applicants were granted interested party status in the inquiry. A list of the interested parties is included in appendix I of this report.[22]

1.2.4 The inquiry process

On 5 March 2024, the Chairperson of the Waitangi Tribunal, Chief Judge Caren Fox, appointed Judge Te Kani Williams as presiding officer for the inquiry, and panel members Professor Tā Pou Temara, Professor Susy Frankel, Dr Hana O'Regan and Dr Paul Hamer.[23] Due to a delay by the Government in renewing Dr Hana O'Regan's warrant, she was unable to remain as a Tribunal member in the inquiry, and therefore Dr Ruakere Hond was appointed in her stead on 7 May 2024.[24]

Judge Williams held a judicial conference on 5 April 2024 to discuss the inquiry process, the filing of evidence and supporting documents, the scheduling of hearings and whether a statement of issues was needed to refine the scope of the issues.[25] Following the judicial conference, the Tribunal directed (among other things) that the Crown file a memorandum advising whether it 'stands behind its commitments regarding te reo Māori as articulated in enacted legislation (such as ss 6(2) and 9(1) of Te Ture mō Te Reo Māori 2016/Māori Language Act 2016)'.[26] In response, the Crown submitted that

> [t]he Crown is bound to follow legislation, and confirms that it is bound by its legal obligations in relation to te reo Māori including those in the Te Ture mō te Reo Māori 2016/Māori Language Act 2016 and other relevant legislation, which acknowledge that te reo Māori is a taonga of iwi and Māori.[27]

Following a determination of the statement of issues and the filing of evidence by the parties, a one-week urgent hearing took place at the Waitangi Tribunal's offices in Wellington between 10 and 14 June 2024.

As a matter of pragmatism, most of the evidence was taken as read. The Tribunal, claimants and the Crown identified selected claimant evidence to be presented and tested by cross examination and questioning. Therefore, the Tribunal heard from witnesses for Ngāi Te Rangi, Ngāti Rēhia, Ngāti Kahu, Ngāti Te Rangiunuora and Ngāti Pikiao, Te Rōpū Wahine Māori Toko i te Ora/Māori Woman's Welfare

22. Urgency decision (Wai 3308 ROI, 2.5.10); app A: tables of parties granted and declined interested party status (Wai 3308 ROI, 2.5.10(a)); memo 2.5.4; memo 2.5.5. Of the initially 30 interested parties, one party withdrew, bringing the total to 29: memo 3.1.12.
23. Memorandum 2.5.1
24. Memorandum 2.5.9
25. Memorandum 2.5.3
26. Memorandum 2.5.6, p 6
27. Memorandum 3.1.24, p 1

League and kaimahi Māori members of Te Pukenga Here Tikanga Mahi/New Zealand Public Service Association. Witnesses outlined the importance of te reo Māori as a taonga and the more than 40 years of work to save and revitalise it, as well as the impact of the proposal to prevent or remove allowances for public servants proficient in te reo.

The Crown's evidence was presented by Crown officials, such as the Acting Public Service Commissioner and Chief Executive, the Deputy Commissioner (strategy and policy), and the Deputy Commissioner (workforce) of Te Kawa Mataaho/Public Service Commission; the Deputy Chief Executive (partnerships) of Te Arawhiti/Office for Māori Crown Relations; the Deputy Secretary (policy partnerships) at Te Puni Kōkiri/Ministry of Māori Development; and the Chief Executive of Te Taura Whiri i te Reo Māori/Māori Language Commission. Closing comments were submitted orally and full closing submissions were filed in writing.

Prior to the commencement of the hearing, the Crown sought confidentiality over particular documents that had been filed with the registrar and circulated to claimant counsel in the inquiry. The issue was whether they should be placed on the public record of inquiry and made available to the claimants rather than only to the Tribunal and counsel for the claimants and interested parties.[28]

The Crown argued that documents it claimed confidentiality over fell into two categories. The first category of documents related to 'industrial negotiations, where the Crown ha[d] agreed to the documents remaining confidential' and that confidentiality was needed to prevent 'prejudice to [ongoing] industrial negotiations.'[29] The second category of documents related to documents that were 'under active consideration by Cabinet'[30] and confidentiality was sought in order to allow Ministers time and opportunity to consider guidance on them 'in a confidential manner [and] . . . to reach a collective Cabinet position.'[31]

Claimant counsel did not accept the Crown's claims for confidentiality.[32] They submitted that public interest needed to take precedence in cases in which documents were relevant to the 'Tribunal's task of inquiring into the Crown's policies, practices, acts and omissions limiting the status and use of te reo Māori me ōna tikanga in the public sector'.[33] An urgent teleconference was held on 6 June 2024 to discuss these matters.[34]

After weighing the non-disclosure principle against the public interest in the due administration of justice, and following a review of those documents by the Presiding Officer, we determined that those documents pertaining to industrial

28. Among these were a ministerial briefing report entitled 'Better Public Services and Strengthening Democracy: Use of the Māori Language by Public Sector Agencies' and a Government workforce policy statement: memo 3.1.48, p 2; memo 2.5.16, p 5.
29. Memorandum 3.1.39, pp 1, 9
30. Memorandum 3.1.39, p 1
31. Memorandum 3.1.39, p 9
32. Appendix 1, 3.1.39(a), p [2]
33. Memorandum 3.1.59, p 7
34. Memorandum 2.5.16, p 4

negotiations were to 'remain confidential between the Crown, the Tribunal panel and claimant counsel'.[35] However, those documents that were under active consideration by Cabinet were to be filed on the public record of inquiry, some fully disclosed and others with redactions remaining on the grounds of irrelevance.

We considered it imperative that claimants were 'appropriately and adequately informed to be able to prosecute their applications' and took the 'public interest in the Crown honouring its Treaty of Waitangi obligations to engage and consult with Māori on matters that concern Te Reo Māori, as determined by Waitangi Tribunal reports and prevailing legislation' into account for our decision.[36]

The Crown then sought to produce an additional confidential document and an affidavit pertaining to it during the hearing. We discussed its confidentiality in a closed chambers conference with claimant counsel and counsel for the Crown on 11 June, which resulted in the production of a truncated version that could be released by consent on an open basis.[37]

Following the hearing, written closing submissions were to be filed by 1 July, which was subsequently amended to 5 July following a joint extension request by claimant co-ordinating counsel and the Crown.[38]

1.3 The Issues for Determination

1.3.1 The background to the statement of issues

Prior to the judicial conference on 5 April 2024, claimant counsel and counsel for the Crown prepared draft statements of issues for our consideration.[39] During the judicial conference, it became clear that an agreed position on the inquiry issues could not be reached. It was determined that the parties should seek to file an agreed statement of issues following the scheduled disclosure of discovery material from the Crown.[40]

However, following disclosure, claimant counsel filed a draft statement of issues on 26 April,[41] which the Crown continued to disagree with.[42] As an agreed statement of issues could not be established, we determined and issued a final statement of issues on 7 May 2024.[43] Due to the subject matter of the inquiry, claimant counsel – in accordance with counsel for the Crown – requested the statement to

35. Memorandum 2.5.8, p 4
36. Memorandum 2.5.16, pp 5–6
37. Also during the hearing, several matters regarding clarification and expansion of evidence were raised, which required filing of additional material by both Crown and claimant counsel, with a deadline set for 25 June 2024.
38. Memorandum 3.4.12, p 2
39. Crown statement of issues 1.4.1; memo 3.1.16; memo 3.1.18; draft statement of issues 1.4.2; draft statement of issues 1.4.4
40. Memorandum 2.5.6, p 4
41. Draft statement of issues 1.4.2
42. Memorandum 3.1.16, p 5
43. Tribunal statement of issues 1.4.3

be bilingual (te reo Māori and English) and provided a translation on 8 May 2024, which we adopted.[44]

1.3.2 The statement of issues

We issued the following statement of issues:

1. He aha ngā mātāpono o te Tiriti/Treaty e whai pānga ana ki te mana me te whakamahinga o te reo Māori me ōna tikanga i te rāngai tūmatanui?
2. He aha ngā takohanga me ngā here a te Karauna ka hua mai i ēnei mātāpono?
3. He aha ngā kaupapa here, ngā ritenga, ngā mahi me ngā hapa o ēnei wā a te Karauna (mena rānei ka pēnei) e takahi ana i te mana me te whakamahinga o te reo Māori me ōna tikanga i te rāngai tūmatanui?
4. E aro tika ana ngā kaupapa here, ngā ritenga, ngā mahi me ngā hapa a te Karauna ki āna herenga ture me āna takohanga ki raro i te Tiriti/Treaty e hāngai ana ki te mana me te whakamahinga o te reo Māori me ōna tikanga i te rāngai tūmatanui?
5. I runga i ngā āhuatanga o runga, kua takahi te Karauna i āna takohanga i raro i te Tiriti /the Treaty me ōna mātāpono e pā ana ki te mana me te whakamahinga o te reo Māori i te rāngai tūmatanui?
6. Ki te pēnei:
    a. He aha ngā whakahāweatanga, te nui rānei o te tūpono whakahāweatanga, ka pā ki te Māori nā ngā kaupapa here, ngā 7 ritenga, ngā mahi me ngā hapa a te Karauna e takahi ana i te mana me te whakamahinga o te reo Māori i te rāngai tūmatanui?
    b. He aha ngā rongoā mō ēnei whakahāweatanga?
    c. He aha ngā tūtohunga e tika ana kia tohutohungia kia aro tika ai te Karauna ki te Tiriti/the Treaty?

1. What Te Tiriti/Treaty principles apply to the status and use of te reo Māori and its customs in the public sector?
2. What are the Crown duties and obligations arising from these principles?
3. What are the current policies, practices, acts and omissions of the Crown (if any) to limit the status and use of te reo Māori and its customs in the public sector?
4. Are the Crown's current policies, practices, acts and omissions consistent with its legislative and Te Tiriti/Treaty obligations in relation to the status and use of te reo and its customs in the public sector?
5. In light of the above, has the Crown breached its Te Tiriti/the Treaty obligations in relation to the status and use of te reo and its customs in the public sector?
6. If so:
    a. What is the prejudice or likely prejudice suffered by Māori as a result of the Crown's policies, practices, acts and omissions to limit the status and use of te reo Māori and its customs in the public sector?
    b. How can the prejudice be removed or remedied?

44. Memorandum 3.1.22; Tribunal statement of issues in te reo Māori 1.4.3(a); memo 2.5.11

c. What recommendations should be made to ensure Te Tiriti/Treaty compliance by the Crown?[45]

The core issue for determination in this inquiry is whether the policies of the Crown to limit the status and use of te reo Māori in the public sector are in breach of the principles of te Tiriti/the Treaty.

1.4 The Structure of this Report

Having introduced the immediate context and issues for determination in this inquiry in this chapter, in chapter 2, we delineate the Tribunal's jurisdiction and provide an overview of the Treaty principles and duties relevant to the issues under inquiry.

In chapter 3, we turn to the broader context of the Crown's policy and legislation regarding te reo Māori in place at the time of the 2023 election and the actions of the coalition Government under inquiry. We also set out the positions of the parties.

In chapter 4, we examine the evidence presented in the inquiry and set out our analysis of the Crown's actions and omissions.

In chapter 5, we set out our findings on breaches of te Tiriti/the Treaty and its principles, whether the Crown's actions have caused the claimants prejudice and our recommendations.

45. Tribunal statement of issues 1.4.3

UPOKO 2

NGĀ MĀTĀPONO ME NGĀ PAEREWA O TE TIRITI

2.1 Kupu Whakataki

E tautohu ana tēnei upoko i ngā atikara o te Tiriti/the Treaty me ngā mātāpono o te Tiriti e hāngai pū ana ki ngā take kei roto i Te Reo i te Kāwanatanga Ruku Tātari Ohotata – Te Reo in the Public Sector Urgency Inquiry. Ka whai wāhi ēnei atikara, ēnei mātāpono hoki, tae atu ki ngā ture e whai take ana,[1] ki tō mātou tātaritanga o ngā take hei whakatau, me ngā kōrero taunaki e whai take ana ki te upoko 4, me ō mātou kitenga ki te upoko 5. Ka tātari te upoko 4 i tō mātou mana ā-ture ki te tirotiro ki ngā āhuatanga o ēnei kerēme e pā ana ki ngā whakaaetanga haumi.

He mea āwhina anō ngā kitenga o mua e pā ana ki te reo Māori hei horopaki mō tō mātou tātaritanga. Nā reira, i te tuatahi ka tirotiro tēnei upoko ki ngā whakataunga ā-ture o mua mō te reo Māori me te Tiriti/the Treaty ki te raupapatanga wā, mai i te kēhi i te kōti nō te tau 1980 arā a *Mihaka v Police* ki te pūrongo nō te tau 2023 arā *Kāinga Kore: The Stage One Report of the Housing Policy and Services Kaupapa Inquiry on Māori Homelessness*.

2.2 Te Whanaketanga o ngā Ture Whaitake ki te Reo i ngā Tekau Tau Atu i te 1980 me te 1990

I te tau 1979, i whakahē te kaiwhakatūtū a Te Ringa Mangu 'Dun' Mihaka i te whakatau a Te Kōti ā Rohe i ārai i a ia ki te kōrero i te reo Māori i ngā whakahaerenga ā-ture. I te tau 1980 ka whaiwhakaaro Te Kōti Pīra ki te take, ā, ka whakatau i runga i te Pleading in English Act 1362, kāore e taea e te hunga mōhio ki te reo Pākehā te kōrero i te reo Māori ki roto i te kōti.[2] Hei tā Richardson J, 'mā te Pāremata te take e hāngai ana ki te whakawhānui i te mana o te reo Māori e whiriwhiri, kaua mā ngā Kōti. Ko te reo Pākehā te reo tuku iho o ngā Kōti o Aotearoa mai i ngā rā koroniara.'[3]

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1. Ka kōrerotia ngā ture whaitake ki te upoko 4.
2. *Mihaka v Police* [1980] 1 NZLR 453 (CA). I te tau 1986 ka whakamārama te Taraipiunara Wai 11 kua whai wāhi te Pleading in English Act ki te ture o Aotearoa ina whakamanahia te English Laws Act 1858, ahakoa e ai ki tētahi ngore i hua mai kē tēnei pānga i te tauākī nō Pipiri 1840 o te New South Wales Legislative Council. Tirohia Te Rōpū Whakamana i te Tiriti o Waitangi, *Pūrongo o Te Rōpū Whakamana mō te Kokoraho o Te Reo Māori*, putanga 3 (Te Whanganui a Tara: Brookers, 1993), wh 23; J N Matson, 'The Language, the Law, and the Treaty of Waitangi', *Journal of the Polynesian Society*, huānga 100, nama 4 (Hakihea 1991), wh 348.
3. *Mihaka v Police* [1980] 1 NZLR 453, 462 (CA)

Whai muri i ngā tau maha, i whakapuakina te hononga i waenganui i ngā tika o te Māori ki raro i te Tiriti/the Treaty i te *Pūrongo o Te Rōpū Whakamana i te Tiriti o Waitangi mō te Kerēme o Te Reo Māori* (te pūrongo Wai 11) nō te tau 1986. Ko tā te pūrongo nei 'he tīmata i te kaupapa whakamana i te reo Māori hei taonga'.[4] I whakatau kē te Taraipiunara ki ōna pūrongo e toru o mua e pā ana ki ngā rawa māori (Motunui, Kaituna, me Manukau), he nui ake te mana o te kupu 'taonga' ki ngā rawa kikokiko anake. I kōkirihia tēnei take mō ngā kaikerēme o Wai 11 e Ahorangi Hirini Mead. Ka whakatau te Taraipiunara 'ko te reo kei te iho o te ahurea, ā, me whakamana ka tika kia noho hei "rawa e kaingākautia ana"'.[5] I whakamārama te Taraipiunara he matahuna te mahi tiaki i te reo. Hei tāna,

> i tohua te Tiriti kia whai wāhi ngā iwi e rua ki tēnei whenua. Ka whiua e mātou te pātai, mēnā ka eke ngā mātāpono me ngā whāinga whānui o te Tiriti ki te kore te reo o tētahi o ngā hoa haere o te Tiriti e whakamanahia. E ai ki te tirohanga Māori, e tohu ana te mana o te reo nō te whenua nei i te mana o te Māori.[6]

I whakaae te Taraipiunara ki te tāpaetanga o te Wehenga nō Aotearoa o te Kōmihana o ngā Mātanga Ture e kī ana he mea moroki ngā takohanga a te Karauna ki te reo, ehara i te mea ngoikore noa iho.[7] E ai ki te Taraipiunara, he mea nui kia whakamāmāhia taua huarahi ki te tiaki i te reo. Hei tauira, e whai ake nei ngā kōrero a te Taraipiunara e pā ana ki te tūponotanga ka whai mana ōkawa te reo:

> Kia tūturu, kia hirahira ka tika te whakamana ōkawa i te reo, ā, ko te tikanga o tēnā, mēnā e pīrangi ana te/ngā tāngata ki te whakamahi i tō mātou reo ōkawa ki tētahi hui tūmatanui, ki te kōrero rānei ki tētahi mana tūmatanui, e tika ana kia pērā. He māmā te whakamana ōkawa i te reo Māori, engari he mea anō te whakapūmau i tōna whakamahinga. Me whai kia nui ake i te mana ki te whakamahi i te reo ki roto i ngā Kōti. Me whai anō i te mana ki te whakamahi i te reo, ahakoa te tari, ahakoa rānei te rōpū ā-rohe mehemea ka tūturu te whakamana i te reo, kaua ko te whakamana rikiriki noa iho nei.[8]

Nō te tau 1986, ka whakaae te Kāwanatanga ki te mana o te reo hei taonga. Kāore e kore nā te mea i te matapae ki te pūrongo a te Taraipiunara, ka whakatakotohia

4. Māmari Stephens, 'Taonga, Rights and Interests: Some Observations on Wai 262 and the Framework of Protections for the Māori Language', *Puka Arotake i te Ture nō Te Herenga Waka*, huānga 42, nama 2 (2011), wh 245

5. Te Rōpū Whakamana i te Tiriti o Waitangi, *Pūrongo o Te Rōpū Whakamana mō te Kokoraho o Te Reo Māori*, wh 20

6. Te Rōpū Whakamana i te Tiriti o Waitangi, *Pūrongo o Te Rōpū Whakamana mō te Kokoraho o Te Reo Māori*, wh 21

7. Te Rōpū Whakamana i te Tiriti o Waitangi, *Pūrongo o Te Rōpū Whakamana mō te Kokoraho o Te Reo Māori*, wh 20

8. Te Rōpū Whakamana i te Tiriti o Waitangi, *Pūrongo o Te Rōpū Whakamana i te Tiriti o Waitangi mō te Kokoraho o Te Reo Māori*, wh 20, 47; tirohia anōtia te wh 25.

te Ture Reo Māori ki te Pāremata i te 29 o Paengawhāwhā 1986, i te rā tonu i whakaputaina te pūrongo, ā, i tōna tauākī whakamārama ka whakapuakina tōna tirohanga e whai ake nei:

> I kī Te Kōti Pīra kāore te Tiriti e hāngai ki te whakamahinga o te reo Māori. Kāore e kore, i te whakawhirinaki Te Kōti Pīra ki te whakapākehātanga o te Tiriti. Heoi anō, i roto i te Tiriti reo Māori, ka whakapūmau, ka kī taurangi ki te iwi Māori ā 'rātou kāinga me ā rātou taonga katoa.'[9]

Nā reira i kī ngā kupu whakataki o te Pire:

> Ahakoa i roto i te Tiriti o Waitangi ka whakapūmau, ka kī taurangi te Karauna ki te iwi Māori, atu i ētahi atu mea, ō rātou taonga katoa: Ā, ahakoa e ai ki te iwi Māori ko te reo Māori tētahi o aua taonga.[10]

I kawea ēnei kupu kōrero ki roto i te Ture Reo Māori 1987, hāunga ngā kupu 'e ai ki te iwi Māori', i whakakorehia. Nā tēnei ka nui ake te mana ōkawa ki te reo Māori hei taonga.

I te tau i muri mai ka panoni te Karauna i te Ture Whakapaoho 1976 kia āhei te waihanga i ngā hinonga Kāwanatanga, ā, kātahi i te tau 1991 ka kerēme Ngā Kaiwhakapūmau i te Reo me te Kaunihera Māori o Aotearoa ki te Kōti Teitei he takahitanga tēnei i te wehenga 9 o te State Enterprises Act 1986. I whakarato taua wehenga kia hāngai ngā mahi a te Karauna ki ngā mātāpono o te Tiriti/the Treaty. I tohe Ngā Kaiwhakapūmau me te Kaunihera Māori o Aotearoa kīhai ngā mahi a te Karauna ki te tiaki i te reo Māori i eke, inarā ko te korenga o te Karauna ki te ruku tātari i te whānuitanga o tōna takohanga ki te tiaki i te reo ki te ao pāpāho me ngā pāpātanga o ngā whakawhitinga rawa ki tēnā takohanga.[11] I tōna whakatau i te Haratua 1991, i whakaae te Kōti Teitei kia whakawhitia ngā rawa reo irirangi engari i herea kia whakaatu te Karauna i te tuatahi i te mahere hei whakahaumaru i ngā pānga o te iwi Māori i mua i te whakaae kia pērāhia ngā rawa pouaka whakaata.[12] I whakarite te Karauna i tēnei mahere, tae atu ki te whanaketanga o tētahi pouaka whakaata Māori, ā, i te Hōngongoi 1991 i whakaae te kōti ki te whakawhitinga. I pīra ngā kaitono i tēnei whakatau, tuatahi ki Te Kōti Pīra kātahi rā ki te Privy Council, engari i whakakorehia ngā pīra e rua.[13] Heoi anō, he maha ngā kōrero i

9. Te Pire Mō Te Reo Māori 1986, wh 15

10. Te Pire Mō Te Reo Māori Bill 1986, wh 19

11. Te Rōpū Whakamana i te Tiriti o Waitangi, *The Radio Spectrum Management and Development Final Report* (Te Whanganui a Tara: GP Publications, 1999), wh 15–17; tirohia anōtia a *Kaunihera Māori o Aotearoa v Rōia Matua* [1991] Te Kōti Teitei ki Te Whanganui a Tara, CP942/88, 3 o Haratua 1991.

12. *New Zealand Maori Council v Attorney-General* [1991] Kōti Teitei ki Te Whanganui a Tara, CP942/88, 3 o Haratua 1991

13. *New Zealand Maori Council v Attorney-General* [1992] 2 NZLR 576, 579 (CA); *Kaunihera Māori o Aotearoa v Rōia Matua* [1994] 1 NZLR 513 (PC)

te whakatau o te Privy Council i whakawhānui ake i te tūnga ture e pā ana ki ngā takohanga a te Karauna.[14]

Ko te mea nui, i kite te Privy Council ahakoa he rite tonu te takohanga o te Karauna ki te tiaki i ngā taonga pēnā i te reo Māori, 'ka panoni ngā mahi tiaki a te Karauna i runga i ngā āhuatanga o te wā'. Hei tauira, mehemea kei te noho mōrearea te taonga e kōrerohia nei, akenepea me 'kaha rawa atu te Karauna ki te tiaki i taua taonga'. Ka kaha ake anō mehemea i noho mōrearea 'nā te mea i ahu mai i ngā takahitanga a te Karauna i ōna takohanga'. E ai ki te Privy Council, 'tērā pea nā ngā takahitanga o mua o te Karauna, kāore e iti iho tōna kawenga, engari ka nui ake kē'.[15]

I te tau 1990, i te wā tonu e haere ana ngā whakahaerenga ā-ture, i rongo te Taraipiunara i ngā kerēme o Ngā Kaiwhakapūmau me te Kaunihera Māori o Aotearoa mō ngā mahere a te Karauna, i raro i te Radiocommunications Act 1989, ki te hoko i te mana tono ki ngā tūāwhiorangi reo irirangi mō te 20 tau te roa. I roto i tōna pūrongo nō Whiringa-ā-rangi 1990, ka whaiwhakaaro te Taraipiunara ki te oranga nō taua wā o te reo me te tuku i tōna tirohanga

> Ki te noho te reo Māori hei reo ora, hei reo whakawhiti i ia rā, me whakapāoho i te reo, kaua anake kia waia ngā tāngata ki te reo me te ako i te reo, engari kia kitea kei te whai mana e hiahia ai ngā tāngata ki te ako, ki te whakawhiti i roto i te reo i ia rā. Ina noho anake te reo ki roto i te kāinga, ki ngā tikanga tuku iho ka heke tōna wāriu, ki ōna kaikōrero anō hoki, nā te mea ko te tirohanga kāore he take, he mana o te reo ki te iwi whānui.[16]

I whakahē te Taraipiunara i tā te Karauna i tohe arā kāore i te iwi Māori he mana nui ake ki te tūāwhiorangi reo irirangi tērā i te iwi whānui. I kite te Taraipiunara

> he tino kaha hoki te tūhononga o te whakamahinga o te tūāwhiorangi reo irirangi ki te whakamahinga o te reo Māori me te ahurea, otirā ki ngā mahi hoki ki te tiaki, me te whakawhanake i ēnei mea, nā tērā ko te tikanga kia nui ake te mana āheinga o te iwi Māori i tēnei. Nā te rangatiranga ā-iwi, ka nui ake te mana āheinga o te iwi Māori ki te tūawhiorangi kātahi anō ka kitea.

14. Te Rōpū Whakamana i te Tiriti o Waitangi, *The Radio Spectrum Management and Development FInal Report*, wh 15–17

15. *New Zealand Māori Council v Attorney-General* [1994] 1 NZLR 513, 517 (PC) (i tīkina i Te Rōpū Whakamana i te Tiriti o Waitangi, *The Radio Spectrum Management and Development Final Report*, wh 68).

16. Te Rōpū Whakamana i te Tiriti o Waitangi, *Report of the Waitangi Tribunal on Claims Concerning the Allocation of Radio Frequencies* (Te Whanganui a Tara: Booker and Friend Ltd, 1990), wh 36

Ko te tikanga e ai ki te mātāpono Tiriti o te matapopore moroki me te kawenga a te Karauna kia whakawhiti kōrero, 'me tuku ki te hoa haere arā te Māori kia whai āheinga ki ngā tūāwhiorangi reo irirangi e tapatahi ana, e taurite ana'.[17]

I te Paengawhāwhā 1999, ka whakaputa te Taraipiunara i *The Wananga Capital Establishment Report*, e pā ana ki te tuku a te Karauna i te pūtea ki ngā wānanga e toru i whakatūria ki raro i te ture nō te tau 1990. Kāore i kore, i aro te pūrongo o te Taraipiunara ki te reo Māori. I kite te Taraipiunara he whakatinanatanga ngā wānanga i te tukanga Māori kua roa e tū ana mō te whakaako me te ako 'tē taea te whati i te reo Māori me te mātauranga Māori'.[18] Hei tā te Taraipiunara,

> ahakoa ngā kaupapa Māori ki te ārai i te hekenga o te reo Māori, kei te noho mōrearea tonu te reo. Ki te hinga ngā wānanga Māori i te korenga o te pūtea me ngā rawa, kua hinga tētahi whareako i ngā ringaringa o te Karauna e ngākaunui ana ki te tiaki me te whakarauora i te reo Māori, he taonga i whākina e te Karauna kia motuhake te tiaki.[19]

I te Pipiri 1999, i tuku pūrongo te Taraipiunara e pā ana ki tētahi kerēme anō e pā ana ki te hoko kairapu i ngā mana whakahaere ki ngā tūāwhiorangi i roto i te takiwā 2GHz. E ai ki ngā kaikerēme kei te iwi Māori te mana ki tētahi wāhanga taurite o te rawa tūāwhiorangi, hei whakatairanga, hei tiaki hoki i te reo Māori. E ai ki te Taraipiunara, kāore i eke te ū o te Karauna ki te reo, arā mō te taha ki te mātauranga me ngā mahi pāpāho. Ki ōna whakaaro he whaitua anō te tūāwhiorangi 2GHz 'ina taea ai e te Karauna te whakamana i ōna takohanga e pā ana ki te reo me te ahurea mā te puritanga o te iwi Māori ki ētahi o ngā tūāwhiorangi'. E ai ki te Taraipiunara, 'Kāore te whakawhirinaki a te Karauna ki ngā tikanga me ngā hangarau o nāianei i roto i ngā whare o nāianei i te eke. Nā runga i te noho mōrearea o te reo Māori, me whai ngā huarahi katoa kia ora tonu ai te reo'.[20]

17. Te Rōpū Whakamana i te Tiriti o Waitangi, *Report on Claims Concerning the Allocation of Radio Frequencies*, wh 43
18. Te Rōpū Whakamana i te Tiriti o Waitangi, *The Wānanga Capital Establishment Report* (Te Whanganui a Tara: GP Publications, 1999), wh 54
19. Te Rōpū Whakamana i te Tiriti o Waitangi, *The Wānanga Capital Establishment Report*, wh 49
20. Te Rōpū Whakamana i te Tiriti o Waitangi, *The Radio Spectrum Management and Development Final Report*, wh 47–48

2.3 Te Pūrongo o Wai 262 nō te Tau 2010

Ko tētahi pūrongo anō o te Taraipiunara i kōkiri i te whakatinatanga o te Tiriti/the Treaty i te reo Māori ko te pūrongo Wai 262 nō te tau 2010.[21] I whakahuatia e mōhio whānuitia ana te tūnga o te reo Māori hei taonga, ā, ka tāpiri atu

> he whakatūai i tōna hirahira te whakamārama i te reo hei taonga. E mārama ana he taonga nui whakaharahara te reo ki te iwi Māori, ā, he itiiti ngā taonga e eke ana ki tōna hirahira. Ki te kore te reo, ka whakararuhia te pūtake o te tuakiri Māori, tae atu ki te tū i te ao o te iwi Māori hei iwi motuhake.[22]

I whakahua anō te Taraipiunara, i te taha o te whenua, ko te oranga o te reo 'tētahi o ngā take nui i whakahihiko i ngā porotēhi Māori mō ngā tika Tiriti i ngā tekau tau e toru, e whā rānei kua hipa'.[23]

I matapaki te Taraipiunara i ngā tika o te iwi Māori mō te whānuitanga o 'te pānga Tiriti', i aromatawaitia ki 'ngā pānga ātete'. I hāngai te whakatau a te Taraipiunara ki te Tiriti/the Treaty arā he nui whakaharahara te ngākaunui ki te reo Māori, ā, hei tāna karekau he pānga ātete. Mō tēnei take, i kitea e te Taraipiunara kua tipu te 'tatūnga tukipū ā-motu' ki Aotearoa kia tautokona ai te reo, ā, e mārama ana te taupori whānui ka whakakotahi te reo i te tuakiritanga ā-motu me te whakapiki i te tuakiritanga Māori. I whakaahuatia tēnei ki ngā kaupapahere o ngā Kāwanatanga i whakahua i tō rātou tautoko mō te reo Māori. I rangirua te Taraipiunara ki te whakaaro he āhuatanga whaitake te utu, e iti iho ai te ngākau titikaha o te Kāwanatanga ki te reo, nā runga i ngā tohu tōmua o te angitu o te ao mātauranga Māori ki ngā huarahi rūmaki reo Māori e whakaatu ana 'he nui rawa te utu ki te *kore* e tautoko tonu i te whanaketanga o te mātauranga o te reo me te whakamahinga o te reo'.[24]

I whakatakoto te Taraipiunara i ngā 'mātāpono matua' e whā, ā, kei roto ngā takohanga a te Karauna i raro i te Tiriti/the Treaty ki te reo: te houruatanga; he Kāwanatanga kōrero-Māori; ngā kaupapahere whakaaro nui; me ngā rauemi e tika ana. Mō te taha ki te houruatanga, i whakamārama te Taraipiunara ko te mahi

21. I tōmua te puta mai o te upoko mō Te Reo Māori o te pūrongo Wai 262, ki te hōputu whakaputa-tōmua, i te Whiringa-ā-nuku 2010, i mua i te putanga mai o te katoa o te pūrongo Wai 262 i te Hōngongoi 2011. Ahakoa i whakaae te Taraipiunara kia tuku tāpaetanga ngā hunga mō te upoko whakaputa-tōmua, 'kāore i whakaae ki ēnei tāpaetanga kia panonitia te upoko', ā, i whakatau kia kaua e whakahoutia te upoko kia hāngai kē ki tērā nō te 2011. Nā te mea i kōrero te upoko i te hōtaka mahi a te Karauna mō te reo Māori kaua mō ngā take whāiti i whakaaetia e pā ana ki te tautoko o te Karauna mō ngā reo ā-iwi me te tiaki i te reo i ngā whakamahinga hē, i kī te Taraipiunara 'me noho tārewa' ōna kitenga me ōna tūtohunga: Te Rōpū Whakamana i te Tiriti o Waitangi, 'Te Reo Māori', putanga whakaputa-tōmua Wai 262, 2010, wh x; Te Rōpū Whakamana i te Tiriti o Waitangi, *Ko Aotearoa Tēnei: A Report into Claims Concerning New Zealand Law and Policy Affecting Māori Culture and Identity, Te Taumata Tuarua, 2 huānga* (Te Whanganui a Tara: Legislation Direct, 2011), huānga 2, wh 387, 392. Nō mātou te whakatau ki te toro ki te upoko o 2011 i whakaputaina, kaua ki te putanga whakaputa-tōmua nō te tau kua hipa.

22. Te Rōpū Whakamana i te Tiriti o Waitangi, *Ko Aotearoa Tēnei*, huānga 2, wh 442

23. Te Rōpū Whakamana i te Tiriti o Waitangi, *Ko Aotearoa Tēnei*, huānga 2, wh 396

24. Te Rōpū Whakamana i te Tiriti o Waitangi, *Ko Aotearoa Tēnei*, huānga 2, wh 442–443

a te iwi Māori he whakahihiko, he ārahi hoki i te rauoratanga o te reo, ā, ko te mahi a te Karauna he 'tautoko i te taha hātepe me te taha ki ngā pūtea'. E ai ki te Taraipiunara, ki te ārahi te Karauna me tōna kotahi kāore e kore i te mutunga atu ka hinga.[25] E tino whai take ana te mātāpono o te Kāwanatanga kōrero-Māori ki tō mātou ruku tātari. I kitea e te Taraipiunara te hiahia 'mō tētahi whakaaro i tua atu i te pōhēhē he Pākehā, he kōrero-Pākehā hoki te Karauna, ā, ka noho motuhake i te iwi Māori, kāore i te tū hei māngai mō rātou'. Hei tā te Taraipiunara,

> mehemea e ū ana te Karauna ki te tiaki me te whakatairanga i te reo, me nanaiore anō te Karauna ki te kōrero i te reo. Ehara tēnei i te ārahi noa iho mā te whakatauira, engari anō he tohu, he whakatinana hoki i te tautoko kia ora tonu te reo. Ko te tikanga ka taea e te iwi Māori te whakamahi i tōna ake reo, i runga i tōna mana ōkawa, ki ōna whiriwhiringa katoa ki te Kāwanatanga o Aotearoa – ina koa ko te kanohi o te Karauna ka kaha kitea e te marea he kanohi Māori.[26]

Mō te taha ki ngā kaupapahere whakaaro nui, hei tā te Taraipiunara e herea ana te Karauna ki te waihanga i 'tētahi kaupapahere Karauna–Māori tūturu', kaua ko tētahi kāore i te tautokohia e te iwi Māori. Ka hiahiatia ngā rawa e tika ana hei whakatutuki i tēnei kaupapahere. Ki te whānui ake te titiro, e tika ana, nā te mea he taonga te reo Māori, kia 'tika te huri ki te whakaaro ake' ki te reo i roto i ngā whakatau mō te toha i ngā rawa.[27]

I tautohu anō te Taraipiunara i ngā mātāpono e herea ana te iwi Māori ki te hāpai i te reo. Ko te tuatahi o ēnei i karangatia e te Taraipiunara ko 'Kōrero Māori'. Ka tīkina atu te kōrero a te Privy Council i te whakahaerenga manature mō Ngā Rawa Mahi Pāpāho arā 'e herea anōtia ana te iwi Māori ki te whakatutuki i ngā mahi, ina koa ki te kāinga, ki te tiaki i te reo'.[28] E ai ki te Taraipiunara, mehemea i kaha tautokongia e te Karauna, kua mate te iwi Māori ki te kōrero i te reo i ngā wā katoa, nā reira ka patua te whakamā me te noho pōhēhē mō te rauoratanga o te reo Māori. I tautohu anō te Taraipiunara i te hiahia kia noho hourua te iwi Māori ki te taha o te Karauna me te tomo atu ki ngā ara whakarauora (hei tauira ki te ao mātauranga, ki ngā mahi pāpāho rānei) kua whakaratoa e te Kāwanatanga. Ko te tikanga anō ka pīrangi anō rātou ki te tuku 'kia tuwhera ai ngā whakaaro ki ngā huarahi whakarauora e tika ana, ki ngā huarahi hoki rānei me whakawātea'.[29]

2.4 Ngā Pūrongo o te Taraipiunara o Muri me te Ture 2016

Nō te tau 2013 ka whaiwhakaaro anō te Taraipiunara ki te reo Māori i roto i a *Matua Rautia: Te Pūrongo mō te Kokoraho Kōhanga Reo*. I tautokohia te nuinga o ngā kitenga o ngā paewhiri o Wai 11 me Wai 262 engari i rerekē te whakaaro ki

25. Te Rōpū Whakamana i te Tiriti o Waitangi, *Ko Aotearoa Tēnei*, huānga 2, wh 443, 450
26. Te Rōpū Whakamana i te Tiriti o Waitangi, *Ko Aotearoa Tēnei*, huānga 2, wh 451
27. Te Rōpū Whakamana i te Tiriti o Waitangi, *Ko Aotearoa Tēnei*, huānga 2, wh 451–452
28. *New Zealand Maori Council v Attorney-General* [1994] 1 NZLR 513, 518 (PC)
29. Te Rōpū Whakamana i te Tiriti o Waitangi, *Ko Aotearoa Tēnei*, huānga 2, wh 452–453

te Taraipiunara Wai 262 mō te whakamahinga o te kupu kaupapahere 'whakaaro nui'. Ki tōna tirohanga, tērā pea ehara tētahi mea 'whakaaro nui' i te whāomo, ā, ahakoa he whakaaro nui ki tētahi Kāwanatanga, ehara pea i te ōrite te whakaaro a te Kāwanatanga ka whai atu. He pai ake ki taua Taraipiunara ngā kupu 'he kaupapahere whai hua, whāomo hoki'. I tautohu te Taraipiunara ko te houruatanga te mātāpono Tiriti matua, ā, hei tāna he maha ōna wāhanga. Ko te tuatahi ko te kāwanatanga, e ai ki te Taraipiunara 'he kāwanatanga nā te Karauna e whai hua ana, e whakatinana ana i ōna kawenga', ā, e waihanga ana i 'ngā kaupapahere whai hua, whāomo hoki'. Tuarua, ko te rangatiratanga ko 'te tika o te iwi Māori ki te whakatinana i te mana motuhake me te kaitiakitanga ina tonu hei hoa haere ki te taha o te Karauna'. Kei roto anō ngā takohanga ki te kōrero Māori me te whai i ngā kaupapa whakarauora ka whakaratoa e te Karauna (i whakatakotohia e te Taraipiunara Wai 262). E ai anō ki te Taraipiunara e whai take ana ngā mātāpono o te mana taurite me ngā kōwhiringa. Arā, kia whai kōwhiringa te iwi Māori ki te 'kōwhiri i tētahi ara rumaki reo Māori', ā, me te 'whiwhi i te tautoko e taurite ana ki te tautoko ki ētahi atu tāngata nō Aotearoa'.[30]

Nō te tau 2016 ka whakaturehia e te Karauna Te Ture mō Te Reo Māori/the Māori Language Act, i whakarārangi i ngā takohanga o te Karauna ki te reo, ā, ka toai, ka whakatūturu hoki i ētahi o ngā mātāpono Tiriti matua kua whakapuakina e te Taraipiunara me ngā kōti i mua. I te wehenga 6(2), ka ū te Karauna ki 'te mahi tahi ki ngā iwi me te Māori ki te tiaki me te whakatairanga i tēnei taonga'. I hua ake tēnei whakaaro titikaha i te horopaki o te whakaaetanga a te Karauna (kei te wehenga 6(1)) ki 'ngā pānga kino o ōna kaupapahere me ōna ritenga o mua', nā reira koinei te mātāpono o te whakatika. I te wehenga 8, ka whakatakotohia te rārangi mātāpono arā: he taonga te reo, ā, ko ngā iwi me te Māori ōna kaitiaki; ko te reo te tūāpapa o te ahurea me te tuakiri Māori; e hāpaitia ana te mātauranga me te whakamahinga o te reo e te tuku ihotanga me ngā whakawhitiwhiti o ia rā; he mea 'moroki' te tūnga o te Karauna i te rangapū ki ngā māngai o ngā iwi me te Māori; ā, ka taea e te Karauna 'te kōkiri whakamua i te rauoratanga o te reo Māori mā te whakatairanga i ngā whāinga rautaki ki Aotearoa whānui'. E whakaae ana ki te mātāpono o te rangatiratanga te kōrero e kī ana he taonga te reo, ā, ko ngā iwi me te Māori ōna kaitiaki, nā te mea e oati ana te Tiriti i te rangatiratanga ki runga i ngā taonga, ā, ko 'te taha takohanga o te rangatiratanga' te kaitiakitanga, e ai ki te titiro o te Taraipiunara Wai 262.[31] I whakatakoto te wehenga 9 i ngā kawatau kia whakawhiti kōrero te Karauna ki ngā iwi me te Māori mō ngā take e pā ana ki te reo, ā, kia tukuna e te Karauna ngā ratonga i roto i te reo (kia kōrero-Māori rānei e ai ki te Taraipiunara Wai 262). Kei te wehenga 3.3.1 ngā taipitopito mō tēnei Ture.

I te mutunga o te tau 2021, ka whakaputa te Taraipiunara i *The Report on the Comprehensive and Progressive Agreement for Trans-Pacific Partnership*. I kōrerohia te take o te reo Māori ki te horopaki o ngā take e pā ana ki te tiaki i te raraunga Māori. I kī ake mō te taha ki te reo:

30. Te Rōpū Whakamana i te Tiriti o Waitangi, *Matua Rautia: Te Pūrongo mō te Kokoraho Kōhānga Reo* (Te Whanganui a Tara: Legislation Direct, 2013), wh 62–64, 68

31. Te Rōpū Whakamana i te Tiriti o Waitangi, *Ko Aotearoa Tēnei*, huānga 1, wh 270

> I ngā tekau tau tata kua taha ake nei, he nui ngā whakapaunga kaha a te iwi Māori ki te taumanu me te whakarauora i te mātauranga Māori me te reo Māori. E mataara ana ki ngā āhuatanga e whakaweti ana, e nui ana rānei te tūponotanga ka whakaweti, i tēnei kokenga whakamua. Ki ō mātou whakaaro, ka piki te kawenga matapopore moroki o te Karauna i tēnei āhuatanga.[32]

I te tau 2023, ka whakaputa te Taraipiunara i a *Kāinga Kore: The Stage One Report of the Housing Policy and Services Kaupapa Inquiry on Māori Homelessness*. I reira ka ara te take mō te whakamahinga o te reo Māori ki ngā ingoa o ngā tari kāwanatanga, he take e pā ana ki tō mātou ruku tātari.[33] I tohe ngā kaikerēme he 'mahi whakataruna', he 'kaupapa whakapai kanohi' te whakamahinga o ngā ingoa pērā i 'Te Tūāpapa Kura Kāinga' (mō te Manatū Whare, Whanake Tāone hoki).[34] Ka whakaae te Taraipiunara, ahakoa ka whakahihiko pea ngā ingoa i 'te matatika o te kākano rua', ā, e tohu ana i te whai wāhitanga o te iwi Māori, ka hua ake i tōna whakamahinga 'te pōhēhē e angitu ana, e ū ana ngā kaimahi rānei e huri kē ai te aro ki ngā mahi tūturu, ngā mahi tika'. I whakahē anō te Taraipiunara i te whakamahinga o ngā ingoa Māori whakarite e pōhēhē ai he kaupapa Māori tētahi hōtaka, tari kāwanataga rānei. I whakatau te Taraipiunara ka whakamahia ngā ingoa Pākehā mō ngā tari Kāwanatanga i tōna pūrongo, hei whakamauru i ngā āwangawanga a ngā kaikerēme ki tēnā ruku tātari.[35]

2.5 Ngā Mātāpono Tiriti i Ara i ngā Tāpaetanga Whakakōpani

I ō rātou tāpaetanga whakakōpani, ka whakaara ngā rōia mō ngā kaikerēme me ngā hunga e whai take ana i ngā mātāpono Tiriti maha. Ehara i te ohorere i kaha whakamahi rātou i ngā pūrongo Wai 11, Wai 262 hoki. I tīkina anō e rātou ētahi atu pūrongo e whai take ana.

Hei tauira, i whakawhirinaki te rōia mō Te Rūnanga o Ngāti Hine (Ngāti Hine) ki ngā pūrongo o te Taraipiunara nō te ruku tātari o Te Paparahi o Te Raki me te whakatau i te pūrongo mō te wāhanga 1 i kī kāore a Ngāpuhi i tuku i tōna tino rangatiratanga i te tau 1840. I tautoko te rōia i te huarahi o te Taraipiunara, i roto i te hūanga tahi o te wāhanga 2 o te pūrongo, ki te whakapuaki i ngā mātāpono Tiriti i roto i te reo me tōna whakamahinga i ngā kupu nō te Tiriti hei wāhi tīmata. Koinei te huarahi, e ai ki te rōia, e koke whakamua ana te tūnga o te ture. I tohe te rōia tērā pea 'ka whakaaro ake mātou ko te matapopore moroki me te houruatanga ngā mātāpono matua – ka whakaaro rānei e pā ana tēnei ki te kāwanatanga, ki ngā āhuatanga o te kāwanatanga hoki – engari i mua i tēnā, ko te tika nui taioreore o te Māori ki te tino rangatiratanga ki runga i te reo'. E ai ki te rōia, i roto i tōna mana

32. Te Rōpū Whakamana i te Tiriti o Waitangi, *The Report on the Comprehensive and Progressive Agreement for Trans-Pacific Partnership* (Te Awakairangi: Legislation Direct, 2023), wh 177
33. Te Rōpū Whakamana i te Tiriti o Waitangi, *Kāinga Kore: The Stage One Report of the Housing Policy and Services Kaupapa Inquiry on Māori Homeless* (Te Awakairangi: Legislation Direct, 2024), wh 152–156
34. Wai 2750 R01, Tāpaetanga 3.3.51, wh 14–15
35. Te Rōpū Whakamana i te Tiriti o Waitangi, *Kāinga Kore*, wh 156

kāwanatanga, me whakaute e te Karauna te tūnga o te reo hei taonga: 'Tē taea e te Karauna te hari i te reo ki tōna whare kātahi ka noho hei rangatira ki runga i te reo.'[36]

Mō te taha ki te mātāpono o te houruatanga, ka tīkina e te rōia mō Ngāti Hine ngā kōrero i te pūrongo Wai 262 (i toaitia i *Matua Rautia*) arā me 'whakawhiti (e te Karauna) te mana e pai ana' ina 'kia noho matua ai ōna pūkenga, ōna rauemi hoki ki ērā whakapaunga kaha'. E ai ki te rōia kāore ngā kaikerēme i 'kaha tiki atu' i te mātāpono o te matapopore moroki, kāore e kore nā te mea i whakaarotia i ara tēnei kawenga i te mana kāwanatanga o te Karauna. Ka tāpae te rōia hei tā te Taraipiunara o Te Raki, e whai take ana ki ngā takahitanga a te Karauna o te Tiriti/the Treaty me tōna takohanga ki te whakaōrite anō. Nā reira hei tā te rōia he takohanga te matapopore moroki nā te Karauna ki te tiaki i te whakatinanatanga o te Māori ki te tino rangatiratanga. Ka tīkina anō e te rōia te mātāpono o te mana taurite, ā, hei tāna e herea ana te Karauna ki te waihanga i ngā huarahi tika e aro pū ana ki te Māori ki te taha o te Māori.[37]

I whakarārangi te rōia mō Ngāti Te Rangiunuora me Ngāti Pikiao i ēnei mātāpono e whai take ana ki tō mātou ruku tātari: te tino rangatiratanga, te kāwanatanga, te matapopore moroki, te houruatanga, te mana taurite, te whakaaro nui tētahi ki tētahi, te whakatika, me te kāwanatanga pai. I whakawhānui te rōia i ēnei ki tētahi āpitihanga, ina tāpae ia: he mea 'nui taioreore' te matapopore moroki i te whakatinanatanga o te tino rangatiratanga; e herea ana te kāwanatanga, ā, e noho tahi ana ki te tino rangatiratanga; ā, nā te mana taurite e herea ana te Karauna (pērā i te kōrero o te Taraipiunara i tōna pūrongo *He Maunga Rongo*)[38] 'kia "tae ai ki te paerewa o te kāwanatanga pai", mā te mahi kia hāngai ki ōna ake ture me te whakapūmau kia tiakina e te ture ngā tika o te Māori me ngā whiwhi painga a ngā kiririrau'.[39]

I tāpae te rōia mō te Taratī Whakataunga o Ngāi Te Rangi e mārama ana te tūnga ture me ngā kupu o roto i te Ture 2016 e kī ana 'ko te kawenga o te Karauna ki te reo Māori he . . . ehara anake i te kawenga matapopore 'moroki', engari he pūmau taua takohanga'. I tāpae anō te rōia 'he whakatinanatanga o te mātāpono o te houruatanga, ā, e hāngai ana ki te mahi a te Karauna hei hoa Tiriti pai' te takohanga a te Karauna ki te whiriwhiri.[40]

Pērā i te rōia mō Ngāti Hine, i aro te rōia mō Te Rūnanga o Ngāti Rēhia (Ngāti Rēhia) ki ngā mātāpono i tautohua e te Taraipiunara ki te ruku tātari o Te Paparahi o Te Raki. Hei tauira, i tāpae te rōia nā te mātāpono o te rangatiratanga, kua herea te Karauna ki te 'tautoko tika i te Māori āheinga kia whakatinana i tana

36. Tāpaetanga 3.3.19, wh 4–5. I tukuna ngā tāpaetanga whakakopani 3.3.19 mō Te Rūnanga o Ngāti Hine (Wai 682), me ngā hunga e whai take ana o Te Rūnanga Nui o Te Aupōuri (Wai 2831), ā, mō Te Riwhi Whao Reti me ētahi atu mō Te Kapotai (Wai 1464/1546).

37. Tāpaetanga 3.3.19, wh 6–7; tāpaetanga 3.3.4(a), wh 5–6

38. Te Rōpū Whakamana i te Tiriti o Waitangi, *He Maunga Rongo: Report on Central North Island Claims, Stage One*, kua whakahoutia, 4 ngā huānga (Te Whanganui a Tara: Legislation Direct, 2008), huānga 2, wh 428

39. Tāpaetanga 3.3.20, wh 9, 11; tāpaetanga 3.3.20(a)(i), wh [1], [2], [8]

40. Tāpaetanga 3.3.21, wh 7, 28

rangatiratanga ki tōna reo Māori'[41] ('support Māori in their ability to exercise their rangatiratanga in respect of their language').[42] I tīkina anō e te rōia te mātāpono o te whakatika, arā:

> I te Karauna ka takahia te Tiriti nā āna ture, āna kaupapahere, āna mahi me āna hapa rānei, he mōtika tō te Māori kia whiwhi rongoā mai i te Karauna, tae atu ki te utu paremata me ētahi atu puretumu.[43]

> Where the Crown has breached the treaty agreement through its legislation, policy, actions, or omissions, Māori are afforded the right to redress from the Crown, including financial or other compensation.[44]

I toro atu anō te rōia mō Ngāti Rēhia ki ngā mātāpono whai i te takohanga a te Karauna ki te reo Māori kei roto i te pūrongo Wai 262, pērā i te 'kaupapahere whakaaro nui' me te 'kāwanatanga kōrero-Māori'. I roto i te horopaki o 'te waihanga me te whakatinana i ngā kaupapahere a te Karauna kua hua mai i te kī taurangi tōrangapū',[45] ('Crown policy development and implementation arising out of political promises'),[46] ka tohu te rōia ki ngā kitenga hou o te Taraipiunara arā ki ōna pūrongo ohotata mō Oranga Tamariki Wehenga 7AA me ngā Wāri, ngā Rohe Pōti Māori hoki. Ka tāpae te rōia 'i te Karauna e whakamātāmua ana i ōna whāinga tōrangapū (pēnei i ngā Whakaaetanga) i mua i ōna takohanga ki te Māori me te reo Māori ki raro i te Tiriti'[47] ('the Crown is prioritising its political commitments (its Coalition Agreements) over its commitments to Māori and te reo Māori under te Tiriti').[48]

Mai i ngā hunga e whai take ana, ka tuku tāpae ngā rōia mō ngā mātāpono Tiriiti e whai take ana. I tautoko a Mahony Horner Lawyers i ngā mātāpono i whakaarahia e te rōia mō Ngāti Hine kātahi ka tāpiri atu i ngā kawenga e whai ake nei: kia tika, kia rangatira, kia pono ngā mahi; kia whai wāhi tētahi ki tētahi; ā, kia noho mōhio ngā whakataunga.[49] I tāpae anō ngā rōia nā te atikara 3 ko 'te tikanga ka kī taurangitia, i tua atu i tērā kei roto i te ture, ngā tika me ngā painga ōrite ki te reo Pākehā i te ao o nāianei' ki runga i te reo Māori.[50] I arotahi a Te Whenua

41. Tāpaetanga 3.3.22, wh 13–14
42. Tāpaetanga 3.3.22(a), wh 13
43. Tāpaetanga 3.3.22, wh 19
44. Tāpaetanga 3.3.22(a), wh 19
45. Tāpaetanga 3.3.22, wh 16–17
46. Tāpaetanga 3.3.22(a), wh 17
47. Tāpaetanga 3.3.22, wh 19
48. Tāpaetanga 3.3.22(a), wh 18
49. Tāpaetanga whakakōpani 3.3.16 i tukuna mō Wai 1684, he kerēme nā Doreen Puru, Anna Kahukura Hotere, Louie Katene (kua mate), Emma Torckler me William Puru mō rātou anō, mō Te Hoia, Ngāti Rangimatamoemoe, me Ngāti Rangimatakataka hoki. Mai i tēnei wā haere ake nei, ka karangatia te rōia ki te ingoa o te pakihi ture arā a Mahony Horner Lawyers.
50. Tāpaetanga 3.3.16, wh 11–13

Law i te mātāpono o te matapopore moroki.[51] I kōrero a Tamaki Legal mō ngā mātāpono o te whakawhiti kōrero, te matapopore moroki, te kawenga kia pono, me te houruatanga.[52]

I whakaae te Karauna kei a ia ngā kawenga o te matapopore moroki (mō te reo hei taonga me te rangatiratanga ki runga i ngā taonga) me te houruatanga. Nā runga i tēnei, ka tīkina atu e te rōia mō te Karauna a Sebastian Bisley he kōrero mai i te whakataunga a te Privy Council i te kēhi mō ngā Rawa Pāpāho i kī 'he tino takohanga a te Karauna' te tiaki i te reo. Engari i kī anō te rōia, i kitea e taua whakatau ehara te takohanga a te Karauna i te 'tino (takohanga)', ā, i ngā wā kua heke te taha pūtea e tika ana kia kaua te Karauna e 'kaha ki te whakapau pūtea' ki te reo. I tīkina anō e te rōia te kōrero i te pūrongo o Wai 262 mō te takohanga a te Karauna 'kia kaha, kia moroki' te tiaki i tēnei 'taonga nui whakaharahara ki te Māori'. I tohu ia ki ngā kōrero whakamārama o ngā pūrongo a te Taraipiunara mō tēnei kawenga matapopore, pēnei i te hiahia ki te 'hāpaitanga', kaua ki te noho ngoikore; te herenga kia 'mahi rangatira' kia 'tōkeke ngā tukanga'; te hiahia kia whakawhiti kōrero, kia noho mōhio ki ngā mahi-whakatau; me te hiahia kia hāpaitia te tino rangatiratanga o te Māori ki runga i te reo Māori.[53]

I whakarārangi te rōia mō te Karauna i ngā āhuatanga o Te Ture mō Te Reo Māori 2016 e hāngai ana ki tēnei tūnga ture, pērā i te whakaaetanga he taonga te reo, ā, ko ngā iwi me te Māori ōna kaitiaki i te wehenga 4; te takohanga a te Karauna kia mahi tahi ki ngā iwi me te Māori ki te tiaki i te reo kei te wehenga 6; me ngā mātāpono tohutohu i ngā tari Kāwanatanga i te wehenga 9, tae atu ki ērā e pā ana ki te whakawhiti kōrero me te whakamahinga.[54]

2.6 Ngā Mātāpono Tiriti ka Hangai ki tēnei Pūrongo

Kua tau noa atu ngā mātāpono Tiriti e hāngai ana ki te reo Māori. He rerekē te arotahi a ngā hunga ki ngā mātāpono maha engari i whakaae rātou ki ngā mātāpono whai take. Nā reira ka whakarāpopoto mātou ki raro nei ngā mātāpono me ngā paerewa ka whakahāngaitia ki tēnei ruku tātari. Ka whakahāngaitia ēnei mātāpono, ēnei kawenga ki tō mātou tātaritanga o ngā kokoraho me ngā take ki ngā upoko 4, 5 hoki, ā, hei whakauru atu ki ō mātou kitenga me ngā tūtohunga. Ka whakamātautau anō mātou ki te upoko 4 mehemea e hāngai ana ngā kaupapahere, ngā ritenga, ngā mahi me ngā hapa o nāianei a te Karauna ki ōna ture me ōna

51. Tāpaetanga 3.3.15, wh 5–6. I whakatakotohia ngā tāpaetanga whakakōpani 3.3.15 mō Wai 3349, he kerēme nā Janice Panoho (Kaihautū) me Georgina Kerr (Kuia, Māngai hoki) mō ngā mema kaimahi Māori o Te Pūkenga Here Tikanga Mahi. Mai i tēnei wā haere ake nei, ka karangatia te rōia ki te ingoa o te pakihi ture arā Te Whenua Law.

52. Tapaetanga 3.3.18, wh 9, 17, 47, 49. I whakatakotohia ngā tāpaetanga whakakōpani 3.3.18 mō te rōpū 18 te maha o ngā hunga e whai take ana. Anei ngā kerēme: Wai 892; Wai 2063; Wai 3096; Wai 1886; Wai 2206; Wai 2743; Wai 1531; Wai 2890; Wai 762; Wai 861; Wai 3131; Wai 2394; Wai 1968; Wai 2869; Wai 2671; Wai 2382; Wai 2778; me Wai 2838. Mai i tēnei wā haere ake nei, ka karangatia te rōia mō ngā hunga 18 ki te ingoa o te pakihi ture arā a Tamaki Legal.

53. Tāpaetanga 3.3.17, wh 12–15

54. Tāpaetanga 3.3.17, wh 16–17

takohanga i raro i te Tiriti/the Treaty mō te taha ki te mana me te whakamahinga o te reo me ōna tikanga ki te rāngai tūmatanui.

2.6.1 Te mātāpono o te tino rangatiratanga

Kua roa te Taraipiunara e arotahi ana ki te kī taurangi ki te Māori i roto i te Tiriti e pā ana ki te whakatinanatanga o tō rātou tino rangatiranga ki ō rātou taonga, ā, kāore he taonga nui ake i te reo Māori. Mā te reo ka whai tuakiritanga, ā, ka hāpai hoki i te ngākau tapatahi, o te ahurea tangata whenua o Aotearoa. (Pērā i ō mātou kōrero i te wehenga 2.3 i runga nei, kua whakaae te Pāremata ko te reo 'te tūāpapa o te ahurea me te tuakiritanga Māori'[55]). Kīhai i ngā iwi me te Māori te mana whakahaere ki te whakarauora anake i te reo, engari anō e herea ana rātou nā te mea ko rātou ōna kaitiaki. He mea waiwai kia noho hei reo ora te reo e whakahaerehia ana e te iwi Māori i runga i ēnei tika me ēnei kawenga: koirā te iho o tōna tūnga hei taonga. Hei whaiwhai ake me tautoko katoa e te Karauna te whakamahinga a te iwi Māori i te reo i ngā mahi o ia rā: mā tēnei anake ka taea te whakaea i te kī taurangi o te rangatiratanga ki runga i te reo.

2.6.2 Te mātāpono o te houruatanga

I ahu mai te mātāpono o te houruatanga i te hononga i waenganui i te kāwanatanga me te rangatiratanga kei ngā atikara 1 me te 2 o te Tiriti. I whakapuakina tuatahitia te mātāpono Tiriti matua o te houruatanga e te Taraipiunara ki tōna *Pūrongo mō te Kokoraho o Manukau* i te tau 1985, ka whakaarahia anō ki te pūrongo Wai 11 i te tau ka whai atu, ā, kātahi ka whakatakoto whānuitia ki te whakatau o te Kōti Pīra mō *Te Kaunihera Māori o Aotearoa v te Rōia Matua* [1987] ('te kēhi *Whenua*').[56] Mai i taua wā he rite tonu te toro atu ki ngā pūrongo o te Taraipiunara. E tino whakaaetia ana te whakaaro kāore e taea e te iwi Māori anake te whakarauora me te whakatairanga i te reo. Nā te mea he wero nui, me tuku atu ngā rauemi me ngā pūkenga a te Karauna. Me whakarato e te Karauna tēnei tautoko, ā, me te mea anō kia kaua e pēhitia te hautūtanga Māori – engari, me noho rangapū te Karauna me te Māori kia riro i ngā taha e rua te haepapa, ā, kia tutuki ngā mahi e tika ana mō ia taha.

2.6.3 Te mātāpono o te matapopore moroki

Nā te mātāpono o te matapopore moroki ka tau ngā takohanga ki runga i te Karauna ki te whakatutuki i te mahi tiaki. He takahi i te Tiriti/the Treaty te kore e tiaki i ngā pānga o te iwi Māori, pērā i te mahi e unu ana i ngā tika. E mōhio whānuitia ana kāore e taea e te Karauna te noho ngoikore ki ōna takohanga i raro i te Tiriti/the Treaty mō te reo. I whakaae ngā hunga katoa e noho mōrearea ana te oranga o te reo, ā, nō reira ko te kawenga o te Karauna he kōkiri i ngā mahi whakatika, nā te mea nāna te reo i tūkino i te tuatahi (kua whakaae te Karauna ki te wehenga 6 o Te Ture mō Te Reo Māori). Ko te tikanga kia kaua ngā whakapaunga kaha o te Karauna e whakararuhia, e whakamōreatia rānei e te hekenga o

55. Te Ture mō Te Reo Māori 2016 Māori Language Act 2016, s 8(2)(d)
56. *New Zealand Māori Council v Attorney-General* [1987] 1 NZLR 641 (CA)

te ngākau titikaha, kia kaua rānei e itiiti noa iho, e pāpaku rānei, i runga i te noho mōrearea o te reo me te noho mataara ki te rauoratanga o te reo.

2.6.4 Te mātāpono o te whakawhiti kōrero

E here ana te mātāpono o te whakawhiti kōrero, te hiahia kia whakawhiti kōrero rānei, i te Karauna kia whakawhiti kōrero ki te iwi Māori mō ngā take e hirahira ana ki a rātou, kia tika ngā mahi, ā, kia noho mōhio ōna whakatau. I kitea i te pūrongo *Kei Ahotea Te Aho Matua* nō te tau 2024:

> Ina waihangatia he kaupapahere, kei te Karauna te kawenga ki te whakawhiti kōrero, me te mahi tahi i ētahi wā, ki ngā rōpū Māori i mua i te whakatau.[57]

Ka taea te kī kei tētahi āwhata tāneke ngā pānga o te iwi Māori ki ngā mahi waihanga kaupapahere ki runga i ngā taonga.[58] I tētahi pito, ina mātāmua ai te pānga o te iwi Māori ki tētahi taonga, me noho ngā whakatau ki te iwi Māori. I tērā atu pito o te āwhata, ina noho ai te pānga o te iwi Māori ki waenganui i ētahi atu hunga whai pānga, me whai aweawe tonu ngā māngai Māori. I te nuinga o te wā, me whai whiriwhiri tika te iwi Māori. He kōrero whakatūai te kī e hāngai ana tēnei ki ngā kaupapahere mō te reo Māori. Kua toro ā-ture atu te Karauna ki tōna kawenga ki te whiriwhiri i roto i Te Ture mō Te Reo Māori, ā, ki ō mātou whakaaro he itiiti noa iho ngā wā ka kore tēnei herenga e ea.

2.6.5 Te mātāpono o te kāwanatanga pai

He āhuatanga o te mātāpono o te kāwanatanga te mātāpono o te kāwanatanga pai. Hei tā te Taraipiunara Wai 262 e pā ana ki te waihanga i ngā kaupapahere whakaaro nui, e ai rānei ki roto o *Matua Rautia*, arā ko te takohanga kia whai hua, kia whāomo ngā kaupapahere. Ko tētahi āhuatanga e tino whai take ana ki tō mātou ruku tātari ko te mātāpono e arotahi ana ki te hiahia kia hāngai ngā mahi a te Karauna ki ōna ake ture. I whakapuakina tēnei ki *Te Pūrongo mō Mohaka ki Ahuriri*:

> he mea whai take kia tirohia e mātou mehemea i whai ngā mahi a te Karauna i te ture, karekau rānei, nā te mea i raro i te Tiriti, kei te Karauna te takohanga ki te whai i ngā kokonga e whā o ōna ake ture, pērā ki ōna ake kirirau. Ki te kore te Karauna e whai i te

57. Te Rōpū Whakamana i te Tiriti o Waitangi, *Kei Ahotea Te Aho Matua, Momo Whakaputatōmua* (Te Whanganui a Tara: Te Rōpū Whakamana, 2024), wh 245; tirohia anōtia Te Rōpū Whakamana, *Te Urewera*, huānga 8, wh 3773

58. Tirohia Te Rōpū Whakamana i te Tiriti o Waitangi, *Ko Aotearoa Tēnei: A Report into Claims Concerning New Zealand Law and Policy Affecting Māori Culture and Identity, Te Taumata Tuatahi* (Te Whanganui a Tara: Legislation Direct, 2011), wh 24. I whakatakoto te Taraipiunara Wai 262 i tēnei kōrero ki te horopaki o ngā whakaaetanga o tāwāhi, engari mai i taua wā kua whakaurua i ētahi atu āhuatanga. Hei tauira, i te tau 2018 ka tohatoha Te Arawhiti i tautokona e te Kāhui Minita, ngā aratohu ki ngā tari Kāwanatanga mō te whakapā atu ki te Māori. I kōrero anō ēnei mō tētahi 'aromatawai āwhata tāneke' whai 'tukanga whakapā rerekē' e hāngai ana ki te hiranga ki te Māori o te kaupapa. Ko ngā tukanga ko te whakamōhio, te whakawhiti kōrero, te mahi tahi, te noho rangapū, me te whakamana: tuhinga 6.2.10, wh 6 [Te Arawhiti, 'Guidelines for Engagement with Māori', [2018], wh 6]

ture, kua takahi te Karauna i tōna kawenga Tiriti ki te whakatinana i te kāwanatanga pai.[59]

Ki ō mātou whakaaro ko te tikanga o te kāwanatanga pai ko te whakaahua i te tirohanga kanohi Māori me te kanohi tauiwi. I tuhia e te Taraipiunara Wai 262, ko tā te Karauna 'he whakaae ki te whakaaro kia kaua ia e kōrero-Pākehā anake'.[60] Kaua ki roto o Aotearoa anake, engari kia pērā anō ki tāwāhi. Kei ngā Minita o te Karauna te kawenga – nā te mea he māngai o Aotearoa i pōtihia – ki te tū mō te motu katoa, te Māori me tauiwi. E tohu ana tēnei i te takohanga ki te whakamahi i te reo taketake o Aotearoa arā te reo Māori, ina kōrero ki tāwāhi, hei taonga whai mana.

2.6.6 Te mātāpono o te mana taurite

I ahu mai te mātāpono o te mana taurite i te atikara 3 o te Tiriti/the Treaty, ina kī taurangitia te Māori ki ngā tika me ngā painga o ngā kirirau nō Piritana. E herea ana te Karauna ki te whakatika i ngā manarite-kore o ngā Māori me ngā tauiwi i hua mai i ngā mahi takahi i te Tiriti/the Treaty me te whakatika i taua manarite-kore. Kei roto i ēnei takohanga ngā tika porihanga, tōrangapū, ōhanga, pāpori, ahurea hoki, tae atu ki ngā tika ki te reo me te ahurea.

E whai take ana anō te mātāpono o te mana taurite ki ngā mātāpono Tiriti o te houruatanga me te matapopore moroki. Mō te mātāpono tuarua, i whakatūria e te Tiriti/the Treaty ngā ao mana motuhake e rua, arā ko te tino rangatiratanga me te kāwanatanga. Mehemea i noho taurite tonu aua mana e rua, he nui te tūponotanga ka noho ōrite te mana o te reo Māori ki te reo Pākehā, ā, kua reorua kē te motu o Aotearoa. Heoi anō, kua whakaatuhia ki ngā pūrongo o mua o te Taraipiunara, he rite tonu te takahi i te houruatanga i whakaarotia ki roto i te Tiriti/the Treaty, tae atu ki ngā mahi a te Karauna ki te reo. He āhuatanga nui o te whakarauora reo te whakapūmau i te mana taurite o te reo Māori me te reo Pākehā e whakaatu ana i te houruatanga i waenganui i te Māori me te Karauna.

Ko tētahi atu mea e whai take ana, nā 'ngā hara o mua a te Karauna, me ngā whakahāweatanga i pā ki ngā reanga i whai mai', ka piki te takohanga ki te tiaki moroki i ngā tika me ngā pānga o te iwi Māori.[61] Hei tā te pūrongo o te Taraipiunara arā *Tū Mai Te Rangi* (2017), 'kei ngā taha e rua o te uka kotahi ngā mātāpono o te mana taurite me te matapopore moroki'.[62] Nā reira ka whakapiki te manarite-kore i waenganui i te iwi Māori me tauiwi i te takohanga a te Karauna ki te tiaki moroki i ngā pānga o te iwi Māori, kia noho taurite ai anō.[63] Mō te taha ki te reo Māori, i

59. Te Rōpū Whakamana i te Tiriti o Waitangi, *The Mohaka ki Ahuriri Report*, 2 ngā huānga (Te Whanganui a Tara: Legislation Direct, 2004), huānga 1, wh 212. I toai te Taraipiunara i tēnei āhuatanga o te mātāpono ki roto o *He Maunga Rongo*; tirohia Te Rōpū Whakamana, *He Maunga Rongo*, huānga 2, wh 429

60. Te Rōpū Whakamana i te Tiriti o Waitangi, *Ko Aotearoa Tēnei*, huānga 2, wh 450

61. Te Rōpū Whakamana i te Tiriti o Waitangi, *Tū Mai Te Rangi! The Report on the Crown and Disproportionate Offending Rates* (Te Awakairangi: Legislation Direct, 2017) wh 22

62. Te Rōpū Whakamana i te Tiriti o Waitangi, *Tū Mai Te Rangi!*, wh 60

63. Te Rōpū Whakamana i te Tiriti o Waitangi, *Tū Mai Te Rangi!*, wh 60

whakaae te Karauna e 40 tau ki muri nāna te reo i pēhi, ā, nā reira ka tautokona te rauoratanga me te whakamahinga o te reo – ki te whakatika i te manarite-kore ā-reo i kōkiritia e te Karauna.

2.6.7 Te mātāpono o te whakatika

Tautini noa te mātāpono o te whakatika. Ko tōna tikanga me tuku e te Karauna he tukanga hei whakatika i ngā nawe o te iwi Māori ki raro i te Tiriti/the Treaty. Me tiaki anō e te Karauna tōna kaha ki te whakatika. Ahakoa i te nuinga o te wā e hāngai ana ki te ngarotanga o te whenua me ngā rawa kikokiko, e whai take tonu ana ki te reo, ā, i whakaae tonu te Karauna ki Te Ture mō Te Reo Māori 2016. I te wehenga 6 o taua Ture i tīkina pū atu he tohutoro ki te pānga kino o ōna kaupapahere o mua mō te reo ki te horopaki o te whakatakoto i tōna ū ki te matapopore moroki me te whakatairanga i te reo. Nā reira, ki te whakatutuki te Karauna i ōna takohanga i raro i te mātāpono o te whakatika, me pūmau, me kiriūka ōna whakapaunga kaha ki te tiaki me te whakatairanga i te reo.

CHAPTER 2

TREATY PRINCIPLES AND STANDARDS

2.1 Introduction

This chapter identifies those articles of te Tiriti/the Treaty and the Treaty principles that are most relevant to the issues in the Te Reo i te Kāwanatanga Ruku Tātari Ohotata – Te Reo in the Public Sector Urgency Inquiry. These articles and principles, along with the relevant legislation,[1] inform our analysis of the issues for determination and related evidence in chapter 4, and our findings in chapter 5. Chapter 4 also analyses our jurisdiction to consider aspects of these claims made in relation to the coalition agreements.

Past findings on matters related to te reo Māori are also helpful to consider as context for our analysis. Accordingly, this chapter first surveys previous jurisprudence on te reo Māori and te Tiriti/the Treaty in chronological order, from the 1980 *Mihaka v Police* court case to the 2023 report *Kāinga Kore: The Stage One Report of the Housing Policy and Services Kaupapa Inquiry on Māori Homelessness*.

We then turn to the views of parties in this inquiry, and the Treaty principles they argued are most relevant to the key issues. Finally, we set out those Treaty principles we apply to the claims and issues before us.

2.2 The Development of Te Reo-Related Jurisprudence in the 1980s and 1990s

In 1979, Māori activist Te Ringa Mangu 'Dun' Mihaka contested the Magistrate's Court decision to refuse to allow him to speak te reo during proceedings. The Court of Appeal considered the matter in 1980 and ruled, based on the Pleading in English Act 1362, that those who could understand and speak English could not use te reo in court.[2] Richardson J held that 'any extension of the official use of the Maori language is a matter for the legislature, not for the Courts. English has been

1. We provide commentary on the relevant legislation in chapter 4.

2. *Mihaka v Police* [1980] 1 NZLR 453 (CA). The Wai 11 Tribunal explained in 1986 that the Pleading in English Act 1362 had become part of New Zealand law upon the passage of the English Laws Act 1858, although we note that one scholar has considered that a June 1840 proclamation by the New South Wales Legislative Council had already had this effect. See Waitangi Tribunal, *Report of the Waitangi Tribunal on the Te Reo Maori Claim*, 3rd ed (Wellington: Brookers, 1993), p 23; J N Matson, 'The Language, the Law, and the Treaty of Waitangi', *Journal of the Polynesian Society*, vol 100, no 4 (December 1991), p 348.

the customary language of the Courts in New Zealand from the earliest colonial days.'[3]

The connection between Māori rights under te Tiriti/the Treaty and te reo Māori was articulated several years later in the *Report of the Waitangi Tribunal on the Te Reo Maori Claim* (the Wai 11 report) in 1986. This report 'set the ball rolling for recognition of the Māori language as a taonga.'[4] The Tribunal had already concluded in its previous three reports on natural resources (Motunui, Kaituna, and Manukau) that 'taonga' meant more than just tangible, physical possessions. This point was made for the Wai 11 claimants in evidence by Professor Hirini Mead. The Tribunal concluded that 'the language is an essential part of the culture and must be regarded as "a valued possession"'.[5] The Tribunal made it clear that protection of the language was implicit. As it stated,

> the Treaty was directed to ensuring a place for two peoples in this country. We question whether the principles and broad objectives of the Treaty can ever be achieved if there is not a recognised place for the language of one of the partners to the Treaty. In the Maori perspective the place of the language in the life of the nation is indicative of the place of the people.[6]

The Tribunal agreed with the submission by the New Zealand Section of the International Commission of Jurists that the Crown's obligations to taonga such as te reo were active rather than merely passive.[7] It emphasised that, for te reo to be protected, its use had to be facilitated. For example, it made the following remarks about what giving the language official status should entail:

> Official recognition must be seen to be real and significant which means that those who want to use our official language on any public occasion or when dealing with any public authority ought to be able to do so. To recognise Maori officially is one thing, to enable its use widely is another thing altogether. There must be more than just the right to use it in the Courts. There must also be the right to use it with any department or any local body if official recognition is to be real recognition, and not mere tokenism.[8]

By 1986, the Government had accepted the language's taonga status. No doubt in anticipation of the Tribunal's report, the Maori Language Bill was introduced

3. *Mihaka v Police* [1980] 1 NZLR 453, 462 (CA)

4. Māmari Stephens, 'Taonga, Rights and Interests: Some Observations on Wai 262 and the Framework of Protections for the Māori Language', *Victoria University of Wellington Law Review*, vol 42, no 2 (2011), p 245

5. Waitangi Tribunal, *Report of the Waitangi Tribunal on the Te Reo Maori Claim*, p 20

6. Waitangi Tribunal, *Report of the Waitangi Tribunal on the Te Reo Maori Claim*, p 21

7. Waitangi Tribunal, *Report of the Waitangi Tribunal on the Te Reo Maori Claim*, p 20

8. Waitangi Tribunal, *Report of the Waitangi Tribunal on the Te Reo Maori Claim*, pp 20, 47; see also p 25

to Parliament on 29 April 1986, the very same day the report was released, and its explanatory statement made the following observation:

> The Court of Appeal has stated that the Treaty does not deal with the use of the Maori language. No doubt, the Court was relying on the English translation of the Treaty. However, in the Maori version, in the second article the Crown confirmed and guaranteed to the Maori people 'ratou kainga me a ratou taonga katoa.'[9]

The preamble to the Bill thus stated:

> Whereas in the Treaty of Waitangi the Crown confirmed and guaranteed to the Maori people, among other things, all their taonga: And whereas the Maori language is held by Maori people to be one such taonga.[10]

These words were carried forward into the Maori Language Act 1987 with the exception that the words 'is held by Maori people to be' were omitted. This gave greater official emphasis to the taonga status of te reo Māori.

The following year the Crown amended the Broadcasting Act 1976 to allow for the creation of State-owned enterprises, and then in 1991 Ngā Kaiwhakapūmau i te Reo and the New Zealand Māori Council claimed in the High Court that this would breach section 9 of the State-Owned Enterprises Act 1986. That section provided that the Crown must act consistently with the principles of te Tiriti/the Treaty. Ngā Kaiwhakapūmau and the New Zealand Māori Council argued that the Crown had taken insufficient steps to protect te reo Māori, specifically that the Crown had failed to inform itself, by inquiry, as to the extent of its obligation to protect te reo in broadcasting and as to the impact of asset transfers upon that obligation.[11] In its May 1991 decision, the High Court allowed the transfer of radio assets but required that the Crown first demonstrate a plan to safeguard Māori interests before allowing the same to occur with the television assets.[12] The Crown prepared this plan, which included the development of special-purpose Māori television, and in July 1991 the court allowed the transfer. The applicants appealed this decision, first to the Court of Appeal and then the Privy Council, but both appeals were dismissed.[13] However, the Privy Council judgment of 1993 made a number of remarks that expanded upon the jurisprudence with respect to the Crown's obligations.[14]

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9. Te Pire Mo Te Reo Maori Bill 1986, p 15

10. Te Pire Mo Te Reo Maori Bill 1986, p 19

11. Waitangi Tribunal, *The Radio Spectrum Management and Development Final Report* (Wellington: GP Publications, 1999), pp 15–17; see also *New Zealand Maori Council v Attorney-General* [1991] High Court Wellington, CP 942/88, 3 May 1991

12. *New Zealand Maori Council v Attorney-General* [1991] High Court Wellington, CP 942/88, 3 May 1991

13. *New Zealand Maori Council v Attorney-General* [1992] 2 NZLR 576, 579 (CA); *New Zealand Maori Council v Attorney-General* [1994] 1 NZLR 513 (PC)

14. Waitangi Tribunal, *The Radio Spectrum Management and Development Final Report*, pp 15–17

Importantly, the Privy Council observed that, while the obligation on the Crown to protect taonga such as te reo Māori was constant, 'the protective steps which it is reasonable for the Crown to take change depending on the situation which exists at any particular time'. For example, if the taonga in question was in a vulnerable state, the Crown might well need 'to take especially vigorous action for its protection'. This would be even more so if the state of vulnerability 'can be attributed to past breaches by the Crown of its obligations'. As the Privy Council put it, 'any previous default of the Crown could, far from reducing, increase the Crown's responsibility'.[15]

In 1990, while this litigation was ongoing, the Tribunal heard the claims of Ngā Kaiwhakapūmau and the New Zealand Māori Council concerning the Crown's plans, under the Radiocommunications Act 1989, to sell by tender rights to radio spectrum frequencies for a period of 20 years. In its November 1990 report the Tribunal considered the current health of te reo and expressed the view that

> [i]f Maori is to be a living language and an ordinary means of communication it must be broadcast freely, not only so that people will become familiar with it and learn it, but so that it will be seen to have prestige such that people will want to learn it and use it as a means of communication. When a language is confined to the privacy of the home and to the traditional rituals of ceremony and religion it loses value, even to its own speakers, because it is not seen to have any usefulness or prestige in the wider society.[16]

The Tribunal rejected the Crown's argument that Māori had no greater right to the spectrum than did the general public. It found that

> [t]he use of the radio spectrum is so intimately tied up with the use of Maori language and culture, and the protection and development of these things, that the Maori right to access must amount to more than this. Tribal rangatiratanga gives Maori a greater right of access to the newly discovered spectrum.

The Treaty principle of active protection and the Crown's duty of consultation required that 'the Maori partner be allocated a fair and equitable access to radio frequencies'.[17]

In April 1999, the Tribunal issued *The Wananga Capital Establishment Report*, which concerned the Crown's funding of the three wānanga established under legislation in 1990. Inevitably, the Tribunal's report dealt with te reo Māori. It found that the wānanga were the modern-day embodiments of a longstanding

15. *New Zealand Maori Council v Attorney-General* [1994] 1 NZLR 513, 517 (PC) (cited in Waitangi Tribunal, *The Radio Spectrum Management and Development Final Report*, p 68)

16. Waitangi Tribunal, *Report of the Waitangi Tribunal on Claims Concerning the Allocation of Radio Frequencies* (Wellington: Brooker and Friend Ltd, 1990), p 36

17. Waitangi Tribunal, *Report on Claims Concerning the Allocation of Radio Frequencies*, p 43

Māori process of teaching and learning 'that is inextricably linked with te reo Maori and matauranga Maori'.[18] As it put it,

> [d]espite Maori initiatives to halt the decline of te reo Maori, the language is still in a perilous state. If wananga Maori fail through a lack of establishment funding and resourcing, then the Crown will have failed an institution that devotes a significant proportion of its activities to protecting and revitalising te reo Maori, a taonga that the Crown has admitted is in need of special protection.[19]

In June 1999, the Tribunal reported on a further claim concerning the Crown's planned auction of management rights to frequencies within the 2GHz range. The claimants contended that Māori had a right to an equitable share of the spectrum resource, partly in order to promote and protect te reo Māori. The Tribunal considered the Crown's commitment to te reo inadequate, especially in education and broadcasting. It thought that the 2GHz spectrum was an additional field 'where the Crown could facilitate its obligations with regard to language and culture through Maori ownership of some of the frequencies'. As the Tribunal put it, 'It is not sufficient for the Crown to rely on existing methods and technologies in existing institutions. In view of the crisis in Maori language, every means must be employed to ensure the survival of the language'.[20]

2.3 The Wai 262 Report in 2010

The next Tribunal report to significantly advance the application of te Tiriti/the Treaty to te reo Māori was the Wai 262 report in 2010.[21] It noted the universal recognition of the taonga status of te reo Māori and added that

> even describing te reo as a taonga understates its importance. The language is clearly a taonga of quite transcendent importance to Māori, and few other taonga could rival

18. Waitangi Tribunal, *The Wananga Capital Establishment Report* (Wellington: GP Publications, 1999), p 54

19. Waitangi Tribunal, *The Wananga Capital Establishment Report*, p 49

20. Waitangi Tribunal, *The Radio Spectrum Management and Development Final Report*, pp 47–48

21. The Te Reo Māori chapter of the Wai 262 report was released early, in pre-publication format, in October 2010, in advance of the release of the full Wai 262 report in July 2011. While the Tribunal permitted parties to make submissions on the pre-publication chapter, it was 'not convinced by these submissions that the chapter needed to be amended' and chose not to update the chapter to 2011. Since the chapter had covered the Crown's entire te reo Māori work programme rather than the more narrowly agreed issues of Crown support for tribal dialects and the protection of te reo from inappropriate use, the Tribunal stated that its findings and recommendations 'ought properly to be treated as provisional': Waitangi Tribunal, 'Te Reo Māori', Wai 262 pre-publication release, 2010, p x; Waitangi Tribunal, *Ko Aotearoa Tēnei: A Report into Claims Concerning New Zealand Law and Policy Affecting Māori Culture and Identity*, *Te Taumata Tuarua*, 2 vols (Wellington: Legislation Direct, 2011), vol 2, pp 387, 392. We have chosen to cite the published 2011 chapter rather than the pre-publication release of the previous year.

> its status. Without it, Māori identity would be fundamentally undermined, as would the very existence of Māori as a distinguishable people.[22]

The Tribunal similarly noted that, along with land, the well-being of te reo had been 'one of the two great galvanising issues in Māori protests over Treaty rights during the last three or more decades'.[23]

The Tribunal discussed Māori rights in terms of the extent of 'the Treaty interest', which it weighed against 'countervailing interests'. Its conclusion was that in accordance with te Tiriti/the Treaty, interest in te reo Māori was extraordinarily high and it considered there really were no countervailing interests. In that regard, the Tribunal observed that a 'national consensus' had developed in New Zealand that te reo should be supported, with the general population understanding that te reo served collective national identity in addition to sustaining Māori-specific identity. This had been reflected in the policies of successive Governments stating support for te reo Māori. The Tribunal doubted that cost could be a valid factor lessening the Government commitment to te reo, since the early indications of comparative Māori educational success in Māori-medium education suggested that 'it may be unaffordable *not* to continue supporting the growth in knowledge and use of te reo'.[24]

The Tribunal set out four 'key principles' that it said comprised the Crown's obligations under te Tiriti/the Treaty to te reo: partnership; a Māori-speaking Government; wise policy; and adequate resources. In terms of partnership, the Tribunal described the Māori role as being to bring energy and leadership to the revival of te reo, while the Crown's job was to provide 'the necessary logistical and financial support'. Leadership by the Crown alone, the Tribunal suggested, would inevitably end in failure.[25] The principle of a Māori-speaking Government is very relevant to our current inquiry. The Tribunal saw a need 'for a mindset shift away from the pervasive assumption that the Crown is Pākehā, English-speaking, and distinct from Māori rather than representative of them'. As it explained,

> [i]f the Crown is serious about preserving and promoting the language it must also endeavour to speak te reo itself. This not only leads by example but provides symbolic as well as tangible support to keeping the language alive. Māori should be able to use their own language, given its official status, in as many of their dealings with the New Zealand State as practicable – particularly since the public face of the Crown will often be a Māori one.[26]

With respect to wise policy, the Tribunal considered that the Crown was obliged to develop 'a genuinely Crown–Māori policy', rather than one that Māori did not

22. Waitangi Tribunal, *Ko Aotearoa Tēnei*, vol 2, p 442
23. Waitangi Tribunal, *Ko Aotearoa Tēnei*, vol 2, p 396
24. Waitangi Tribunal, *Ko Aotearoa Tēnei*, vol 2, pp 442–443
25. Waitangi Tribunal, *Ko Aotearoa Tēnei*, vol 2, pp 443, 450
26. Waitangi Tribunal, *Ko Aotearoa Tēnei*, vol 2, p 451

support. Adequate resources would be needed to match this policy. More generally, te reo Māori was, given its taonga status, entitled to a 'reasonable degree of preference' in decisions about resource allocation.[27]

The Tribunal also identified principles that Māori were obliged to uphold in making their own commitment to te reo. The first of these the Tribunal called 'Kōrero Māori'. It recalled the Privy Council's remark in the Broadcasting Assets litigation that 'Maori are also required to take reasonable action, in particular action in the home, for the language's preservation'.[28] If the Crown had created a supportive environment, said the Tribunal, then Māori had to use te reo as much as possible, overcoming any whakamā they may feel and guarding against any complacency about the progress of the revival of te reo Māori. The Tribunal also identified the need for Māori to embrace partnership with the Crown and engage with the revival opportunities (say in education or via broadcasting) that the State had provided. They also had to be willing to compromise and be 'open-minded about what revival methods will work or should be made available'.[29]

2.4 Later Tribunal Reports and the 2016 Legislation

The Tribunal considered te reo Māori again in 2013 in *Matua Rautia: The Report on the Kōhanga Reo Claim*. It largely endorsed the findings of the Wai 11 and Wai 262 panels but differed with the Wai 262 Tribunal on the use of the term 'wise' policy. What was 'wise' may not necessarily be efficient, it observed, while what appeared wise to one Government may not be considered so by its successor. It preferred the phrase 'effective and efficient policy'. The Tribunal identified partnership as the key Treaty principle, which it said consisted of different components. The first of these was kāwanatanga, which the Tribunal said required 'the exercise of effective and responsible government by the Crown' and the formulation by it of 'effective and efficient policy'. Secondly, rangatiratanga was 'the right of Māori to exercise autonomy and kaitiakitanga whilst remaining partners with the Crown'. It included the obligations to kōrero Māori and take advantage of revival opportunities provided by the Crown (as outlined by the Wai 262 Tribunal). The Tribunal also considered that the principles of equity and options were relevant. That is, Māori should have the option to 'choose a te reo Māori immersion pathway' and to 'receive the same level of support as other New Zealanders'.[30]

In 2016 the Crown passed Te Ture mō Te Reo Māori/the Māori Language Act, which spelt out the Crown's obligations to te reo, and reiterated and confirmed some of the key Treaty principles that the Tribunal and courts had previously articulated. In section 6(2), the Crown committed 'to work in partnership with iwi and Māori to continue actively to protect and promote this taonga'. This

27. Waitangi Tribunal, *Ko Aotearoa Tēnei*, vol 2, pp 451–452
28. *New Zealand Maori Council v Attorney-General* [1994] 1 NZLR 513, 518 (PC)
29. Waitangi Tribunal, *Ko Aotearoa Tēnei*, vol 2, pp 452–453
30. Waitangi Tribunal, *Matua Rautia: The Report on the Kōhanga Reo Claim* (Wellington: Legislation Direct, 2013), pp 62–64, 68

commitment came in the context of the Crown acknowledging (in section 6(1)) 'the detrimental effects of its past policies and practices', thus in effect articulating the principle of redress. In section 8, a series of principles were set out including: that the language is a taonga, and iwi and Māori are its kaitiaki; that te reo is foundational to Māori culture and identity; that knowledge and use of te reo is underpinned by intergenerational transmission and daily communication; that the Crown's role in the partnership with representatives of iwi and Māori is an 'active' one; and that the Crown can 'advance the revitalisation of the Māori language by promoting strategic objectives in the wider New Zealand society'. The reference to te reo being a taonga and iwi and Māori being its kaitiaki effectively recognised the principle of rangatiratanga, because te Tiriti guarantees rangatiratanga over taonga and kaitiakitanga is, as the Wai 262 Tribunal observed, 'the obligation side of rangatiratanga'.[31] Section 9 set an expectation both that the Crown would consult iwi and Māori on matters relating to te reo and that the Crown would provide services in te reo (or effectively be Māori-speaking, as the Wai 262 Tribunal had put it). We discuss this Act in more detail at section 3.3.1.

In late 2021, the Tribunal released *The Report on the Comprehensive and Progressive Agreement for Trans-Pacific Partnership*. It touched on the issue of te reo Māori in the context of issues about the protection of Maōri data. Notably it said, with respect to te reo:

> In recent decades, Māori have made concerted efforts to reclaim and revitalise mātauranga Māori and te reo Māori. There is a particular sensitivity toward any developments that threaten, or have the potential to threaten, this progress. In our view, this circumstance also heightens the Crown's duty of active protection.[32]

In 2023, the Tribunal released *Kāinga Kore: The Stage One Report of the Housing Policy and Services Kaupapa Inquiry on Māori Homelessness*. There an issue arose of the use of te reo Māori in agency names, which is clearly of some relevance to our inquiry.[33] The claimants argued that the use of names like 'Te Tūāpapa Kura Kāinga' (for the Ministry of Housing and Urban Development) were 'empty grandiose sentiments' and 'an exercise in decorating the veneer'.[34] The Tribunal accepted that, even if the names might inspire 'an ethic of biculturalism' and symbolise Māori inclusion, their use might also create 'a misplaced sense of achievement or commitment among staff that risks diverting focus from real and effective action'. The Tribunal also disapproved of metaphorical Māori names being used to give the illusion of a programme or agency being kaupapa Māori. In deference

31. Waitangi Tribunal, *Ko Aotearoa Tēnei*, vol 1, p 270
32. Waitangi Tribunal, *The Report on the Comprehensive and Progressive Agreement for Trans-Pacific Partnership* (Lower Hutt: Legislation Direct, 2023), p 177
33. Waitangi Tribunal, *Kāinga Kore: The Stage One Report of the Housing Policy and Services Kaupapa Inquiry on Māori Homelessness* (Lower Hutt: Legislation Direct, 2024), pp 152–156
34. Wai 2750 ROI, submission 3.3.51, pp 14–15

to the claimants' concerns in that inquiry, the Tribunal elected to use the English names for Government agencies in its report.[35]

2.5 Treaty Principles Raised in the Parties' Closing Submissions

Counsel for the claimants and the interested parties raised a wide range of Treaty principles in their closing submissions. Unsurprisingly, they made extensive use of the Wai 11 and Wai 262 reports. They also cited other reports of relevance.

Counsel for Te Rūnanga o Ngāti Hine (Ngāti Hine), for example, relied upon the Tribunal's reports in the Te Paparahi o Te Raki inquiry and the conclusion in the stage 1 report that Ngāpuhi did not cede sovereignty in 1840. Counsel endorsed the way that the Tribunal, in volume one of its stage 2 report, had expressed the Treaty principles in te reo and used words and terms from te Tiriti as a starting point. This is the way in which, counsel submitted, the jurisprudence was evolving. Counsel argued that we might 'be persuaded to think that active protection and partnership are the primary principles – or to consider that this is about kāwanatanga and the functions of government – but before that, there is a paramount right of Māori to have tino rangatiratanga over te reo'. In exercising its kāwanatanga powers, said counsel, the Crown must respect the taonga status of te reo: 'The Crown cannot take te reo into its whare and treat it how it wants'.[36]

With respect to te mātāpono o te houruatanga (the principle of partnership), counsel for Ngāti Hine quoted from the Wai 262 report (as repeated in *Matua Rautia*) that the Crown should 'transfer enough control' while 'ensuring that its own expertise and resources remain central to that effort'. Counsel said the claimants did not 'heavily reference' te mātāpono o te matapopore moroki (the principle of active protection), no doubt because this duty has traditionally been seen as arising from the Crown's sovereign authority. Counsel submitted that the Te Raki Tribunal had instead interpreted it as relating to the Crown's breaches of te Tiriti/the Treaty and its obligation to restore balance. Counsel therefore described active protection as a Crown duty to protect the Māori exercise of tino rangatiratanga. Counsel further invoked te mātāpono o te mana taurite (the principle of equity and equal treatment), which she said required the Crown to develop appropriate Māori-specific measures in partnership with Māori.[37]

Counsel for Ngāti Te Rangiunuora me Ngāti Pikiao named the following principles as relevant to our inquiry: tino rangatiratanga, kāwanatanga, active protection, partnership, equality or equity, mutual recognition, redress, and good government. Counsel elaborated on these in an attachment, in which she submitted: that active protection of the exercise of tino rangatiratanga was 'paramount'; that kāwanatanga is constrained and co-exists with tino rangatiratanga; and that

35. Waitangi Tribunal, *Kāinga Kore*, p 156

36. Submission 3.3.19, pp 4–5. Closing submissions 3.3.19 were made on behalf of Te Rūnanga o Ngāti Hine (Wai 682), as well as on behalf of the interested parties of Te Rūnanga Nui o Te Aupōuri Trust (Wai 2831), and for Te Riwhi Whao Reti and others on behalf of Te Kapotai (Wai 1464/Wai 1546).

37. Submission 3.3.19, pp 6–7; submission 3.3.4(a), pp 5–6

equity required the Crown (as the Tribunal had put it in its *He Maunga Rongo* report[38]) 'to "meet a basic standard of good government", by acting in accordance with its own laws and ensuring that Māori rights and privileges as citizens have the protection of the law in practice'.[39]

Counsel for the Ngāi Te Rangi Settlement Trust submitted that both the jurisprudence and the words of the 2016 Act made clear that 'the Crown's duty in respect of te reo Māori is . . . not only a duty of "active" protection, but that obligation is constant'. Counsel also submitted that the Crown's obligation to consult is 'an expression of the principle of partnership and consistent with the Crown acting as a good Treaty partner'.[40]

Like counsel for Ngāti Hine, counsel for Te Rūnanga o Ngāti Rēhia (Ngāti Rēhia) also laid emphasis upon the principles identified by the Tribunal in the Te Paparahi o Te Raki inquiry. Counsel submitted, for example, that the principle of rangatiratanga means that the Crown is obliged to 'tautoko tika i te Māori āheinga kia whakatinana i tana rangatiratanga ki tōna reo Māori'[41] ('support Māori in their ability to exercise their rangatiratanga in respect of their language').[42] Counsel further cited te mātāpono o te whakatika (the principle of redress), noting:

> I te Karauna ka takahia te Tiriti nā āna ture, āna kaupapa here, āna mahi me āna hapa rānei, he mōtika tō te Māori kia whiwhi rongoā mai i te Karauna, tae ana ki te utu paremata me ētahi atu puretumu.[43]

> Where the Crown has breached the treaty agreement through its legislation, policy, actions, or omissions, Māori are afforded the right to redress from the Crown, including financial or other compensation.[44]

Counsel for Ngāti Rēhia also cited the principles comprising the Crown's obligation to te reo Māori set out in the Wai 262 report, such as 'wise policy' and 'a Māori-speaking government'. In the context of 'te waihanga me te whakatinana i ngā kaupapa here a te Karauna kua hua mai i te kī taurangi tōrangapū'[45] ('Crown policy development and implementation arising out of political promises'),[46] counsel pointed to the recent findings of the Tribunal in both its Oranga Tamariki Section 7AA and Māori Wards and Constituencies urgent reports. Counsel submitted that 'i te Karauna e whakamātāmua ana i ōna whāinga tōrangapū (pēnei i ngā Whakaaetanga) i mua i ōna takohanga ki te Māori me te reo Māori ki raro

38. Waitangi Tribunal, *He Maunga Rongo: Report on Central North Island Claims, Stage One*, revised ed, 4 vols (Wellington: Legislation Direct, 2008), vol 2, p 428
39. Submission 3.3.20, pp 9, 11; submission 3.3.20(a)(i), pp [1], [2], [8]
40. Submission 3.3.21, pp 7, 28
41. Submission 3.3.22, pp 13–14
42. Submission 3.3.22(a), p 13
43. Submission 3.3.22, p 19
44. Submission 3.3.22(a), p 19
45. Submission 3.3.22, pp 16–17
46. Submission 3.3.22(a), p 17

i te Tiriti'[47] ('the Crown is prioritising its political commitments (its Coalition Agreements) over its commitments to Māori and te reo Māori under te Tiriti').[48]

Among the interested parties, counsel also made submissions on the relevant Treaty principles. Mahony Horner Lawyers endorsed the principles raised by counsel for Ngāti Hine and added the following duties: to act reasonably, honourably, and in good faith; to engage; and to make informed decisions.[49] Counsel also submitted that article 3 meant te reo 'should be guaranteed, beyond what is enshrined in legislation, the same rights and privileges as the English language has in current society'.[50] Te Whenua Law stressed the principle of active protection.[51] Tamaki Legal mentioned the principles of consultation, active protection, good faith, and partnership.[52]

The Crown agreed that it has duties of active protection (both of te reo as a taonga and of rangatiratanga over the taonga) and partnership. To this end, counsel for the Crown Mr Sebastian Bisley quoted from the Privy Council's conclusion in the Broadcasting Assets case that protecting te reo was 'a fundamental commitment on the part of the Crown'. Counsel noted, however, that the judgment had found the Crown's obligation was not 'absolute' and that in straitened financial times it would be reasonable for the Crown to refrain from 'heavy expenditure' on te reo. Counsel also quoted the Wai 262 report's reference to the Crown's obligation to 'vigorously and actively' protect this 'taonga of transcendent importance to Māori'. He pointed to Tribunal report descriptions of this protective duty, such as the need for 'affirmative action' rather than passivity; the requirement for 'honourable conduct' and 'fair processes'; the need for consultation and informed decision-making; and the necessity of upholding Māori leadership or tino rangatiratanga over te reo Māori.[53]

Counsel for the Crown listed the features of Te Ture mō Te Reo Māori 2016 that align with this jurisprudence, such as the recognition of te reo as a taonga and iwi and Māori as its kaitiaki in section 4; the commitment of the Crown to work in partnership with iwi and Māori to protect te reo in section 6; and the guiding

47. Submission 3.3.22, p 19

48. Submission 3.3.22(a), p 18

49. Closing submissions 3.3.16 were submitted on behalf of Wai 1684, a claim made by Doreen Puru, Anna Kahukura Hotere, the late Louie Katene, Emma Torckler and William Puru on behalf of themselves, Te Hoia, Ngāti Rangimatamoemoe and Ngāti Rangimatakaka. From here onwards, we refer to counsel by the law firm's name, Mahony Horner Lawyers.

50. Submission 3.3.16, pp 11–13

51. Submission 3.3.15, pp 5–6. Closing submissions 3.3.15 were filed on behalf of Wai 3349, a claim made by Janice Panoho (Kaihautū) and Georgina Kerr (Kuia and Māngai) on behalf of kaimahi Māori members of Te Pūkenga Here Tikanga Mahi (the New Zealand Public Service Association). From here onwards, we refer to counsel by the law firm's name, Te Whenua Law.

52. Submission 3.3.18, pp 9, 17, 47, 49. Closing submissions 3.3.18 were made on behalf of a group of 18 interested parties. The claims are: Wai 892; Wai 2063; Wai 3096; Wai 1886; Wai 2206; Wai 2743; Wai 1531; Wai 2890; Wai 762; Wai 861; Wai 3131; Wai 2394; Wai 1968; Wai 2869; Wai 2671; Wai 2382; Wai 2778; and Wai 2838. From here onwards, we refer to counsel for the 18 parties by the law firm's name, Tamaki Legal.

53. Submission 3.3.17, pp 12–15

principles for Government departments in section 9, including those concerning consultation and use.[54]

2.6 The Treaty Principles We Apply in this Report

The Treaty principles that apply to te reo Māori and its revival are well established. The parties had different emphases on different principles but were in broad agreement about which principles are relevant. We therefore summarise below the principles and standards we apply to this inquiry. We will apply these principles and duties to our analysis of claims and issues in chapters 4 and 5, and they will inform our findings and recommendations. We also examine in chapter 4 whether the Crown's current policies, practices, acts and omissions are consistent with its legislative obligations under te Tiriti/the Treaty in relation to the status and use of te reo and its customs in the public sector.

2.6.1 The principle of tino rangatiratanga

The Tribunal has long emphasised the guarantee to Māori in te Tiriti of the exercise of their tino rangatiratanga over taonga, and te reo Māori is certainly a taonga of the highest importance. Te reo both provides identity for, and maintains the integrity of, indigenous culture in Aotearoa New Zealand. (As we noted in section 2.3 above, Parliament has recognised in this regard that te reo is 'the foundation of Māori culture and identity'.[55]) Iwi and Māori not only have the authority to control the language's revival, therefore, but they are also obliged to do so as its kaitiaki. Crucially, the te reo that Māori exercise these rights and duties over must be a living language: that is the very essence of its taonga status. It follows that the Crown must fully support the use by Māori of te reo in everyday and normalised interactions: only through this can the guarantee of rangatiratanga over te reo be met.

2.6.2 The principle of partnership

The principle of partnership is derived from the nexus between kāwanatanga and tino rangatiratanga expressed in articles 1 and 2 of te Tiriti. The core Treaty principle of partnership was first articulated by the Tribunal in its *Report on the Manukau Claim* in 1985, mentioned again in the Wai 11 report the following year, and then thoroughly canvassed in the Court of Appeal decision in *New Zealand Maori Council v Attorney-General* (1987) ('the *Lands* case').[56] It has since been cited routinely in Tribunal reports. It is well accepted that Māori cannot revive and promote te reo Māori on their own. For such a considerable challenge, the resources and expertise of the Crown must also be brought to bear. The Crown must provide this support without stifling Māori leadership – rather, the Crown and Māori must work together in partnership, sharing the responsibility and performing the roles for which they are best suited.

54. Submission 3.3.17, pp 16–17
55. Te Ture mō Te Reo Māori 2016 Māori Language Act 2016, s 8(2)(d)
56. *New Zealand Maori Council v Attorney-General* [1987] 1 NZLR 641 (CA)

2.6.3 The principle of active protection

The principle of active protection places obligations on the Crown to take action to achieve protection. Failure to protect Māori interests, therefore, is as much a breach of te Tiriti/the Treaty as a positive act that removes rights. It goes without saying that the Crown cannot remain passive in regard to its obligations under te Tiriti/the Treaty in respect of te reo. The parties were all agreed that the health of te reo remained highly fragile, and the Crown's duty therefore is to take vigorous action, especially since its own actions damaged te reo in the first place (as the Crown has acknowledged in section 6 of Te Ture mō Te Reo Māori). The Crown's effort must not be undermined or compromised by any signs of diminishing commitment, nor should it be piecemeal or superficial, given the language's ongoing vulnerability and the heightened sensitivity over the progress of its revival.

2.6.4 The principle of consultation

The principle of consultation, or the need to consult, requires the Crown to consult with Māori on issues of importance to them, to act reasonably and to make informed decisions. As found in the 2024 *Kei Ahotea Te Aho Matua* report:

> Where policy is made, the Crown has a Treaty duty to consult, and often to collaborate, with the affected Māori groups before decisions are reached.[57]

Māori interests in policy-making over taonga can be said to exist on a sliding scale.[58] At one end of the spectrum, where the Māori interest in a taonga is singularly predominant, Māori should effectively be decision makers. At the other end of the scale, where the Māori interest is one among many competing interests, Māori voices should have influence even if they will not always hold sway. For the most part, the very least Māori can expect is proper consultation. To say this applies in the case of te reo policy is an understatement. The Crown has made legislative reference to its duty of consultation in Te Ture mō Te Reo Māori, and we think it could only be in exceptional circumstances that this basic requirement went unfulfilled.

57. Waitangi Tribunal, *Kei Ahotea Te Aho Matua, Pre-publication Version* (Wellington: Waitangi Tribunal, 2024), p 245; see also Waitangi Tribunal, *Te Urewera*, 8 vols (Lower Hutt: Legislation Direct, 2017), vol 8, p 3773

58. See Waitangi Tribunal, *Ko Aotearoa Tēnei: A Report into Claims Concerning New Zealand Law and Policy Affecting Māori Culture and Identity*, *Te Taumata Tuatahi* (Wellington: Legislation Direct, 2011), p 24. The Wai 262 Tribunal made this point in the context of international agreements, but it has since been applied in many other situations. In 2018, for example, Te Arawhiti, with Cabinet approval, circulated guidelines for Government agencies engaging with Māori. These referred similarly to a 'sliding scale assessment' involving a 'spectrum of engagement methods' that corresponded to the level of significance to Māori of the kaupapa in question. The methods were inform, consult, collaborate, partner/co-design and empower: doc 6.2.10, p 6 [Te Arawhiti, 'Guidelines for Engagement with Māori', [2018], p 6].

2.6.5 The principle of good government

The principle of good government is an aspect of the principle of kāwanatanga. It relates to the formation of wise policy, as the Wai 262 Tribunal put it, or effective and efficient policy as the obligation was rendered in *Matua Rautia*. Of particular relevance for our inquiry is the aspect of the principle that stresses the need for the Crown to act consistently with its own laws. This was articulated in *The Mohaka ki Ahuriri Report* as follows:

> the lawfulness or otherwise of Crown actions is a relevant thing for us to consider, since, in Treaty terms, the Crown had an obligation to act within the four corners of its own legislation, just as it expected its citizens to. If it failed to so act, it breached its Treaty duty to exercise good government.[59]

We think good government also means reflecting a kanohi Māori as well as a kanohi tauiwi perspective. As the Wai 262 Tribunal wrote, the Crown must 'accept the idea that it should not be an English-speaking monolith'.[60] That should not only be within Aotearoa New Zealand itself, but also on an international level. Ministers of the Crown have the duty – as elected representatives of Aotearoa New Zealand – to represent the entire nation, Māori and non-Māori. By default, this implies an obligation to incorporate the indigenous language of Aotearoa New Zealand, te reo Māori, when communicating internationally, as a tool for meaningful engagement.

2.6.6 The principle of equity

The principle of equity derives from article 3 of te Tiriti/the Treaty, in which Māori were promised the same rights and privileges as British subjects. It obliges the Crown to address disparities in the circumstances of Māori and non-Māori that have resulted from breaches of te Tiriti/the Treaty and take positive action to redress the imbalance. These obligations encompass the full range of civil, political, economic, social and cultural rights, which include the rights to language and culture.

The principle of equity is also related to the Treaty principles of partnership and active protection. In respect of the former, te Tiriti/the Treaty established two separate spheres of authority, those of tino rangatiratanga and kāwanatanga. If the relationship between those spheres of authority had remained equitable, then it is likely te reo Māori would today enjoy the same status as the English language and Aotearoa New Zealand would already be a bilingual nation. However, as previous Tribunal reports have shown, the partnership envisaged in te Tiriti/the Treaty has been repeatedly breached, not least in the Crown's approach to te reo. Working to

59. Waitangi Tribunal, *The Mohaka ki Ahuriri Report*, 2 vols (Wellington: Legislation Direct, 2004), vol 1, p 212. The Tribunal reiterated this aspect of the principle in *He Maunga Rongo*: see Waitangi Tribunal, *He Maunga Rongo*, vol 2, p 429.

60. Waitangi Tribunal, *Ko Aotearoa Tēnei*, vol 2, p 450

uphold the equitable status of te reo and English reflects the partnership between Māori and the Crown and is an important dimension of language revitalisation.

Relatedly, the obligation to actively protect Māori rights and interests is heightened by 'past historical wrongs done by the Crown, and any prejudice that has affected subsequent generations'.[61] As the Tribunal's *Tū Mai Te Rangi* (2017) report outlined, 'the principles of equity and active protection are two sides of the same coin'.[62] Current inequities between Māori and non-Māori therefore heighten the Crown's obligation to actively protect Māori interests, demanding that balance be restored.[63] In respect of te reo Māori, the Crown accepted 40 years ago that it had played an active role in suppressing the language and would therefore support its revitalisation and use – to redress, in other words, the linguistic inequity it had created.

2.6.7 The principle of redress

The principle of redress is longstanding. It holds that the Crown must provide a process for the resolution of Māori grievances under te Tiriti/the Treaty. It must also preserve its own capacity to provide such redress. While usually associated with the loss of land and physical resources, it is also entirely relevant to te reo, as the Crown itself acknowledged in Te Ture mō Te Reo Māori 2016. In section 6 of that Act it made specific reference to the injurious impact of its past policies towards te reo in the very same context of setting out its commitment to ongoing active protection and promotion of the language. For the Crown to meet its obligations under the principle of redress, therefore, its efforts to protect and promote must be constant and unwavering.

61. Waitangi Tribunal, *Tū Mai Te Rangi! The Report on the Crown and Disproportionate Offending Rates* (Lower Hutt: Legislation Direct, 2017), p 22
62. Waitangi Tribunal, *Tū Mai Te Rangi!*, p 60
63. Waitangi Tribunal, *Tū Mai Te Rangi!*, p 60

UPOKO 3

HE TIROHANGA WHĀNUI KI TE HOROPAKI Ā-KAUPAPAHERE ME NGĀ TŪNGA O NGĀ HUNGA WHAI TAKE

3.1 Kupu Whakataki

Kei roto i tēnei upoko te tirohanga whānui horopaki o ngā kaupapahere me ngā ture a te Karauna e pā ana ki te reo i te wā o te kōwhiringa pōti i tū i te Whiringa-ā-nuku 2023 me ngā mahi a te Karauna e tātarihia ana. Tuatahi ake, ka arotahi ki te horopaki aronehe, whai muri ko te wehenga mō ngā kaupapahere me ngā ture a te Karauna mai i te Whiringa-ā-rangi 2023. I muri mai ka whakatakotohia ngā mahi a te Kāwanatanga haumi ki te reo Māori, ā, i te mutunga ka whakarāpopotohia ngā tūnga o ia pāti.

3.2 Horopaki Aronehe

3.2.1 Te tāmate haere o te reo Māori me te tīmatanga o tōna whakarauoratanga

Kua matapaki katoatia te oranga o te reo i mua i te tekau tau atu i te 1970 ki te Taraipiunara Wai 11 i te tau 1986, ā, ka whai atu te Taraipiunara Wai 262 i te tau 2010. Hei whakarāpopoto, i whakawehea aua Taraipiunara i te wā i ua i te tau 1975 ki ngā wāhanga e toru. I te tau 1900, i kōrero te iwi Māori whānui i te reo 'i ia rā',[1] ahakoa he maha anō te hunga mōhio ki te reo Pākehā me te reo Māori.

I ngā 25 tau ka whai mai, i ārai te pūnaha mātauranga a te Kāwanatanga i ngā tamariki Māori kia kaua rātou e kōrero Māori i te kura nā te mea koirā te huarahi e mōhio ai rātou ki te kōrero Pākehā. Ko te whāinga o te pūnaha mātauranga a te Kāwanatanga mai i ngā tau tōmua, ko te whakapākehā i a rātou. I whakahau te 1847 Education Ordinance kia noho ngā akoranga i te kura ki te reo Pākehā, ā, i tuaruahia tēnei herenga ki te Native Schools Act 1867.[2] E ai ki a Ahorangi David Williams, i te tau 1880 nā te Native Schools Code 'ka tau te āhua o te mahi a ngā kura Māori hei pokapū whakaaweawe i te whakapākehātanga'.[3] I whakahaerehia te waehere e ngā kaitirotiro kura Māori pērā i a John Porteous, nāna te kōrero i te tau 1925, 'ko te take matua e tū ana ngā kura Māori ko te whakaako i ngā tamariki

1. Te Rōpū Whakamana i te Tiriti o Waitangi, *Report of the Waitangi Tribunal on the Te Reo Māori Claim*, putanga 3 (Te Whanganui a Tara: Brooker's Ltd, 1993), wh 8
2. David Williams, *Crown Policy Affecting Maori Knowledge Systems and Cultural Practices* (Te Whanganui a Tara: Te Rōpū Whakamana i te Tiriti o Waitangi, 2001), wh 22, 24–25, 127, 131
3. 'Report of the Senior Inspector of Native Schools, Education of Native Children', AJHR, 1925, E-3, wh 3 (Williams, *Crown Policy Affecting Maori Knowledge Systems and Cultural Practices*, wh 127)

Māori kia kōrero, kia tuhituhi, kia mārama rātou ki te reo Pākehā, ā, nā tērā ka waia ki ngā tikanga me ngā whakaaro a te Pākehā.'[4]

Mai i te tau 1925 ki te 1950, ka pakeke te reanga i whakapāhunutia, ā, ka whakatipuria ā rātou ake tamariki ki te kōrero Pākehā anake (ā, ka aukati tonu ngā kaiako i te kōrero Māori ki roto i ngā kura). Ka huri te reo Māori hei reo tuarua ki ngā hapori Māori e kōrerohia ana i te nuinga o te wā e ngā reanga pakeke. I kitea i te wā mai i te tau 1950 ki te 1975 i 'hohoro te noho reo tōtahi', nā te mea he maha hoki ngā Māori i haere ki ngā tāone noho ai, ā, 'ka ruia' ki waenganui i ngā kāinga Pākehā.[5]

I runga i tēnei āhuatanga kua noho mōrearea te reo i te tekau tau atu i te 1970. I tātai a Ahorangi Bruce Biggs i heke te kaha o ngā tamariki Māori ki te kōrero Māori mai i te 90 ōrau i te 1913 ki te 26 ōrau i te tau 1953, ki te 5 ōrau noa iho i te 1975.[6] E whakaarotia ana i ahu mai tēnei kitenga i te tirohanga whānui ohapori-reo nunui rawa atu nā Tākuta Richard Benton rāua ko Nena Benton o ngā whānau Māori 6,470 te maha i whakahaerehia mai i te 1973 ki te 1979, ā, ka kitea 170 noa iho o ngā kāinga 4,090 e mōhio ana te pōtiki o te whānau ki te kōrero i te reo. Ka haere te wā ka whakaaro a Benton, i te tau 1979, he nui te tūponotanga he iti iho i te 100 ngā pēpi e mōhio ana ki te kōrero i te reo.[7]

Nāwai ā, ka tīmata te Māori ki te whakatika i ngā āhuatanga e ai ki te Taraipiunara Wai 262 arā 'ko te whakaaro kua mataara ake kei te tino noho mōrearea te reo'. I te Mahuru 1972, ka whakatakoto a Ngā Tamatoa me ētahi atu i te petihana i waitohua e ngā tāngata 30,000 ki te Pāremata i karanga kia whakaakohia te reo ki ngā kura.[8]

I te tekau tau atu i te 1970, ka pakanga te iwi o Tūhoe kia reorua tō rātou kura, ā, i te tau 1977 ka tū te kura reorua tuatahi o Aotearoa ki Rūātoki, i roto i Te Urewera. Ahakoa karekau he pukapuka, he rauemi ako rānei, ka whakamahia e ngā kaiako te taiao hei akomanga, ā, ka huri te kura 'hei whakaruruhau mō te reo Māori'.[9]

I te Pipiri 1978 ka whakatakoto Te Rōpū Reo Māori o Te Whanganui a Tara he petihana i waitohua e ngā tāngata 30,000 te maha i whakahau kia tū he rōpū hōtaka whakaata Māori ki roto i te kaipāpāho o te Kāwanatanga arā te Kaporeihana Pāpāho o Aotearoa. Whai muri i te whakataunga o te Kōti Pīra ki te kēhi *Mihaka v Police* [1980] i matapakitia ki te wehenga 2.2, ka whakahau te petihana nō te 1981 i waitohua e ngā tāngata 2,500 te maha kia whai mana ōkawa te reo.[10]

4. Williams, *Crown Policy Affecting Maori Knowledge Systems and Cultural Practices*, wh 131

5. Te Rōpū Whakamana i te Tiriti o Waitangi, *Ko Aotearoa Tēnei: A Report into Claims Concerning New Zealand Law and Policy Affecting Māori Culture and Identity*, *Te Taumata Tuarua*, e 2 ngā huānga (Te Whanganui a Tara: Legislation Direct, 2011), huānga 2, wh 393–394

6. Te Rōpū Whakamana i te Tiriti o Waitangi, *Report of the Waitangi Tribunal on the Te Reo Maori Claim*, wh 11

7. Te Rōpū Whakamana i te Tiriti o Waitangi, *Ko Aotearoa Tēnei*, huānga 2, wh 394–395

8. Te Rōpū Whakamana i te Tiriti o Waitangi, *Ko Aotearoa Tēnei*, huānga 2, wh 396

9. Liz Garton, 'The Leap of Faith to Save a Language', *Te Reo Irirangi o Aotearoa*, 12 o Whiringa-ā-rangi 2020, https://tinyurl.com/yc58ew2c, i tomokia i te 26 o Hereturikōkā 2024; tirohia anōtia: Te Rōpū Whakamana i te Tiriti o Waitangi, *Ko Aotearoa Tēnei*, huānga 2, wh 396; Williams, *Crown Policy Affecting Maori Knowledge Systems and Cultural Practices*, wh168

10. Te Rōpū Whakamana i te Tiriti o Waitangi, *Ko Aotearoa Tēnei*, huānga 2, wh 395; Te Rōpū Whakamana i te Tiriti o Waitangi, *Report of the Waitangi Tribunal on the Te Reo Maori Claim*, wh 21

Atu i ngā mahi petihana, i te tau 1979 i whakatūria te rōpū hapori a Te Ataarangi hei whakaako i te reo ki te hunga pakeke mā te ara rūmaki reo Māori, ā, i te 1981 ka whakatūria Te Wānanga o Raukawa hei whakaako i te reo me ngā tikanga Māori ki te rāngai mātauranga matua.[11]

Nō te tau 1982, ka tīmata tētahi kaupapa whakahirahira o te rauoratanga i ārahina e te Māori, ina whakaterehia ai te kaupapa kōhanga reo. I tērā tau tonu i tuwhera ai te kōhanga reo tuatahi ki Pukeatua Marae i Wainuiomata, ā, ka tae ki te 1985 kua 416 ngā kōhanga.[12] E ai ki te Taraipiunara Wai 11, 'he mea nui whakaharahara' tēnei, 'he mea waiwai rawa atu te kaupapa', ā, ka kīia e te Taraipiunara Wai 262 'he kaupapa i ahu mai i te iwi e ngākau hihiko ana, e kōkiri whakamua ana'.[13]

E ai ki te rangahau a te tokorua Benton i runga nei, he roa te wā e tūmanakohia ana tēnei kaupapa whakarauora. Nā te korenga o ngā huarahi e taea ai e ngā tamariki Māori te whakawhiti mai i te kōhanga reo ki ngā kura kaupapa Māori, ka whakatūria te kura kaupapa tuatahi ki Hoani Waititi Marae i Tāmaki Makaurau i te tau 1985.[14]

3.2.2 Te pūrongo Wai 11 me te pikinga o te tautoko a te Kāwanatanga mō te reo Māori

I te tau 1984, ka whakatakotohia e Huirangi Waikerepuru o Ngā Kaiwhakapūau i te Reo Māori te kerēme ki te Taraipiunara e kimi ana kia whai mana ōkawa te reo Māori, kia nui ake te tautoko mō te reo ki te ao mātauranga me te ao pāpāho. I te tau 1985 ka rongohia te kerēme – Wai 11 – kātahi ka hua mai te tutukinga nui arā te *Pūrongo o Te Rōpū Whakamana i te Tiriti o Waitangi mō Te Reo Māori* nō te tau 1986.

I tuku kitenga te Taraipiunara mō te tiaki i te reo i oatihia ki te Tiriti/the Treaty, i whakamāramatia e mātou ki te wehenga 2.2 i runga nei. I tūtohua kia tutuki te ture e taea ai e 'te tangata e pīrangi ana ki te kōrero i te reo Māori ki ngā Kōti katoa, i ngā whiriwhiringa katoa anō hoki ki ngā tari Kāwanatanga, ngā kaunihera ā-rohe me ētahi atu rōpū tūmatanui'; kia 'whakatūria e te ture he rōpū arataki hei arataki, hei hāpai i te whakamahinga o te reo Māori'; ā, kia whai herenga ture 'kia noho tōmua te reorua arā te reo Māori me te reo Pākehā mō te taha ki ngā kopounga o ngā tūnga e tika ana, e hiahia ana rānei e ai ki Te Kawa Mataaho'.[15]

11. Te Rōpū Whakamana i te Tiriti o Waitangi, *Ko Aotearoa Tēnei*, huānga 2, wh 395–396; Te Rōpū Whakamana i te Tiriti o Waitangi, *The Wananga Capital Establishment Report* (Te Whanganui a Tara: GP Publications, 1999), wh 12–13

12. E ai ki *Te Pūrongo o Te Rōpū Whakamana mō Te Reo Māori*, i Waiwhetū te kōhanga reo tuatahi, engari hei tā te nuinga i Wainuiomata kē: Te Rōpū Whakamana i te Tiriti o Waitangi, *Pūrongo o Te Rōpū Whakamana i te Tiriti o Waitangi mō Te Reo Māori*, wh 12; Te Rōpū Whakamana i te Tiriti o Waitangi, *Ko Aotearoa Tēnei*, huānga 2, wh 396.

13. Te Rōpū Whakamana i te Tiriti o Waitangi, *Pūrongo o Te Rōpū Whakamana i te Tiriti o Waitangi mō Te Reo Māori*, wh 12; Te Rōpū Whakamana i te Tiriti o Waitangi, *Ko Aotearoa Tēnei*, huānga 2, wh 396

14. Te Rōpū Whakamana i te Tiriti o Waitangi, *Ko Aotearoa Tēnei*, huānga 2, wh 396

15. Te Rōpū Whakamana i te Tiriti o Waitangi, *Pūrongo o Te Rōpū Whakamana i te Tiriti o Waitangi mō Te Reo Māori*, wh 51

Nā runga i tōna rangirua mēnā ka tutuki ētahi o ngā whāinga a ngā kaikerēme ki te ao mātauranga – tae atu ki te pāpaku o tōna mōhio, wheako hoki 'ki ngā taipitopito o te pūnaha mātauranga' – ka tūtohu te Taraipiunara kia tū he ruku tātari 'mō ngā huarahi whakaako i ngā tamariki Māori', ka aro pū ki ngā mahi whakaako i te reo. Mō te taha ki ngā mahi pāpāho (i runga anō i te kopounga nō nakua nei o ētahi Kōmihana Roera e pā ana ki te kaupapa), i tukuna e te Taraipiunara he tūtohunga whānui noa iho kia aro te Minita mō ngā Take Pāpāho ki ngā kawenga i raro i te Tiriti/the Treaty i tautohua e te Taraipiunara.[16]

Pērā i ō mātou kōrero i te wehenga 2.2, i te Paengawhāwhā 1986 ka tāpae te Karauna i tōna Pire mō Te Reo Māori ki te Pāremata. He mea whakahōhā ki ngā kaikerēme te korenga o te Karauna ki te tatari kia puta mai te pūrongo o te Taraipiunara i mua i te whakatakoto i te pire, ā, i te 11 o Pipiri 1986 ka whakatakoto a Huirangi Waikerepuru i tētahi kerēme hou ki te Tarapiunara i whakapae 'nā te hohoro rawa o ngā mahi a te Karauna i whakaritea kē, kua tukituki ki ngā mātāpono o te Tiriti'.[17]

Kāore rawa te Ture, i whakaturehia i te Hōngongoi 1987, i eke ki ngā tūtohunga o te Taraipiunara mō te whakamahinga o te reo ki ngā horopaki raraupori.[18] I te wehenga 3, ka whakapuakina he whai mana ōkawa te reo Māori o Aotearoa, ā, i te wehenga 4 ka āhei te whakamahi i te reo ki ngā whakahaerenga o te ture, ahakoa me 'tuku pānui' mō tō takune ki te kōrero i te reo. Nā te wehenga 6 ka hua mai te Kōmihana Reo Māori, ā, i te tau 1991 ka hurihia te ingoa ki Te Taura Whiri i te Reo Māori. Ko te mahi a te kōmihana he whakatairanga i te reo me te tuku tohutohu mō ngā mahi, ngā kaupapahere rānei hei whakatinana kia mana ai tō tūnga ōkawa. Ko tētahi atu mahi a te kōmihana he whakatau i ō pūkenga reo Māori.

Hei whaiwhai ake i te wehenga 2.3, i tīmata ngā whakahaerenga ture mō ngā Rawa Pāpāho i te tau 1989, ā, ka mutu i te 1993. I panoni te Karauna i te Broadcasting Act i te tau 1993 kātahi ka whakatūria Te Māngai Pāho hei tuku pūtea ki te whakapāoho i te reo me te ahurea Māori. I whakatinana te tūnga o Whakaata Māori i te tau 2004 i ngā kī taurangi a te Karauna nō te wā o ngā whakahaerenga ture i te tekau tau kua hipa.[19]

I taua wā tonu, i te ao mātauranga, i tipu ake te tautoko a te Karauna ki te reo. Nā ngā pūtea a Te Tāhuhu o te Mātauranga/Ministry of Education ki ngā kōhanga reo ka piki tonu ake te maha o ngā kōhanga reo me ngā tamariki i uru atu, kia eke te maha o ngā kōhanga reo ki te 809 me te maha o ngā tamariki ki te 14,514 i te tau 1993.[20] Mai i ngā kura kaupapa e ono i te tau 1990, ka piki te maha ki te 59 i te 1998.[21] I piki anō te maha o ngā ākonga i te ako i roto i te reo (mō te 12

16. Te Rōpū Whakamana i te Tiriti o Waitangi, *Pūrongo o Te Rōpū Whakamana i te Tiriti o Waitangi mō Te Reo Māori*, wh 37–38, 41, 51

17. Wai 26 ROI, kerēme 1.1, wh 1

18. Māmari Stephens, 'Taonga, Rights and Interests: Some Observations on WAI 262 and the Framework of Protections for the Māori Language', *Victoria University of Wellington Law Review*, huānga 2, nama 2 (2011), wh 249

19. Te Rōpū Whakamana i te Tiriti o Waitangi, *Ko Aotearoa Tēnei*, huānga 2, wh 400–402

20. Te Rōpū Whakamana i te Tiriti o Waitangi, *Ko Aotearoa Tēnei*, huānga 2, wh 398–400

21. Te Rōpū Whakamana i te Tiriti o Waitangi, *Ko Aotearoa Tēnei*, huānga 2, wh 398

ōrau o te wā), tae atu ki te hunga e ako ana i te reo hei marau ako. Whai muri i te whakataunga tiriti mō ngā Wānanga i te 2001, ka piki anō te maha o ngā ākonga whare wānanga ki te 36,356 i te tau 2003.[22]

I te taha o ēnei whanaketanga ki te ao mātauranga me te ao pāpāho, i piki te tautoko mō te whakamahinga o te reo ki te rāngai tūmatanui. I whakarārangi te Taraipiunara Wai 262 i ngā tauira tae atu ki te whakawhānui i ngā wāhi ka whakaaetia te kōrero Māori pērā i te Tenancy Tribunal; te whakatau i ngā paerewa pūkenga reo mō ngā kaimahi kāwanatanga; ngā puka tatauranga reorua me ngā tuhinga kiriraraunga; te whakaae kia whakamahia e New Zealand Post ngā ingoa wāhi Māori; te whakapākehā i ngā kauhau reo Māori i roto i te Pāremata (mai i te tau 1997); me tiki atu i ngā ingoa Māori mō ngā hinonga Kāwanatanga.[23]

Mai i te tau 2003, ka tīmata Te Rōpū Whakamana i te Tiriti o Waitangi ki te whakawhiti matawā i te reo ki ngā nohoanga.[24] He ekenga whakamua nui tēnei kia rere noa te reo ki ngā whakahaerenga o te Taraipiunara mai i te ruku tātari Wai 11 i te tau 1985, ina whakapākehātia te kaikōrero i te wā ka mutu ana kōrero.[25] Nō te tau 2024 ka puta *Kei Ahotea Te Aho Matua*, te pūrongo tuatahi a te Taraipiunara i roto katoa i te reo Māori. I whakaurua atu hei āpitihanga ngā upoko 3 ki te 7 o te pūrongo i roto i te reo Pākehā, kia mārama ake ai.[26]

Mō te wā tuatahi, ka whakamātau te Kāwanatanga whānui ki te whakarauora i te reo mā te Rautaki Reo Māori i te tau 1997. I te tau 2003 ka puta anō te momo tuarua o taua kaupapa (ā, ka kaha tātarihia e te Taraipiunara Wai 262). Nō te tau 2006 i eke te tapeke o ngā pūtea i whakapaua atu ki te reo Māori ki te $227 miriona, he 63 ōrau i tohaina ki te rāngai mātauranga. Tuarua ka tohaina ki te ao pāpāho Māori, arā 22 ōrau o te tapeke pūtea i te tau 2006 i tohaina ki Te Māngai Pāho.[27]

3.2.3 Ngā karanga kia kōkiri anōtia ngā mahi a Wai 262 me Te Paepae Motuhake

I te tau 1991, ka whakatakotohia te kerēme Wai 262 e ngā mema o ngā iwi e ono. I te tau 2006, i mua i te tīmatanga anō o ngā nohoanga mō te wāhanga tuarua o te ruku tātari o Wai 262, ka puta i te Taraipiunara he tauākī whakataunga take. I aro

22. Te Rōpū Whakamana i te Tiriti o Waitangi, *Ko Aotearoa Tēnei*, huānga 2, wh 398–400

23. Te Rōpū Whakamana i te Tiriti o Waitangi, *Ko Aotearoa Tēnei*, huānga 2, wh 402

24. I whakamahi tuatahitia ki te ruku tātari o Te Urewera: Te Rōpū Whakamana i te Tiriti o Waitangi, 'Te Reo Māori ki ngā nohoanga o te Taraipiunara', *Te Manutukutuku*, huānga 59 (2004), wh 3.

25. E ai ki te whakamārama o te Taraipiunara Wai 11, 'i kōrero te nuinga o ngā kaikerēme Māori (me ētahi o ngā kaitautoko tauiwi) ki a mātou i roto i te reo Māori. I whai te kaiwhakawhiti reo i te kawa o te marae kia kaua e pōrearea i te kaikōrero kātahi ka tukuna te whakapākehātanga i muri i ia kauhau. E mihi nui ana ki ngā pūkenga o te kaiwhakawhiti a Miria Simpson o Ngāti Awa me āna mahi nui ki te āwhina i a mātou'; Te Rōpū Whakamana i te Tiriti o Waitangi, *Report of the Waitangi Tribunal on the Te Reo Māori Claim*, wh 4. He mea ahu whakamua te mahi i te ruku tātari Wai 11 i te tau 1985 mai i te ruku tātari tuatahi o te Taraipiunara i te tau 1977, ina herea te mema Māori o te Taraipiunara a Graham Latimer ki te whakapākehā i ōna ake kōrero: Jamie Tahana, 'Commission of Inquiry', *Metro*, huānga 443 (Takurua 2024), wh 66, https://tinyurl.com/2dc7xc7n, i tomokia i te 29 o Hōngongoi 2025.

26. Te Rōpū Whakamana i te Tiriti o Waitangi, *Kei Ahotea Te Aho Matua: Momo i mua i te putanga* (Te Whanganui a Tara: Te Rōpū Whakamana i te Tiriti o Waitangi, 2024)

27. Te Rōpū Whakamana i te Tiriti o Waitangi, *Ko Aotearoa Tēnei*, huānga 2, wh 404–407

tērā ki ngā kaupapa matua e rua mō te reo: te tiaki me te whakatairanga i ngā reo ā-iwi me te tiaki i te reo kia kaua e hē te whakamahi.

Heoi anō, i hāngai ngā kōrero taunaki a te Karauna me ngā kaikerēme ki tua atu i tēnei aronga whāiti, ā, ka whakaarahia ngā take e pā ana ki te tuku a te Karauna i ngā rauemi mō te reo me tōna ū ki te rauoratanga o te reo. I mārama te Taraipiunara ki tēnei, nā te mea hei tāna kāore i taea te whakawehe i te tiaki i ngā reo ā-iwi i te tiaki whānui i te reo.[28]

Nā reira ka huri te Taraipiunara Wai 262 ki te tātari i te oranga o te reo Māori, ā, ka kitea ngā mate maha. I heke te maha o te hunga i uru ki ngā kōhanga reo i ia tau mai i te tau 1993, he ōrite ki te maha o te hunga Māori 0–4 tau te pakeke e mōhio ana ki te kōrero i te reo i roto i te tatauranga ā-motu i taua wā anō. I heke anō te maha o ngā ākonga Māori i roto i ngā kura kaupapa Māori, arā he iti iho te maha i te tau 2009 tēnā i tōna keokeonga i te tau 1998. Nā tēnei ka hua mai te ine pānga i waenganui i te maha o te hunga i uru ki te kura me te maha o ngā Māori 5–14 tau te pakeke i taea te kōrero i te reo ki ia tatauranga ā-motu.[29]

Tuia katoa, e ai ki te Taraipiunara

> Kāore ngā hua mō te reo i te whakatika i ngā ngoikoretanga i te wā mate ana ngā kaikōrero pakeke. Āpiti atu ki tēnā, kua tīmata ngā hua ki te huri hei ngoikoretanga i waenganui i ngā rangatahi, te hunga e ora ai te reo i ngā tau e heke mai nei.[30]

He maha ngā take i kitea e te Taraipiunara mō te paheke o te rauoratanga engari i aro kē ki te mūhore o te ara a te Karauna. Hei tauira, kāore te takotoranga o ngā wāhainga o te Rautaki Reo Māori i hāngai ki ngā wawata o te iwi Māori engari kē ki ngā hiahia a te Karauna, ā, kāore i tino whai wāhi ngā hapori Māori ki te whakaaweawe i te rautaki. 'He teitei rawa, he tūrehurehu hoki' ngā whāinga o te rautaki, engari i hē anō te whakatinana i te rautaki.[31]

E ai ki te tirohanga o te Taraipiunara, ahakoa te kaha mutunga kore o ngā Māori i te whakarauora i te reo, i tāmia ngā mahi nā te 'korenga o te ao aparau me te ao tōrangapū' ki te whakatutuki. Ahakoa ngā tūtohunga o te Taraipiunara Wai 11 i te tau 1986, i kaha herea tonu te āheitanga ki te whakamahi i te reo ki roto i ngā kōti. I tūtohu te Taraipiunara Wai 262 kia tū Te Taura Whiri i te Reo Māori/Māori Language Commission (Te Taura Whiri) hei hinonga reo Māori matua (kia hāngai ki te ture nō te 1987), ā, kia noho rangapū tōna poari arā kia kopoua ngā mema e te iwi Māori me te Karauna. I tūtohu anō te Taraipiunara kia nui ake te mana o Te Taura Whiri ki te uruhi i ngā tari Kāwanatanga ki te tautoko i te rauoratanga o te reo Māori.[32]

Tērā pea i mōhio te Minita mō ngā Take Māori i te mūhore te kaupapahere whakarauora reo a te Kāwanatanga nā te mea i kī ia i te Hōngongoi 2010 kāore anō

28. Te Rōpū Whakamana i te Tiriti o Waitangi, *Ko Aotearoa Tēnei*, huānga 2, wh 389, 392–393
29. Te Rōpū Whakamana i te Tiriti o Waitangi, *Ko Aotearoa Tēnei*, huānga 2, wh 408, 417, 420, 423
30. Te Rōpū Whakamana i te Tiriti o Waitangi, *Ko Aotearoa Tēnei*, huānga 2, wh 436
31. Te Rōpū Whakamana i te Tiriti o Waitangi, *Ko Aotearoa Tēnei*, huānga 2, wh 462–464
32. Te Rōpū Whakamana i te Tiriti o Waitangi, *Ko Aotearoa Tēnei*, huānga 2, wh 454–455, 469–473

te rautaki 'kia whakahoutia, ā, kāore hoki te nuinga i whakatinanahia. Me panoni tēnei.'[33] Ka kopoua e ia a Tamati Reedy hei arataki i te paewhiri o ngā mātanga ki te arotake i te rautaki 'kia tautokona ngā wawata a ngā Iwi/te iwi Māori e ngā hōtaka me whakapaunga pūtea huri noa i te kāwanatanga.'[34] Nā tēnei pānui ka whakatau te Taraipiunara Wai 262 ki te whakaputa i tōna upoko reo Māori i mua i te toenga o te pūrongo, kia taea ai te āwhina i te arotakenga.

I whakahaere Te Paepae Motuhake, arā te paewhiri o ngā mātanga, i tētahi hui ā-motu o ngā kaikōkiri i te reo me ngā hui ā-rohe 14 huri noa i te motu. I whakaputaina tōna pūrongo, *Te Reo Mauriora*, i te Paengawhāwhā 2011. I tūtohu te pūrongo kia whakatūria he poari e kīia ana ko Te Mātāwai, ā, i ahu mai ngā māngai nō ngā rohe matua reo ā-iwi e whitu, me ērā nō Tāmaki Makaurau me Te Whanganui a Tara. I tūtohu anō kia waihangatia he tūranga minita hou mō te reo Māori, ā, mā tēnei Minita me Te Mātāwai e ārahi tahi i ngā kaupapa katoa e pā ana ki te reo. Ko ētahi atu tūtohunga kia whakatūria tētahi 'Rūnanga ā Reo' ki ngā rohe e iwa 'hei whakarite i ngā hōtaka, ngā whakapaunga pūtea me te arotakenga'; kia riro mā ngā iwi e ārahi i te rautaki whakarauora reo; ā, kia noho te whāinga matua nō te whakarauora i te reo 'ki te whakaū anō i te reo ki ngā kāinga.'[35]

3.3 Ngā Kaupapahere me ngā Ture a te Karauna i Te Whiringa-ā-Rangi 2023

3.3.1 Ngā kaupapa ture, kaupapahere hoki i te tau 2016

Whai muri i te putanga o *Ko Aotearoa Tēnei* me *Te Reo Mauriora*, ka ahu whakamua te Karauna ki āna mahi whakamahere reo. I te Hakihea 2013 ka whakaae te Kāhui Minita kia whiriwhiria te rautaki reo Māori hukihuki hou, i tū ki te marama o Huitanguru i muri mai. I whakaterehia te rautaki i te Hōngongoi 2014. I whakaaetia ngā pūrongo o Wai 262 me *Te Reo Mauriora*, ā, ka whakaaetia e noho mōrearea ana te reo, e tika ana hoki kia tautokona ngā rangatira o ngā iwi hei whakarauora i te reo. Ko ōna paetohu matua ko te maha o ngā whānau Māori (me ētahi atu tāngata nō Aotearoa) e mōhio ana ki te kōrero i te reo, me ngā waiaro a ngā tāngata nō Aotearoa ki te reo. I whakahuahua anō i te kōrero i whakaurua te Pire Reo Māori hou ki te Pāremata i te 3 o Hōngongoi, ā, ka whakamāramatia te kaupapa o te Pire arā ko te whakatūnga o Te Mātāwai hei hinonga ā-ture hou 'ka ārahi i te kaitiakitanga o ngā iwi me te Māori mō te hauora me te oranga o te reo Māori.'[36]

33. I tīkina te kōrero i Te Rōpū Whakamana i te Tiriti o Waitangi, *Ko Aotearoa Tēnei*, huānga 2, wh 469.

34. I tīkina atu te kōrero i Te Rōpū Whakamana i te Tiriti o Waitangi, *Ko Aotearoa Tēnei*, huānga 2, wh 405.

35. Tuhinga 6.2.11, wh 7 [Te Paepae Motuhake, 'Te Reo Mauriora: Te Arotakenga o Te Rāngai Reo Māori me Te Rautaki Reo Māori: Review of the Māori Language Sector and the Māori Language Strategy', Paengawhāwhā 2011, wh 7]. I kōrerohia a *Ko Aotearoa Tēnei* ki te whakarāpopoto anake.

36. Tuhinga 6.2.12, wh [2], [4], [5] [Te Puni Kōkiri, 'Te Rautaki Reo Māori/Māori Language Strategy 2014' wh [2], [4], [5], tuhinga A44, wh 5–6

Nā te mea i whakaae atu ki ngā kōrero whakamutunga o te rautaki, i te Haratua 2014, ka tohutohu anō te Kāhui Minita ki Te Puni Kōkiri (i whiriwhiria ki te taha o Te Taura Whiri) kia waihangatia he aratohu mō ngā tohu reorua huri noa i te rāngai tūmatanui.[37] I puta ngā tohutohu i te Whiringa ā-rangi 2016. I whakarāpopotohia ngā mātāpono matua i ahu mai i ngā paerewa o tāwāhi, tae atu ki te kōrero kia noho ōrite te reo Pākehā me te reo Māori.[38] Waihoki, kia kaua te reo e noho tuatahi noa iho engari kia noho mātāmua i ngā wā kāore e taea kia noho ōrite (arā te rahinga o te momotuhi):

> E whakaatu ana ngā ture tātai tuhituhi mō ngā tohu reorua hei paerewa kairangi o tāwāhi i te 'reo tuatahi' (te reo e whakarauorahia ana), arā ka ōrite ngā kuputuhi Māori i te momotuhi mō ngā kuputuhi Pākehā ahakoa he roa ake te kuputuhi o tētahi reo i tētahi. Waihoki, mehemea ka uaua te pānui atu ko te tikanga ka noho mātāmua te reo Māori. Ko te take i pērā ai nā te mea he reo huri noa i te ao te reo Pākehā e mōhio whānuitia ana. Nō reira, kāore e uaua ki ngā kiritaki te kimi i tētahi whare, i ngā wāhi-mahi, i ngā pae tukutuku rānei.[39]

He mea nui ngā tohu reorua ki te whakarauora i te reo. E ai ki te Tāhuhu Rangapū o Te Taura Whiri a Ngahiwi Apanui ki a mātou,

> E whakapuaki ana ngā tohu reorua e kaingākanuitia ana te reo Māori, he mea āwhina i te ako i te reo me te reo matatini. Mā ngā tohu reorua ka kitea te reo ki waho i ngā wāhi 'Māori' pēnei i ngā marae, ngā kura kaupapa Māori me ngā whānau Māori, he mea āwhina i ngā tāngata ki te kaupare i te pōhēhē ehara te reo Māori i te reo tauhokohoko nā reira karekau he wāriu ki te ao nei.[40]

I whakaturehia te ture hou arā Te Ture mō Te Reo Māori/the Māori Language Act i te Paengawhāwhā 2016, he whakakapi i te Ture Reo Māori 1987. He reorua te Ture katoa, ahakoa te whakamārama i te wehenga 12(2) 'ina tukituki te tikanga i waenganui i ngā momo e 2, ka noho mātāmua te momo reo Māori.'[41]

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37. Tuhinga A54, wh 3 [Kāhui Minita, Te Meneti o te Whakatau: 'A New Māori Language Strategy (Paper 1)' 21 o Haratua 2014, wh 3]

38. I ahu mai ngā aratohu 'i ngā tuhinga o tāwāhi me ngā mātāpono kairangi o Te Rūnanga Whakakotahi i ngā Iwi o te Ao e pā ana ki ngā aratohu whakamahere reorua, reo maha hoki i whakatinanahia ki ngā kaupapahere me ngā aratohu i ngā whenua maha. Ina hoki, i ahu mai ngā kōrero o ēnei aratohu i ngā aratohu reorua nō Aerani, Kōtirana, me Wēra': tuhinga A54, wh 177 [Te Puni Kōkiri, 'Te Tohu Reorua i te Reo Māori me te Reo Pākehā: He Kupu Ārahi e Kairangi ai ngā Tikanga/Māori-English Bilingual Signage: A Guide for Best Practice', wh 8].

39. Tuhinga A54, wh 185, 199 ['Te Tohu Reorua', wh 16, 30]

40. Tuhinga A45, wh 8

41. Ehara te Ture i te ture reorua tuatahi o Aotearoa. Ko Te Ture mō Mokomoko (Hei Whakahoki i te Ihi, te Mana, me te Rangatiratanga) 2013 kē tērā. I konei ka whakatakotoria te rerekē ki ngā ture i whakaputaina ki ngā reo e rua, he mea rite tonu mai i te tau 1918. I tāngia te Ture Reo Māori 1987 ki te reo Māori me te reo Pākehā engari kīhai te momo i te reo Māori i whakaturehia e te Pāremata: Tirohia a J N Matson, 'The Language, the Law and the Treaty of Waitangi', *Journal of the Polynesian Society*, huānga 100, nama 4 (Hakihea 1991), wh 350–351. I whakaurua te Ture Reo Māori ki te Pāremata i te tau 1986 ki ngā reo e rua: Te Pire Mō Te Reo Maori Bill 1986.

I whakaū anō te Ture i te mana o te reo Māori hei taonga e tiakina ana e ngā iwi me te iwi Māori, ā, hei reo whai mana ōkawa hoki. I whakatakotohia ngā kupu ārahi hou mō ngā tari Karauna, arā ngā mātāpono e whai ake nei i te wehenga 9(1) hei whai mā ngā tari 'mēnā ka taea':

(a) me whiriwhiri kōrero ki ngā iwi me te iwi Māori mō ngā take e pā ana ki te reo Māori (tae atu, hei tauira, ki te whakatairanga i te whakamahinga o te reo):
(b) me whakamahi te reo Māori ki te whakatairanga ki te marea i ngā ratonga kāwanatanga me te tuaritanga o ngā kōrero ki te marea:
(c) me wātea ngā ratonga me ngā kōrero a te kāwanatanga ki ngā iwi me te iwi Māori mā te whakamahi i ngā ara e tika ana (tae atu ki te whakamahinga o te reo Māori).

Engari i āpiti atu te wehenga 9(2), 'kāore enei kupu ārahi e tuku ki te tangata te mana ā-ture ka taea te uruhi ki tētahi kōti o te ture.'

Ko tētahi mea nui, i whakaae te Ture i te wehenga 6 ki ngā mahi tūkino o mua a te Karauna ki te oranga o te reo, ā, i hopukina hei kōrero taunaki ki te Taraipiunara, ā, e takoto ana ki ngā whakaaetanga whakataunga i waenganui i te Karauna me ngā iwi.

I te wehenga 6(2), i whakapuaki te Karauna i 'tōna ū ki te mahi rangapū ki ngā iwi me te iwi Māori kia moroki tonu nei te tiaki me te whakatairanga i tēne taonga, te reo Māori, mō ngā reanga e heke mai nei'.

3.3.2 Te tautoko a te Karauna o nāianei mō te reo Māori

I tuhia i mua, nā te ture i whakatū Te Mātāwai hei hinonga ā-ture motuhake. 13 ngā mema o Te Mātāwai, tokowhitu i kopoua e ngā rōpū ā-iwi, tokowhā i kopoua e ngā kāhui o 'te reo tukutuku',[42] ka mutu tokorua i kopoua e te Karauna.

Ko te mahi a Te Mātāwai he tū hei māngai mō te iwi Māori ki te rangapū Karauna-Māori i matapaetia e te Taraipiunara Wai 262 e tika ana ki te kōkiri whakamua i te rauoratanga o te reo. Arā, ka tū hei māngai mō ngā whānau, ngā hapori, ngā hapū me ngā iwi ki te whakarauora i te reo Māori hei taonga tuku iho mā te whakamahi i te reo. He mea nui rawa atu Te Mātāwai 'kia puritia, kia whakapakaritia te whanaketanga o te reo ki ngā whānau, ngā hapū me ngā iwi'.[43] Māna e waihanga te rautaki Maihi Māori, ngā whāinga rānei hei whai mā iwi me te iwi Māori ki te whakarauora i te reo. He tūnga ā-ture anō tāna ki te āwhina i te Karauna ki te waihanga i tōna ake Maihi Karauna, te rautaki reo Māori a te Karauna.

Nā te Ture i puritia tonutia Te Taura Whiri me ōna mana, ōna pānga nō mua, ā, kāore i tutuki ngā tūtohunga a te Taraipiunara Wai 262 kia tū hei hinonga rāngai

42. Koinei ngā kāhui o te reo tukutuku e horapa ana huri noa i te ao mātauranga, te ao pāpāho, ngā hapori, me ngā tāone, tae atu ki Te Taratī ā-Motu o ngā Kōhanga Reo, te Kaunihera Māori o Aotearoa, me te Rōpū ā-Motu o te Hunga Māori Noho Tāone.

43. Tuhinga A54, wh 60 [Te Rōpū Tohutohu Reo Māori, 'Te Whare o te Reo Mauriora', 30 o Pipiri 2015, wh 56]

reo Māori matua. I whakamārama te kaikōrero o Te Puni Kōkiri a Paula Rawiri ki a mātou, i kapi i te whakatūnga o Te Mātāwai me Te Whare o Te Reo Mauriora (tirohia ki raro) te hiahia kia whāia e Te Taura Whiri tēnā tūranga.[44]

He anga rangapū Te Whare o Te Reo Mauriora i waenganui i te Karauna me Te Mātāwai. I whakaarahia i te 2018, ā, ka 'whakamārama i roto i ngā kupu o te ao Māori, ngā mahi e hiahiatia ana hei tautoko i te rauoratanga o te reo Māori i te motu, me ngā hapori'.[45]

Nō reira, ka tautoko, ka ārahi te Karauna (heke taranui), ā, ka arataki Te Mātāwai (heke taraiti).[46] He maha ngā wānanga i roto i Te Whare o Te Reo Mauriora. Ko te wānanga arataki ko Te Rūnanga Reo, he wānanga mana urungi ā-minita o ngā mema e ono o Te Mātāwai me ngā Minita e toru. Kei reira anō Te Papa Kōrero, he wānanga mō ngā tāhuhu rangapū o ngā hinonga Maihi Karauna; Te Tokomatua, he wānanga mō ngā āpiha matua nō ngā hinonga Maihi Karauna; me Te Rangakura o Te Whare o Te Reo Mauriora, he wānanga o ngā āpiha me ngā māngai o Te Mātāwai e arotahi ana ki ngā hiahia mō ngā mahi rangahau.[47]

Mō te taha ki ngā rautaki, e aratakina ana te whakatinanatanga o Te Maihi Māori e Te Mātāwai. Ka hāngai ki te wā mai i te tau 2017 ki te 2040, ā, ka arotahi atu ki te whakamahinga o te reo Māori ki ngā kāinga me ngā hapori. Kei roto ngā 'whāinga mātātoa':

- Ā te 2040, ka kotahi miriona ngā tāngata (neke atu rānei) ka kōrero Māori ki ngā wāhi rumaki ā-hapori; [ā]
- Ā te 2040, ka noho te reo Māori hei reo tuatahi o te 25% o ngā tamariki Māori (0–7 tau te pakeke).[48]

Ka hāngai kē Te Maihi Karauna ki ngā tau 2019–2023, engari he nui ake ngā taipitopito tēnā i Te Maihi Māori. Ka 'mātua arotahi ki te horopaki nui – te waihanga i ngā āhuatanga tika puta noa i te kāwanatanga me te whenua o Aotearoa New Zealand e ora anō ai te reo Māori'.[49] E tūhono ana ngā rautaki e rua, e kitea ana ki ngā whāinga mātātoa whakahāngai. I roto i Te Maihi Karauna ko ngā whāinga ko ēnei:

- Ā te 2040, ka kaingākau te 85 ōrau o ngā tāngata nō Aotearoa (neke atu rānei) ki te reo Māori hei āhuatanga matua o te tuakiritanga ā-motu . . .
- Ā te 2040, neke atu i te kotahi miriona ngā tāngata nō Aotearoa (neke atu rānei) e kaha ana, e māia ana ki te kōrero Māori mō ngā mea māmā noa iho nei . . . [ā]

44. Tuhinga A44, wh 9
45. Tuhinga A44, wh 9, 11
46. Tuhinga A44, wh 11
47. Tuhinga A44, wh 11–13
48. Tuhinga 6.2.13, wh [3]–[4] [Te Mātāwai, 'Maihi Māori 2017 – 2040', wh [3]–[4]]
49. Tuhinga A54, wh 220 [Te Puni Kōkiri, 'Maihi Karauna: The Crown's Strategy for Māori Language Revitalisation 2019–2023', wh 7]

- Ā te 2040, 150,000 ngā Māori 15 tau neke atu te pakeke ka kaha ki te kōrero Māori tēnā i te kōrero Pākehā.[50]

E ai ki te wahine a Rawiri, ko tētahi whāinga matua o Te Maihi Karauna 'kia horapa whānui te kōrero i te reo Māori, ā, kia maha ake ngā arawātea mō ngā tāngata ki te tomo ki ngā ratonga kāwanatanga mā te kōrero i te reo Māori'.[51] I te tau 2018, ka tohutohu te Kāhui Minita kia waihanga ngā tari kāwanatanga 34 te maha i ngā Rautaki Reo Māori mā te 30 o Pipiri 2021. Ka whakaahuatia ēnei mahere ki ngā tuhinga pērā i ngā tauākī takune e ngā pūrongo ā-tau, kia āhei 'ngā tari ki te whakatinana i ngā mahere reo mā ngā mahi whakamahere pakihi me ngā kaupapahere ā-tari'.[52] Ka tautoko Te Taura Whiri i ngā tari ki te waihanga i ngā mahere.[53]

Kei roto i te whakatinanatanga o Te Maihi Karauna ko te anga aroturuki, arotake hoki. Mā tēnei ka āhei Te Puni Kōkiri ki te whai i ngā kokenga whakamua kia eke ai ngā whāinga o te rautaki me te arotake i ngā wāhanga o te rautaki hei whakakaha ake.

I tohu te arotakenga arataki o Te Mātāwai i puta i te tau 2022 i te whakapono o te tini i te rāngai reo Māori he nui ake te arotahi ki Te Maihi Karauna tēnā i Te Maihi Māori (he whakatau e whakaae whānuitia ana e te Komiti Whiriwhiri Take Māori i tōna pūrongo mō Te Mātāwai nō te Pipiri 2023). Nā runga i tēnā, kua tīmata ngā mahi 'kia hoki ki te arotahi ki te tauira rangapū'.[54] I kitea e te arotakenga te korenga o ngā mahi aroturuki i ngā mahere-reo puta noa i te nuinga o ngā tari, me ngā uauatanga ki ngā tari mō te whakatipu i tētahi 'hunga mahi reo Māori' kia tutuki ai ngā kawatau o te anga Whāinga Amorangi (tirohia ki raro nei).[55]

I te tau 2023, ka whakaputa Te Taura Whiri i He Ara Poutama mō te reo Māori – Maihi Karauna Monitoring Report, i arotake i ngā kokenga whakamua ki ngā whāinga mātātoa e toru mō te tau 2040. I kitea e tika ana te haere o te whāinga tuatahi, e tata ana te whāinga tuarua ki te huarahi tika, engari kāore te whāinga tuatoru i runga i te huarahi tika, nā te mea ko te matapae ka piki te maha o te hunga matatau ki te kōrero Māori 15 tau te pakeke neke atu rānei i te tau 2040 ki te 69,000 noa iho, kei raro rawa i te whāinga o te 150,000.[56]

Ahakoa e kōrero ana Te Ture mō Te Reo Māori 2016 mō te whakamahinga o te reo ki te whakatairanga i ngā ratonga Kāwanatanga, i whakamārama a Hannah Cameron – Kaikōmihana Tuarua o Te Kawa Mataaho, Rautaki me ngā

50. Tuhinga A54, wh 224–225, 227 [Te Puni Kōkiri, 'Maihi Karauna: The Crown's Strategy', wh 11–12, wh 14]
51. Tuhinga A44, wh 14
52. Tuhinga A43(a), wh 100
53. Tuhinga A54, wh 250 [Te Puni Kōkiri, 'Maihi Karauna: The Crown's Strategy', wh 37]
54. Tuhinga A44, wh 14, 20–21
55. Tuhinga A44, wh 22–23
56. Tuhinga A53, wh 121 [Te Taura Whiri i te Reo Māori, 'Maihi Karauna: Monitoring Report 2023–2040', 1 o Kohitātea 2023, wh 5]

Kaupapahere – ki a mātou, 'kāore he tohutohu nō te kāwanatanga mō te whakamahinga o te reo e pā ana ki ngā ingoa o ngā tari'.[57]

3.3.3 Te mahi mātai a Te Kawa Mataaho

Ko ngā tari arataki ki te whakapiki i te maha o ngā kaikōrero i te reo ki te rāngai tūmatanui ko Te Kawa Mataaho/Public Service Commission me Te Taura Whiri. Ki te titiro whānui ake, kei roto i te Public Service Act 2020 ngā takohanga o Te Kawa Mataaho ki te iwi Māori. E kī ana te Ture i te wehenga 14(1), 'kei roto anō i ngā mahi a te rāngai tūmatanui ko te tautoko i te Karauna i ōna hononga ki te iwi Māori i raro i te Tiriti o Waitangi (the Treaty of Waitangi)'.

I te wehenga 14(2)(a), kei te Kaikōmihana o Te Kawa Mataaho me ngā tāhuhu rangapū o ngā tari te haepapa kia 'whakawhanakehia, kia puritia te āheinga o te rāngai tūmatanui ki te whai wāhi atu ki te iwi Māori, kia mārama anō hoki ki ngā tirohanga Māori'. Me whakatinana anō e ngā tāhuhu rangapū, ki raro i te wehenga 14(2)(b) me te wehenga 73(3)(d), tētahi kaupapahere whiwhi mahi e whakaae ana ki 'ngā whāinga me ngā wawata o te iwi Māori', 'ngā herenga whiwhi mahi o te iwi Māori', me 'te hiahia kia nui ake te whai wāhi atu o te iwi Māori ki te rāngai tūmatanui'. Me whakaae e Te Kawa Mataaho ki ēnei kaupapa i roto i ngā mahi waihanga i tōna rautaki arataki i te rāngai tūmatanui ki raro i te wehenga 61.

I mea mai te Kaikōmihana Kairīwhi o Te Kawa Mataaho a Heather Baggott ki a mātou, 'me pānui ki te taha o ngā ture e whai take ana, pērā i Te Ture mō Te Reo Māori 2016, me ngā kaupapahere e hāngai ana, pērā i te Maihi Karauna' ngā haepapa kei roto i te Public Service Act 2020. I whakatakoto anō ia i ngā pūnaha me ngā whakaritenga torowhare nō ngā tau tata puta noa i te rāngai tūmatanui hei whakawhanake i te 'āheinga Māori-Karauna', ko ētahi e hāngai pū ana ki te reo, ā, ko ētahi atu e hāngai whānui ana.[58]

I roto i ngā whanaketanga torowhare ko te whakatūnga i te 2018 o Te Arawhiti/The Office for Māori Crown Relations (engari e mōhio ana mātou, kua puta te kōrero a te Kāwanatanga ka whakawhiti te nuinga o ngā mahi a Te Arawhiti ki Te Puni Kōkiri).[59] I kī a Baggott i mahi a Te Kawa Mataaho 'ki te whakauru i te aronga ki te āheinga Māori-Karauna ki ā mātou mahi katoa'. I aro ia ki ngā mahi pērā i te whakatūnga o te rōpū tāhuhu rangapū tūhononga Māori-Karauna (kei roto ngā kaiarataki o Te Arawhiti, Te Puni Kōkiri, me Te Kawa Mataaho); te kopou i te Hāpai Ō, he komiti ā-ture ka tuku kupu ārahi mō te whakatinana i ngā whakaratonga o te Public Service Act e pā ana ki te iwi Māori (ko Ahorangi Rawinia Higgins, te hea, ko ia anō te hea o Te Taura Whiri); me te whakahaere i

57. Tuhinga A43, wh 2

58. Tuhinga A46, wh 10, 12

59. Ka noho tonu Te Arawhiti hei tari kāwanatanga engari ka puritia noa iho i āna mahi e pā ana ki ngā whakataunga Tiriti me te Ture Takutai Moana. Ka whakawhiti āna mahi whakatinana whakataunga, me ngā tūhononga whai muri i ngā whakataunga ki Te Puni Kōkiri: tirohia a Tama Potaka, 'Government Agrees Approach for Accelerating Māori Development', 13 o Hereturikōkā 2024, https://tinyurl.com/y5uprdxh, i tomokia i te 22 o Hereturikōkā 2024.

te Tatauranga Rāngai Tūmatanui tuatahi i te tau 2021. I tukuna e te tatauranga ngā pātai mō te āheinga reo me te tautoko mō tōna whakamahinga, atu i ērā atu mea.[60]

I kerēme anō a Baggott i whakatauira Te Kawa Mataaho i āna mahi arataki, arā ka tīkina atu te ingoa reo Māori māna i te tau 2017 (i runga i ngā kupu ārahi i taua wā nā tētahi mema o tō mātou paewhiri a Ahorangi (ināianei a Tā) Pou Temara); te waihanga i tōna ake rautaki reo Māori; me te mahi kia nui ake te kite me te whakamahi i te reo puta noa i te rāngai tūmatanui.[61] I whakatakoto anō ia i ngā mahi a Te Kawa Mataaho ki te tuku mahi i te taha whakahaere me te arotake tutukinga, te whakamahere tauatanga me te whakawhanake hautūtanga – hei tāna kei roto i ērā katoa he arotahinga matua ki te hononga Karauna-Māori. I runga i tēnei, i tohu anō ia ki te Whāinga Amorangi: te anga Panoni Hautūtanga i waihangatia e Te Kawa Mataaho me Te Arawhiti kātahi ka tukuna i te tau 2021, he mea whakatakoto i ngā kawatau me pēhea ngā tari 'e whakapiki i ō rātou āheinga mō te hononga Māori-Karauna i runga tonu i te wā'.[62]

Kātahi ka whakahoki a Baggott i te arotahinga ki te reo Māori arā ka whakamārama ia 'he mea āwhina ngā whakahounga ki te Rāngai Tūmatanui i ngā mahi a te Maihi Karauna mā te toro ki tua atu o te whakarauora i te reo, ā, me te whakatakoto whānui i ngā kawatau mō te āheinga o te pūnaha me ngā tari.'[63]

3.3.4 Te Tauākī Kaupapahere Rāngaimahi Kāwanatanga me ngā pūtea mō te matatau ki te reo

Nā ngā kaikōrero o te Karauna i miramira ki a mātou kei a Aotearoa tētahi rānga tūmatanui 'wāwāhi rawa',[64] ina noho ai te haepapa mō te whakatau i ngā ture me ngā here mahi o ā rātou kaimahi ki ia tāhuhu rangapū o ngā tari. I ētahi wā ka tuku te Kāwanatanga i ōna kawatau mō ngā take mahi kia kanorite puta noa i te rāngai tūmatanui. I raro i te Public Service Act 2020, ko te āhua o ēnei kawatau he Tauākī Kaupapahere Rāngaimahi a te Kāwanatanga (TKRK) ka tukuna putuputu pea e te Minita mō te Rāngai Tūmatanui. I raro i te wehenga 97 o te Public Service Act, ko te tikanga o te 'kaupapa rāngaimahi', ina takoto ai ngā kawatau ki te TKRK, ā, kei roto 'ngā kawatau a te Kāwanatanga mō te whiriwhiri i ngā kirimana tōpū me ngā kirimana whiwhi mahi takitahi i roto i ngā tari a te Kāwanatanga' (wehenga 97(2)(a)) me te 'kanorau rāngaimahi' (wehenga 97(2)(e)).

Nō te wā o tō mātou nohoanga, i te noho hukihuki te TKRK hou. E ai ki a Alex Chadwick, te Kaikōmihana Tuarua, Rāngaimahi, i Te Kawa Mataaho, ko te wehenga o te tuhinga hukihuki TKRK e whai take ana ki tō mātou ruku tātari e whai ake nei:

> Kia tika te whakamahere, kia whakaae hoki ki ngā pūkenga e hiahiatia ana mō te kaimahi, kia tutuki ā rātou mahi i roto i te utu ā-tau mō taua tūranga. Ka whakaaehia

60. Tuhinga A46, wh 10–17
61. Tuhinga A46, wh 17–19
62. Tuhinga A46, wh 19–23
63. Tuhinga A46, wh 23
64. Tirohia, hei tauira, te tuhinga A42, wh 2.

te utu i te pūtea tāpiri ki te utu ā-tau i ngā wā whāiti, hei tauira ki te tuku mihi ki ngā pūkenga, ngā kawenga rānei ka whakamahia i ētahi wā, ā, ehara i te noho ki te iho o te tūranga. Ka āhei te utu i te pūtea ina taea ai e te tari te whakaatu mā taua pūtea ka tutuki i te Karauna ōna takohanga i raro i Te Ture mō Te Reo Māori 2016/the Māori Language Act 2016, tētahi atu Ture rānei ina he huarahi whai hua hoki/rānei te utu i te pūtea kia tutuki i te Karauna ōna takohanga i raro i te Tiriti o Waitangi.

Ka taea e ngā tari te whakarato i te whanaketanga wāhimahi, ina hiahiatia ana kia tutuki ai tēnei whakaarotau, tae atu ki te whakapakari i te āheinga o te Rāngai Tūmatanui ki te tautoko i te Karauna i āna hononga ki te iwi Māori ki te tutuki i Te Ture mō Te Reo Maori 2016/the Māori Language Act 2016.[65]

I puta mai ēnei kōrero i ngā mahi whakawhanake i hua mai i muri i te aranga mai o te Kāwanatanga haumi. Hei tā Baggott, i whakatakoto Te Kawa Mataaho i tētahi TKRK hou ki te Minita mō te Rāngai Tūmatanui a Nicola Willis i te 7 o Hakihea 2023. Whai muri i tana whiwhi i ōna whakahoki kōrero, ka whiriwhiri kōrero Te Kawa Mataaho ki ngā tari kāwanatanga me ngā ūniana mō te TKRK hukihuki i te Kohitātea 2024, ā, ka whakahaere whiriwhiri kōrero ki Te Taura Whiri i te tīmatanga o Huitanguru.

Ko tētahi o ngā kaupapa o ngā whiriwhiri kōrero nō te Kohitātea ko te korenga o ētahi kōrero toro atu ki te Tiriti/the Treaty, he rerekē ki te TKRK (2021) i tū i taua wā. I hui Te Kawa Mataaho me te Minita Willis i te mutunga o Huitanguru me te tīmatanga o Poutūterangi 2024 ki te matapaki i te tuhinga hukihuki, ā, ka panoni anōtia te tuhinga. Kātahi, whai muri i ngā kupu ārahi anō ki a Minita Willis i te 10 o Haratua 2024 (nō Te Tari Ture o te Karauna anō), ka whakatauhia ngā kupu i tukuna e te wahine i a Chadwick. I roto anō te tono a te Minita kia tāpirihia te rerenga kōrero ka tīmata i 'Te utu i ngā pūtea' (arā, te tāpiri i te kōrero e pā ana ki te Tiriti/the Treaty).[66]

I nuinga o te wā, kua whakaae ngā tari i tuku i ngā pūtea nā runga i ngā whiriwhiri kōrero ki ngā ūniana mō ngā kirimana whiwhi mahi tōpū. Mai i te Hakihea 2023, 16 ngā tari whai kirimana tōpū i whakarato i te utu pūtea mō te matatau ki te reo Māori.[67]

Ka taea te whakamātau i te matatau ki te reo mā te whakamahi i te Whakamātautau Matatau a Te Taura Whiri, he tohu i ngā hua i runga i te āwhata o te 1 ki te 5, mai i te matatau hahaka ki te tino matatau. Ka akiaki Te Taura Whiri i ngā tari kia tukuna ngā utu reo Māori hei whakamihi i te matatau o te kaimahi ki te reo me ngā takoha a ngā kaikōrero reo Māori ki ngā mahi kākano rua o ngā wāhimahi.[68] I whakaaro ake a Apanui-Barr ki te tuhinga hukihuki o te TKRK hou (e ai ki te kī a Chadwick) 'e āhei ai ngā tari ki te utu i ngā pūtea mō te matatau ki te reo ki ngā kaimahi (ahakoa ka ākina rātou ki te whakamihi i aua pūkenga i roto i ngā whakaahua tūranga mahi me te utu ā-tau) me te whakawhanake i te āheinga

65. Tuhinga A42(b), wh 2
66. Tuhinga A42(b), wh 5–6, 11–20
67. Tuhinga A42, wh 7
68. Tuhinga A45, wh 7

Te Reo Māori ki ō rātou tari kia tutuki ai ngā takohanga a te Karauna i raro i te Tiriti o Waitangi.'[69]

E mōhio ana mātou i puta i te Kāwanatanga te TKRK whakamutunga i te 7 o Hereturikōkā 2024, i te wā i whakarite mātou i te pūrongo.[70] I rerekē te takotoranga o ngā kupu mai i ngā kōrero hukihuki i tukuna e Chadwick, mātua rā i te muku arā te whakakore i ngā kōrero pū ki te Tiriti/the Treaty. Ka hoki mātou ki te TKRK me te take e pā ana ki ngā utu i te wehenga 4.5.

3.4 Ngā Pūrongo o te Hunga Pāpāho mō ngā Mahi a te Kāwanatanga Haumi

Nō te 24 o Whiringa ā-rangi 2023, ka waitohua ngā whakaaetanga haumi i waenganui i te Pāti Nāhinara me Aotearoa Tuatahi, ka mutu i waenganui i a Nāhinara me te Pāti ACT o Aotearoa, he whakatakoto i ngā kaupapahere a ngā pāti i oatihia ka tutuki i roto i te Kāwanatanga. Ahakoa kāore i roto i te whakaaetanga o ACT ngā kaupapahere e pā ana ki te reo Māori, i roto i te whakaaetanga i waenganui i a Nāhinara–Aotearoa Tuatahi. Nā tēnei whakaaetanga i ū rātou 'kia noho mātāmua te ingoa Pākehā mō ngā tari kāwanatanga, atu i ērā e hāngai pū ana ki te iwi Māori', me te here 'kia mātua whakawhiti kōrero ngā tari kāwanatanga me ngā hinonga Karauna ki roto i te reo Pākehā – atu i ērā e hāngai pū ana ki te iwi Māori'.[71] Kīhai te whakakorenga o ngā pūtea mō te reo i whai wāhi ki ngā whakaaetanga haumi e rua.

I te 28 o Whiringa ā-rangi 2023, ka whakamanahia ngā whakaaetanga e rua e te Kāhui Minita whai muri i te oatitanga o te Kāwanatanga hou. Ka tukuna e te Tari Kapenata he mātārere i te 25 o Poutūterangi 2024 e whakarato ana i ngā kupu ārahi me pēhea ai ngā pāti e mahi tahi i runga i ēnei whakaaetanga.[72] Ka whakaahua te mātārere i ngā takohanga kei roto i te *Puka Kapenata*.[73] E kī ana ka 'mahi ngā Minita Kāwanatanga i runga i te haepapa kiritōpū kei roto i te *Puka Kapenata*', ā, 'ko te tikanga ka whakaatuhia i āta whakatau ngā Minita, e mōhio ana ki te rerekētanga ina kōrero mō ngā kaupapahere pāti e rerekē ana i ngā kaupapahere kāwanatanga.' Waihoki, ka whakatakotohia ēnei takohanga a ngā minita:

> Ko tētahi ture o te Kāhui Minita, me whakatakoto e ngā Minita ki mua i ō rātou hoamahi ngā take e pīrangi ana rātou ki te whiriwhiri (*Puka Kapenata*, kōwae 5.11).

69. Tuhinga A45, wh 8

70. Tuhinga 3.4.2(a) [Te Kawa Mataaho, 'Appendix A: 2024 Government Workforce Policy Statement']

71. Tuhinga A65, wh 756 [Coalition Agreement: New Zealand National Party & New Zealand First', Whiringa ā-rangi 2023, wh 9]

72. Tuhinga A65, wh 809–814 [Tari Kapenata, 'National, ACT and New Zealand First Coalition Government: Consultation and Operating Arrangements (CO (24) 2)', 25 o Poutūterangi 2024, wh 1–6]

73. He puka ārahi whaimana te *Puka Kapenata* hei āwhina i ngā whakatau Kāwanatanga mō ngā Minita, ō rātou tari, me te hunga e mahi ana i roto i te kāwanatanga. Ka kitea te *Puka Kapenata* o nāianei ki konei: Tari Kapenata, Tari o te Pirimia me te Kāhui Minita, *Puka Kapenata 2023*, https://tinyurl.com/trapy9jb, i tomokia i te 23 o Hereturikōkā 2024.

> Me whakamōhio atu e ngā Minita ki ō ratou hoamahi ngā take whai pānga ki te marea, ngā take nui, ngā take tautohe rānei.
>
> Ko te kawatau ka whiriwhiri kōrero ngā Minita nō ngā pāti katoa ki ngā hoamahi Minita e whai take ana i mua i te tāpae i ngā pepa e pā ana ki ngā take nui, ngā take tautohe rānei, ka pā rānei ki ngā kōpaki o ētahi atu Minita. He āhuatanga matua te whiriwhiri kōrero i waenganui i ngā Minita whai kōpaki o te tukanga whakatau a te Kāhui Minita, ā, he tautoko anō i te haepapa kiritōpū me te ara 'ohorere kore'.[74]

I te upoko 4 ka mātaihia ngā taipitopito o te mātārere.

I tēnei wehenga, ka whai whakaaro mātou ki ngā mahi a te Kāwanatanga e pā ana ki te reo Māori mai i te wā i whakakotahitia ai te kāwanatanga. Ka ahu mai te nuinga o ō mātou kōrero i ngā pūrongo pāpāho e wātea ana ki te marea.[75] Koinei tētahi o ngā take ka pērā mātou nā te mea i mōhio ai ngā kaikerēme ki ngā mahi a te Kāwanatanga e pā ana ki te reo i runga i ngā mahi tirotiro a te hunga pāpāho.[76]

Nō reira – hei whakaatu i te takenga horopaki – ka whakamārama mātou i te huarahi i whai wheako ai. Ahakoa ka whāiti pea te uara o ngā kōrero a te hunga pāpāho, he whai hua ēnei mahi tuku pūrongo nā runga i te hohoro o ēnei panonitanga me te korenga o tētahi kaupapahere Kāwanatanga e mārama ana i tērā wā. Ina āhei ai, ka āpiti atu ngā kōrero taunaki i whakatakotohia, i whakamātauria ki mua i a mātou, ki ngā kōrero nō te hunga pāpāho. He nui ngā āwangawanga o te iwi Māori i hua mai i ngā pūrongo nō te hunga pāpāho mō ngā pānga ki te whakarauoratanga o te reo i puta mai i te whakatakotoranga o ngā kerēme ohotata ki tēnei Taraipiunara. He mea nui, i te Kohitātea 2024, te whakatakoto a Waikato-Tainui – tētahi hunga e whai take ana ki tēnei ruku tātari – i tētahi whakahaerenga ā-ture ki te Kōti Teitei 'e kimi ana i ngā tauākī e pā ana ki ngā tika me ngā pānga o Waikato-Tainui tae atu ki ngā takohanga me ngā kawenga o te Karauna e pā ana ki aua tika'. I whakatakotohia ēnei whakahaerenga ā-ture i runga i ngā āwangawanga mō 'ngā kōrero tōrangapū a te Kāwanatanga e whakawehi ana i Te Reo'.[77] I te upoko e whai ake nei, ka tātari mātou i ngā kōrero taunaki i whakatakotohia ki a mātou mō ēnei mahi, ēnei hapa.

3.4.1 Ngā kōrero pāpāho a ngā Minita mō te reo Māori i te kāwanatanga

Kāore i roa i muri mai i te waitohunga o ngā whakaaetanga haumi, ka tātā te Pirimia Tuarua hou a Winston Peters o Aotearoa Tuatahi, i te whakamahinga o

74. Tuhinga A65, wh 810–811 [Tari Kapenata, 'National, ACT and New Zealand First Coalition Government: Consultation and Operating Arrangements', wh 2–3]

75. I toro atu ki ētahi o ngā pūrongo pāpāho i ngā tāpaetanga a ngā rōia kaikerēme.

76. He mea nui te kōrero taunaki a te Tāhuhu Rangapū o Te Taura Whiri a Ngahiwi Apanui nāna i kī he maha ake ngā tono Official Information Act (OIA) i whiwhi ai Te Taura Whiri 'i te ono marama mai i te 23 o Whiringa ā-rangi 2023 ki te 23 o Haratua 2024' tēnā i ngā tono o mua, ā, 'i hāngai te wā o ērā tono ki ngā māharahara o te marea mō ngā panonitanga ki te huarahi e whakamahia (e unuhia rānei) ai te reo Māori i te rāngai tūmatanui': tuhinga A45, wh 9, 10. E whakaaro ana mātou i ahu mai ētahi o ēnei tono i te hunga pāpāho.

77. Manatu 3.1.1, wh 3; tirohia anōtia a Karanama Ruru, 'Waikato-Tainui Take Government to High Court', Stuff, 10 o Kohitātea 2024, https://tinyurl.com/4bw8uwmm, i tomokia i te 21 o Hereturikōkā 2024

ngā ingoa reo Māori mō ngā 'tari kāwanatanga', ka kī ia he 'kōrero whakataruna'.[78] I mua i te kōwhiringa pōti, ka kī taurangi te Pirimia Tuarua ki te 'panoni i ngā ingoa mataara tohu-ngākaupai o ia tari kāwanatanga kia hoki ki te ingoa Pākehā' mēnā ka whai wāhi a Aotearoa Tuatahi ki te Kāwanatanga.[79] Ka whiua e te Pirimia Tuarua hou te pātai mō te tikanga o ngā ingoa reo Māori, nā te mea kāore te '95 ōrau' o Aotearoa i te 'mārama ki tā rātou e pānui ana'. Kia hāngai pū ake, i kī a Peters te Pirimia Tuarua me hoki a Te Whatu Ora/Health New Zealand (Te Whatu Ora) me Waka Kotahi/New Zealand Transport Agency (Waka Kotahi) ki ō rātou ingoa Pākehā.[80]

Kāore i roa i muri mai i te whakatūnga o te Kāwanatanga haumi – i kōrerohia i te upoko 1 – he maha ngā Minita i kōrero ki te marea mō te whakamahinga o te reo Māori ki roto i te rāngai tūmatanui.[81] I te tīmatanga o Hakihea 2023 ka tohutohu te Minita o Te Manatū Waka a Simeon Brown ki ngā kaimahi kia noho teina te ingoa Māori o te tari ki ngā whakawhitinga kōrero ōkawa, ā, kia kīia ake ko te New Zealand Transport Agency Waka Kotahi rātou.[82] I panonitia ngā ingoa īmēra mō ngā kaihautū matua hei whakaata i ngā ingoa hou, kātahi ka tīkina atu he tohu hou, ā ka mutu ka kī te Minita o Te Tai Ōhanga a Nicola Willis ki te marea he itiiti noa iho te utu mō te panoni i te ingoa.[83]

Hei whaiwhai ake, 'whai muri i ngā tohutohu o te whakaaetanga haumi i waenganui i a Nāhinara me Aotearoa Tuatahi "kia noho te ingoa matua o ngā tari kāwanatanga katoa ki te reo Pākehā, atu i ērā e hāngai pū ana ki te iwi Māori"', ka tono kupu ārahi te hinonga Karauna a Toka Tū Ake EQC/Earthquake Commission ki te Minita Tuarua mō ngā Take Pūtea a David Seymour arā 'me aha rātou i te wā ka panonitia kia hāngai ki te ture te ingoa o te Kōmihana ki a Toka Tū Ake – Natural Hazards Commission i te 1 o Hōngongoi 2024'.[84] I whakatakotohia ki a Minita Seymour ngā kōwhiringa ingoa e rua kātahi ka kōwhiri ia i te ingoa Pākehā ki mua i te ingoa Māori: Natural Hazards Commission/Toka Tū Ake.[85]

78. Raphael Franks, 'Incoming Deputy Prime Minister Winston Peters Blasts Te Reo Māori Names for Government Departments', *New Zealand Herald*, 24 o Whiringa ā-rangi 2023, https://tinyurl.com/bdfmkdxy, i tomokia i te 12 o Hōngongoi 2024

79. Tuhinga A43(a), wh 206–209 [Felix Desmarais, 'Winston Peters: NZ First Would Remove Māori Names From Govt Depts', *1News*, 24 o Poutūterangi 2023, wh [1]–[4]]

80. Franks, 'Incoming Deputy Prime Minister'

81. I tukuna ēnei kōrero me te kore e kī nō te Kāhui Minita, ā, kāore tērā i te hāngai ki ngā takohanga kei roto i te *Puka Kapenata* i whakamāramahia ki te wehenga 3.4 i runga nei.

82. 'Minister Instructs Waka Kotahi Staff to Use English Name First', *1News*, 4 o Hakihea 2023, https://tinyurl.com/3p 57fmwy, i tomokia i te 15 o Hōngongoi 2024; Bernard Orsman, 'NZ Transport Agency Dumps Māori Name First for English Name', *New Zealand Herald*, 8 o Hakihea 2023, https://tinyurl.com/yc28wjtb, i tomokia i te 15 o Hōngongoi 2024

83. 'Finance Minister Says it Will Not Cost Much for Waka Kotahi to Use Its English Name First', *Te Reo Irirangi o Aotearoa*, 5 o Hakihea 2023, https://tinyurl.com/3576b7bc, i tomokia i te 15 o Hōngongoi 2024

84. Tae noa ki te 30 o Pipiri 2023, ka noho tonu tōna ingoa ki 'te Kōmihana Rū Whenua'. I tīkina atu a 'Toka Tū Ake EQC' i te Hōngongoi 2022 'kia waia, kia rite mō te panonitanga' ki a 'Toka Tū Ake – Hazard Commission': Tuhinga 6.2.8, wh 2–4 [Toka Tū Ake, 'Toka Tū Ake EQC Briefing: Name change conventions', 1 o Huitanguru 2024, wh 2–4]

85. Tuhinga 6.2.8, wh 6 [Toka Tū Ake, 'Toka Tū Ake EQC Briefing', wh 6]

3.4.2 Ka tono kupu ārahi te Minita mō te Ratonga Tūmatanui e pā ana ki ngā pūtea reo Māori

I runga i tōna tūranga hei Minita mō te Ratonga Tūmatanui, ka kī a Minita Willis mō ngā panonitanga ki ngā ara 'ka whakamahi ai te ratonga tūmatanui i te reo Māori kei roto i ngā whakaaetanga haumi ka kauneke whakamua i te wā tū ai te Kāwanatanga nei'. I whakapuaki te Minita i tōna whāinga ki te kimi kupu ārahi hei whakamutu i ngā utu 'tāpiri' ki ngā kaimahi kāwanatanga mō te matatau ki te reo Māori, ahakoa kāore i roto i ngā whakaaetanga haumi e rua te tango i ngā utu tāpiri mō te reo. I whakamārama a Minita Willis i tono kupu ārahi ia mai i Te Kawa Mataaho mō 'ngā tohutohu o nāianei ki ngā tari kāwanatanga e pā ana ki te whakamahinga o te reo, me tōna hāngai ki ngā whakaaetanga haumi'.[86]

I roto i tana urupare, ka whakamārama Te Kawa Mataaho ki te marea 'kāore i tukuna ki te rāngai ngā tohutohu mō te whakamahinga o te reo', ā, 'mā ngā tāhuhu rangapū o ia tari' e whiriwhiri te take e pā ana ki ngā pūtea mō te reo.[87]

I puta anō ngā rongo kōrero kāore Te Puni Kōkiri, Te Taura Whiri rānei i tonoa mō ngā kupu kupu ārahi e pā ana ki te utu i ngā pūtea 'tāpiri' mō te reo.[88] E ai ki te Tāhuhu Rangapū o Te Taura Whiri a Apanui-Barr, ko te tikanga ka whāia ngā kupu ārahi i Te Taura Whiri, te 'kaituku kupu ārahi me te kaiwhakatairanga o te reo e whai pūtea ana i te hunga utu tāke'. Waihoki, ka whakamārama a Apanui-Barr 'ehara ngā utu matatau i te pūtea "tāpiri" engari he pūtea whakakī i te āputa utu i ngā tari kāwanatanga e pā ana ki te matatau ki te reo'.[89]

Whai muri i tana whakaae kei roto ngā utu matatau reo i ngā kirimana whiwhi mahi tōpū maha,[90] ka whakaae anō ia e pai ana te utu i aua pūtea mō te reo mehemea 'e whai take ana ki te mahi'.[91]

3.4.3 Ngā mahi a ngā tāhuhu rangapū tari kāwanatanga e pā ana ki te whakamahinga o te reo Māori

E ai ki ngā pūrongo pāpāho, pērā i ngā Minita, i whai ngā āpiha Kāwanatanga matua i ngā ara kia iti iho te miramira me te whakamahinga o te reo ki ngā tari kāwanatanga, ā, karekau i whiwhi tohutohu kia pērā rātou. I runga i ngā matapae

86. Tuhinga A42(a), wh 152–154 [Phil Pennington, 'Te Reo Māori: Govt Seeks to Halt Extra Pay for Public Servants Fluent in the Language', *Te Reo Irirangi o Aotearoa*, 6 o Hakihea 2023, wh [1]–[3]]; tirohia anōtia te tuhinga 6.2.3, wh [1] [Īmēra: 'Re: Māori Language – P Request', 6 o Hakihea 2023, wh [1]]

87. Tuhinga A42(a), wh 152–154 [Pennington, 'Te Reo Māori', wh [1]–[3]]

88. Tuhinga A42(a), wh 152–154 [Pennington, 'Te Reo Māori', wh [1]–[3]]

89. Tuhinga A42(a), wh 152–154 [Pennington, 'Te Reo Māori', wh [1]–[3]]. Nō te 2 o Huitanguru 2024 noa iho ka 'tono kupu ārahi (Te Kawa Mataaho) e pā ana ki ngā utu mō te reo Māori' i te Taura Whiri mō te TKRK hukihuki hou: tuhinga A42, wh 17. (Ka whakautu a Te Taura Whiri ki Te Kawa Mataaho i te 5 o Huitanguru 2024, i kī kāore anō Te Taura Whiri kia whiwhi kōrero mai i te Kāwanatanga 'mō ngā utu tāpui (mō te reo)': Tuhinga 6.2.2, wh [1] [Īmēra: 'Māori Language Commission feedback – FW: consultation on draft Government Workforce Policy Statement', 5 o Huitanguru 2024, wh [1]]. I te upoko 4, ka whakamātautau mātou i ngā kōrero taunaki a Apanui-Barr nō te nohoanga e pā ana ki ēnei āhuatanga i muri mai.

90. Tuhinga A42(a), wh 152–154 [Pennington, 'Te Reo Māori', wh [1]–[3]]

91. Tuhinga A42(a), wh 155–161 [Russell Palmer, 'Te Reo Māori Bonuses Acceptable for "Relevant" Roles – Minister Willis', *Te Reo Irirangi o Aotearoa*, 6 o Hakihea 2023, wh [1]–[7]]

mō te ahunga o te Kāwanatanga hou, ka tangohia e te tāhuhu rangapū o te Manatū Aorere/Ministry of Foreign Affairs and Trade (Manatū Aorere) ngā tātauira pepa ārahi i roto i te reo Māori i te wā o te Kāwanatanga kaitiaki ka whakamahia mō ngā karere ōkawa katoa ka tukua atu ki ngā Minita o te Kāwanatanga,[92] ka mutu, karekau he whiriwhiri kōrero ki ngā minita i mua, i muri hoki i taua wā.[93]

E ai ki ngā pūrongo o te hunga pāpāho, i kaha whakahē ngā kaimahi o te manatū i te panonitanga – neke atu i te 300 o rātou i waitohu i tō rātou ake petihana e whakapuaki ana i ō rātou āwangawanga.[94] Ko te whakahoki ki tēnā, ko te take i huri ki te whakamahi 'i te tātauira tāpaetanga . . . i whakamahia ki ngā whakawhitinga kāwanatanga katoa o mua' i roto i te reo Pākehā anake, nā te mea he 'māmā ake' te hōputu.[95] Waihoki, nā te tāhuhu rangapū i panoni te ingoa o Te Whatu Ora ki a Health New Zealand/Te Whatu Ora, ka mutu anō karekau he tohutohu, he tono ōkawa rānei mai i te Kāwanatanga.[96] Ka matapakitia ngā kōrero taunaki i whakatakotohia ki a mātou mō ngā panonitanga o te Manatū Aorere ki te wehenga 4.4.4 o tēnei pūrongo.

3.4.4 Ngā panonitanga ki ngā ingoa i whakatakotohia mō ngā tari Kāwanatanga me ngā hinonga Karauna

I horapa whānui ngā pūrongo a te hunga pāpāho mō ngā whakaritenga ki te panoni i ngā ingoa o Kāinga Ora – Homes and Communities (Kāinga Ora) me Whaikaha/Ministry of Disabled People (Whaikaha). I te Hakihea 2023, ka whakaū a David Seymour, te Minita mō ngā Waeture me te Kaihautū o te Pāti ACT, i te kōrero kia noho mātāmua te ingoa Pākehā o Kāinga Ora whai muri i ngā kōrero a te Minita mō Te Tūāpapa Kura Kāinga a Chris Bishop me ngā kōrero a te Pirimia

92. Ko te wā o te Kāwanatanga kaitiaki i waenganui i te kōwhiringa pōti i te Whiringa ā-nuku 2023 me te whakaoatitanga o te Kāwanatanga haumi i te 27 o Whiringa ā-rangi 2023. I taua wā, i te tū te Kāwanatanga o mua hei 'kaitiaki', ko tōna tikanga he kawe tonu i ngā mahi kāwanatanga ki te whakahaere i te whenua.

93. Tova O'Brien, 'Ministry Leak: Staff Backlash After Te Reo Māori Scrubbed From Official Use Ahead of New Government', Stuff, 16 o Whiringa ā-rangi 2023, https://tinyurl.com/4tcduhxm, i tomokia i te 17 o Hōngongoi 2024; Tuhinga A65, wh 448 [Īmērā: 'FW: Changes to submission template', 13 o Hakihea 2023, wh [1]]; tuhinga A65, wh 442–443 [Īmēra: 'FW: Expressing disillusionment with MFAT decisions to strip Te Reo from Ministerial Subs', 13 o Hakihea 2023, wh [1]–[3]]

94. Tuhinga 6.2.1, wh [5] [Īmēra: 'FW: Reo Māori in Ministry Documents: feedback submission', 5 o Hakihea 2023, wh [5]]; tuhinga A65, wh 431 [He reta, nō te 10 o Whiringa-ā-rangi 2023, wh [1]]

95. Tuhinga A65, wh 445 [Īmēra: 'FW: Feedback: new submissions template for Incoming Ministers', 19 o Whiringa-ā-nuku 2023, wh [1]]

96. Tova O'Brien, 'How the Government's Push for English-First Names is Tracking', Stuff, 8 o Paengawhāwhā 2024, https://tinyurl.com/mpwcj6hp, i tomokia i te 17 o Hōngongoi 2024. Āpiti atu ki a Waka Kotahi me Te Whatu Ora, i panoni anō a Rau Paenga, te umanga tūāhanga Karauna i tōna whaitohu. Ahakoa he kamupene nā te Karauna a Rau Paenga, ehara i te tari kāwanatanga, te hinonga Karauna rānei – nā reira kāore he pānga ki te kaupapahere reo Pākehā-tuatahi o te whakaaetanga nā te Kāwanatanga haumi – ka pau te $560 i muri i te kōwhiringa pōti ki te panoni i ngā whaitohu kia noho te reo Pākehā ki runga i te ingoa Māori 'kei tūpono ka hiahiatia'. I hua mai tēnei nā te kore tohutohu ōkawa mai i te Kāwanatanga. Waihoki, ko te ingoa kamupene rēhita ko 'Rau Paenga Limited' anake, ā, karekau te 'Crown Infrastructure Delivery' i whai wāhi ki te ingoa, ā, kāore he mahere ki te huri i tōna ingoa ture: Tova O'Brien, 'How the Government's Push for English-first names is Tracking'.

a Christopher Luxon ki te hunga pāpāho i mea ake ko 'Kāinga Ora' anake te ingoa o te tari.[97]

Hei tā Minita Bishop mō ngā take i whakamahia te ingoa reo Māori mō te tari, 'koirā te ingoa e mōhiotia ana. Kia pono ahau, koirā tōna ingoa'.[98] Engari ko te mea kē, ko Kāinga Ora – Homes and Communities te ingoa ture o te hinonga Karauna, kei roto i tōna ture whakapūmau, te Kāinga Ora – Homes and Communities Act 2019.[99]

Heoi anō, ko Whaikaha te tari kāwanatanga tuatahi ki te whai ingoa i roto i te reo Māori, te Reo Rotarota o Aotearoa, me te reo Pākehā.[100] Nā te hunga Turi te ingoa rotarota i takoha ki te Manatū, ka mutu nā Maaka Tibble, kaumātua o Ngāti Porou, me tētahi o ngā mema tuatahi o te Rōpū Hautū Whaikaha Māori, i takoha te ingoa reo Māori o 'Whaikaha'. Ka aro te kupu 'whaikaha' ki te taha kaha kaua ki te taha hauā, ā, kāore i ārikarika ngā tāngata whaikaha i tiki atu i 'tēnei kupu whakamana' hei ingoa mō rātou.[101]

Heoi anō, i te Whiringa ā-rangi 2023, ka puta te rongo kōrero i tono a te Minita Tuarua mō ngā Take Hauā a Penny Simmonds kia noho mātāmua te ingoa Pākehā arā te Ministry for Disabled People, ki mua i te ingoa reo Māori i tōna hui tuatahi ki te kāhui mana whakahaere.[102] Nō te Haratua 2024 ka puta pūrongo i te hunga pāpāho i tohe a Louise Upston i muri i tana whakakapi i a Minita Simmonds hei Minita mō ngā Take Hauā, kia noho tonu te 'panoni i te whaitohu' o Whaikaha.[103] Kātahi ka tohutohu anō a Minita Upston ki ngā kaimahi kia whakamahia te ingoa Pākehā i te tuatahi ki roto i ngā 'pānui ki te marea', 'ngā kauhau' me 'ngā take hei kōrero', ka mutu ka kī kāore ia i tehiahia ki ētahi kupu ārahi anō mō te take.[104]

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97. Felix Demarais, 'Kāinga Ora Should Prioritise English Name – Seymour', *1News*, 19 o Hakihea 2023, https://tinyurl.com/2x34h8s5, i tomokia i te 18 o Hōngongoi 2024. Waihoki, i tētahi uiuinga i runga i a Newshub nō te Poutūterangi 2024, ka mea a Pirimia Luxon ko 'Kāinga Ora', ko 'KO' rānei te hinonga Karauna: '"Has To Be Consequences": PM Defends Kāinga Ora Crackdown Amid Concern for Children', *Newshub*, 19 o Poutūterangi 2024, https://tinyurl.com/3utrezzc, i tomokia i te 8 o Hereturikōkā 2024.

98. Desmarais, 'Kāinga Ora Should Prioritise English Name': Glenn McConnell, 'The Government Appears to Be Arguing with Itself about Te Reo', 20 o Hakihea 2023, Stuff, https://tinyurl.com/yu42xnx3, i tomokia i te 3 o Huitanguru 2025

99. Kāinga Ora – Homes and Communities Act 2019

100. Engari ko te ingoa ture o Whaikaha ko te 'Ministry for Disabled People'; tuhinga 3.2.8(a), wh [2]. I whakamārama te tāhuhu rangapū o te tari i roto i tētahi manatu ki a Baggott i te 10 o Pipiri 2024 'i whakatauhia te wāhanga Pākehā o te ingoa (te Manatū **o** te Hunga Whaikaha) i te wā whakapūmau o te Manatū whai muri i ngā whiriwhiri kōrero ki te hapori. Ko Te Manatū **mō** te Hunga Whaikaha te ingoa ture o te Manatū, i tōmua te rēhita hei whakatuwhera i te pūkete pēke me ētahi atu mahi whakapūmau matua': tuhinga A56, wh [1]]. [Whaikaha, Pepa Whakamārama Poto: 'Public Service Names', wh [1]]. Kei te mea taketake ngā kōrero miramira.

101. 'Finding Our Name', Whaikaha – Ministry of Disabled People, https://tinyurl.com/jsthuwee, i tomokia i te 23 o Hōngongoi 2024

102. Tuhinga A43(a), wh 224–229 [Glenn McConnell, 'Government's English Name Edict Runs into Trouble at Whaikaha', Stuff, 7 o Haratua 2024, wh [1]–[5]]. Kāore he kōrero taunaki i tāpaetia ki a mātou e whakaū ana i tēnei.

103. Tuhinga A43(a), wh 224–228 [Glenn McConnell, 'Government's English Name', wh [1]–[5]]

104. Tuhinga A56, wh [2] [Whaikaha, Pepa Whakamārama Poto: 'Public Service Agency Names', wh [2]]

I whakatakoto tētahi pepa ārahi a te Tari Taiwhenua nō te 23 o Haratua 2024 ki te Minita o te Kāwanatanga ā-Rohe a Simeon Brown, i ngā whakahounga ki a Taumata Arowai – te Water Services Regulator Act 2020.[105] Ko tētahi o ngā whakahounga ko te herenga kia whai whakaaetanga i a Minita Brown; ki te whakaingoa anō i a Taumata Arowai/The Water Services Regulator (Taumata Arowai) kia noho tuatahi te ingoa Pākehā hei 'whakatinana . . . i ngā whakaaetanga o te Kāwanatanga haumi'.[106] Nā te Ture 2020 i – pērā i a Kāinga Ora i runga nei – waihanga te ingoa ture o te hinonga Karauna arā a Taumata Arowai/The Water Services Regulator.

Kātahi ka kōkiritia e ngā tari o ngā Minita o te Kāwanatanga ā-Rohe me ngā Take Tauhokohoko, Kaiwhakapeto hoki te kaupapa, tae atu ki te panoni i te ingoa, ki roto i tētahi Pepa Kapenata.[107] I te 19 o Pipiri 2024, kātahi te Kāhui Minita 'ka whakaae ki te panoni i a Taumata Arowai – the Water Services Regulator Act 2020' kia huri te ingoa o Taumata Arowai ki te 'Water Services Regulator – Taumata Arowai'.[108] Ka tātari mātou i ngā kōrero taunaki mō ēnei panonitanga ki te wehenga 4.3.5.5.

3.4.5 Ngā matapaki mō ngā tohu reorua

I te wā o te tautohetohe i roto i te Pāremata i tū i te rā i muri mai i te tuwheratanga ōkawa o te Pāremata 54 i te Hakihea 2023, ka kōrero a Debbie Ngarewa-Packer – tētahi o ngā kaihautū e rua o Te Pāti Māori – mō ngā panonitanga ki te kaupapahere tohu wāhi, tohu huarahi reorua hoki a te Kāwanatanga.[109] I te wā ahu atu ki te kōwhiringa pōti, ka huri te take o ngā tohu huarahi reorua hei 'māra o te pakanga tōrangapū',[110] ka mutu i muri mai ka tīmata a Waka Kotahi me Te Mātāwai ki te whiriwhiri kōrero ki te marea i te Haratua 2024 mō te hōtaka tohu huarahi reorua o He Tohu Huarahi Māori me ōna tohu 94 te maha.[111] Ahakoa he mea nui ngā tohu reorua ki te whakarauora i te reo, ka mutu ka kitea ki ngā whenua maha,[112] ka kī te kaikōrero Nāhinara o taua wā mō ngā take waka a Simeon Brown he mea

105. Tuhinga A64, wh 1–6 [Te Tari Taiwhenua, pepa ārahi: 'Summary of amendments to the Water Services Act and associated legislation in relation to Taumata Arowai's roles and responsibilities', 23 o Haratua 2024, wh 1–6]

106. Tuhinga A64, wh 3 [Te Tari Taiwhenua, 'Summary of amendments to the Water Services Act', wh 3]

107. Tuhinga A63, wh 1–34 [Tari o te Minita mō te Kāwanatanga ā-rohe me te Tari o te Minita mō te Tauhokohoko me ngā Take Kiritaki, Pepa Kapenata: 'Local Water Done Well stage 3: water services regulatory system', wh 1–34]

108. Tuhinga A62, wh 6 [Komiti Kaupapahere Ohaoha Kāhui Minita, Meneti o te Whakatau: 'Local Water Done Well Stage 3: Water Services Regulatory System', 19 o Pipiri 2024, wh 6]

109. Debbie Ngarewa-Packer, 6 o Hakihea 2023, NZP*D*, huānga 772, wh 75

110. Tess McClure, 'New Zealand Political Battle Erupts Over Bilingual Road Signs', *Guardian*, 7 o Pipiri 2023, https://tinyurl.com/2p 9nr69w, i tomokia i te 27 o Hereturikōkā 2024

111. Ripu Bhatia, 'Bilingual Traffic Signs in Te Reo Māori Edge Closer to Reality', Stuff, 22 o Haratua 2023, https://tinyurl.com/muvcmf2f, i tomokia i te 27 o Hereturikōkā 2024; Tess McClure, 'New Zealand Political Battle Erupts Over Bilingual Road Signs', *Guardian*, 7 o Pipiri 2023, https://tinyurl.com/2p 9nr69w, i tomokia i te 27 o Hereturikōkā 2024

112. Hei tauira, tirohia te tuhinga A65, wh 675 [Richard Benton, 'Chapter 20: The Vocabulary of Māori Governance', kei roto i a *Waking the Taniwha: Māori Governance in the 21st Century*, wh 601]; tuhinga A65, wh 837–838 [Richard Benton, 'Te Kukunga Hou: The Clampdown Revisited', wh 5–6].

rangirua ngā tohu waka reorua, ā, me noho reo Pākehā anake. Ka mea a David Seymour te kaihautū o te pāti ACT 'ko te mahi a ngā tohu huarahi he tuku kōrero ki ngā kaitaraiwa i roto i te reo e mārama ana rātou, kaua ki te tohu i te ngākaupai, kaua hoki ki te raweke pāpori'.[113] I muri mai, ko te āhua nei i 'whakaparahakotia e tētahi rōpū kōkirikiri nō te taha-matau' te tukanga whiriwhiri kōrero ki te marea nā runga i ngā tāpaetanga 25,000 i whakahē i te kaupapa.[114]

3.4.6 Ka whakamārama te Minita mō te Ratonga Tūmatanui i ōna kawatau mō te whakamahinga o te reo Māori

I te 27 o Haratua 2024 – āhua rua wiki i mua i tō mātou nohoanga – ka tuku reta a Minita Willis ki te Kaikōmihana Kairīwhi o te Ratonga Tūmatanui a Heather Baggott mō tōna whakatau kāore ia i te tuku tohutohu 'puta noa i te Ratonga Tūmatanui e pā ana ki ngā ingoa, ki ngā whakawhiti kōrero rānei ka whakamahia e ngā tari kāwanatanga'. Ka whakamahara anō ia mō ngā Minita takitahi me ngā tari kua 'urupare ki ngā takohanga haumi i ia wā, ā, ka pērā tonu rātou'.[115]

Nō te Pipiri 2024 ka tohu te Minita o Waka Kotahi kāore tētahi mātārere mō te whakamahinga o te reo Māori, o te reo Pākehā hoki/rānei mō ngā tari Kāwanatanga e puta.[116] I whakamōhio atu ia ki ngā kaimahi 'kua tonohia ia Minita ki te whakaara i ngā kōrero o te whakaaetanga haumi ki ō rātou tari.' Nā runga i tērā, ka whakaae te Hēkeretari mō ngā Take Waka ki 'te titiro me pēhea e whakatinana ai te whakaaetanga haumi', ka mutu ka whakatakoto i te ara āta haere ka tīmata ki 'ngā whaitohu tātauira me . . . te whatungaroto', whai muri ko te pae tukutuku o te Manatū. Mō ētahi anō o ngā panonitanga, pērā i te 'tohu whakatau i te taupaepae matua', 'kāore e panonitia i runga i te utu' i mua i te mutunga o te rīhi a te Manatū ki ngā tari o nāianei.[117]

3.4.7 Te urupare o te iwi Māori ki ngā kaupapahere a te Kāwanatanga haumi

Ko te ū a te Kāwanatanga haumi ki te whakaiti i te whakamahinga o te reo Māori ki te ratonga tūmatanui tētahi o ngā kaupapahere maha i tū ai ngā porotēhi huri

113. He kōrero nā David Seymour i roto i a McClure, 'New Zealand Political Battle Erupts Over Bilingual Road Signs'.

114. Te Aniwa Hurihanganui, 'Bilingual Road Sign Proposal Targeted by Right-Wing Lobby Group', *1News*, 9 o Whiringa ā-rangi 2023, https://tinyurl.com/4fkwkhaw, i tomokia i te 27 o Hereturikōkā 2024. Nō te wā i tuhia tēnei pūrongo, kāore anō te Minita o Waka Kotahi a Simeon Brown kia whakatau i te anamata o He Tohu Huarahi Māori: Karanama Ruru, 'Are We There Yet? Is New Zealand Ready for Bilingual Road Signs?', Stuff, 17 o Hereturikōkā 2024, https://tinyurl.com/3mu5vth9, i tomokia i te 27 o Hereturikōkā 2024.

115. Tuhinga A46, wh 30–31; tuhinga A66, wh 79–81 [He reta: Minita Willis ki a Heather Baggott, 'Re: Wai 3327: Ruku Tātari Ohotata mō Te Reo Māori', wh [1]–[3]]

116. I tohu a Minita Willis i tōna reta ki a Baggott nō te 27 o Haratua kua matapaki ia i te take o 'te reo Māori ki ngā ingoa, ngā whaitohu, ngā whakawhitingā kōrero rānei . . . ki ōna hoa Minita', ā, i whakaae ia ki ōna hoamahi ka kore he tohutohue puta mai. E whakaarohia ana, ko ēnei whakawhitinga kōrero te take i kōrero te Minita o Waka Kotahi mō te mātārere: tuhinga A66, wh 80 [te reta a Minita Willis ki a Heather Baggott, wh [2]]; tuhinga A46, wh 30.

117. Tuhinga A58, wh 1 [He Kōrero Kōnae o Te Matatū Waka, 'Use of Te Reo and/or English for Government Departments', wh 1]

noa i te motu i te 5 o Hakihea 2023, te rā i oatihia te Pāremata hou.[118] Āhua 600 ngā kaiporotēhi i hīkoi ki te papa whenua o te Pāremata i Te Whanganui-a-Tara, ā, neke atu i te 1,000 i huihui ki ngā wāhi 20 puta noa i te whenua.[119] I kī ngā kaikerēme ki tēnei ruku tātari he ōrite ēnei porotēhi ki ngā porotēhi o ngā tekau tau atu i te 1970 me te 1980 i matapakitia ki te wehenga 3.1 i runga nei.

I te Hakihea 2023, ka karangahia e Kīngi Te Arikinui Tūheitia Paki he hui ā-motu mā Te Paki o Matariki, arā he tauākī roera – kāore e tino mahia e te Kīngitanga – kia whakarauika te iwi Māori ki te 'whakakotahi i te motu kia rongohia ngā reo katoa ki te whakatikatika i te kāwanatanga haumi.'[120] Neke atu i te 10,000 ngā tāngata – ngā Māori nō ngā iwi me ngā hapū maha, tae atu ki ngā tangata Tiriti – i tae ki te hui i Tūrangawaewae i te 20 o Kohitātea 2024.[121]

Hei whaiwhai ake, i te hīkoi ā-tau mai i Te Rerenga Wairua ki te Papa Whenua Tiriti i Waitangi ka tū ki te whakamataara i te iwi, ki te tiaki hoki i te Tiriti – ka tū i te nuinga o ngā tau mai i te 1984 – i tae te nuinga rawa atu o ngā tāngata i roto i ngā tekau tau kua pahure, ā, kāore he hunga nui ake i tērā i tae ki te hui whakamaumahara i te Tiriti i Waitangi i roto i ngā tau 30 kua hipa.[122]

I muri mai, i te 30 o Haratua 2024, ka tūhono Te Pāti Māori me ētahi atu ki te kaupapa o Toitū Te Tiriti (Whakamanahia te Tiriti) ki te karanga i tētahi porotēhi ā-motu nā runga i ngā kaupapahere a te Kāwanatanga haumi. E hia tekau mano i tae ki tēnei porotēhi, tangata whenua mai, tangata Tiriti mai, i ngā wāhi neke atu i te 40.[123]

3.5 Ngā Tūnga o ngā Hunga

3.5.1 Kupu whakataki

I te wehenga 2.4, i matapakitia ngā mātāpono o te Tiriti i whakaarahia ki ngā tāpaetanga whakakōpani a ngā hunga. Ka whakatakoto tēnei wehenga i ngā

118. I karanga Te Pāti Māori mō tētahi rā kōkiri ā-motu nā te Tangata Whenua me te Tangata Tiriti i te 5 o Hakihea 2023: Anna Murray, '"Nationwide Māori Action": Why Today and What's it All About?', *1News*, 5 o Hakihea 2023, https://tinyurl.com/bdeyzjbf, i tomokia i te 8 o Hereturikōkā 2024

119. 'National Māori Action Day – Te Pāti Māori Protests in Pictures', *Te Reo Irirangi o Aotearoa*, 5 o Hakihea 2023, https://tinyurl.com/2nves87e, i tomokia i te 16 o Hōngongoi 2024

120. Eva Corlett, 'New Zealand's Māori King has Called a Rare Nationwide Meeting – Here's Why', *Guardian*, 19 o Kohitātea 2024, https://tinyurl.com/38p 5xvrd, i tomokia i te 17 o Hōngongoi 2024

121. Aaron Smale, 'Māori Rise Up While Government Looks to Rewrite History', *Newsroom*, 21 o Kohitātea 2024, https://tinyurl.com/2ynvvzw7, i tomokia i te 17 o Hōngongoi 2024

122. Emily Clark, 'Māori Protesters March to Waitangi for Historic Protest as Simmering Tensions Boil Over', ABC *News*, 6 o Huitanguru 2024, https://tinyurl.com/3efbfphh, i tomokia i te 17 o Hōngongoi 2024: Peter de Graaf, 'Hīkoi ki Waitangi to Stand up for Te Tiriti – "It Needs People to Participate in Its Discussion and Defence"', 25 o Kohitātea 2024, https://tinyurl.com/3r72xapk, i tomokia i te 4 o Huitanguru 2025

123. Isaac Gunson, 'Why the Last Week of May 2024 Is So Important in Māoridom', *Te Ao Māori News*, 28 o Haratua 2024, https://tinyurl.com/4b2szbxu, i tomokia i te 7 o Hereturikōkā 2024. E ai ki te matapae o tētahi o ngā kaiwhakahaere o te hīkoi 'neke atu i te 100,000 ngā tāngata i tae atu': Eru Kapa-Kingi, 'Making Mokopuna Decisions', *E-Tangata*, 9 o Pipiri 2024, https://tinyurl.com/mvvs-f6xh, i tomokia i te 7 o Hereturikōkā 2024

tūnga o ngā hunga e pā ana ki ngā take e whaitake ana ki tēnei ruku tātari, i whakarāpopotohia ki ō rātou tāpaetanga whakakōpani.

He nui ngā kaupapa ōrite i ngā tāpaetanga a ngā kaikerēme me ngā hunga whaitake mō ngā tukanga i whāia e te Karauna ki te whakatinana i ngā whakaaetanga i roto i ngā whakaaetanga haumi. Nā ēnei tukanga kua hua mai ngā whakahounga ki ngā ingoa me ngā tāera whakawhiti kōrero i roto i ngā tari kāwanatanga, ā, me te take whaitake o te tango, te whakangoikore rānei i te whai wāhi ki ngā pūtea mō te matatau ki te reo i te ratonga tūmatanui. I arotahi anō ngā rōia ki ngā āwangawanga mō te pānga whānui o ngā kaupapahere a te Karauna e pā ana ki te reo Māori i te ratonga tūmatanui ki te ahurea me te tuakiritanga Māori, nā te mea ko te reo te whakatinanatanga o te tūāpapa o te ahurea Māori. Tuia ki ēnei āwangawanga, ka miramira ngā tāpaetanga i te hiranga me te noho whakaraerae o te reo.

Nō reira, ka whakarōpū mātou i ngā tūnga a ngā hunga ki ngā wāhanga iti ā-ariā e rima. Arā: ko tō mātou mana ki te tirotiro ki ngā kerēme e pā ana ki ngā whakaaetanga haumi; te whakangoikore, te tango rānei i ngā ingoa reo Māori i ngā tari kāwanatanga me ngā hinonga Karauna; te whakamātāmua i ngā whakawhiti kōrero ki roto i te reo Pākēhā i ngā tari kāwanatanga; te aronga o te Karauna ki te whakangoikore, ki te whakaiti rānei i te āheinga a ngā kaimahi kāwanatanga ki ngā pūtea mō te matatau ki te reo; me te pānga o ngā mahi me ngā hapa a te Karauna ki te reo ki runga i te iwi Māori. Ka tīmata mātou i ia wāhanga iti ki ngā tūnga o ngā kaikerēme me ngā hunga e whai take ana, whai muri ko te tūnga o te Karauna. I te upoko e whai ake nei, ka whāia e mātou ēnei kaupapa i tō mātou tātari, ahakoa ka waiho mō te upoko 5 ki te whaiwhakaaro ki ngā whakahāweatanga i ara ake i te pānga o ngā kaupapahere a te Karauna.

I whakatakoto te rōia mō te Karauna i ngā kaupapa whānui e toru i ara ake i ngā kōrero taunaki. Tuatahi, he mea whakahirahira ā-kikokiko nei, ā-tohu nei te whakamahinga o te Karauna i te reo Māori. Tuarua, he nui ngā mahi kauneke a te Karauna ki te whakapiki i tōna kaha ki te kōrero i te reo, engari i whakaae i tū ēnei mahi i mua i te 23 o Whiringa ā-rangi 2023. Ko te whakamutunga, he mōrearea ngā mahi kauneke pērā i ngā mahi whānui ki te whakarauora i te reo. I kī tētahi o ngā rōia i 'whakaae ngā kaikōrero katoa e noho mōrearea tonu ana Te Reo Māori (i roto i te ratonga tūmatanui, puta whānui atu hoki).'[124]

3.5.2 Tō mātou mana ā-ture ki te tātari i ngā whakaaetanga haumi

3.5.2.1 *Ngā tūnga o ngā kaikerēme me ngā hunga e whai take ana*

I tāpae te rōia mō Te Rūnanga o Ngāti Hine (Ngāti Hine), 'e ai ki a rātou mō ngā whakaaetanga haumi e pā ana ki te reo Māori i te rāngai tūmatanui . . . he whakatinanatanga hē o te kāwanatanga, he whakararu i tō rātou tino rangatiratanga me te

124. Tāpaetanga 3.3.17, wh 1–2

rangapū mahitahi i raro i te Tiriti'.[125] I ō rātou tāpaetanga whakakōpani, ka kōrero te nuinga o ngā rōia kaikerēme mō ngā kaupapahere whakamutunga e rua, e toru pea i whakaaehia ki roto i te whakaaetaga haumi i waenganui i te Pāti Nāhinara e te Pāti o Aotearoa Tuatahi:

- Whakamanahia he ture kia whai mana ōkawa ki Aotearoa te reo Pākehā.
- Whakapūmautia kia noho te ingoa matua o ngā tari kāwanatanga katoa ki te reo Pākehā, atu i ērā e hāngai pū ana ki te iwi Māori;
- Herea ngā tari kāwanatanga me ngā Hinonga Karauna kia whakawhiti kōrero i tuatahi ki roto i te reo Pākehā, atu i ērā hinonga e hāngai pū ana ki te iwi Māori.[126]

I tohe ngā kaikerēme me ngā hunga e whai take ana ki tēnei ruku tātari, kāore ngā kaupapahere a te Karauna, ngā kaupapahere, ngā mahi me ngā hapa e whakaarohia ana rānei mō te reo Māori me ōna tikanga ki te ratonga tūmatanui, i te hāngai ki te Tiriti/the Treaty me ōna mātāpono, ā ka mutu, he mea takahi i te Tiriti/the Treaty.

I tohu te nuinga o ngā rōia kaikerēme i te takahitanga tuatahi o te Karauna i ngā mātāpono o te Tiriti ki te wā i waitohua te whakaaetanga haumi i waenganui i te Pāti Nāhinara me te Pāti o Aotearoa Tuatahi i te 24 o Whiringa ā-rangi 2023, me te tautoko a te Kāhui Minita i ngā whakaaetanga i te 28 o Whiringa ā-rangi, arā te pūtakenga mai o te ahunga o ngā mahi a te Kāwanatanga haumi, i whakarāpopotohia ki roto i te mātāre o te Tari Kapenata i te 25 o Poutūterangi 2024.[127]

I whakahē ngā rōia mō Ngāti Rēhia te Taratī Whakataunga o Ngāi Te Rangi i te tāpaetanga whakatuwhera a te Karauna, e matapakitia ana ki raro nei, arā 'ehara ngā whakaaetanga haumi i uru atu ai ngā pāti tōrangapū i te mahi a te Karauna'.[128] I tohe te rōia mō Ngāti Hine, i runga i te tautoko a te Kāhui Minita, ka kawea e te Karauna ēnei 'whakaaetanga tōrangapū . . . ki roto i te Kāwanatanga, me te mana ā-ture o te Taraipiunara'.[129] I ahu mai ngā mahi i whai atu a te Kāwanatanga i ngā whakamāramatanga o ngā whakaaetanga haumi.

I toro anō te rōia mō te Taratī Whakataunga o Ngāi Te Rangi i te tohutohu kei roto i te mātārere Kapenata 'kia mārama ngā Minita, ngā Hēkeretari Āwhina Minita, ngā tāhuhu rangapū me ō rātou tari ki ngā whakaaetanga e rua me te

125. Tāpaetanga 3.3.19, wh 4. I whakatakotohia ngā tāpaetanga whakakōpani 3.3.19 mō Te Rūnanga o Ngāti Hine (Wai 682), tae atu hoki ki ngā hunga whaitake o te Taratī o Te Rūnanga Nui o Te Aupōuri (Wai 2831), ka mutu mō Te Riwhi Whao Reti me ētahi atu nō Te Kapotai (Wai 1464/1546). Pērā i te upoko 2, i ngā wā ka kōrero mō ngā tāpaetanga whakakōpani 3.3.19, ka kī ko 'te rōia mō Ngāti Hine'.

126. Tāpaetanga 3.3.22(a), wh 8; tāpaetanga 3.3.18, wh 7; tāpaetanga 3.3.21, wh 9; tāpaetanga 3.3.20, wh 25; tāpaetanga 3.3.16, wh 22

127. I whakaarahia ēnei take i ngā tāpaetanga kaikerēme 3.3.22(a), wh 18, 24; tāpaetanga 3.3.20, wh 18–19; tāpaetanga 3.3.19, wh 8; tāpaetanga 3.3.21, wh 9, tae atu ki ngā tāpaetanga o ngā hunga whaitake 3.3.16, wh 10, 21–22; tāpaetanga 3.3.18, wh 27. I toro atu te rōia ki te tuhinga A65, wh 809–814 [Tari Kapenata, 'National, ACT and New Zealand First Coalition Government: Consultation and Operating Arrangements', wh 1–6]

128. Tāpaetanga 3.3.22(a), wh 21–22; tāpaetanga 3.3.21, wh 3

129. Tāpaetanga 3.3.19, wh 8

whakapūmau i ō rātou tukanga ki te whakatinana i aua whakaaetanga',[130] ā, ka tohe nā tēnei 'ka whai niho ngā whakaaetanga haumi'.[131]

I tāpae anō te rōia mō te Taratī Whakataunga o Ngāi Te Rangi 'kore rawa e toitū tā te Karauna whakaaro he kirimana tōrangapū noa iho ngā Whakaaetanga Haumi i tū i mua i te kōwhiringa pōti nā runga i te whakatau a te Kāhui Minita'.[132] I toro atu te rōia ki te matapaki mō te whakaaetanga haumi i waenganui i te Pāti Nāhinara me te Pāti ACT i te *Pūrongo Ruku Tātari Ohotata mō Oranga Tamariki (Wehenga 7AA)*, ina kī te Taraipiunara

> i te wā ka oatihia ngā Minita, ka whakatūria te kāwanatanga, ka riro mā te kāwanatanga e whakatinana ngā takohanga a te Karauna ki te iwi Māori i raro i te Tiriti o Waitangi. Koia ko te Tiriti o Waitangi, ehara ko te tauākī o Waitangi, ā ka mutu kāore i te Karauna te mana takitahi ki te panoni anō i te tikanga o ngā whakamāramatanga, ki te takahi rānei i ngā whakamāramatanga. Ko te takohanga ko te whakamana i te Tiriti me te mahi kia tika, kia pono ki te hoa rangapū Tiriti.[133]

Ka tāpae anō a Tamaki Legal

> He kaupapahere whakatuanui a te Karauna te whakaae a te Kāhui Minita ki te Whakaaetanga Haumi me ngā kaupapahere kei roto, ā, ko tana kaupapa he whakangoikore, he here hoki/rānei i te mana me te whakamahinga o te reo Māori ki te rāngai tūmatanui kātahi ka whakatinanahia e ngā tari kāwanatanga me ngā hinonga Karauna.[134]

3.5.2.2 *Te tūnga o te Karauna*

I tāpae te rōia ehara ngā whakaaetanga haumi i te mahi a te Karauna, ka kī 'ehara ngā whakaaetanga haumi i whakaaehia e ngā pāti tōrangapū, me ngā kaupapahere i roto i te mahi a te Karauna, nā reira kāore e taka ki raro i te mana ā-ture o te Taraipiunara.'[135] I kī te rōia, nō mua ngā whakaaetanga haumi i te rauikatanga o te Kāwanatanga, ā, mō tēnei ruku tātari, 'ko te tikanga o "te Karauna" i tēnei horopaki Tiriti . . . ko te taha whakahaere o te kāwanatanga, te Kāhui Minita, ngā Minita me ngā tari'.[136]

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130. Tuhinga A65, wh 810 [Tari Kapenata, 'National, ACT and New Zealand First Coalition Government: Consultation and Operating Arrangements', wh 2]

131. Tāpaetanga 3.3.19, wh 8

132. Tāpaetanga 3.3.21, wh 10

133. Te Rōpū Whakamana i te Tiriti o Waitangi, *Oranga Tamariki* (*Section 7AA*) *Urgent Inquiry Report* (Pito One: Blue Star Group, 2025), wh 28

134. Tāpaetanga 3.3.18, wh 26. I tukuna te tāpaetanga whakakōpani 3.3.18 mō te rōpū hunga whaitake 18. Ko ngā kerēme ko: Wai 892; Wai 2063; Wai 3096; Wai 1886; Wai 2206; Wai 2743; Wai 1531; Wai 2890; Wai 762; Wai 861; Wai 3131; Wai 2394; Wai 1968; Wai 2869; Wai 2671; Wai 2382; Wai 2778; me Wai 2838. Pērā i te upoko 2, ka whakamahia e mātou te ingoa o te tari ture o Tamaki Legal mō te rōia o ngā pāti 18.

135. Tāpaetanga 3.3.17, wh 4

136. Tāpaetanga 3.3.17, wh 5

I whakamārama anō te rōia kāore te mātārere o te Tari Kapenata nō te 25 o Poutūterangi 2024 i toro ki ngā whakaaetanga haumi noa iho, engari kē i tautoko anō i te *Puka Kapenata* hei pūtake mō ngā whakatau a te Kāwanatanga. He mea nui tēnei whakaaetanga nā te mea ka whakatakoto te *Puka Kapenata* i te tūnga o tētahi mātārere o te Tari Kapenata: ka '*tuku kupu ārahi ki ngā Minita, ki ā rātou kaimahi, me ngā āpiha*', (kei te mea taketake te miramira) ka mutu ko tā rātou he tuku kupu ārahi, kaua ko te tohutohu.[137] Ko te kōrero ārahi noa iho a te mātārere 'kia waia (ngā āpiha) ki ngā whakaaetanga e rua, kia pūmau hoki ngā tukanga hei whakatinana atu.'[138]

I tāpae te Karauna i roto i ngā 'tukanga' i kōrerohia i te mātārere ngā kupu ārahi a ngā āpiha 'mō ngā kōwhiringa, ā, me pēhea hoki e tutuki ai ngā takohanga Tiriti, kātahi ka whakaaro ki ngā whakaaetanga Haumi ki te horopaki o ērā kupu ārahi'.[139] Ka tāpae anō te Karauna e whai take ana te horopaki o ngā whakaaetanga haumi hei tātari mā te Taraipiunara, engari nā te mea he whakaaetanga tōrangapū, 'kei waho kē i te mana ā-ture o te Taraipiunara.'[140]

I mua i tōna arotahi ki ngā take matua e toru o te Karauna mō tēnei ruku tātari, ka whakaara te rōia mō te Karauna i ngā take maha e pā ana ki ngā mahi whakahaere o 'te kāwanatanga o Aotearoa-New Zealand'. Ko tētahi kaupapa matua i hāngai ki te mana ā-ture o te Taraipiunara ki te tohu ko wai 'te Karauna' i roto i te horopaki o te Tiriti/the Treaty. E ai ki te tirohanga a te Karauna, 'ko te mana whakahaere o te kāwanatanga' (te Kāhui Minita, ngā Minita me ō rātou tari).[141]

I whakaae te rōia 'kāore pea (te hoa rangapū o te Karauna i raro i te Tiriti/the Treaty) i tino mārama ki te rerekētanga i waenganui i te mana o te taha whakature me te taha ki te mana whakahaere, ā, ka mutu he aha hoki ka whai wāhanga ki "te Karauna"', heoi anō i kaha te rōia ki te aro 'ki te tūnga ā-ture, turepapa ōkawa . . . ka kitea ki te anga o te kāwanatanga o Aotearoa me ngā mahi a te kāwanatanga'.[142] Nō reira ka taea e te Taraipiunara te arohaehae i te anga e mahi ai ngā hinonga Karauna ki roto 'engari me tohu ērā kupu whakahē ki te Karauna'.[143]

I huri anō te rōia ki te horopaki nui o te anga whakawhiti iho o te ratonga tūmatanui o Aotearoa, arā 'ko tōna tikanga ka taea e ngā tari me ētahi atu hinonga Karauna te whai i ngā ara rerekē ki ngā take'. I tāpae te rōia nā te anga whakawhiti iho o te ratonga tūmatanui o Aotearoa, kei waho i te Karauna ētahi umanga pērā i ngā hinonga Karauna, ā, e noho wehe ā-ture ana.[144] I whakamārama te rōia ka nui te āhei o ngā Minita me ngā tāhuhu rangapū o te ratonga tūmatanui ki te whakatau i ngā mahi, tae atu ki ngā whiriwhiri kōrero kirimana (ko ngā tāhuhu rangapū anake), ngā pūnaha rārangi utu kaimahi me ngā whakawhitinga kōrero.[145]

137. Tāpaetanga 3.3.17, wh 5
138. Tāpaetanga 3.3.17, wh 6
139. Tāpaetanga 3.3.17, wh 6
140. Tāpaetanga 3.3.17, wh 6
141. Tāpaetanga 3.3.17, wh 8–9
142. Tāpaetanga 3.3.17, wh 9–10
143. Tāpaetanga 3.3.17, wh 12
144. Tāpaetanga 3.3.17, wh 22
145. Tāpaetanga 3.3.17, wh 23

3.5.3 Te whakangoikore, te tango rānei i te whakamahinga o ngā ingoa reo Māori i ngā tari kāwanatanga me ngā hinonga Karauna

3.5.3.1 *Ngā tūnga a ngā kaikerēme me ngā hunga e whai take ana*

E ai ki te tāpaetanga o te rōia mō Ngāti Te Rangiunuora me Ngāti Pikiao, ko te pānga o te whakangoikore i ngā ingoa reo Māori ki ngā tohu me ngā whakawhitinga kōrero 'he mea horo i te reo Māori . . . he whakamātāmuri i te ingoa reo Māori, anō nei he nui ake, he tūturu ake rānei te ingoa Pākehā', nā tērā ka 'kore e tino kite, e whakaaehia te reo Māori me te tuakiritanga Māori'.[146] I tohe tonu te rōia he 'momo whakakore i te tuakiritanga tēnei, nā te mea ka mimiti te hiranga tuakiritanga me te hītori e hāngai ana ki ngā ingoa Māori'. Waihoki, i kī te rōia, ka pupuri tonu te whakangoikoretanga o te reo 'i te taurite-kore o te mana me te manarite-kore i waenganui i te iwi Māori me te Karauna i heke iho i ngā hītori koroniara', ā, e tohu ana i te pūmautanga o te manarite-kore, nā te mea he whakakaha i te 'whakatuanuitanga o te reo Pākehā ki ngā kōrero tūmatanui, ngā umanga o te Karauna, me ngā tuhinga ōkawa'.[147]

I whakatakoto te rōia mō te Taratī Whakataunga o Ngāi Te Rangi i ngā tauira o ngā panonitanga ki ngā ingoa o ngā tari kāwanatanga, tari Karauna hoki ka noho hei hāpono kua whakatinana kētia ngā kaupapahere i roto i ngā whakaaetanga haumi, ahakoa te tūnga o te Karauna karekau he kaupapahere Karauna me kī, engari koirā ngā whakatau o ia minita.[148]

He maha ngā rōia i tiki atu i ngā tauira o Waka Kotahi, Te Whatu Ora, Whaikaha, Te Manatū Waka/Ministry of Transport (Te Manatū Waka), me Toka Tū Ake (EQC).[149] I tiki anō te rōia mō Ngāti Te Rangiunuora me Ngāti Pikiao i ngā tauira o ngā tohutohu a 'ngā Minita ki ngā tari Karauna . . . ki . . . te whakamahi i te ingoa Pākehā i mua i te ingoa Māori', tae atu ki te whakamahi i te reo Pākehā ki ngā 'whakawhitinga kōrero ki waho' ki roto anō hoki'.[150]

I whakaara anō te rōia mō Ngāti Te Rangiunuora me Ngāti Pikiao i te take e pā ana ki te kaupapahere 'kia noho te ingoa matua o ngā tari kāwanatanga katoa ki roto i te reo Pākehā, atu i ērā e hāngai pū ana i te iwi Māori'. I whakahē te rōia ki te kōrero a te Kaikōmihana Tuarua o Te Kawa Mataaho mō te taha Rautaki, Kaupapahere hoki a Cameron 'e rua noa iho ngā tari "e hāngai pū ana ki te iwi Māori"'. I tīkina e te rōia ngā kōrero taunaki a Tākuta Hope Tupara o Te Rōpū Wahine Māori Toko i te Ora/Māori Women's Welfare League ki te tāpae 'e whai take ana ngā umanga me ngā tari Karauna katoa ki te iwi Māori'.[151] Hei whaiwhai ake, i kī te rōia mō Ngāti Rēhia ka whakaaweawe ngā tari Kāwanatanga katoa i te iwi Māori.[152] I tohe te rōia mō te Taratī Whakataunga o Ngāi Te Rangi e pīrangitia ana te reo 'kia tutuki i te ratonga tūmatanui ngā hiahia o te iwi Māori. . . . ka

146. Tāpaetanga 3.3.20, wh 39, nō te tuhinga A21, wh 10 te kōrero
147. Tāpaetanga 3.3.20, wh 39, nō te tuhinga A21, wh 10 te kōrero
148. Tāpaetanga 3.3.21, wh 14–16
149. Tāpaetanga 3.3.20, wh 33; tāpaetanga 3.3.18, wh 31–33, 47; tāpaetanga 3.3.22(a), wh 25–27
150. Tāpaetanga 3.3.20, wh 33
151. Tāpaetanga 3.3.20, wh 31, 35
152. Tāpaetanga 3.3.22(a), wh 31–32

hāngai tēnei ki te rāngai tūmatanui katoa, kaua ki ngā tari, ki ngā umana rānei ka mahi i te nuinga o te wā ki te iwi Māori, ki ngā take Māori hoki'.[153]

I tāpae a Tamaki Legal he tōrōkiri ngā tohe a te Karauna 'i tūpono ngā whakahounga ki ngā ingoa me ngā tāera whakawhitinga kōrero i roto i ngā tari kāwanatanga i runga i te āhua o ia kēhi' i roto i te horopaki o te anga whakawhiti iho o te ratonga tūmatanui.[154] Ka tohe tonu te rōia nā te 'whakawhiti iho o ngā haepapa ki ngā Minita takitahi me ngā tari . . . kua nui kē te whakararu i te kaha o te Karauna ki te hāpai i ōna takohanga kia hāngai, kia reretahi te whakatairanga i te reo Māori'.[155]

Nā ngā tuhinga tūhura a te Karauna i whakaratohia i te 23 o Hōngongoi 2024, ka huraina te whakaaro ki te panoni i te ingoa o Taumata Arowai.[156] Hei urupare, ka tāpae a Tamaki Legal ko ngā whakahounga ki a Taumata Arowai – the Water Services Regulator Act 2020 he 'tauira anō o te Karauna mahi ki te whakamana i ōna kaupapahere reo Māori whakatuanui' kei roto i te whakaaetanga haumi.[157]

I whakahua te rōia i te tūnga o te Karauna ehara ngā whakaaetanga i waenganui i ngā pāti tōrangapū i te mahi a te Karauna. Heoi anō, i tohe te rōia e whakaatu ana 'e mārama ana i whakamanahia e te Karauna' te tautoko a te Kāhui Minita ki te whakahou i te Ture 2020 kia noho mātāmua te ingoa Pākehā o Taumata Arowai. I tāpae anō te rōia karekau he kōrero taunaki i whiriwhiri kōrero ki te iwi Māori mō te whakahounga ki te whakaingoa anō i te Ture, ā ka mutu i whakahua ia i te korenga o te whakawhitinga kōrero ki Te Taura Whiri, Te Mātāwai, Te Papa Kōrero, me Te Rūnanga Reo.[158]

I te tāpaetanga whakahoki o Tamaki Legal nō te 13 o Whiringa ā-rangi 2024 ki te manatu a te Karauna nō te 13 o Mahuru 2024 mō te panoni i te ingoa o Taumata Arowai, i whakahēngia te tohe a te Karauna kei ia Minita te haepapa 'mō te mana me te whakamahinga o te reo ki ngā umanga Karauna'. I tohe te rōia e mārama ana te whakaatu mai o ngā kōrero taunaki i te maha o ngā Minita 'i mahi ki te whakararu i te hiranga o te reo ki ō rātou umanga Karauna mā te whakamātāmuri i te ingoa Māori ki te ingoa Pākehā, ā, i tīmata aua mahi i te wā tonu, i muri mai rānei i te waitohutanga me te whakatinanatanga o te Whakaaetanga Haumi'. I mau pū te rōia kore rawa i taea ēnei 'panonitanga ki ngā ingoa o ngā tari Karauna . . . ki te kore ērā tari e whai i te kaupapahere whakatuanui a te Karauna'.[159]

153. Tāpaetanga 3.3.21, wh 23

154. Tāpaetanga 3.3.18, wh 35; i aro te rōia ki te tuhinga 4.1.7, wh 428 [Kōrero taunaki a Hannah Cameron]

155. Tāpaetanga 3.3.18, wh 35

156. Ngā tuhinga A62, wh 1–10 [Komiti Kaupapahere Ohaoha Kāhui Minita, Meneti o te Whakatau: 'Local Water Done Well Stage 3', wh 1–10]; tuhinga A64, wh 1–6 [Te Tari Taiwhenua, Pepa Ārahi: 'Summary of Amendments to the Water Services Act', wh 1–6]; manatu 3.4.1

157. Manatu 3.2.18, wh 4

158. Manatu 3.2.18, wh 4–6. Nō te 21 o Hereturikōkā 2024 ka tohutohu a Kaiwhakawā Williams ki te hiahia tētahi kaikerēme, rōia mō ngā hunga e whai take rānei ki te whakatakoto tāpaetanga mō tēnei take, me tuku mā te 5 karaka i te ahiahi, Paraire 13 o Mahuru 2024: manatu 2.6.3. Ko te tāpaetanga takitahi i whiwhi nō Tamaki Legal mō ō rātou hunga e whai take ana.

159. Tāpaetanga 3.3.24, wh 10

3.5.3.2 *Te tūnga o te Karauna*

Mō te taha ki te panoni i ngā ingoa, i whakaae te Karauna 'i te taumata i raro iho' kua huri ētahi o te ara ki 'ētahi hinonga Karauna, tari Karauna hoki'. I whakatūpato te rōia kia 'āta whakaarohia' ēnei nā te mea 'kāore ētahi i te mahi a te Karauna, kei te arotake tonuhia ētahi atu kei roto i te tukanga'.[160] I whakaatu te rōia i te rerekē o ngā panonitanga ki ngā ingoa i ngā hinonga Karauna, i roto hoki i ngā tari. Mō te mea tuatahi, i tāpae te rōia, kāore i whai wāhanga ki te Karauna, ā, 'nō reira ehara i te mahi a te Karauna, nō reira ehara kau i te takahi i te Tiriti'.[161] Hei tauira, i whaitake tēnei tāpaetanga ki te panonitanga o ngā ingoa i Waka Kotahi, Toka Tū Ake (EQC) me Te Whatu Ora.

Mō te taha ki te panoni i te ingoa o Whaikaha, ka whakaae te rōia i whakatakotohia te reo Pākehā ki mua nā runga i te tohutohu ā-waha o te Minita mō ngā Take Hauā. Heoi anō, i kite te rōia, 'kāore ēnei tohutohu e hāngai ki ngā whakawhitinga kōrero katoa i roto o, nō Whaikaha rānei' – ko ērā noa iho i tukuna ki te Minita.[162]

Mō te taha ki Te Manatū Waka, i whakahua te rōia i te hui i waenganui i te Minita mō ngā Waka me te Hēkeretari mō ngā Waka i tū i te 6 o Pipiri 2024, ā, i reira ka whakaae te Hēkeretari ki te 'titiro "me pēhea e whakatinanahia ai te whakaaetanga haumi"'. E ai ki te tirohanga o te rōia, 'he tukanga kaupapahere tēnei e haere tonu ana', ā, 'kāore anō kia puta he whakatau whakamutunga mō te ingoa'.[163]

Hei urupare i te tāpaetanga o Tamaki Legal nō te 6 o Hereturikōkā 2024 mō te panoni i te ingoa o Taumata Arowai, ka mau tonu te rōia mō te Karauna ehara tēnā i te kōrero taunaki o tētahi 'kaupapahere whakatuanui a te Karauna ki te panoni i ngā ingoa o ngā tari kia hāngai ki te whakaaetanga Haumi o Nāhinara/Aotearoa Tuatahi'. Engari, i kī kē te rōia, ka noho tonu tērā take ki ia Minita. Ka whakapae te rōia 'i ahu mai ngā kaupapahere a te Karauna mō te reo Māori i Te Ture mō Te Reo Māori 2016 me te Maihi Karauna'. Mō te take o te whiriwhiri kōrero, ka mau tonu te Karauna i whiriwhiri kōrero atu ki Te Arawhiti me Te Puni Kōkiri nā te mea koirā 'ngā tari ka whai pānga ki ngā whakatau kaupapahere', nā te mea anō 'ehara te reo Māori i te aronga o te pepa, engari ko ngā take whānui kē e pā ana ki ngā waeture wai'.[164]

3.5.4 Te whakamātāmua i te whakawhiti kōrero ki roto i te reo Pākehā i te ratonga tūmatanui

3.5.4.1 *Ngā tūnga o ngā kaikerēme me ngā hunga e whai take ana*

I miramira te rōia mō Ngāti Rēhia 'he mea nui te kāwanatanga tautoko i te whakamahinga o te reo Māori kia tūhonohono ai te Māori ki te Māori, kia noho haumaru ai te Māori ki roto i ngā pūnaha auraki'[165] ('it is crucial that the

160. Tāpaetanga 3.3.17, wh 56
161. Tāpaetanga 3.3.17, wh 50–51
162. Tāpaetanga 3.3.17, wh 52
163. Tāpaetanga 3.3.17, wh 52–53
164. Manatu 3.4.1, wh 1–2
165. Tāpaetanga 3.3.22, wh 30–31

government support the use of te reo Māori to connect Māori with Māori to ensure the safety of Māori in mainstream systems and services'.)[166]

Nā te rōia mō te Taratī Whakataunga o Ngāi Te Rangi te kī ko tētahi o ngā huarahi i whai te Karauna ki te 'whakatutuki i tōna kawenga o te matapopore moroki' i ngā wā nō nakua nei ko te whakatairanga i 'te reo puta noa i te rāngai tūmatanui'.[167] Hei tauira, i whakatinanahia ngā mahi whakapiki i te whakamahinga o te reo ki te kāwanatanga e te whakatūnga o Te Mātāwai me Te Whare o Te Reo Mauriora; e te Rautaki Maihi Karauna; 'e te whanaketanga o ngā kupu ārahi mō ngā tohu reorua; . . . e te whanaketanga o ngā kawatau tutukinga mō ngā Tāhuhu Rangapū mā te Whainga Amorangi . . . me ngā hōtaka whakapiki-raukaha ka aratakina e Te Taura Whiri'.[168]

I tāpae anō te rōia mō te Taratī Whakataunga o Ngāi Te Rangi, nā ēnei rautaki kua 'taunoa ake te reo Māori hei āhuatanga māori o ia rā i Aotearoa', ahakoa he nui tonu ngā mahi hei whakaoti. I tāpiri anō te rōia, ko te taunoa o te reo, 'e mōhio whānuitia ana he āhuatanga nui hei tautoko i te whakarauora i te reo'.[169]

Hei āpiti atu, i tāpae te rōia mō Ngāti Te Rangiunuora me Ngāti Pikiao i whakaatu ngā kōrero taunaki a te Tāhuhu Rangapū o Te Taura Whiri i te nohoanga 'kāore he Anga Kaupapahere Māori reretahi i te mahi i roto i te rāngai tūmatanui . . . ahakoa te wā me te kaha i whakapaua e ngā tari Māori tae atu ki Te Puni Kōkiri, Te Taura Whiri i Te Reo me Te Arawhiti'.[170] I tohe tonu te rōia kāore i whai hua ngā tūtohu o te Taraipiunara Wai 262 'i whakaarohia "ka kaha ake te kōrerotia o te Māori" e te Karauna i runga i ngā ara reo kāwanatanga' i runga i te 'horopaki o te korenga o tētahi Mahere Reo Māori reretahi, whai rauemi hoki huri noa i te rāngai tūmatanui'.[171]

I miramira anō te rōia mō te Taratī Whakataunga o Ngāi Te Rangi nā te kawenga o te matapopore moroki a te Karauna ka herea te Kāwanatanga ki te kōrero-Māori, ā, i runga i tēnei ka tohu atu ki ngā kupu a te Taraipiunara Wai 262.[172] I whakaae te rōia mō Ngāti Hine he 'nui ngā kōrero ture me ngā kaupapahere mō te reo'. Heoi anō, ka tāpae te rōia 'karekau he raruraru o te ture o nāianei me ngā whakaaetanga kaupapahere ki te reo, engari ko te mate kē ko te whakamahi me te whakatinana i ērā'.[173]

Nā Tamaki Legal i tohu atu, i waihangatia ngā aratohu e Te Puni Kōkiri me Te Taura Whiri 'ki te whakatairanga me te whakarauora i te reo Māori'.[174] Nā konā, ka tāpae a Mahony Lawyers Limited

166. Tāpaetanga 3.3.22(a), wh 30
167. Tāpaetanga 3.3.21, wh 8
168. Tāpaetanga 3.3.21, wh 8 n
169. Tāpaetanga 3.3.21, wh 8
170. Tāpaetanga 3.3.20, wh 44
171. Tāpaetanga 3.3.20, wh 44
172. Tāpaetanga 3.3.21, wh 5
173. Tāpaetanga 3.3.19, wh 1
174. Tāpaetanga 3.3.18, wh 34

ehara i te whakamōmona kōrero te kī, kei te wetekina ngā mahi raranga i te kaupapa whakarauora i te reo kua pau mutunga kore te kaha o te iwi Māori neke atu i te hāwhe rautau te roa, ā, ko ngā kuti e haehae ana ko ngā Whakaaetanga Haumi nā tēnei Kāwanatanga Haumi.[175]

3.5.4.2 *Te tūnga o te Karauna*

I whakarāpopoto te rōia i te tūnga e pā ana ki ngā whakawhitinga kōrero i waenganui i ngā Minita me te Manatū Aorere, Te Tāhū o te Ture/Ministry of Justice (Te Tāhū o te Ture) me Te Tari Taiwhenua/Department of Internal Affairs (Te Tari Taiwhenua), ā, (i tuhia ki runga nei) me Whaikaha. I pā ngā panonitanga ki te kōrero mō 'New Zealand' noa iho kaua ko 'Aotearoa New Zealand', ā, me te hoki ki tētahi tātauira tāpaetanga arowhānui i te Manatū Aorere; te whakamahinga o ngā aumihi reo Pākehā ki ngā whakawhitinga kōrero minita me ngā taitara reorua i runga i te tuhinga anga kōti i Te Tāhū o te Ture; me te whakamahinga o te 'reo Pākehā i te tuatahi' i ngā whakawhitinga kōrero i Te Tari Taiwhenua me Whaikaha.[176]

I tāpae anō te rōia mō te Karauna 'i te nuinga o te wā, karekau he panonitanga ki te whakamahinga o te reo Māori i ngā tari kāwanatanga, tae atu ki te whakaiti i tōna whakamahinga'. I miramira tonu te rōia 'kei te noho tonu ki te ratonga tūmatanui' ngā kaupapahere mō te whakarauora i te reo. I kī te rōia, i whakawhiti kōrero ngā tāhuhu rangapū me ētahi atu kaihautū i tēnei ki ngā kaimahi, 'mā roto anō i ngā urupare ki te Ture Kōrero Ōkawa'. I tohu tonu te rōia mō te Karauna 'karekau he tohutohu whānui ki te aukati i te whakamahinga o te reo i mua, ā, haere ake nei', ā, ka tāpae ia kāore te nuinga o ngā tari i whakarerekē i ngā huarahi e whakawhiti kōrero ai rātou. I miramira te rōia 'kei ngā Minita te mana ki te tuku whakatau e whai take ana ki ō rātou tari'.[177]

3.5.5 Te here i te āheinga ki ngā utu mō te matatau ki te reo Māori i te ratonga tūmatanui

3.5.5.1 *Ngā tūnga o ngā kaikerēme me ngā hunga e whai take ana*

I āpiti atu ngā kaikēreme i te take o ngā utu mō te reo ki ō rātou rohe āwangawanga, i ahu mai i ngā kōrero ki te marea a te Minita mō te Ratonga Tūmatanui i matapakitia ki te wehenga 3.4.

I tāpae te rōia kaikerēme mō Ngāti Te Rangiunuora me Ngāti Pikiao 'ka whakawhirinaki te whakatairanga i te reo māori me ngā tikanga Māori i roto i te rāngai tūmatanui ki ngā mahi kōkiri a ngā āpiha matua', ā, e rua ngā tino āhuatanga ka tutuki i ngā utu mō te reo: 'he mihi ki ngā pūkenga ka kawea e ngā tāngata ki te

175. Tāpaetanga 3.3.16, wh 39. I tukuna ngā tāpaetanga whakakōpani 3.3.16 mō Wai 1684, he kerēme nā Doreen Puru, Anna Kahukura Hotere, Louie Katene (kua mate), Emma Torckler me William Puru mō rātou anō me Te Hoia, Ngāti Rangimatamomoe, Ngāti Rangimatakaka hoki. Pērā i te upoko 2, ka whakahua mātou i te rōia ki te ingoa o te kamupene ture a Mahony Horner Lawyers.

176. Tāpaetanga 3.3.17, wh 53–54

177. Tāpaetanga 3.3.17, wh 54

mahi, me te akiaki i ngā kaimahi kāwanatanga kia matatau ki roto i te reo Māori e taea ai e te Karauna te whakatutuki i ōna takohanga i raro i te tiriti'.[178]

I toro atu te rōia mō Ngāti Hine ki te wehenga 14 o te Ture Ratonga Tūmatanui 2020, ā, ka miramira i raro i taua wehenga, 'kei te ratonga tūmatanui te haepapa ki te tautoko i te Karauna i ōna hononga ki te iwi Māori'.[179] I toro anō te rōia ki te kawatau toru o te 2021 Tauākī Kaupapahere Rāngaimahi Kāwanatanga, ko tōna whāinga he 'waihanga i tētahi taiao kanorau, kauawhi hoki mō ngā kaimahi katoa'.[180] I tohe te rōia, ko te whakarato i ngā utu mō te reo, he huarahi 'hei tautoko i ngā hononga Māori-Karauna' me te hāpai i ngā mea e rua.[181]

I te whakamutua atu te TKRK i whakakapi i te 2021 TKRK, i te wā o tō mātou nohoanga,[182] i tohu ngā rōia ki ngā ngoikoretanga o te whakarite i te tuhinga. Hei tauira, i arotahi te rōia mō Ngāti Hine ki ngā kupu ārahi a Te Kawa Mataaho mō te TKRK hukihuki hou ki a Minita Willis ka taea e ia 'te whakauru i te kawatau kia hāngai ki te whakaaro a te Kāwanatanga kia aukatihia ēnei utu hei ngā rā ka heke mai nei'.[183] Ka tāpae anō te rōia mō Ngāti Hine i te wā o tō mātou nohoanga 'i whakamāramahia ka pā te aukati i ngā utu ki te reo anake'.[184]

I miramira anō te rōia mō Ngāti Hine he rite tonu te whakahou i te wehenga o te tuhinga hukihuki TKRK e arotahi ana ki ngā utu. Waihoki, i kite ngā tari ratonga tūmatanui me ngā uniana i whiriwhiri kōrero mō te TKRK, i te korenga o ngā kōrero mō te Tiriti/the Treaty, mō te wehenga 14 rānei o te Ture Ratonga Tūmatanui 2020 i roto i ngā kupu ārahi.[185]

I miramira te rōia mō te Taratī Whakataunga o Ngāi Te Rangi, kāore te Tiriti/the Treaty i roto i ngā 'kupu ārahi a Te Kawa Mataaho' me ōna 'pepa ārahi'.[186] I kī anō te rōia mō Ngāti Hine 'i i mukua ngā kōrero ki te Tiriti o Waitangi' i roto i te TKRK hukihuki e Minita Willis.[187]

I kī te rōia mō te Taratī Whakataunga o Ngāi Te Rangi 'ka noho mōrearea te whakatairanga o te reo ina ngaro ai te Tiriti i ngā kaupapahere',[188] ā, ka tāpae te rōia mō Ngāti Te Rangiunuora me Ngāti Pikiao 'kei te hinga te iwi Māori' ina whakatinana ai ngā kaupapahere, ka mutu, 'kāore Te Tiriti i te iho'.[189]

178. Tāpaetanga 3.3.20, wh 41
179. Tāpaetanga 3.3.19, wh 10. I aro anō te tāpaetanga o Tamaki Legal ki tēnei take: tāpaetanga 3.3.18, wh 43. I tāpae te rōia mō Ngāti Rēhia i tautokona ngā tāpaetanga o Ngāti Hine e pā ana ki ngā utu: tāpaetanga 3.3.22(a), wh 34.
180. Tāpaetanga 3.3.19, wh 10, e toro ana ki te tuhinga 6.2.25, wh [4] [Te Kawa Mataaho, 'Government Workforce Policy Statement on the Government's Expectations for Employment Relations in the Public Sector', 2021, wh [4]]
181. Tāpaetanga 3.3.19, wh 10
182. Pērā i te kōrero i te wehenga 3.3.4 i runga nei, i puta te TKRK whakamutunga i te 7 o Hereturikōkā 2024.
183. Tāpaetanga 3.3.19, wh 11, nō te kōrero taunaki o Alexandra Chadwick, tuhinga A42, wh 11
184. Tāpaetanga 3.3.19, wh 11
185. Tāpaetanga 3.3.19, wh 11–12
186. Tāpaetanga 3.3.21, wh 21
187. Tāpaetanga 3.3.19, wh 16
188. Tāpaetanga 3.3.21, wh 21–22
189. Tāpaetanga 3.3.20, wh 44

Waihoki, i miramira ngā rōia mō Ngāti Hine, Ngāti Te Rangiunuora me Ngāti Pikiao ko tā Te Kawa Mataaho he 'aro ki ngā kupu ārahi a ētahi atu tari pērā i Te Tari Ture o te Karauna, Te Arawhiti, me Te Puni Kōkiri mō te hāngai o ō rātou kaupapahere Tiriti'.[190] Nō reira, ka tohe ngā rōia kaikerēme e rua 'mehemea kei te tātarihia te tiriti, ko rātou kei te tātari, ka mutu kāore i te whai kupu ārahi i ngā hoa rangapū Tiriti, i ngā mātanga rānei'.[191] Ka tautuhi te rōia mō Ngāti Hine

> Kei te iwi Māori, te hoa Tiriti o te Karauna, te mana ki te whakaaweawe i ngā putanga. Mā roto i te kī taurangi o te tino rangatiratanga, kei te iwi Māori te mana kia tiakina te reo Māori, kia uru hoki ki ngā mahi waihanga i ngā ture, i ngā kaupapahere hoki/rānei e pā ana ki te reo.[192]

I miramira te rōia mō Ngāti Te Rangiunuora me Ngāti Pikiao nā runga i ngā kōrero a te Karauna mō te whakakore i ngā utu mō te reo, 'kei te whakaraerae ngā kaimahi kāwanatanga kua whai pūkenga matatau i roto i Te Reo Māori, ā, e tautokohia ana e ō rātou kaituku mahi o te Ratonga Tūmatanui'.[193]

Hei āpitu atu, ka tāpae a Te Whenua Law kīhai te whakakore, te whakangoikore, me te whakaiti i ngā utu mō te reo 'i te hāngai ki Te Tiriti o Waitangi, ā, ka whakararu i te mahi tuku i ngā ratonga tūmatanui'.[194]

Ka tāpae a Te Whenua Law 'He mea motuhake te hononga o te Karauna ki ngā kaimahi Māori i roto i te rāngai tūmatanui . . . ko tōna pūtakenga ko te tuhinga turepapa o Aotearoa, arā te Tiriti o Waitangi me te Rangapū Tiriti'.[195] I miramira anō te rōia mō ngā mema Kaimahi Māori o Te Pūkenga Here Tikanga Mahi i ngā takohanga a te Karauna i raro i te Tiriti/the Treaty. I tohe rātou, i roto i ēnei takohanga 'me whai te tukanga kia tika, kia tautika hoki te tautoko i ngā kaimahi Māori' e taea ai 'te pupuri tonu i ngā āheinga hei kawe i ā rātou mahi mō te Karauna'.[196]

I tāpae te rōia, ka mahi putuputu ngā kaimahi Māori 'hei kaitakawaenga mō te Karauna ki te tūhono ki ngā hapori Māori'.[197] Hei whaiwhai ake, ka tohe te rōia mō te Taratī Whakataunga o Ngāi Te Rangi 'i miramira ngā kōrero taunaki a ngā kaikerēme i ngā wero o mua, o nāianei hoki kei mua i te aroaro o te iwi Māori ki te kōrero i te reo Māori, ina hoki ki roto i te ratonga tūmatanui'.[198]

Hei urupare ki te whakaputanga a te Minita mō te Ratonga Tūmatanui i te 2024 TKRK whakamutunga i te 7 o Hereturikōkā 2024, ka tono a Tamaki Legal 'kia

190. Tāpaetanga 3.3.19, wh 14; tāpaetanga 3.3.20, wh 48
191. Tāpaetanga 3.3.19, wh 14; tāpaetanga 3.3.20, wh 48
192. Tāpaetanga 3.3.19, wh 5
193. Tāpaetanga 3.3.20, wh 4
194. Tāpaetanga 3.3.15, wh 25. I whakatakotohia ngā tāpaetanga whakakōpani 3.3.15 mō Wai 3349, he kerēme nā Janice Panoho (Kaihautū) me Georgina Kerr (Kuia, Māngai) mō ngā kaimahi Māori o Te Pūkenga Here Tikanga Mahi. Pērā i te upoko 2, ka whakahua mātou i te rōia ki te ingoa o te kamupene ture a Te Whenua Law.
195. Tauākī whakaraupapa nawe (Wai 3349 ROI, 1.1.1), wh 1
196. Tāpaetanga 3.3.15, wh 30
197. Tāpaetanga 3.3.15, wh 30
198. Tāpaetanga 3.3.21, wh 23

karangahia ngā kaikerēme, ngā hunga katoa e whai take ana me te Karauna ki te whakatakoto tāpaetanga mō te TKRK'. I tohe te rōia 'i miramirahia te tuhinga hukihuki TKRK, ka mutu he nui ngā wāhanga i rāhuitia i te wā o te nohoanga', ā, kīhai i taea e ngā pāti te whakaaro ake ki te 'momo whakamutunga kīhai i rāhuitia' i mua i tōna putanga.[199] I whakaae a Kaiwhakawā Williams me whakarato e te Karauna ngā kōrero kia tūhura, ā, me āhei ngā kaikerēme ki te whakatakoto i ētahi tāpaetanga anō,[200] ahakoa i te mutunga atu ko Tamaki Legal noa iho i whakatakoto i ngā āpitihanga ki ngā tāpaetanga whakakōpani.[201] I whāia e ngā rōia ngā tohutohu 'kia tūhura te Karauna i ngā kirimana tōpū i te wā ka tutuki, ki te taha o ngā kirimana tōpū nō nakua tonu nei' kia mōhio ai ki ngā 'pānga katoa o ngā kawatau a te Karauna mō ngā utu mō te reo'.[202] I whakahēngia e Kaiwhakawā Williams tēnā tono.[203]

3.5.5.2 *Te tūnga o te Karauna*

Mō te taha ki ngā utu, i kī te rōia 'i tito ohiatia ngā utu mō te reo Māori mā roto i ngā whiriwhringa tōpū me ngā kaupapahere a ngā tari, ā, he kanorau ngā hua'.[204] I ara ake te take o ngā utu i roto i te horopaki o te TKRK– he tauākī kawatau e pā ana ki te ahumana taimahi.

I tāpae te Karauna 'he wāhanga noa iho ngā utu o te TKRK i tēnei wā', ā, 'kāore e pā ki ngā tika a ngā kaimahi' i raro i ngā kirimana whiwhi mahi, ngā panonitanga ki te TKRK e pā ana ki ngā utu.[205]

I whakahua te rōia, i te wā o te tuhi i te TKRK hou, ka tono kupu ārahi a Minita Willis mō ngā tohutohu o nāianei e pā ana ki ngā utu. I whakatakoto te rōia i te wā i tukuna ngā kupu ārahi mai i te wā o te tono tuatahi a te Minita i te Hakihea 2023, ka huri te rōia ki te reta a te Minita nō te 27 o Haratua 2024, ā, ka whakamārama atu 'kua huri ngā whakaaro a te Minita mō tēnei take i te wā o te tukanga waihanga kaupapahere'.[206] I whakahua te rōia i te tauākī a te Minita arā i taea e ia te 'whakamārama i tōna whakaaro', ā, 'kia itiiti noa iho ngā wā ka whakamahia ngā utu hei tāpiri ki te utu ā-tau'.[207] I whakahouhia te TKRK kia hāngai ki tēnei, ahakoa kāore anō kia whakaaehia e te Minita.[208]

I tāpae te Karauna kei te 'tutuki te whiti utu i whakahoutia [i roto i te TKRK] i ngā takohanga a te Karauna ki raro i te Tiriti me ngā ture e whai take ana, tae atu ki Te Ture mō Te Reo Māori 2016 me te Ture Ratonga Tūmatanui 2020'.[209] I tāpae anō te rōia mō te tukanga ki te waihanga i ngā wāhanga e whai take ana o te

199. Tāpaetanga 3.4.3, wh [6]
200. Manatu 2.6.5, wh 4
201. Tāpaetanga 3.4.7
202. Tāpaetanga 3.3.24, wh 5–8
203. Manatu 2.7.1, wh 2–3
204. Tāpaetanga 3.3.17, wh 28
205. Tāpaetanga 3.3.17, wh 29
206. Tāpaetanga 3.3.17, wh 35
207. Tāpaetanga 3.3.17, wh 35, he kōrero nō te reta o Minita Willis ki a Heather Baggott, tuhinga A66, wh 80–81.
208. Tāpaetanga 3.3.17, wh 35–37
209. Tāpaetanga 3.3.17, wh 37

TKRK, 'ahakoa he āhua tere – kei te tutuki i te Tiriti'. Heoi anō, i whakaae te rōia 'kāore [te Karauna] i whiriwhiri kōrero kotahi atu ki te iwi Māori mō te TKRK i whakahoutia'.[210]

Nō te wā tonu i waihangatia te TKRK, ka kī te rōia i te whakaarohia 'te utu mō ngā pūkenga reo Māori me ngā pūkenga ahurea whānui ki te utu ā-tau'.[211] I whakamārama te rōia 'kei te tīmatanga noa iho' tēnei kaupapa whakaaro, ā, 'ko te ia o te take' i mua i te Taraipiunara e pā ana ki te whiti mō ngā utu kei roto i te TKRK hukihuki.[212]

Nō te 21 o Hereturikōkā 2024, ka whakatakoto te Karauna i te 2024 TKRK whakamutunga kāore i rāhuitia i tukuna i te 7 o Hereturikōkā 2024. I kī te rōia mō te TKRK whakamutunga 'he ōrite ki te rerenga i whakatakotohia ki ngā tāpaetanga whakakōpani o te 5 o Hōngongoi 2024'.[213] I whakahē te rōia i te tono tūhura e pā ana ki te TKRK kātahi ka tohe 'i te wātea' te 'rerenga whakamutunga kāore i rāhuitia' ki ngā hunga katoa mai i te 8 o Hōngongoi 2024. I tāpae anō te rōia 'ko te nuinga o ngā kōrero i roto i te TKRK' kei waho i te whānuitanga o te ruku tātari, ā, kua 'tukuna ngā kōrero e whai take ana' mō ngā 'tūhuratanga whānui'.[214] I whakaaehia te tūhura, i runga i te whakatau a Kaiwhakawā Williams, i te 6 o Whiringa ā-rangi 2024.[215]

3.5.6 Te pānga ki te iwi Māori o ngā mahi me ngā hapa a te Karauna e pā ana ki te reo i te kāwanatanga

3.5.6.1 *Ngā tūnga a ngā kaikerēme me ngā hunga e whai take ana*

Ko tētahi āwangawanga nui a ngā kaikerēme me ngā hunga e whai take ana i whakapuakina ki ō rātou tāpaetanga whakakōpani ko te noho whakaraerae me te noho kōpīpī o te reo Māori.[216] E ai ki te tāpaetanga o te rōia mō Ngāti Te Rangiunuora me Ngāti Pikiao, nā ngā kaupapahere a te Karauna kei roto i te whakaaetanga haumi o te Pāti Nāhinara–Aotearoa Tuatahi 'ka hoki whakamuri . . . ngā hua nui ki te mana me te whakamahinga o te reo Māori i puta mai i ngā whakapaunga kaha a te kāwanatanga i ngā tau nō nā tata nei ki te tautoko i te whakarauoratanga o te reo'.[217]

I tohe te rōia mō te Taratī Whakataunga o Ngāi Te Rangi ko tētahi kaupapa kaha kitea i puta mai 'i ngā kōrero taunaki a ngā kaikerēme me te Karauna kia whai te haumanutanga o te reo Māori i ngā mahi pai e hāngai ana – te taha ki te iwi Māori me te Karauna'.[218]

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210. Tāpaetanga 3.3.17, wh 41
211. Tāpaetanga 3.3.17, wh 38. I tohu atu a Heather Baggott te Kaikōmihana Ratonga Tūmatanui Kairīwhi ki tēnei i tōna kōrero taunaki, ā, ka tuhia ki te reta a te Minita nō te 27 o Haratua 2024.
212. Tāpaetanga 3.3.17, wh 39–40
213. Manatu 3.4.2, wh 1; āpitihanga 3.4.2(a)
214. Manatu 3.4.4, wh 4–5
215. Manatu 3.4.13
216. Tāpaetanga 3.3.20, wh 8, 42; tāpaetanga 3.3.21, wh 4;
217. Tāpaetanga 3.3.20, wh 25
218. Tāpaetanga 3.3.21, wh 23

I kī anō te rōia mō te Taratī Whakataunga o Ngāi Te Rangi, e pā ana te reo ki ngā Māori me ngā tangata Tiriti katoa nā te mea 'ka tiakina e te Tiriti o Waitangi te reo Māori mō ngā Māori me ngā tāngata katoa o Aotearoa'. Ka whāia e te rōia ngā kupu o te Taraipiunara Wai 262 mō te hiranga o te reo 'hei matapihi ki te ao Māori, te ahurea Māori, me te tuakiri Māori. Ki te kore te reo Māori, ka kore te iwi Māori e ora hei iwi motuhake.'[219]

I miramira a Mahony Horner Lawyers ahakoa 'ngā mahi kauneke o te hāwhe rautau . . . kei te noho kōpīpī tonu te mana o te reo', tae atu 'ki ēnei rā i raro hoki i te Kāwanatanga haumi o nāianei'.[220] Hei whaiwhai ake, ka whakapuaki te rōia mō Te Rūnanga o Ngāti Rēhiā (Ngāti Rēhia) i tō rātou āwangawanga 'kua whakapau kaha te Karauna ki te hoki ki te wā i mua i te tekau tau atu i te tau 1970, arā te wā i noho mōrearea te reo Māori'.[221]

Ka miramira a Tamaki Legal

> I ahu mai te noho whakaraerae o te reo Māori i ngā mahi me ngā hapa a te Karauna, ina koa tōna kaupapahere kia reo Pākehā anake ki roto i ngā kura o Aotearoa mai i te tekau atu i te 1840 tae noa ki te tekau tau atu i te 1970. Nā ngā mahi a te Karauna i tata mate te reo nō reira ko te tikanga ia ka pau te kaha a te Karauna ki te tiaki i te mana me te whakamahinga o te reo Māori, ina koa ki roto i te rāngai tūmatanui.[222]

3.5.6.2 *Te tūnga o te Karauna*

I mihi te Karauna ki ngā tāpaetanga me ngā kōrero taunaki i whakatakotohia mō ngā kaikerēme me ngā hunga e whai take ana ki tēnei ruku tātari. I whakaatu ngā tāpaetanga me ngā kōrero taunaki, tae atu ki te mihi a te Karauna, i te hiranga me te whakahirahiratanga o te reo Māori.

I mihi atu te rōia mō te Karauna ki te 'hononga i waenganui i te reo Māori me te oranga o te iwi Māori', engari i miramira i te whāiti o te whānuitanga o te ruku tātari.[223] I tāpae te rōia 'ko tōna tikanga he whāiti' te whānuitanga o te ruku tātari, ā, 'kāore e toro atu ki ngā kaupapahere katoa a te Karauna e pā ana ki te reo Māori', nā te mea kāore i te hāngai ki ngā 'whakaaetanga haumi, ki ngā utu mō te reo, ki te reo Māori rānei i roto i te ratonga tūmatanui'.[224] I kōrero mō te maha o ngā take e pā ana ki te reo i whakaarahia ki te ruku tātari, tae atu ki te poro i ngā putea mō ngā ratonga mātauranga, ngā wero mō ngā kōhanga reo, me te tuku pūtea ki Te Mātāwai, ka tāpae te rōia 'ka noho ēnei ki waho i te whānuitanga o te ruku tātari', ā, he pai ake kia tātarihia ki ētahi atu ruku tātari a te Taraipiunara.[225]

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219. Tāpaetanga 3.3.21, wh 2. I konei ko te whakaaro kei te aro te rōia ki ngā kupu o te pūrongo Wai 262, i kī 'e mārama ana te kite he taonga nui whakaharahara te reo ki te iwi Māori', ā, ka miramira 'ki te kore te reo, ka raru te tūāpapa o te tuakiri Māori, ka mutu ka raru anō te ora o te iwi Māori hei iwi motuhake': Te Rōpū Whakamana i te Tiriti o Waitangi, *Ko Aotearoa Tēnei*, huānga 2, wh 442.
220. Tāpaetanga 3.3.16, wh 4
221. Tāpaetanga 3.3.9(a), wh 5
222. Tāpaetanga 3.3.18, wh 8
223. Tāpaetanga 3.3.17, wh 7
224. Tāpaetanga 3.3.17, wh 7
225. Tāpaetanga 3.3.17, wh 7–8

CHAPTER 3

OVERVIEW OF THE POLICY CONTEXT AND THE PARTIES' POSITIONS

3.1 Introduction

This chapter provides a contextual overview of the Crown's policy and legislation regarding te reo in place at the election in October 2023 and the actions of the Crown under inquiry. It first focuses on the historical context, followed by a section on Crown policy and legislation as of November 2023. Subsequently, it sets out the actions of the coalition Government with respect to te reo Māori, and finally, summarises the positions of the parties.

3.2 The Historical Context

3.2.1 The long decline of te reo Māori and the beginnings of its revival

The health of te reo in the period before the 1970s has been fully discussed by both the Wai 11 Tribunal in 1986 and, following that panel's lead, the Wai 262 Tribunal in 2010. In short, those Tribunals divided the pre-1975 period into thirds. In 1900, the Māori population essentially spoke te reo 'as their ordinary means of communication',[1] although many were also bilingual in English and te reo Māori.

Over the following 25 years, the State education system was used to stop Māori children from speaking Māori at school in the belief that this was the quickest means for them to become fluent in English. The object of the Government-imposed education system was, from an early time, essentially assimilationist. The 1847 Education Ordinance stipulated school instruction in English and this requirement was repeated in the Native Schools Act 1867.[2] In 1880 the Native Schools Code 'set the pattern for the role of Native schools as centres of influence for assimilation', as Professor David Williams has put it.[3] The code was administered by native school inspectors such as John Porteous, who in 1925 remarked that 'the work of teaching the Maori children to speak, write, and understand English, and thus by means of the acquired language become acquainted with European

1. Waitangi Tribunal, *Report of the Waitangi Tribunal on the Te Reo Maori Claim*, 3rd ed (Wellington: Brooker's Ltd, 1993), p 8

2. David Williams, *Crown Policy Affecting Maori Knowledge Systems and Cultural Practices* (Wellington: Waitangi Tribunal, 2001), pp 22, 24–25, 127, 131

3. 'Report of the Senior Inspector of Native Schools, Education of Native Children', AJHR, 1925, E-3, p 3 (Williams, *Crown Policy Affecting Maori Knowledge Systems and Cultural Practices*, p 127)

customs and ways of thinking, constitutes probably the principal reason for the existence of Native schools'.[4]

From 1925 to 1950, as those so discouraged grew to adulthood, they increasingly raised their own children only to speak English (and teachers continued in any event to prevent Māori being spoken in schools). In Māori communities, te reo became increasingly a second language spoken mainly by the older generations. The period from 1950 to 1975 was characterised by 'accelerating monolingualism', particularly as Māori urbanised in large numbers and were 'pepper-potted' across Pākehā neighbourhoods.[5]

The upshot of all this was that, by the 1970s, te reo faced an existential crisis. Professor Bruce Biggs calculated that the ability of Māori children to speak te reo declined from 90 per cent in 1913 to 26 per cent in 1953 to just 5 per cent in 1975.[6] This conclusion was presumably derived in part from Dr Richard Benton and Nena Benton's monumental sociolinguistic survey of 6,470 Māori families undertaken from 1973 to 1979, which revealed that in only 170 of 4,090 households was the youngest child fluent in te reo. The Bentons later reflected that, by 1979, it was highly likely that fewer than 100 pre-schoolers spoke te reo fluently.[7]

Māori steadily began to respond to what the Wai 262 Tribunal described as 'the dawning realisation that the language was in serious peril'. In September 1972, Ngā Tamatoa and others presented a 30,000-signature petition to Parliament calling for te reo to be taught in schools.[8]

In the 1970s, Tūhoe people fought to make their school bilingual and in 1977, the very first bilingual primary school in New Zealand was established at Rūātoki, in Te Urewera. Despite having no books or learning materials, the teachers used the natural environment as their classroom and the school 'became a place of refuge for te reo Māori'.[9]

In June 1978 the Te Reo Māori Society of Wellington presented a further 30,000-signature petition calling for the establishment of a Māori television production unit within the State broadcaster, the New Zealand Broadcasting Corporation. After the Court of Appeal judgment in *Mihaka v Police* [1980] discussed in section 2.2, a 1981 petition signed by 2,500 people called for te reo to be made an official language.[10]

4. Williams, *Crown Policy Affecting Maori Knowledge Systems and Cultural Practices*, p 131

5. Waitangi Tribunal, *Ko Aotearoa Tēnei: A Report into Claims Concerning New Zealand Law and Policy Affecting Māori Culture and Identity*, *Te Taumata Tuarua*, 2 vols (Wellington: Legislation Direct, 2011), vol 2, pp 393–394

6. Waitangi Tribunal, *Report of the Waitangi Tribunal on the Te Reo Maori Claim*, p 11

7. Waitangi Tribunal, *Ko Aotearoa Tēnei*, vol 2, pp 394–395

8. Waitangi Tribunal, *Ko Aotearoa Tēnei*, vol 2, p 396

9. Liz Garton, 'The Leap of Faith to Save a Language', *Radio New Zealand*, 12 November 2020, https://tinyurl.com/yc58ew2c, accessed 26 August 2024; see also Waitangi Tribunal, *Ko Aotearoa Tēnei*, vol 2, p 396; Williams, *Crown Policy Affecting Maori Knowledge Systems and Cultural Practices*, p 168

10. Waitangi Tribunal, *Ko Aotearoa Tēnei*, vol 2, p 395; Waitangi Tribunal, *Report of the Waitangi Tribunal on the Te Reo Maori Claim*, p 21

Petitioning aside, in 1979 the community-based organisation Te Ataarangi was founded for the teaching of te reo to adults through Māori language immersion, and in 1981 Te Whare Wānanga o Raukawa was established to offer tertiary-level education in Māori language and culture.[11]

A significant aspect of this Māori-led revival began in 1982, when the kōhanga reo movement took flight. The first centre opened in April that year at Pukeatua Marae in Wainuiomata and by 1985 there were 416 kōhanga.[12] The Wai 11 Tribunal referred to this as 'a remarkable thing' and 'an extraordinarily vital development', while the Wai 262 Tribunal called it 'a grassroots movement of incredible energy and momentum'.[13]

As can be seen from the Bentons' research cited above, this revitalisation drive came none too soon. The lack of opportunities for Māori children to transition from kōhanga directly into Māori-medium schooling in turn led to the establishment of the first kura kaupapa at Hoani Waititi Marae in Auckland in 1985.[14]

3.2.2 The Wai 11 report and the increase in Government support for te reo Māori

In 1984, Huirangi Waikerepuru of Ngā Kaiwhakapūmau i te Reo Māori (the Wellington Māori Language Board) filed a claim with the Tribunal seeking official recognition of te reo Māori as well as greater support for te reo in education and broadcasting. The claim – Wai 11 – was heard in 1985 and resulted in the landmark *Report of the Waitangi Tribunal on the Te Reo Maori Claim* in 1986.

The Tribunal made findings about the protection for te reo guaranteed in te Tiriti/the Treaty, which we have described at section 2.2 above. It recommended that legislation be passed enabling 'any person who wishes to do so to use the Maori language in all Courts of law and in any dealings with Government departments, local authorities and other public bodies'; that 'a supervising body be established by statute to supervise and foster the use of the Maori language'; and that it be made a provision at law 'for bilingualism in Maori and in English to be a prerequisite for appointment to such positions as the State Services Commission deems necessary or desirable'.[15]

Given its uncertainty about the immediate practicality of some of the claimants' objectives in education – as well as what it called its own lack of knowledge and experience 'in the intricacies of the education system' – the Tribunal recommended that there be an inquiry 'into the way Maori children are educated', with

11. Waitangi Tribunal, *Ko Aotearoa Tēnei*, vol 2, pp 395–396; Waitangi Tribunal, *The Wananga Capital Establishment Report* (Wellington: GP Publications, 1999), pp 12–13

12. The *Report of the Waitangi Tribunal on the Te Reo Maori Claim* referred to the first kōhanga reo as having been at Waiwhetū, but the consensus seems to be that it was in Wainuiomata: Waitangi Tribunal, *Report of the Waitangi Tribunal on the Te Reo Maori Claim*, p 12; Waitangi Tribunal, *Matua Rautia: The Report on the Kōhanga Reo Claim* (Wellington: Legislation Direct, 2013), p 15; Waitangi Tribunal, *Ko Aotearoa Tēnei*, vol 2, p 396.

13. Waitangi Tribunal, *Report of the Waitangi Tribunal on the Te Reo Maori Claim*, p 12; Waitangi Tribunal, *Ko Aotearoa Tēnei*, vol 2, p 396

14. Waitangi Tribunal, *Ko Aotearoa Tēnei*, vol 2, p 396

15. Waitangi Tribunal, *Report of the Waitangi Tribunal on the Te Reo Maori Claim*, p 51

a particular focus on the teaching of te reo. Similarly, with regard to broadcasting (especially given the recent appointment of a Royal Commission on the subject), the Tribunal made only a general recommendation that in formulating policy the Minister of Broadcasting have regard to the duties under te Tiriti/the Treaty the Tribunal had identified.[16]

As we noted in section 2.2, the Crown tabled its Maori Language Bill in Parliament in April 1986. Its failure to await the release of the Tribunal's report before introducing legislation was a source of frustration to the claimants, and on 11 June 1986 Huirangi Waikerepuru filed a new claim with the Tribunal alleging that the Crown's 'premeditated haste is in conflict with the principles of the Treaty'.[17]

The Act, which was passed in July 1987, certainly fell short of the Tribunal's recommendations about the use of te reo in civil contexts.[18] In section 3, it declared te reo Māori an official language of New Zealand and in section 4 provided for it to be used in legal proceedings, although 'reasonable notice' of such an intention needed to be given. Section 6 established the Māori Language Commission, which in 1991 was renamed Te Taura Whiri i te Reo Māori. The commission's job was to promote te reo and advise on measures or policies that should be implemented to reflect its official status. The commission was also tasked with certifying competency in te reo.

As we have also related in section 2.3, the Broadcasting Assets litigation began in 1989 and concluded in 1993. The Crown amended the Broadcasting Act in 1993 and established Te Māngai Paho as an agency to fund the broadcasting of Māori language and culture. The establishment of Māori Television in 2004 represented the fulfilment of the Crown's undertakings during the litigation more than a decade earlier.[19]

In the meantime, in the field of education, the level of the Crown's commitment to te reo had grown. Funding of kōhanga reo by Te Tāhuhu o te Mātauranga/Ministry of Education (Te Tāhuhu o te Mātauranga) helped the number of centres and children enrolled continue significant upward growth, peaking at 809 kōhanga and 14,514 tamariki in 1993.[20] From six kura kaupapa in 1990 there were 59 by 1998.[21] The number of students learning via the medium of te reo (for at least 12 per cent of the time) also grew steeply, as did the numbers studying te reo as a subject. After the Wānanga Treaty settlement in 2001, the number of tertiary students learning te reo also surged, peaking at 36,356 in 2003.[22]

16. Waitangi Tribunal, *Report of the Waitangi Tribunal on the Te Reo Maori Claim*, pp 37–38, 41, 51
17. Wai 26 ROI, claim 1.1, p 1
18. Māmari Stephens, 'Taonga, Rights and Interests: Some Observations on WAI 262 and the Framework of Protections for the Māori Language', *Victoria University of Wellington Law Review*, vol 42, no 2 (2011), p 249
19. Waitangi Tribunal, *Ko Aotearoa Tēnei*, vol 2, pp 400–402
20. Waitangi Tribunal, *Ko Aotearoa Tēnei*, vol 2, pp 398–400
21. Waitangi Tribunal, *Ko Aotearoa Tēnei*, vol 2, p 398
22. Waitangi Tribunal, *Ko Aotearoa Tēnei*, vol 2, pp 398–400

Alongside these developments in education and broadcasting came increased support for the use of te reo in the public sphere. Examples of this support were listed by the Wai 262 Tribunal and included the expansion of settings where te reo could be used to include the Tenancy Tribunal; the setting of proficiency standards for public servants; bilingual census forms and citizenship documents; the acceptance of Māori place names for use by New Zealand Post; the interpretation of speeches in Māori in Parliament (from 1997); and the adoption of Māori versions of Government agency names.[23]

From November 2003 onwards, the Waitangi Tribunal also began to provide for simultaneous translations of te reo at hearings.[24] This represented a significant step forward for the free-flowing use in te reo in Tribunal proceedings from, say, the Wai 11 inquiry in 1985, in which translations were provided after a speaker had stopped or paused.[25] The first Tribunal report entirely in te reo Māori, the *Kei Ahotea Te Aho Matua* report, was released in 2024. English versions of chapters 3 to 7 of the report were included in an appendix to aid understanding.[26]

The first attempt at Government-wide coordination of efforts to revive te reo came with the adoption of a Māori Language Strategy in 1997. Its second iteration was released in 2003 (and was the subject of considerable scrutiny by the Wai 262 Tribunal). By 2006 the Crown's total spend on te reo Māori had reached approximately $227 million, around 63 per cent of which was allocated to the education sector. The next-largest commitment was to Māori language broadcasting, with around 22 per cent of the total expenditure in 2006 being provided to Te Māngai Pāho.[27]

3.2.3 Calls for reinvigorated action from the Wai 262 Tribunal and Te Paepae Motuhake

In the meantime, in 1991, the Wai 262 claim had been filed by members of six iwi. In 2006, prior to the recommencement of hearings in the second phase of the Wai 262 inquiry, the Tribunal released a statement of issues. It focused on two key matters with regard to te reo: the protection and promotion of tribal dialects and the protection of te reo from inappropriate use.

23. Waitangi Tribunal, *Ko Aotearoa Tēnei*, vol 2, p 402

24. It was first implemented in the Te Urewera inquiry: Waitangi Tribunal, 'Te Reo Māori at Tribunal Hearings', *Te Manutukutuku*, vol 59 (2004), p 3.

25. As the Wai 11 Tribunal explained, '[m]ost of the Maori claimants (and some of the non-Maori supporters) addressed us in Maori. The interpreter followed the marae protocol of not interrupting a speaker so that translations were given at the end of each address. We recognise the skills of the interpreter, Miria Simpson [of] Ngati Awa and we wish to acknowledge the considerable assistance she gave us.': Waitangi Tribunal, *Report of the Waitangi Tribunal on the Te Reo Maori Claim*, p 4. The practice in the Wai 11 inquiry in 1985 was itself an advance on the first Tribunal inquiry in 1977, where apparently the Māori Tribunal member, Graham Latimer, was required to provide translations himself: Jamie Tahana, 'Commission of Inquiry', *Metro*, vol 443 (Winter 2024), p 66, https://tinyurl.com/2dc7xc7n, accessed 29 July 2025.

26. Waitangi Tribunal, *Kei Ahotea Te Aho Matua: Pre-publication Version* (Wellington: Waitangi Tribunal 2024)

27. Waitangi Tribunal, *Ko Aotearoa Tēnei*, vol 2, pp 404–407

As it transpired, however, both Crown and claimants went well beyond this narrow scope in their evidence, raising matters relating to the Crown's resourcing of and commitment to te reo revival generally. The Tribunal considered this understandable, since it felt it was impractical to separate out the protection of tribal dialects from the protection of te reo overall.[28]

The Wai 262 Tribunal therefore conducted something of a stocktake on the health of te reo Māori and found many reasons to be concerned. The number of kōhanga reo enrolments and centres had dropped practically every year since the 1993 peak, matching a decline in the number of the those aged 0–4 in the Māori ethnic group able to speak te reo in the census over the corresponding period. The proportion of Māori students in Māori-medium schooling similarly declined, with the absolute numbers also being lower in 2009 than at the 1998 peak. This resulted in a similar correlation between school enrolment numbers and the numbers of Māori aged 5–14 able to speak te reo at each census.[29]

Overall, the Tribunal considered that

> the ongoing gains being made with te reo are not offsetting the ongoing losses occurring as older speakers pass away. Moreover, the theoretically ongoing gains are in fact beginning to turn into losses amongst the crucial younger age groups, who represent the future health of te reo.[30]

The Tribunal identified many reasons for this faltering revival but focused, in particular, on the failings of the Crown's approach. The wording of the goals of the Māori Language Strategy, for example, did not reflect Māori aspirations so much as the Crown's own preferences, and opportunity for any real Māori community influence over the strategy was limited. Not only were the strategy's goals too 'high level and abstract', but its implementation had also been sorely lacking.[31]

The Tribunal's view was that, while there had been an almost boundless Māori commitment to revival, the momentum had been suffocated by the 'bureaucratic and political failure' to capitalise on it. Despite the recommendations of the Wai 11 Tribunal in 1986, the ability to use te reo in the courts also remained heavily constrained. The Wai 262 Tribunal recommended that Te Taura Whiri i te Reo Māori/Māori Language Commission (Te Taura Whiri) be made the lead Māori language sector agency (as the 1987 legislation intended) and that its board function as a partnership, with members appointed equally by Māori and the Crown. It also recommended that Te Taura Whiri be given greater powers to compel Government agencies to take measures in support of the revitalisation of te reo Māori.[32]

28. Waitangi Tribunal, *Ko Aotearoa Tēnei*, vol 2, pp 389, 392–393
29. Waitangi Tribunal, *Ko Aotearoa Tēnei*, vol 2, pp 408, 417, 420, 423
30. Waitangi Tribunal, *Ko Aotearoa Tēnei*, vol 2, p 436
31. Waitangi Tribunal, *Ko Aotearoa Tēnei*, vol 2, pp 462–464
32. Waitangi Tribunal, *Ko Aotearoa Tēnei*, vol 2, pp 454–455, 469–473

The Minister of Māori Affairs must have sensed that Government language revival policy was misfiring when he announced in July 2010 that the strategy was 'not up-to-date and has largely not been implemented. This has to change.'[33] He appointed Tamati Reedy to head a panel of experts to review the strategy 'to ensure the programmes and expenditure across the whole of government are responsive to Iwi/Maori aspirations'.[34] It was this announcement that prompted the Wai 262 Tribunal to decide to release its te reo Māori chapter in advance of the rest of its report, so it could be of assistance to the review.

The expert panel, Te Paepae Motuhake, undertook a national gathering of te reo advocates and a series of 14 regional hui throughout the country. It released its report, *Te Reo Mauriora*, in April 2011. The report recommended the establishment of a board called Te Mātāwai, with representatives from the seven major dialectal regions of te reo Māori, plus from Auckland and Wellington. It also recommended the creation of a new ministerial portfolio for the Māori language, and that this Minister and Te Mātāwai would jointly lead on all matters relating to te reo. Other recommendations included the establishment of a 'Rūnanga a Reo' in nine regions 'to plan programmes, expenditure and evaluation'; that iwi lead the revitalisation strategy; and that the principal objective for revitalisation be 're-establishing te reo in homes'.[35]

3.3 Crown Policy and Legislation as of November 2023

3.3.1 Legislative and policy action by 2016

Following the publication of *Ko Aotearoa Tēnei* and *Te Reo Mauriora*, the Crown moved forward with its language planning. In December 2013 Cabinet approved a new draft Māori language strategy for consultation, which took place the following February. The strategy was released in July 2014. It acknowledged the Wai 262 and *Te Reo Mauriora* reports, and accepted that te reo remained fragile and that iwi leadership of the revival of te reo needed to be supported. Its key indicators were the number of whānau Māori (and other New Zealanders) who could speak te reo and New Zealanders' attitudes towards the language. It noted that a new Māori Language Bill had been introduced to Parliament on 3 July 2014, and explained the intention of the Bill as the establishment of Te Mātāwai as a new statutory entity 'to provide leadership for the kaitiakitanga of iwi and Māori with regard to the health and wellbeing of the Māori language.'[36]

In agreeing to the final contents of the strategy, in May 2014, Cabinet had also directed that Te Puni Kōkiri (in consultation with Te Taura Whiri) develop

33. As quoted in Waitangi Tribunal, *Ko Aotearoa Tēnei*, vol 2, p 469.

34. As quoted in Waitangi Tribunal, *Ko Aotearoa Tēnei*, vol 2, p 405.

35. Document 6.2.11, p 7 [Te Paepae Motuhake, 'Te Reo Mauriora: Te Arotakenga o Te Rāngai Reo Māori me Te Rautaki Reo Māori: Review of the Māori Language Sector and the Māori Language Strategy', April 2011, p 7]. The report mentioned *Ko Aotearoa Tēnei* in its executive summary, but otherwise did not refer to it.

36. Document 6.2.12, pp [2], [4], [5] [Te Puni Kōkiri, 'Te Rautaki Reo Māori/Māori Language Strategy 2014', pp pp [2], [4], [5]]; doc A44, pp 5–6

guidelines for bilingual signage across the public sector.[37] The guidance was released in November 2016. It outlined a series of key principles, based on international standards, which included that English and Māori should be presented equally.[38] Moreover, te reo should not only be placed first but also given priority where absolute equality (in terms of font size) was impractical:

> The typographic rules applying to bilingual signage as an internationally recommended standard shows the 'first language' (the one being revived), i.e. the Māori text is at least as large as the font for the English text even if the text in one language is longer. Further, if this is not practical in terms of the eye easily reading at a glance, then the Māori text should dominate. The rationale is that English is an international language that most people know and understand. Customers will, therefore, have little difficulty in navigating themselves towards a building or within its work-spaces, or websites.[39]

Bilingual signage plays an important role in language revitalisation. As Te Taura Whiri Chief Executive Ngahiwi Apanui-Barr told us,

> Bilingual signage declares that te reo Māori is valued, aiding language acquisition and literacy. It ensures that the language is seen outside of 'Māori' domains such as marae, immersion education and whānau Māori, helping people to see past the trope that te reo Māori is not a language of commerce and therefore has no value to the world.[40]

The new legislation, Te Ture mō Te Reo Māori/the Māori Language Act, was passed into law in April 2016, replacing the Maori Language Act 1987. The Act is fully bilingual, although section 12(2) clarifies that 'in the event of any conflict in meaning between the 2 versions, the Māori version prevails'.[41]

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37. Document A54, p 3 [Cabinet, Minute of Decision: 'A New Maori Language Strategy (Paper 1)', 21 May 2014, p 3]]

38. The guidance is 'based on international literature and the United Nation's best-practice principles of bilingual and multi-lingual language planning guidelines adopted in policies and guidelines in many countries. In particular, the content of these guidelines [was] drawn from Irish, Welsh, and Scottish bilingual guidelines': doc A54, p 177 [Te Puni Kōkiri, 'Te Tohu Reorua i te Reo Māori me te Reo Pākehā: He Kupu Ārahi e Kairangi ai ngā Tikanga/Māori–English Bilingual Signage: A Guide for Best Practice', 1 November 2016, p 8].

39. Document A54, pp 185, 199 ['Te Tohu Reorua', pp 16, 30]

40. Document A45, p 8

41. The Act was not New Zealand's first fully bilingual statute. That was Te Ture mō Mokomoko (Hei Whakahoki i te Ihi, te Mana, me te Rangatiratanga) 2013, the Mokomoko (Restoration of Character, Mana, and Reputation) Act 2013. We draw a distinction here with legislation published in both languages, which occurred routinely before 1918. The Maori Language Act 1987 was printed in Māori as well as English but the version in te reo was not enacted by Parliament: see J N Matson, 'The Language, the Law and the Treaty of Waitangi', *Journal of the Polynesian Society*, vol 100, no 4 (December 1991), pp 350–351. The Maori Language Bill had been introduced to Parliament in 1986 in both languages: Te Pire Mo Te Reo Maori Bill 1986

The Act reaffirmed the status of te reo Māori both as a taonga, naming iwi and Māori as its kaitiaki, and as an official language. It set new guidance for Crown agencies, setting down the following principles in section 9(1) to be applied by departments when exercising their functions '[a]s far as is reasonably practicable':

(a) iwi and Māori should be consulted on matters relating to the Māori language (including, for example, the promotion of the use of the language):
(b) the Māori language should be used in the promotion to the public of government services and in the provision of information to the public:
(c) government services and information should be made accessible to iwi and Māori through the use of appropriate means (including the use of the Māori language).

Section 9(2) added, however, that '[t]his guidance does not confer on any person any legal right that is enforceable in a court of law.'

Notably, the Act acknowledged in section 6 the damage that past Crown actions had done to the health of te reo, as recorded in evidence presented to the Tribunal and as referred to in deeds of settlement the Crown had entered into with iwi.

In section 6(2), the Crown expressed 'its commitment to work in partnership with iwi and Māori to continue actively to protect and promote this taonga, the Māori language, for future generations'.

3.3.2 Contemporary Crown support for te reo Māori

As noted, the legislation established Te Mātāwai as an independent statutory entity. Te Mātāwai has 13 members, with seven appointed by iwi clusters, four by 'te reo tukutuku' clusters,[42] and two by the Crown.

The role of Te Mātāwai is effectively to represent Māori in the Crown–Māori partnership envisaged by the Wai 262 Tribunal as necessary to advance the revitalisation of te reo. That is, it represents the role of whānau, communities, hapū and iwi in revitalising te reo Māori as an intergenerational taonga through use. Te Mātāwai is pivotal in 'ensuring that language development at whānau, hapū and iwi level is maintained and strengthened'.[43] It is responsible for developing a Maihi Māori strategy or a set of objectives for iwi and Māori to follow in revitalising te reo. It also has a statutory role to assist the Crown to develop its own Maihi Karauna, or Crown Māori language strategy.

The Act provided for the retention of Te Taura Whiri with essentially its pre-existing powers and functions and not as the lead Māori language sector agency that the Wai 262 Tribunal had recommended. Te Puni Kōkiri witness Paula Rawiri

42. These te reo tukutuku clusters are spread across education, media, community and urban interests, and include the likes of the Kōhanga Reo National Trust, the New Zealand Māori Council, and the National Urban Māori Authority.

43. Document A54, p 60 [Te Rōpū Tohutohu Reo Māori, 'Te Whare o te Reo Mauriora' 30 June 2015, p 56]

explained to us, the establishment of Te Mātāwai and Te Whare o Te Reo Mauriora (see below) replaced the need for Te Taura Whiri to play such a role.[44]

Te Whare o Te Reo Mauriora is the partnership framework between the Crown and Te Mātāwai. It was first adopted in 2018 and 'describes, in te ao Māori terms, the roles required to support the revitalisation of te reo Māori at national and community levels'.[45]

Thus, the Crown supports and guides (heke taranui) while Te Mātāwai leads (heke taraiti).[46] Within Te Whare o te Mauriora are several forums. The leading one of these is Te Rūnanga Reo, a ministerial governance forum that includes six members of Te Mātāwai and six Ministers. There is also Te Papa Kōrero, a forum for chief executives of Maihi Karauna entities; Te Tokomatua, a forum for senior officials from Maihi Karauna entities; and Te Rangakura o Te Whare o Te Reo Mauriora, a forum comprising officials and Te Mātāwai representatives that is focused on research needs.[47]

As for the strategies themselves, the implementation of Te Maihi Māori is led by Te Mātāwai. It covers the period from 2017 to 2040 and emphasises the use of te reo Māori in homes and communities. It has two 'audacious goals':

- By 2040, one million people (or more) will be using Māori language in community immersion domains; [and]
- By 2040, the Māori language will be the first language of 25% of all Māori children (aged 0–7).[48]

Te Maihi Karauna, by contrast, covers the years 2019–2023, albeit with more comprehensive detail than Te Maihi Māori. It 'focuses primarily on the big picture – creating the right conditions across government and Aotearoa New Zealand society for the revitalisation of te reo Māori'.[49] The two strategies are linked, as can be seen by their complementary audacious goals. In Te Maihi Karauna these are:

- By 2040, 85 per cent of New Zealanders (or more) will value te reo Māori as a key element of national identity . . .
- By 2040, one million New Zealanders (or more) will have the ability and confidence to talk about at least basic things in te reo Māori . . . [and]
- By 2040, 150,000 Māori aged 15 and over will use te reo Māori as much as English.[50]

44. Document A44, p 9
45. Document A44, pp 9, 11
46. Document A44, p 11
47. Document A44, pp 11–13
48. Document 6.2.13, pp [3]–[4] [Te Mātāwai, 'Maihi Māori 2017 – 2040', pp [3]–[4]]
49. Document A54, p 220 [Te Puni Kōkiri, 'Maihi Karauna: The Crown's Strategy for Māori Language Revitalisation 2019–2023', p 7]
50. Document A54, pp 224–225, 227 [Te Puni Kōkiri, 'Maihi Karauna: The Crown's Strategy', pp 11–12, 14]

According to Ms Rawiri, a core objective of Te Maihi Karauna 'is for government agencies to normalise the use of te reo Māori and provide more opportunities for people to access government services using te reo Māori'.[51] In 2018, Cabinet directed that all 34 public service departments develop Māori Language Plans by 30 June 2021. These plans were to be reflected in accountability documents such as statements of intent and annual reports, in order that 'agencies give effect to language plans through their business planning and departmental policies'.[52] Te Taura Whiri was to provide support to agencies in the development of the plans.[53]

The implementation of Te Maihi Karauna includes a monitoring and evaluation framework. This allows Te Puni Kōkiri to track progress towards the achievement of the strategy's goals and evaluate where improvements to the strategy can be made.

The formative evaluation of Te Maihi Karauna published in 2022 indicated that many in the Māori language sector believe that a disproportionately large emphasis is placed on Te Maihi Karauna over Te Maihi Māori (a conclusion broadly also reached by the Māori Affairs Committee in its report on Te Mātāwai in June 2023). As a result, work has begun to bring 'the focus back to a partnership centric model'.[54] The evaluation also noted a lack of language-plan monitoring across most agencies, and the difficulties faced by agencies in building a 'te reo Māori workforce' to deliver on the expectations of the Whāinga Amorangi framework (see below).[55]

In 2023, Te Taura Whiri published the He Ara Poutama mō te reo Māori – Maihi Karauna Monitoring Report, which reviewed progress towards the three audacious goals for 2040. It found that the first was on track, the second was close to being on track, but that the third was not on track, with the forecast number of fluent te reo speakers aged 15 or over in 2040 being only 69,000, well below the goal of 150,000.[56]

While Te Ture mō Te Reo Māori 2016 refers to the use of te reo in the promotion of Government services, Hannah Cameron – Te Kawa Mataaho Deputy Commissioner, Strategy and Policy – explained to us that 'there is no government directive regarding the use of language in relation to agency names'.[57]

3.3.3 The oversight role of Te Kawa Mataaho

The lead agencies tasked with increasing the number of te reo speakers in the public service are Te Kawa Mataaho/Public Service Commission and Te Taura Whiri. More generally, the obligations of Te Kawa Mataaho to Māori are set out in the Public Service Act 2020. The Act states in section 14(1) that '[t]he role of the public

51. Document A44, p 14
52. Document A43(a), p 100
53. Document A54, p 250 [Te Puni Kōkiri, 'Maihi Karauna: The Crown's Strategy', p 37]
54. Document A44, pp 14, 20–21
55. Document A44, pp 22–23
56. Document A53, p 121 [Te Taura Whiri i te Reo Māori, 'Maihi Karauna: Monitoring Report 2023–2040', 1 January 2023, p 5]
57. Document A43, p 2

service includes supporting the Crown in its relationships with Māori under the Treaty of Waitangi (te Tiriti o Waitangi)'.

In section 14(2)(a), the Public Service Commissioner and agency chief executives have responsibility for 'developing and maintaining the capability of the public service to engage with Māori and to understand Māori perspectives'. Chief executives are also, under section 14(2)(b) and section 73(3)(d), to operate an employment policy that recognises 'the aims and aspirations of Māori', 'the employment requirements of Māori', and 'the need for greater involvement of Māori in the public service'. Te Kawa Mataaho must recognise these matters in developing its public service leadership strategy under section 61.

Acting Public Service Commissioner Heather Baggott told us that the responsibilities set out in the Public Service Act 2020 'should be read alongside other relevant legislation, such as Te Ture mō Te Reo Māori 2016, and applicable polices, such as the Maihi Karauna'. She also set out the various systems and institutional arrangements put in place in recent years across the public service to build 'Māori–Crown capability', some touching specifically upon te reo and others having broader application.[58]

Among institutional developments was the 2018 creation of Te Arawhiti/The Office for Māori Crown Relations (we note, however, that the Government has since announced that most Te Arawhiti functions are being transferred to Te Puni Kōkiri).[59] Ms Baggott said that Te Kawa Mataaho had 'systemically integrated a focus on Māori Crown capability in everything we do'. She highlighted actions such as the formation of the Māori–Crown relationship chief executives group (comprising the leaders of Te Arawhiti, Te Puni Kōkiri, and Te Kawa Mataaho); the appointment of Te Hāpai Ō, a statutory committee to advise on implementing the provisions of the Public Service Act that relate to Māori (which is chaired by Professor Rawinia Higgins, the chair of Te Taura Whiri); and the holding of the first ever Public Service Census in 2021, which asked questions about te reo capability and support for its use, among other things.[60]

Ms Baggott also claimed Te Kawa Mataaho was leading 'by example', adopting its te reo Māori name in 2017 (upon the advice at the time of a member of our panel, Professor (now Tā) Pou Temara); developing its own Māori language strategy; and working to increase the visibility and use of te reo across the public service.[61] She also outlined the role of Te Kawa Mataaho in executive recruitment and performance assessment, succession planning and leadership development – all of which, she said, had a key focus on the Crown–Māori relationship. In this regard, she also pointed to the Whāinga Amorangi: Transforming Leadership

58. Document A46, pp 10, 12

59. Te Arawhiti will remain a departmental agency but will only retain its Treaty settlement and Marine and Coastal Area (Takutai Moana) Act functions. Its settlement implementation and post-settlement relationships functions will transfer to Te Puni Kōkiri: see Tama Potaka, 'Government Agrees Approach for Accelerating Māori Development', 13 August 2024, https://tinyurl.com/y5uprdxh, accessed 22 August 2024.

60. Document A46, pp 10–17

61. Document A46, pp 17–19

framework developed by Te Kawa Mataaho and Te Arawhiti and issued in 2021, which sets expectations on how agencies 'should build their Māori Crown capabilities over time'.[62]

Bringing the focus back to te reo Māori, Ms Baggott explained that '[t]he Public Service reforms that I have outlined complement the work of the Maihi Karauna by extending beyond language revitalisation and broadly setting out both system and agency baseline capability expectations.'[63]

3.3.4 The Government Workforce Policy Statement and te reo allowances

Crown witnesses emphasised to us that New Zealand has a 'highly devolved' public service,[64] in which individual agency chief executives have responsibility for setting employment terms and conditions for their staff. Sometimes the Government issues its expectations on employment relations so that there is relative uniformity across the public service. Under the Public Service Act 2020, the form these expectations take is a Government Workforce Policy Statement (GWPS) that may be issued periodically by the Minister for the Public Service. Under section 97 of the Public Service Act, 'workforce matters' are where expectations may be set out in the GWPS and include 'the Government's expectations about the negotiation of collective agreements and individual employment agreements in the State services' (section 97(2)(a)) and 'workforce diversity' (section 97(2)(e)).

At the time of our hearing, a new GWPS existed in draft form. According to Alex Chadwick, the Deputy Commissioner, Workforce, at Te Kawa Mataaho, the relevant section of the draft GWPS for the purposes of our inquiry read as follows:

> 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 also be justified where the agency can demonstrate that payment of that allowance will further the Crown's meeting of its obligations under Te Ture mō Te Reo Māori 2016/the Māori Language Act 2016 or any other Act and/or where the payment of the allowance will be an effective way for the Crown to uphold its obligations under the Treaty of Waitangi.
>
> 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 relationships with Māori to uphold Te Ture mō Te Reo Māori 2016/the Māori Language Act 2016.[65]

This text was the outcome of a series of developments that occurred after the coalition Government came to power. As Ms Chadwick related, Te Kawa Mataaho

62. Document A46, pp 19–23
63. Document A46, p 23
64. See, for example, doc A42, p 2.
65. Document A42(b), p 2

had put a proposed new GWPS to the Minister for the Public Service, Nicola Willis, on 7 December 2023. After receiving her feedback, Te Kawa Mataaho consulted with public service agencies and unions on the draft GWPS in January 2024 and undertook targeted consultation with Te Taura Whiri in early February.

One of the themes of the January consultation was the absence of any reference to te Tiriti/the Treaty, which differed from the existing (2021) GWPS. Te Kawa Mataaho and Minister Willis discussed the draft text at meetings in late February and early March 2024, and further modifications were made. Then, after additional advice was provided to Minister Willis on 10 May 2024 (including from the Crown Law Office), the wording provided by Ms Chadwick was finalised. This included the Minister's specific request for the sentence beginning 'The payment of allowances' (that is, including reference to te Tiriti/the Treaty) to be included.[66]

Typically, agencies that provide allowances have agreed to them as a result of bargaining with unions over collective employment agreements. As of December 2023, at least 16 agencies had collective agreements that made provision for the payment of allowances in regard to proficiency in te reo Māori.[67]

Proficiency levels can be gauged using the Level Finder Examination provided by Te Taura Whiri, which grades results on a scale of 1 to 5, from low to high proficiency. Te Taura Whiri encourages agencies to provide te reo Māori allowances in recognition of the employee's te reo proficiency and contributions te reo speakers make to the bicultural functioning of workplaces.[68] Mr Apanui-Barr considered that the current draft of the new GWPS (as quoted by Ms Chadwick) 'would allow organisations to pay language proficiency allowances to staff (although they would be encouraged to recognise those skills in role descriptions and base salary) and to invest in developing Te Reo Māori capability in their agencies as part of the Crown's obligations under the Treaty of Waitangi'.[69]

We note that the Government released the finalised GWPS on 7 August 2024, while we were preparing our report.[70] Its wording differed from the draft text provided by Ms Chadwick, principally through the deletion and thereby omission of specific reference to te Tiriti/the Treaty. We return to the GWPS and the issue of allowances in section 4.5.

3.4 Media Reporting of the Coalition Government's Actions

On 24 November 2023, coalition agreements were signed between the National Party and New Zealand First, and the National Party and ACT New Zealand, setting out the policies the parties pledged to deliver in Government. While the ACT agreement did not contain any policies pertaining to te reo Māori, the National–New Zealand First agreement did. This agreement committed to ensuring 'all

66. Document A42(b), pp 5–6, 11–20
67. Document A42, p 7
68. Document A45, p 7
69. Document A45, p 8
70. Document 3.4.2(a) [Te Kawa Mataaho, 'Appendix A: 2024 Government Workforce Policy Statement']

public service departments have their primary name in English, except for those specifically related to Māori' and requiring 'the public service departments and Crown Entities to communicate primarily in English – except those entities specifically related to Māori'.[71] The removal of te reo allowances did not form part of either of the two coalition agreements.

On 28 November 2023, the two coalition agreements were endorsed by Cabinet after the new Government had been sworn in. The Cabinet Office issued a circular on 25 March 2024 providing guidance on how the parties were to work together based on these agreements.[72] The circular outlines the obligations contained in the *Cabinet Manual*.[73] It states that 'Government Ministers will operate in accordance with the convention of collective responsibility as set out in the *Cabinet Manual*', and that 'Ministers are expected to show careful judgement and recognise distinction when referring to party policy that differs from government policy.' Further, it sets out these ministerial obligations:

> As a general rule of Cabinet, Ministers should put before their colleagues the sorts of issues on which they themselves would wish to be consulted (*Cabinet Manual*, paragraph 5.11). Ministers should keep their colleagues informed about matters of public interest, importance, or controversy.
>
> Ministers from all parties are expected to consult relevant Ministerial colleagues before submitting papers that deal with significant or potentially controversial matters, or that affect other Ministers' portfolio interests. Such consultation between portfolio Ministers is a key element of the Cabinet decision-making process and supports collective responsibility and a 'no surprises' approach.[74]

The circular is examined in more detail in chapter 4.

In this section, we consider the Government's actions in respect of te reo Māori since it was formed. We largely base our account on publicly available media reports.[75] We do this partly because the way in which the claimants initially found

71. Document A65, p 756 ['Coalition Agreement: New Zealand National Party & New Zealand First', November 2023, p 9]

72. Document A65, pp 809–814 [Cabinet Office, 'National, ACT and New Zealand First Coalition Government: Consultation and Operating Arrangements (CO (24) 2)', 25 March 2024, pp 1–6]

73. The *Cabinet Manual* is an authoritative guide to Government decision-making for Ministers, their offices, and those working within the public service. The current *Cabinet Manual* can be found here: Cabinet Office, Department of the Prime Minister and Cabinet, *Cabinet Manual 2023*, https://tinyurl.com/trapy9jb, accessed 23 August 2024.

74. Document A65, pp 810–811 [Cabinet Office, 'National, ACT and New Zealand First Coalition Government: Consultation and Operating Arrangements', pp 2–3]

75. Some of these media reports were referenced in claimant counsel's submissions.

out about the Government's actions with respect to te reo was via the media's probing.[76]

Therefore – to best depict the contextual background – we convey the way that was experienced. While the evidential value of media stories can be limited, this reporting is valuable given the immediacy of these changes and the lack of a clear Government policy at the time. Where practicable, we supplement the media accounts with evidence presented to and tested before us. The reports that circulated in the media caused great concern among Māori about the implications for te reo revitalisation which were catalysed through the lodging of urgent claims with this Tribunal. It is noteworthy that in January 2024, Waikato-Tainui – an interested party to this inquiry – also lodged proceedings in the High Court 'seeking declarations regarding the rights and interests of Waikato-Tainui and the corresponding obligations and duties of the Crown in respect of those rights'. These proceedings were lodged out of concern about 'recent political statements by the Government threatening the place of Te Reo'.[77] In the next chapter, we analyse the evidence provided to us concerning these actions and omissions.

3.4.1 Ministerial media statements about te reo Māori in the public service

Shortly after the signing of the coalition agreements, incoming Deputy Prime Minister Winston Peters of the New Zealand First Party, criticised the use of te reo names for 'government departments' and called it 'tokenism'.[78] During the election campaign, Deputy Prime Minister Peters had promised to 'change all of the woke virtue-signalling names of every government department back to English' if New Zealand First were to form part of Government.[79] The incoming Deputy Prime Minister questioned the purpose of te reo names when '95 per cent' of the population do not 'comprehend what they're reading'. More specifically, Deputy Prime Minister Peters stated that both Te Whatu Ora/Health New Zealand (Te Whatu Ora) and Waka Kotahi/New Zealand Transport Agency (Waka Kotahi) would have to revert to their respective English names.[80]

Not long after the formation of the coalition Government – as briefly touched on in chapter 1 – several of its Ministers publicly commented on the use of te reo

76. Notably, Te Taura Whiri Chief Executive Ngahiwi Apanui-Barr stated in his evidence that the number of Official Information Act (OIA) requests Te Taura Whiri received 'in the six months from 23 November 2023 to 23 May 2024' was higher than usual and that the 'timing of those requests [was] relate[d] to public concern about potential changes in the way te reo Māori would be used (or removed) in the public service': doc A45, pp 9, 10. We presume that a reasonable proportion of these requests came from the news media.

77. Memorandum 3.1.1, p 3; see also Karanama Ruru, 'Waikato-Tainui Take Government to High Court', Stuff, 10 January 2024, https://tinyurl.com/4bw8uwmm, accessed 21 August 2024.

78. Raphael Franks, 'Incoming Deputy Prime Minister Winston Peters Blasts Te Reo Māori Names for Government Departments', *New Zealand Herald*, 24 November 2023, https://tinyurl.com/bdfmkdxy, accessed 12 July 2024

79. Document A43(a), pp 206–209 [Felix Desmarais, 'Winston Peters: NZ First Would Remove Māori Names from Govt Depts', *1News*, 24 March 2023, pp [1]–[4]]

80. Franks, 'Incoming Deputy Prime Minister'

Māori in the public service.[81] The new Minister of Transport, Simeon Brown, instructed staff in the beginning of December 2023 to deprioritise the agency's Māori name in official communications, and to refer to themselves as New Zealand Transport Agency Waka Kotahi.[82] Email signatures for senior leaders were changed to reflect the new branding, a new logo was adopted, and Minister of Finance, Nicola Willis, publicly commented that the cost of the name change would be minimal.[83]

Similarly, '[f]ollowing the direction set out in the coalition agreement between National and New Zealand First to "ensure all public service departments have their primary name in English, except for those specifically related to Māori"', the Crown agent Toka Tū Ake EQC/Earthquake Commission (Toka Tū Ake (EQC)) sought guidance from Associate Minister of Finance David Seymour on 'how to approach the Commission's name when it legally changes to Toka Tū Ake – Natural Hazards Commission on 1 July 2024'.[84] Minister Seymour was presented with two different naming options and opted for the English name before the te reo name: Natural Hazards Commission/Toka Tū Ake.[85]

3.4.2 The Minister for the Public Service seeks advice on te reo Māori allowances

In her role as Minister for the Public Service, Minister Willis stated that changes to the ways in which the 'public service navigates the use of the Māori language contained in the coalition agreements [would] be progressed throughout the course of [the Government's] term'. The Minister expressed her intent to seek advice on ceasing the payment of 'bonuses' to public servants for te reo Māori proficiency, notwithstanding that the removal of te reo allowances did not form part of either of the two coalition agreements. Minister Willis explained that she had requested advice from Te Kawa Mataaho on the 'current guidance given to government agencies on the use of te reo, and its consistency with [the] coalition agreements'.[86]

In response, Te Kawa Mataaho publicly clarified that it 'did not provide the sector with any guidelines about the use of te reo' and that the issue of te reo language allowances was a 'matter for individual agency chief executives'.[87]

81. These comments were made without referring to Cabinet and clearly inconsistent with the obligations contained in the *Cabinet Manual* outlined in section 3.4 above.

82. 'Minister Instructs Waka Kotahi Staff to Use English Name First', *1News*, 4 December 2023, https://tinyurl.com/3p57fmwy, accessed 15 July 2024; Bernard Orsman, 'NZ Transport Agency Dumps Māori Name First for English Name', *New Zealand Herald*, 8 December 2023, https://tinyurl.com/yc28wjtb, accessed 15 July 2024

83. 'Finance Minister Says it Will Not Cost Much for Waka Kotahi to Use Its English Name First', *Radio New Zealand*, 5 December 2023, https://tinyurl.com/3576b7bc, accessed 15 July 2024

84. Its legal name until 30 June 2023 remained 'the Earthquake Commission'. 'Toka Tū Ake EQC' was adopted in July 2022 'to build familiarity and readiness for the permanent change' to 'Toka Tū Ake – Hazard Commission': doc 6.2.8, pp 2–4 [Toka Tū Ake, 'Toka Tū Ake EQC Briefing: Name Change conventions', 1 February 2024, pp 2–4]

85. Document 6.2.8, p 6 [Toka Tū Ake, 'Toka Tū Ake EQC Briefing', p 6]

86. Document A42(a), pp 152–154 [Phil Pennington, 'Te Reo Māori: Govt Seeks to Halt Extra Pay for Public Servants Fluent in the Language', *Radio New Zealand*, 6 December 2023, pp [1]–[3]],; see also doc 6.2.3, p [1] [Email: 'Re: Māori Language – P Request', 6 December 2023, p [1]]

87. Document A42(a), pp 152–154 [Pennington, 'Te Reo Māori', pp [1]–[3]]

It was further reported that neither Te Puni Kōkiri nor Te Taura Whiri had been asked for advice on the payment of te reo 'bonuses'.[88] According to the Chief Executive of Te Taura Whiri, Mr Apanui-Barr, advice should have been sought from Te Taura Whiri, the 'established taxpayer-funded adviser and promoter of te reo'. Moreover, Mr Apanui-Barr explained that the 'proficiency payments were not a bonus but an allowance that made up for a gap in public sector pay bands to cover language proficiency'.[89]

After acknowledging that the te reo allowances were contained in various binding collective employment agreements,[90] the Minister subsequently conceded that the payment was acceptable if te reo were 'relevant to the job at hand'.[91]

3.4.3 Actions by public service chief executives on the use of te reo Māori

According to media reports, not only Ministers but also other senior Government officials without instruction or direction, took measures to minimise the prominence and use of te reo in the public service. Anticipating the direction of the incoming Government, the chief executive of Manatū Aorere / Ministry of Foreign Affairs and Trade (Manatū Aorere) removed te reo Māori during the caretaker Government period from the Ministry's briefing templates used for all formal messages sent to Government Ministers,[92] without prior or subsequent ministerial consultation.[93]

Ministry staff were reported in the media as strongly objecting to the change – more than 300 had signed an in-house petition voicing their concern.[94] In response, the reason given for reverting to the English-only 'standard submission template . . . used during all previous government transitions' was that it was a

88. Document A42(a), pp 152–154 [Pennington, 'Te Reo Māori', pp [1]–[3]]

89. Document A42(a), pp 152–154 [Pennington, 'Te Reo Māori', pp [1]–[3]] Only on 2 February 2024 did Te Kawa Mataaho 'request specific advice on the particular issue of allowances for te reo Māori' from Te Taura Whiri for the new draft GWPS: doc A42, p 17. Te Taura Whiri responded to Te Kawa Mataaho on 5 February 2024, stating that Te Taura Whiri had not received any prior communication from the Government 'pertaining to allowances': doc 6.2.2, p [1] [Email: 'Māori Language Commission feedback – FW: Consultation on Draft Government Workforce Policy Statement', 5 February 2024, p [1]]. In chapter 4, we will examine evidence given by Mr Apanui-Barr during the hearing concerning these later events.

90. Document A42(a), pp 152–154 [Pennington, 'Te Reo Māori', pp [1]–[3]]

91. Document A42(a), pp 155–161 [Russell Palmer, 'Te Reo Māori Bonuses Acceptable for 'Relevant' Roles – Minister Nicola Willis', *Radio New Zealand*, 6 December 2023, pp [1]–[7]]

92. The period of the caretaker Government covered the time between the election in October 2023 and the swearing into office of the coalition Government on 27 November 2023. During that time, the incumbent Government is in 'caretaker' mode, which means it will carry on the normal business of governing and running the country.

93. Tova O'Brien, 'Ministry Leak: Staff Backlash After Te Reo Māori Scrubbed From Official Use Ahead of New Government', *Stuff*, 16 November 2023, https://tinyurl.com/4tcduhxm, accessed 17 July 2024; doc A65, p 448 [Email: 'FW: Changes to Submission Template', 13 December 2023, p [1]]; doc A65, pp 442–443 [Email: 'FW: Expressing Disillusionment with MFAT Decisions to Strip Te Reo from Ministerial Subs', 13 December 2023, pp [1]–[3]]

94. Document 6.2.1, p [5] [Email: 'FW: Reo Māori in Ministry Documents: Feedback Submission', 5 December 2023, p [5]]; doc A65, p 431 [Letter, dated 10 November 2023, p [1]]

'simpler' format.[95] Similarly, the name change from Te Whatu Ora to Health New Zealand/Te Whatu Ora and its subsequent branding change was initiated by its chief executive, without any direction or formal request from the Government.[96] We discuss the evidence presented to us on the changes of Manatū Aorere in section 4.4.4 of this report.

3.4.4 Proposed name changes for Government agencies and Crown entities

Plans to change the names of both Kāinga Ora – Homes and Communities (Kāinga Ora) and Whaikaha/Ministry of Disabled People (Whaikaha) were widely reported in the media. In December 2023, Minister for Regulation and ACT Party leader David Seymour stressed that the English name of Kāinga Ora needed to be prioritised after both Housing Minister Chris Bishop at a press conference and Prime Minister Christopher Luxon in a post-Cabinet media briefing exclusively referred to the department as 'Kāinga Ora'.[97]

Minister Bishop commented on his reasons for the use of the department's te reo name that 'that's how it's known. That's its name, frankly'.[98] In fact, Kāinga Ora – Homes and Communities is the legal name of this Crown entity, provided for in its establishing legislation, the Kāinga Ora – Homes and Communities Act 2019.[99]

Whaikaha, on the other hand, is the first departmental agency to have its name in te reo Māori, New Zealand Sign Language (NZSL) and English.[100] The Deaf

95. Document A65, p 445 [Email: 'FW: Feedback: New Submissions Template for Incoming Ministers', 19 October 2023, p [1]]

96. Tova O'Brien, 'How the Government's Push for English-First Names is Tracking', *Stuff*, 8 April 2024, https://tinyurl.com/mpwcj6hp, accessed 17 July 2024. In addition to Waka Kotahi and Te Whatu Ora, Rau Paenga, the Crown infrastructure delivery agency, also changed its branding. Despite Rau Paenga being a Crown company rather than a public service department or Crown entity – and hence not being covered by the coalition agreement's English-first policy – it spent $560 after the election on alternative logo layouts that put the English descriptor above its Māori name 'in case it was needed'. This occurred in the absence of any formal directive from the Government. Moreover, the registered company name is solely 'Rau Paenga Limited', with 'Crown Infrastructure Delivery' forming no part of it, and no plans exist to change its legal name: Tova O'Brien, 'How the Government's Push for English-First Names is Tracking'.

97. Felix Desmarais, 'Kāinga Ora Should Prioritise English Name – Seymour', *1News*, 19 December 2023, https://tinyurl.com/2x34h8s5, accessed 18 July 2024. In an interview on Newshub in March 2024, Prime Minister Luxon likewise referred to the Crown entity as either 'Kāinga Ora' or 'KO': '"Has to Be Consequences": PM Defends Kāinga Ora Crackdown Amid Concern for Children', *Newshub*, 19 March 2024, https://tinyurl.com/3utrezzc, accessed 8 August 2024.

98. Desmarais, 'Kāinga Ora Should Prioritise English Name'; Glenn McConnell, 'The Government Appears to Be Arguing with Itself about Te Reo', 20 December 2023, *Stuff*, https://tinyurl.com/yu42xnx3, accessed 3 February 2025

99. Kāinga Ora – Homes and Communities Act 2019

100. Whaikaha's legal name, however, is 'Ministry for Disabled People': doc 3.2.8(a), p [2]. The agency's chief executive clarified in a memorandum to Ms Baggott on 10 June 2024 that the 'English part of the name (the Ministry *of* Disabled People) was decided during the establishment phase of the Ministry after community consultation. The Ministry's legal name is The Ministry *for* Disabled People, registered early on for the purpose of establishing a bank account and other key establishment tasks': doc A56, p [1] [Whaikaha, Briefing Paper: 'Public Service Agency Names', p [1]]. Emphasis in original.

community gifted the NZSL name to the Ministry, while Ngāti Porou kaumātua Maaka Tibble, a founding member of the Māori Disability Leadership Group, gifted the te reo name 'Whaikaha'. The term 'whaikaha' focuses on strength rather than disability and many in the disability community have claimed 'this enabling word' to describe themselves.[101]

However, in November 2023, it was reported in the media that incoming Disability Issues Minister, Penny Simmonds, requested the prioritisation of the English name, Ministry for Disabled People, over its te reo Māori name in her initial meeting with the executive leadership team.[102] Media reported in May 2024 that Louise Upston, after replacing Minister Simmonds as Disability Issues Minister in April 2024, insisted on the 're-brand' of Whaikaha.[103] Minister Upston further instructed staff to use the English name first in '[p]ublic facing material', '[s]peeches' and '[t]alking points' and noted that she did not require any further advice on the issue.[104]

A briefing paper dated 23 May 2024 from the Department of Internal Affairs to the Minister of Local Government, Simeon Brown, outlined proposed amendments to the Taumata Arowai – the Water Services Regulator Act 2020.[105] One of the proposed amendments required approval from Minister Brown: to rename Taumata Arowai/The Water Services Regulator (Taumata Arowai) to have its English name appear first to 'fulfil . . . coalition Government agreements'.[106] The 2020 Act had – similar to the case of Kāinga Ora discussed above – established the legal name of the Crown entity as Taumata Arowai/The Water Services Regulator.

The respective offices of the Ministers of Local Government and Commerce and Consumer Affairs then advanced the proposal, including the name change, in a Cabinet Paper.[107] On 19 June 2024, the Cabinet then 'agreed to amend the Taumata Arowai—the Water Services Regulator Act 2020' to change the name of Taumata Arowai to the 'Water Services Regulator – Taumata Arowai'.[108] We analyse the evidence presented to us on these changes in section 4.3.5.5.

101. 'Finding Our Name', Whaikaha – Ministry of Disabled People, https://tinyurl.com/jsthuwee, accessed 23 July 2024

102. Document A43(a), pp 224–229 [Glenn McConnell, 'Government's English Name Edict Runs into Trouble at Whaikaha', *Stuff*, 7 May 2024, pp [1]–[5]]. There was no evidence submitted to us that confirms this.

103. Document A43(a), pp 224–228 [Glenn McConnell, 'Government's English Name', pp [1]–[5]]

104. Document A56, p [2] [Whaikaha, Briefing Paper: 'Public Service Agency Names', p [2]]

105. Document A64, pp 1–6 [Te Tari Taiwhenua, Local Government Briefing Paper: 'Summary of Amendments to the Water Services Act and Associated Legislation in Relation to Taumata Arowai's Roles and Responsibilities', 23 May 2024, pp 1–6]

106. Document A64, p 3, [Te Tari Taiwhenua, 'Summary of Amendments to the Water Services Act', p 3]

107. Document A63, pp 1–34 [Office of the Minister of Local Government and Office of the Minister of Commerce and Consumer Affairs, Cabinet Paper: 'Local Water Done Well Stage 3: Water Services Regulatory System', pp 1–34]

108. Document A62, p 6 [Cabinet Economic Policy Committee, Minute of Decision: 'Local Water Done Well Stage 3: Water Services Regulatory System', 19 June 2024, p 6]

3.4.5 Discussions on bilingual signs

During a parliamentary debate that took place a day after the official opening of the 54th Parliament in December 2023, Debbie Ngarewa-Packer – the co-leader of Te Pāti Māori – addressed proposed changes to the previous Government's bilingual place and road signs policy.[109] Leading up to the election, the topic of bilingual road signs had become a 'political battleground',[110] after Waka Kotahi and Te Mātāwai began a public consultation process in May 2024 on the He Tohu Huarahi Māori bilingual traffic signs programme and its package of 94 proposed signs.[111] Despite the fact that bilingual signage plays an important role in language revitalisation and is the norm in many countries,[112] the then National transport spokesperson, Simeon Brown, stated that bilingual traffic signs would be confusing and should be in English only. ACT party leader David Seymour noted that 'the point of road signs is to communicate information in a language drivers understand, not to virtue signal, not to socially engineer'.[113] Subsequently, the public consultation process appeared to have been the 'target of a large campaign by a right-wing lobby group' who sent in 25,000 submissions opposing the project.[114]

3.4.6 The Minister for the Public Service clarifies her expectations regarding the use of te reo Māori

On 27 May 2024 – some two weeks before our hearing – Minister Willis advised Acting Public Service Commissioner Heather Baggott in a letter that she had decided against issuing a directive 'across the Public Service relating to names or communication used by government departments'. She noted that individual Ministers and agencies had 'responded to the coalition commitment on a case-by-case basis and [would] continue to do so to'.[115]

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109. Debbie Ngarewa-Packer, 6 December 2023, NZPD, vol 772, p 75

110. Tess McClure, 'New Zealand Political Battle Erupts Over Bilingual Road Signs', *Guardian*, 7 June 2023, https://tinyurl.com/2p9nr69w, accessed 27 August 2024

111. Ripu Bhatia, 'Bilingual Traffic Signs in Te Reo Māori Edge Closer to Reality, Stuff, 22 May 2023, https://tinyurl.com/muvcmf2f, accessed 27 August 2024; Tess McClure, 'New Zealand Political Battle Erupts Over Bilingual Road Signs', *Guardian*, 7 June 2023, https://tinyurl.com/2p9nr69w, accessed 27 August 2024

112. See, for example, doc A65, p 675 [Richard Benton, 'Chapter 20: The Vocabulary of Māori Governance', in *Waking the Taniwha: Māori Governance in the 21st Century*, p 601]; doc A65, pp 837–838 [Richard Benton, Speech: 'Te Kukunga Hou: The Clampdown Revisited', 1 May 2024, pp 5–6].

113. David Seymour, quoted in McClure, 'New Zealand Political Battle Erupts Over Bilingual Road Signs'.

114. Te Aniwa Hurihanganui, 'Bilingual Road Sign Proposal Targeted by Right-Wing Lobby Group', *1News*, 9 November 2023, https://tinyurl.com/4fkwkhaw, accessed 27 August 2024. At the time of writing this report, no decision had yet been made by Transport Minister Simeon Brown on the future of He Tohu Huarahi Māori: Karanama Ruru, 'Are We There Yet? Is New Zealand Ready for Bilingual Road Signs?', *Stuff*, 17 August 2024, https://tinyurl.com/3mu5vth9, accessed 27 August 2024.

115. Document A46, pp 30–31; doc A66, pp 79–81 [Letter: Minister Willis to Heather Baggott, 'Re: Wai 3327: Urgent Inquiry into Te Reo Māori', pp [1]–[3]]

The Minister of Transport indicated in June 2024 that a circular on the use of te reo and/or English for Government departments would not be forthcoming.[116] He advised staff that '[e]ach Minister had been asked to raise the content of the coalition agreement with their agencies.' As a result, the Secretary for Transport agreed to 'look at how to implement the coalition agreement' and outlined an incremental approach, starting with 'template logos and . . . the intranet', followed by the Ministry's website. Further changes, such as the 'welcome sign at the front office' would 'not be changed due to cost' before the Ministry's lease of the current premises expired.[117]

3.4.7 Māori respond to the coalition Government's policies

The coalition Government's commitment to minimise the use of te reo in the public service was one of several policies that led to nationwide protests on 5 December 2023, the day the new Parliament was to be sworn in.[118] Around 600 demonstrators marched towards Parliament grounds in Wellington, and more than 1,000 others assembled across 20 sites around the country.[119] Claimants to this inquiry noted in their evidence that these protests were reminiscent of the protests of the 1970s and 1980s discussed in section 3.1 above.

In December 2023, Kīngi Te Arikinui Tūheitia Paki convened a national hui by Te Paki o Matariki, a royal proclamation – a rare step by the Kīngitanga – for Māori to meet to 'unify the nation and ensure all voices [were] heard when holding the new coalition government to account'.[120] More than 10,000 people – Māori from different iwi and hapū, and tangata Tiriti – attended the hui at Tūrangawaewae on 20 January 2024.[121]

Similarly, the annual hīkoi from Te Rerenga Wairua (Cape Reinga) to the Waitangi Treaty Grounds to raise awareness and protect te Tiriti – held almost

116. Minister Willis indicated in her 27 May letter to Ms Baggott that she had discussed the issue of 'te reo Māori in names, branding or communications . . . with Ministerial colleagues' and that she had agreed with her colleagues that no directive would be forthcoming. Presumably, these conversations were the reason for the Minister of Transport's reference to a circular: doc A66, p 80 [Letter: Minister Willis to Heather Baggott, p [2]]; doc A46, p 30

117. Document A58, p 1 [Te Matatū Waka File note, 'Use of Te Reo and/or English for Government Departments', p 1]

118. Te Pāti Māori had called for a day of nationwide action by both Tangata Whenua and Tangata Tiriti on 5 December 2023: Anna Murray, '"Nationwide Māori Action": Why Today and What's it All About?', *1News*, 5 December 2023, https://tinyurl.com/bdeyzjbf, accessed 8 August 2024

119. 'National Māori Action Day – Te Pāti Māori Protests in Pictures', *Radio New Zealand*, 5 December 2023, https://tinyurl.com/2nves87e, accessed 16 July 2024

120. Eva Corlett, 'New Zealand's Māori King has Called a Rare Nationwide Meeting – Here's Why', *Guardian*, 19 January 2024, https://tinyurl.com/38p5xvrd, accessed 17 July 2024

121. Aaron Smale, 'Māori Rise up While Government Looks to Rewrite History', *Newsroom*, 21 January 2024, https://tinyurl.com/2ynvvzw7, accessed 17 July 2024

every year since 1984 – had the largest turnout in decades, and attendance at the annual commemoration at Waitangi was the highest in 30 years.[122]

Subsequently, on 30 May 2024, Te Pāti Māori and others connected to the Tōitū Te Tiriti (Honour the Treaty) movement called for a second nationwide protest in response to the policies of the coalition Government. This protest was attended by tens of thousands of tangata whenua and tangata Tiriti at more than 40 locations.[123]

3.5 The Parties' Positions

3.5.1 Introduction

In section 2.4, we discussed the Treaty principles raised in the parties' closing submissions. This section sets out the positions of the parties concerning the issues relevant to this inquiry as outlined in their closing submissions.

The submissions of claimants and interested parties shared a number of themes about the processes the Crown has followed to implement the commitments contained in the coalition agreements. These processes have led to amendments to names and communication styles in public service agencies, and the related issue of the mooted removal or limitation of access to te reo allowances in the public service. Counsel further emphasised concerns about the wider impact of the Crown's policies regarding te reo Māori in the public service on Māori culture and identity, as te reo embodies the fundamental element of Māori culture. Related to these concerns, submissions highlighted both the significance and the vulnerability of te reo.

Accordingly, we have grouped the parties' positions into five thematic subsections. These are: our jurisdiction to consider claims concerning the coalition agreements; the deprioritisation or removal of te reo names from public service departments and Crown entities; the prioritisation of communication in English in the public service; the Crown's interest in limiting or reducing public servants' access to te reo allowances; and the impact of Crown actions and omissions concerning te reo on Māori. We begin each subsection with the claimant and interested parties' positions, followed by the Crown's position. In the next chapter, we follow these thematic strands in our analysis, although we defer consideration of prejudice arising from the impact of the Crown's policies to chapter 5.

Counsel for the Crown noted three general propositions that emerged from the evidence. First, that there is a practical and symbolical importance to the Crown's use of te reo Māori. Secondly, that the Crown has made considerable progress in its

122. Emily Clark, 'Māori Protesters March to Waitangi for Historic Protest as Simmering Tensions Boil Over', *ABC News*, 6 February 2024, https://tinyurl.com/3efbfphh, accessed 17 July 2024; Peter de Graaf, 'Hīkoi ki Waitangi to Stand up for Te Tiriti – "It Needs People to Participate in Its Discussion and Defence"', *Radio New Zealand*, 25 January 2024, https://tinyurl.com/3r72xapk, accessed 4 February 2025

123. Isaac Gunson, 'Why the Last Week of May 2024 Is So Important in Māoridom', *Te Ao Māori News*, 28 May 2024, https://tinyurl.com/4b2szbxu, accessed 7 August 2024. In fact, one of the organisers of the event estimated that 'over 100,000 turned up': Eru Kapa-Kingi, 'Making Mokopuna Decisions', *E-Tangata*, 9 June 2024, https://tinyurl.com/mvvsf6xh, accessed 7 August 2024.

ability to speak te reo, albeit acknowledging that this was all prior to 23 November 2023. Finally, that this progress is fragile as is the wider work of language revitalisation. Counsel noted that '[a]ll witnesses agreed that Te Reo Māori (both within the public service and generally) remains vulnerable.'[124]

3.5.2 Our jurisdiction to consider claims concerning the coalition agreements

3.5.2.1 *Claimants' and interested parties' positions*

Counsel for Te Rūnanga o Ngāti Hine (Ngāti Hine) submitted that they 'consider the coalition agreements in relation to te reo Māori in the public sector . . . an inappropriate exercise of kāwanatanga, one which undermines their tino rangatiratanga and the partnership under te Tiriti'.[125] In their closing submissions, the majority of claimant counsel cited either the last two or all three of the policies agreed to in the coalition agreement between the National Party and the New Zealand First Party:

- Legislate to make English an official language of New Zealand.
- Ensure all public service departments have their primary name in English, except for those specifically related to Māori;
- Require the public service departments and Crown Entities to communicate primarily in English, except those entities specifically related to Māori.[126]

Claimants and interested parties in this inquiry argued that the Crown's policies, or proposed policies, acts and omissions concerning te reo Māori me ōna tikanga in the public service are inconsistent with te Tiriti/the Treaty and its principles and constitute a breach of te Tiriti/the Treaty.

The majority of claimant counsel traced the Crown's first breach of Treaty principles to the signing of the coalition agreement between the National Party and the New Zealand First Party on 24 November 2023, and Cabinet's subsequent endorsement of the agreements on 28 November as the basis on which the coalition Government would operate, as outlined in the Cabinet Office circular dated 25 March 2024.[127]

Both counsel for Ngāti Rēhia and counsel for the Ngāi Te Rangi Settlement Trust disputed the Crown's opening submission, which is discussed below, that

124. Submission 3.3.17, pp 1–2

125. Submission 3.3.19, p 4. Closing submissions 3.3.19 were made on behalf of Te Rūnanga o Ngāti Hine (Wai 682), as well as on behalf of the interested parties of the Te Rūnanga Nui o Te Aupōuri Trust (Wai 2831), and for Te Riwhi Whao Reti and others on behalf of Te Kapotai (Wai 1464/Wai 1546). As in chapter 2, we refer to 'counsel for Ngāti Hine' when referencing closing submissions 3.3.19.

126. Submission 3.3.22(a), p 8; submission 3.3.18, p 7; submission 3.3.21, p 9; submission 3.3.20, p 25; submission 3.3.16, p 22

127. These points were raised in claimant submissions 3.3.22(a), pp 18, 24; submission 3.3.20, pp 18–19; submission 3.3.19, p 8; submission 3.3.21, p 9, as well as interested parties' submissions 3.3.16, pp 10, 21–22; submission 3.3.18, p 27. Counsel referred to doc A65, pp 809–814 [Cabinet Office, 'National, Act and New Zealand First Coalition Government: Consultation and Operating Arrangements', pp 1–6]

the 'coalition agreements entered into by political parties are not actions of the Crown'.[128] Counsel for Ngāti Hine argued that, with Cabinet's endorsement, the Crown brought these 'political agreements . . . into the realm of the Government, and the jurisdiction of the Tribunal'.[129] Subsequent acts of the current Government are predicated on the terms of the coalition agreements.

Counsel for Ngāti Hine further cited the direction contained in the Cabinet circular that '[a]ll Ministers, Parliamentary Under-Secretaries, chief executives and their respective offices need to be familiar with the two agreements and ensure that they have processes in place to implement them',[130] and argued that this gave the 'coalition agreements teeth'.[131]

Counsel for the Ngāi Te Rangi Settlement Trust similarly submitted that the 'Crown's proposition that the Coalition Agreements are merely political compacts that existed prior to the election cannot be sustained in light of the Cabinet decision'.[132] Counsel referred to the discussion on the 2023 coalition agreement between the National Party and the ACT Party in the *Oranga Tamariki (Section 7AA) Urgent Inquiry Report*, in which the Tribunal stated that

> once Ministers are sworn in and the government is formed, the executive so constituted are responsible for meeting the Crown's obligations to Māori under the Treaty of Waitangi. It is a Treaty of Waitangi, not a proclamation of Waitangi, and the Crown does not have a unilateral right to redefine or breach its terms. The obligation is to honour the Treaty and act in good faith towards the Treaty partner.[133]

Tamaki Legal also submitted that

> Cabinet's adoption of the Coalition Agreement and the policies contained therein that are purposed with relegating and/or constraining the status and use of te reo Māori in the public sector amount to either an overarching or proposed Crown policy which was then implemented to varying degrees by various public service agencies and Crown entities.[134]

128. Submission 3.3.22(a), pp 21–22; submission 3.3.21, p 3
129. Submission 3.3.19, p 8
130. Document A65, p 810 [Cabinet Office, 'National, ACT and New Zealand First Coalition Government: Consultation and Operating Arrangements', p 2]
131. Submission 3.3.19, p 8
132. Submission 3.3.21, p 10
133. Waitangi Tribunal, *The Oranga Tamariki* (*Section 7AA*) *Urgent Inquiry 10 May 2024 Report* (Petone: Blue Star Group (NZ) Ltd, 2024), p 28
134. Submission 3.3.18, p 26. Closing submission 3.3.18 were made on behalf of a group of 18 interested parties. The claims are: Wai 892; Wai 2063; Wai 3096; Wai 1886; Wai 2206; Wai 2743; Wai 1531; Wai 2890; Wai 762; Wai 861; Wai 3131; Wai 2394; Wai 1968; Wai 2869; Wai 2671; Wai 2382; Wai 2778; and Wai 2838. As in chapter 2, we refer to counsel for the 18 parties by the law firm's name, Tamaki Legal.

3.5.2.2 *The Crown's position*

Counsel submitted that the coalition agreements are not Crown actions, stating '[c]oalition agreements entered into by political parties, and the proposed policies they contain, are not actions of the Crown, and are therefore not themselves subject to the Tribunal's jurisdiction.'[135] Counsel noted that the coalition agreements pre-date the formation of Government and that for the purposes of this inquiry, '"the Crown" in the Treaty context . . . means the executive government, Cabinet, Ministers and departments.'[136]

Counsel further explained that the Cabinet Office circular, of 25 March 2024, not only referenced the coalition agreements but also endorsed the *Cabinet Manual* as the basis for Government decision-making. This endorsement was significant as the *Cabinet Manual* sets out the status of a Cabinet Office circular: it '*provides guidance for Ministers, their staff, and officials*' (emphasis in original) and is advisory rather than directive.[137] The circular's guidance was only that officials 'be familiar with the two agreements and ensure that they have processes in place to implement them.'[138]

The Crown submitted that the 'processes' referred to in the circular included taking advice from officials 'on options and how to meet Treaty obligations, and then considering the Coalition commitments in the context of that advice.'[139] The Crown further submitted that the coalition commitments may be relevant context for the Tribunal to consider, but as political agreements, they are 'outside the jurisdiction of the Tribunal.'[140]

Before narrowing in on the Crown's three key issues for this inquiry, counsel for the Crown raised several issues in respect of the operation of 'the government of Aotearoa-New Zealand'. A core consideration related to the Tribunal's jurisdiction is identifying who is 'the Crown' in the context of te Tiriti/the Treaty. In the Crown's view, 'it means the executive government (Cabinet, Ministers and their departments)'.[141]

While acknowledging that the Crown's partner under te Tiriti/the Treaty did 'not necessarily perceive a distinction between legislative and executive authority, and what is or is not part of "the Crown"', counsel nonetheless stressed 'the formal constitutional and legal position . . . reflected in the structure of the New Zealand state and the business of government'.[142] The Tribunal could therefore critique the framework within which Crown entities operated 'but must direct that criticism at the Crown.'[143]

135. Submission 3.3.17, p 4
136. Submission 3.3.17, p 5
137. Submission 3.3.17, p 5
138. Submission 3.3.17, p 6
139. Submission 3.3.17, p 6
140. Submission 3.3.17, p 6
141. Submission 3.3.17, pp 8–9
142. Submission 3.3.17, pp 9–10
143. Submission 3.3.17, p 12

Counsel further noted the important context of the devolved structure of New Zealand's public service, which 'means that different departments and other Crown entities can adopt different approaches to particular issues'. Counsel submitted that the public service's devolved structure also means that some agencies, such as Crown entities, are outside the Crown and legally separate from it.[144] Counsel explained that Ministers and public service chief executives have significant discretion over operational decisions, including in relation to collective bargaining (chief executives only), payroll systems and communications.[145]

3.5.3 The deprioritisation or removal from common usage of te reo names from public service departments and Crown entities

3.5.3.1 *Claimant and interested parties' positions*

The deprioritisation of te reo Māori names in signage and communication, counsel for Ngāti Te Rangiunuora me Ngāti Pikiao submitted, has the effect of an '[e]rosion of te reo Māori . . . it subordinates [the] te reo Māori name, implying that the English name is more important or legitimate', leading to an 'erosion of the visibility and recognition of te reo Māori and Māori identity'.[146] Counsel further argued that this amounted to a 'form of cultural erasure, because it diminishes the cultural significance and heritage associated with Māori names'. Moreover, counsel noted, the deprioritisation of te reo preserved 'power imbalances and inequalities between Māori and the Crown inherited from colonial histories' and signified a perpetuation of inequality, as it reinforced the 'dominance of English in public discourse, Government agencies, and official documentation'.[147]

Counsel for the Ngāi Te Rangi Settlement Trust highlighted examples of name changes of public service departments and Crown agents that had occurred thus far as proof that the policies articulated in the coalition agreements had already been implemented, regardless of the Crown's position that there was no Crown policy per se but rather individual ministerial discretion.[148]

Multiple counsel cited the specific examples of Waka Kōtahi, Te Whatu Ora, Whaikaha, Te Manatū Waka/Ministry of Transport (Te Manatū Waka), and Toka Tū Ake (EQC).[149] Counsel for Ngāti Te Rangiunuora me Ngāti Pikiao further noted specific examples of directions given 'by Ministers to Crown departments . . . to . . . use the English name before the Māori', as well as using English in internal and 'external communications'.[150]

Counsel for Ngāti Te Rangiunuora me Ngāti Pikiao also raised an issue about the policy of ensuring that 'all public service departments have their primary name in English, except for those specifically related to Māori'. Counsel objected to Te Kawa Mataaho Deputy Commissioner, Strategy and Policy Ms Cameron

144. Submission 3.3.17, p 22
145. Submission 3.3.17, p 23
146. Submission 3.3.20, p 39, quoting doc A21, p 10
147. Submission 3.3.20, p 39, quoting doc A21, p 10
148. Submission 3.3.21, pp 14–16
149. Submission 3.3.20, p 33; submission 3.3.18, pp 31–33, 47; submission 3.3.22(a), pp 25–27
150. Submission 3.3.20, p 33

identifying only 'two agencies as being "specifically related to Māori"'. With reference to the evidence of Dr Hope Tupara of Te Rōpū Wahine Māori Toko i te Ora/Māori Woman's Welfare League, counsel submitted that 'all Crown agencies and departments relate to Māori.'[151] Similarly, counsel for Ngāti Rēhia noted that all Government departments impact on Māori.[152] Counsel for the Ngāi Te Rangi Settlement Trust argued that te reo is required for the 'public service to meet the needs of Māori people. . . . this applies to the entire public sector and not just those departments or agencies that deal primarily with Māori and Māori issues.'[153]

Tamaki Legal submitted that the Crown's arguments that 'amendments to names and communication styles in public service agencies have occurred on a case-by-case basis' in the context of the public service's highly devolved structure were flawed.[154] Counsel further argued that the 'devolution of responsibility to individual Ministers and agencies . . . already substantially compromised the Crown's ability to uphold its te Tiriti and legislative obligations in a consistent or coordinated manner with respect to the promotion of te reo Māori.'[155]

Crown discovery documents provided on 23 July 2024 revealed a proposed name change for Taumata Arowai.[156] In response, Tamaki Legal submitted that the amendments to the Taumata Arowai – the Water Services Regulator Act 2020 were 'yet another example of the Crown giving effect to its overarching te reo Māori policies' contained in the coalition agreement.[157]

Counsel noted the Crown's position that coalition agreements between political parties are not actions of the Crown. Nevertheless, counsel argued, Cabinet's endorsement of the amendment of the 2020 Act to prioritise the English name of Taumata Arowai shows that te reo policies have 'clearly been given effect to by the Crown'. Counsel further submitted that there was no evidence of adequate or any consultation with Māori on the amendment to rename the Act, and noted the absence of consultation with Te Taura Whiri, Te Mātāwai, Te Papa Kōrero, and Te Rūnanga Reo.[158]

Tamaki Legal's 13 November 2024 reply submission to the Crown's 13 September 2024 memorandum on the name change of Taumata Arowai refuted the Crown's argument that 'the status and use of te reo by a Crown agency' was

151. Submission 3.3.20, pp 31, 35

152. Submission 3.3.22(a), pp 31–32

153. Submission 3.3.21, p 23

154. Submission 3.3.18, p 35; counsel referred to transcript 4.1.7, p 428 [Evidence of Hannah Cameron]

155. Submission 3.3.18, p 35

156. Document A62, pp 1–10 [Cabinet Economic Policy Committee, Minute of Decision: 'Local Water Done Well Stage 3', pp 1–10]; doc A64, pp 1–6 [Te Tari Taiwhenua, Briefing Paper: 'Summary of Amendments to the Water Services Act', pp 1–6]; memo 3.4.1

157. Memorandum 3.2.18, p 4

158. Memorandum 3.2.18, pp 4–6. Judge Williams directed on 21 August 2024 that any claimant and interested party counsel who wished to file submissions on this matter do so by 5pm, Friday 30 August 2024, with the Crown response to these submissions due by 5pm, Friday 13 September 2024: memo 2.6.3. The sole submission received was from Tamaki Legal on behalf of the interested parties it represents.

the responsibility of individual Ministers. Counsel argued that evidence clearly demonstrated that several Ministers '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'. Counsel maintained that it was implausible that these 'Crown agency name changes . . . occurred without adherence by the respective agencies to an overarching Crown policy'.[159]

3.5.3.2 *The Crown's position*

In respect of name changes, the Crown acknowledged that '[a]t a lower level' there have been some changes in approach in 'specific Crown entities and departments'. Counsel cautioned that these required 'careful consideration' as 'some do not qualify as Crown action, and others remain under review and in process'.[160] Counsel distinguished between name changes at Crown entities and in departments. The former, counsel submitted, were not part of the Crown and 'therefore, not Crown actions and so cannot, themselves, be breaches of the Treaty'.[161] This submission related, for example, to name changes at Waka Kotahi, Toka Tū Ake (EQC) and Te Whatu Ora.

In respect to the name change for Whaikaha, counsel accepted that English had been put first as a result of a verbal instruction from the Minister for Disability Issues. Counsel observed, however, 'that this direction does not apply to all communications within or from Whaikaha' – only those provided to the Minister.[162]

In the case of Te Manatū Waka, counsel noted that a meeting between the Minister of Transport and the Secretary for Transport had taken place on 6 June 2024 and that the Secretary had agreed to 'look at "how to implement the coalition agreement"'. This, in counsel's view, was a 'policy process which remains underway' and 'no final decisions have been made in respect of the name'.[163]

In response to Tamaki Legal's 6 August 2024 submission on the change of name for Taumata Arowai, counsel for the Crown maintained that it did not constitute evidence of an 'overarching Crown policy to change agency names in line with the National/New Zealand First Coalition agreement'. Rather, counsel contended, it remained a matter for individual Ministers. Counsel asserted that the 'Crown's current overarching policies on te reo Māori stem from Te Ture mō Te Reo Māori 2016 and the Maihi Karauna'. On the issue of consultation, the Crown maintained that Te Arawhiti and Te Puni Kōkiri had been consulted as the 'agencies with an interest in the subject matter of a policy decision', since the 'primary focus of the paper was not te reo Māori but broader issues of water regulation'.[164]

159. Submission 3.3.24, p 10
160. Submission 3.3.17, p 56
161. Submission 3.3.17, pp 50–51
162. Submission 3.3.17, p 52
163. Submission 3.3.17, pp 52–53
164. Memorandum 3.4.1, pp 1–2

3.5.4 The prioritisation of communication in English in the public service

3.5.4.1 *Claimant and interested parties' positions*

Counsel for Ngāti Rēhia emphasised that 'he mea nui te kāwanatanga tautoko i te whakamahinga o te reo Māori kia tūhonohono ai te Māori ki te Māori, kia noho haumaru ai te Māori ki roto i ngā pūnaha auraki'[165] ('it is crucial that the government support the use of te reo Māori to connect Māori with Māori to ensure the safety of Māori in mainstream systems and services').[166]

Counsel for the Ngāi Te Rangi Settlement Trust stated that one of the ways in which the Crown had sought to 'discharge its duty of active protection' in the recent past was through promotion of 'te reo Māori throughout the public sector'.[167] This boosting of the use of te reo in the public service was facilitated through, for example, the establishment of Te Mātāwai and Te Whare o Te Reo Mauriora; the Maihi Karauna Strategy; 'the development of bilingual signage guidance; . . . the development of performance expectations for Chief Executives through Whainga Amorangi . . . and the capability-building programmes led by Te Taura Whiri'.[168]

Counsel for the Ngāi Te Rangi Settlement Trust further submitted that these strategies had 'increased the normalisation of te reo Māori as a natural feature of everyday life in Aotearoa', although there remained extensive work to do. Normalisation of a language, counsel added, 'is widely recognised as a critical element in supporting language regeneration.'[169]

In addition, counsel for Ngāti Te Rangiunuora me Ngāti Pikiao submitted that evidence given in the hearing by the Chief Executive of Te Taura Whiri has shown that 'no coordinated Māori Policy Framework is operating in the public sector . . . despite the time and effort spent by Māori agencies including Te Puni Kōkiri, Te Taura Whiri i Te Reo and Te Arawhiti'.[170] Counsel further argued that the recommendations from the Wai 262 Tribunal which 'proposed government language measures would make the Crown "more Māori speaking"' were ineffective in the 'context of the absence of any coordinated and well-resourced Māori Language Plan across the public sector'.[171]

Counsel for the Ngāi Te Rangi Settlement Trust also emphasised that the Crown's duty of active protection required the Government to be Māori-speaking and pointed in this regard to the words of the Wai 262 Tribunal.[172] Counsel for Ngāti Hine acknowledged that there is a 'substantial body of law and policy for te reo'. However, counsel submitted that 'there is not so much an issue with the current law and policy commitments to te reo, rather, there is an issue with the application and implementation of them.'[173]

165. Submission 3.3.22, pp 30–31
166. Submission 3.3.22(a), p 30
167. Submission 3.3.21, p 8
168. Submission 3.3.21, p 8 n
169. Submission 3.3.21, p 8
170. Submission 3.3.20, p 44
171. Submission 3.3.20, p 44
172. Submission 3.3.21, p 5
173. Submission 3.3.19, p 1

Guidelines developed by Te Puni Kōkiri and Te Taura Whiri, Tamaki Legal pointed out, were established 'to specifically target the promotion and revitalisation of te reo Māori'.[174] Consequently, Mahony Horner Lawyers submitted that it was

> not an overstatement to say that over half a century's worth of weaving, through the perseverance and unending determination of Māori hands, in the fabric of language revitalisation is being unravelled, slashed with the scissors that is the Coalition Agreements by this Coalition Government.[175]

3.5.4.2 *The Crown's position*

Counsel outlined the position in respect of communications between portfolio Ministers and Manatū Aorere, Te Tāhū o te Ture/Ministry of Justice (Te Tāhū o te Ture) and Te Tari Taiwhenua/Department of Internal Affairs (Te Tari Taiwhenua), and (as noted above) Whaikaha. Changes related to reference to 'New Zealand' only rather than 'Aotearoa New Zealand' and reversion to a standard submission template at Manatū Aorere; use of English salutations in ministerial communications and bilingual titles on a court structure document at Te Tāhū o te Ture; and the use of 'English first' in communications at Te Tari Taiwhenua and Whaikaha.[176]

Counsel for the Crown also submitted that 'in most cases, no change has been made to the use of te reo Māori at government departments, including any de-prioritisation in use'. Counsel further emphasised that the policies about revitalisation of te reo in the 'public service remain in place'. Chief executives and other leaders, counsel for the Crown noted, communicated this both to staff and also 'through Official Information Act responses'. Counsel for the Crown further pointed out that 'no general directive to stop using te reo has been or will be made' and submitted that most agencies have not altered the ways in which they communicate. Counsel stressed that it was 'up to Ministers to make such decisions in relation to their departments'.[177]

3.5.5 The limitation of access to te reo Māori allowances in the public service

3.5.5.1 *Claimant and interested parties' positions*

Claimants added the issue of te reo allowances to their areas of concern, stemming from public comments made about them by the Minister for the Public Service, as discussed in section 3.4.

Claimant counsel for Ngāti Te Rangiunuora me Ngāti Pikiao submitted that the 'promotion of te reo Māori me ngā tikanga Māori within public sector agencies relies upon advocacy by senior officials' and that te reo allowances accomplish two

174. Submission 3.3.18, p 34

175. Submission 3.3.16, p 39. Closing submissions 3.3.16 were submitted on behalf of Wai 1684, a claim made by Doreen Puru, Anna Kahukura Hotere, the late Louie Katene, Emma Torckler and William Puru on behalf of themselves, Te Hoia, Ngāti Rangimatamomoe and Ngāti Rangimatakaka. As in chapter 2, we refer to counsel by the law firm's name, Mahony Horner Lawyers.

176. Submission 3.3.17, pp 53–54

177. Submission 3.3.17, p 54

essential functions: 'recognising the skills people bring to the job, and encouraging government employees to attain a level of competence in te reo Māori which will enable the Crown to fulfil its obligations under the treaty'.[178]

Counsel for Ngāti Hine referred to section 14 of the Public Service Act 2020 and emphasised that, under that section, the 'public service has a responsibility to support the Crown in its relationships with Māori'.[179] Counsel also referenced priority three of the 2021 Government Workforce Policy Statement, which aims to '[c]reate a diverse and inclusive environment for all workers'.[180] The provision for te reo allowances, counsel argued, is one way 'of supporting Māori–Crown relations' and upholding both.[181]

The finalising of the GWPS, replacing the 2021 GWPS, was still under development during our hearing,[182] and counsel pointed to what they saw as flaws in its drafting. For example, counsel for Ngāti Hine focused on the advice provided by Te Kawa Mataaho on the new draft GWPS to Minister Willis that she could elect to 'include an expectation to reflect any Government intention to stop these allowances being paid in the future'.[183] Counsel for Ngāti Hine further submitted that during our hearing 'it was clarified that putting a stop to allowances only related to te reo'.[184]

Counsel for Ngāti Hine also emphasised that the section of the draft GWPS that focused on allowances was updated repeatedly. Further, that public service agencies and unions, who were consulted on the GWPS, noted the lack of mention of either te Tiriti/the Treaty or section 14 of the Public Service Act 2020 in the advice.[185]

Counsel for the Ngāi Te Rangi Settlement Trust highlighted that te Tiriti/the Treaty was absent both in the 'advice provided by Te Kawa Mataaho' and in its 'briefing papers'.[186] Counsel for Ngāti Hine added that Minister Willis 'had crossed out references to the Treaty of Waitangi' in the draft GWPS.[187]

Counsel for the Ngāi Te Rangi Settlement Trust noted that the 'promotion of te reo is at risk when the Treaty is absent from policy',[188] and counsel for Ngāti Te

178. Submission 3.3.20, p 41
179. Submission 3.3.19, p 10. Tamaki Legal's submission also addressed this point: submission 3.3.18, p 43. Counsel for Ngāti Rēhia submitted that it supported the submissions made by Ngāti Hine regarding allowances: submission 3.3.22(a), p 34.
180. Submission 3.3.19, p 10, citing doc 6.2.25, p [4] [Te Kawa Mataaho, 'Government Workforce Policy Statement on the Government's Expectations for Employment Relations in the Public Sector', 2021, p [4]]
181. Submission 3.3.19, p 10
182. As noted in section 3.3.4 above, the finalised GWPS was published on 7 August 2024.
183. Submission 3.3.19, p 11, quoting brief of evidence of Alexandra Chadwick, doc A42, p 11
184. Submission 3.3.19, p 11
185. Submission 3.3.19, pp 11–12
186. Submission 3.3.21, p 21
187. Submission 3.3.19, p 16
188. Submission 3.3.21, pp 21–22

Rangiunuora me Ngāti Pikiao submitted that 'Māori are losing' when policies are implemented and 'Te Tiriti is not at the centre'.[189]

Moreover, both counsel for Ngāti Hine and Ngāti Te Rangiunuora me Ngāti Pikiao emphasised that Te Kawa Mataaho 'defer[s] to other agencies for advice on the treaty consistency of its policies including Crown Law, Te Arawhiti, and Te Puni Kōkiri'.[190] Consequently, both claimant counsels argued that 'analysis of the treaty, if it is done, is internal and without guidance from Treaty partners or experts'.[191] Counsel for Ngāti Hine specified that

> Māori, as the Crown's te Tiriti partner, have a right to be present and influence outcomes. Māori (te Tiriti partners, not Crown agencies) through the guarantee of tino rangatiratanga have the right to have te reo Māori protected, and to be involved in any law and/or policy making concerning te reo.[192]

Counsel for Ngāti Te Rangiunuora me Ngāti Pikiao also stressed that due to the Crown's discussions about the removal of te reo allowances, public servants 'who are proficient in Te Reo Māori and have developed competencies supported by their various employers of the Public Service [were] feeling vulnerable'.[193]

In addition, Te Whenua Law submitted that the removal, limitation or reduction of te reo allowances was 'inconsistent with Te Tiriti o Waitangi and [would] undermine effective delivery of public services'.[194]

Te Whenua Law asserted that the 'Crown's relationship with kaimahi Māori within the public service sector . . . is of special status in that it is underpinned by New Zealand's founding constitutional document, Te Tiriti o Waitangi and the Treaty Partnership'.[195] Counsel for Kaimahi Māori members of the PSA further highlighted the obligations under te Tiriti/the Treaty for the Crown. These include, they argued, 'taking all reasonable steps to ensure that kaimahi Māori are adequately and equitably supported' in order to 'maintain the capabilities necessary to carry out their roles on behalf of the Crown'.[196]

Kaimahi Māori, counsel submitted, often act as 'intermediary for the Crown in engaging with Māori communities'.[197] Similarly, counsel for the Ngāi Te Rangi Settlement Trust argued that the claimants' evidence 'highlighted the historic and

189. Submission 3.3.20, p 44
190. Submission 3.3.19, p 14; submission 3.3.20, p 48
191. Submission 3.3.19, p 14; submission 3.3.20, p 48
192. Submission 3.3.19, p 5
193. Submission 3.3.20, p 4
194. Submission 3.3.15, p 25. Closing submissions 3.3.15 were filed on behalf of Wai 3349, a claim made by Janice Panoho (Kaihautū) and Georgina Kerr (Kuia and Māngai) on behalf of kaimahi Māori members of Te Pūkenga Here Tikanga Mahi (the New Zealand Public Service Association). As in chapter 2, we refer to counsel by the law firm's name, Te Whenua Law.
195. Statement of claim (Wai 3349 RO1, 1.1.1), p 1
196. Submission 3.3.15, p 30
197. Submission 3.3.15, p 30

contemporary challenges faced by Māori to speak te reo Māori, particularly within the public service.'[198]

In response to the Minister for the Public Service's release of the final 2024 GWPS on 7 August 2024, Tamaki Legal requested that we 'invite the claimants, all interested parties and the Crown to file submissions on the GWPS'. Counsel argued that the GWPS had 'featured prominently as a draft with significant redactions during the hearing' and parties had been unable to consider the 'finalised and unredacted version' before its publication.[199] Judge Williams agreed that the Crown should provide discovery and that the claimants should be able to file further submissions,[200] although ultimately only Tamaki Legal filed supplementary closing submissions.[201] Counsel sought directions that 'the Crown file ongoing discovery of collective agreements as they are finalised, alongside the most recent collective agreements' to gauge the 'full implications of the Crown's expectations for te reo allowances'.[202] That request was declined by Judge Williams.[203]

3.5.5.2 *The Crown's position*

In respect of allowances, counsel noted that 'allowances for te reo Māori have developed in an ad-hoc manner through both collective bargaining and agency policies, with varied results'.[204] It was in the context of the GWPS – a statement of expectations regarding employment relations – that the issue of allowances arose.

The Crown submitted that allowances 'were only a part of the GWPS consideration that was taking place during this period' and that any change to the GWPS regarding allowances 'does not affect employees' existing rights under employment agreements'.[205]

Counsel noted that, during the drafting of the latest GWPS, Minister Willis had requested advice on the current guidance for allowances. Setting out a timeline of advice since the Minister's initial request in December 2023, counsel referred to a letter from the Minister on 27 May 2024 and explained that 'her approach to this issue ha[s] evolved in the course of the policy development process'.[206] Counsel cited the Minister's statement that she had been able to 'clarify [her] view' and that 'allowances in addition to base salary should be used in limited circumstances'.[207] The draft GWPS was amended to reflect this, although it had not yet been approved by the Minister.[208]

198. Submission 3.3.21, p 23
199. Submission 3.4.3, p [6]
200. Memorandum 2.6.5, p 4
201. Submission 3.4.7
202. Submission 3.3.24, pp 5–8
203. Memorandum 2.7.1, pp 2–3
204. Submission 3.3.17, p 28
205. Submission 3.3.17, p 29
206. Submission 3.3.17, p 35
207. Submission 3.3.17, p 35, quoting Minister Willis' letter to Heather Baggott, doc A66, pp 80–81
208. Submission 3.3.17, pp 35–37

The Crown submitted that 'the amended allowances clause [in the GWPS]' as it stood was 'compliant with the Crown's obligations under the Treaty and relevant legislation, including Te Ture mō Te Reo Māori 2016 and the Public Service Act 2020'.[209] Counsel further submitted that the process around developing the relevant parts of the GWPS, 'although relatively fast-paced – [was] Treaty-compliant'. Counsel acknowledged, however, that the Crown 'did not consult directly with Māori in relation to the amended GWPS'.[210]

In parallel to the development of the GWPS, counsel noted that thought was 'being given to remunerating te reo Māori skills and wider cultural capability in base salary'.[211] Counsel clarified that this consideration was 'at a relatively early stage' and that the 'nub of the issue' before the Tribunal related to the allowances clause in the draft GWPS.[212]

On 21 August 2024, the Crown filed the unredacted, final 2024 GWPS that had been issued on 7 August 2024. Counsel advised that the final GWPS was the 'same as the version filed with closings on 5 July 2024'.[213] Counsel opposed the discovery request in relation to the GWPS and argued that the 'unredacted final version' had 'been available' to all parties since 8 July 2024. Counsel further submitted that 'most of the content in the GWPS' was outside the scope of the inquiry and that 'comprehensive discovery' had already been 'provided on the relevant parts'.[214] Discovery was provided, as ruled by Judge Williams, on 6 November 2024.[215]

3.5.6 The impact of Crown actions and omissions concerning te reo in the public service on Māori

3.5.6.1 *Claimant and interested parties' positions*

A major concern claimants and interested parties expressed in their closing statements was the vulnerability and fragility of te reo Māori.[216] The Crown policies contained in the National Party-New Zealand First coalition agreement, counsel for Ngāi Te Rangiunuora me Ngāti Pikiao submitted, 'would reverse . . . important gains in the status and use of te reo Māori made as part of government efforts in recent years to support the revitalisation of the language'.[217]

Counsel for the Ngāi Te Rangi Settlement Trust argued that a recurring theme that proceeded 'from the evidence of both the claimants and the Crown is that regeneration of te reo Māori requires consistent, positive effort and interventions – on the part of both Māori and the Crown'.[218]

209. Submission 3.3.17, p 37
210. Submission 3.3.17, p 41
211. Submission 3.3.17, p 38. Acting Public Service Commissioner Heather Baggott had identified this aspiration in her evidence, and it was also expressed in the Minister's letter of 27 May 2024.
212. Submission 3.3.17, pp 39–40
213. Memorandum 3.4.2, p 1; appendix 3.4.2(a)
214. Memorandum 3.4.4, pp 4–5
215. Memorandum 3.4.13
216. Submission 3.3.20, pp 8, 42; submission 3.3.21, p 4; submission 3.3.22(a), p 28
217. Submission 3.3.20, p 25
218. Submission 3.3.21, p 23

Counsel for the Ngāi Te Rangi Settlement Trust also stated that te reo concerned all Māori and tangata Tiriti due to Te Reo Māori being 'protected by the Treaty of Waitangi, which belongs to all Māori and all New Zealanders'. Echoing the words of the Wai 262 Tribunal, counsel then emphasised the significance of te reo as 'a window into the Māori world, Māori culture and Māori identity. Without te reo Māori, the Māori people would cease to exist as a distinct and separate people.'[219]

Mahony Horner Lawyers emphasised that despite the 'recent half-century of hard-won progress . . . the state of te reo continues to be fragile', all the more so 'in the present day and under the current Coalition Government'.[220] Similarly, counsel for Te Rūnanga o Ngāti Rēhia (Ngāti Rēhia) expressed their concern that 'the Crown has made active efforts to return to the times prior to the 1970s, the time and period when te reo Maori was in a perilous state'.[221]

Tamaki Legal stressed that

> [t]e reo Māori's pronounced vulnerability is wholly attributed to the acts and omissions of the Crown, especially its English only policy in New Zealand's schools from the 1840s through to the 1970s. The Crown's pivotal role in the language's demise now compels the Crown to take especially vigorous action to protect the status and use of te reo Maori, particularly in the public sector.[222]

3.5.6.2 *The Crown's position*

The Crown acknowledged the submissions and evidence presented on behalf of the claimants and interested parties in this inquiry. Both the submissions and evidence, as well as the Crown's acknowledgement, reflected the importance and significance of te reo Māori.

Counsel for the Crown acknowledged the 'relationship between te reo Māori and Māori well-being', but highlighted the limited scope of the inquiry.[223] Counsel submitted that the scope was 'necessarily narrow' and 'does not extend to all Crown policy relating to te reo Māori', as they were not related to the coalition '[a]greements, the te reo allowances or te reo Māori in the public service'.[224] Noting the number of other issues related to te reo that were raised in the inquiry, including budget cuts to educational services, challenges for kōhanga reo, and the funding of Mātāwai, counsel submitted that these 'sit outside the scope of this inquiry' and may be better addressed in other Tribunal inquiries.[225]

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219. Submission 3.3.21, p 2. Counsel here was presumably drawing from the text of the Wai 262 report, which stated that the 'language is clearly a taonga of quite transcendent importance to Māori' and emphasised that '[w]ithout it, Māori identity would be fundamentally undermined, as would the very existence of Māori as a distinguishable people': Waitangi Tribunal, *Ko Aotearoa Tēnei*, vol 2, p 442.
220. Submission 3.3.16, p 4
221. Submission 3.3.9(a), p 5
222. Submission 3.3.18, p 8
223. Submission 3.3.17, p 7
224. Submission 3.3.17, p 7
225. Submission 3.3.17, pp 7–8

UPOKO 4

TE TĀTARI I TE TIRITI, NGĀ KŌRERO TAUNAKI ME NGĀ KITENGA

4.1 Kupu Whakataki

I te upoko kua hipa, i matapaki mātau i ngā tūnga o ngā pāti, kātahi ka whakaraupapa ki ngā wehenga iti ā-ariā e rima. Hei whaiwhai i tērā i tohua ki te upoko 3, ka whai tō mātau tātaritanga i tēnei huarahi, ahakoa ka waihotia ngā whakaaro mō te pānga o ngā kaupapahere a te Karauna ki te upoko whakamutunga.

Ka tīmata mātau ki te tātari i tō mātau mana ā-ture ki te tirotiro ki ngā āhuatanga o ngā kerēme e pā ana ki ngā whakaaetanga haumi. Kātahi ka huri te aro ki ngā take matua i ara mai i ngā kerēme kei mua i a mātau. Ki ō mātau whakaaro ko aua take ko te whakangoikore, ko te tango rānei i te whakamahinga o ngā ingoa reo Māori i ngā tari kāwanatanga me ngā hinonga Karauna; ko te whakamātāmua i ngā whakawhitinga kōrero ki roto i te reo Pākehā i te ratonga tūmatanui; ā, i te mutunga atu, te whakaaro e whai ana te Karauna ki te whakaiti i te tika, i te āheinga a ngā kaimahi kāwanatanga ki ngā utu-tāpiri mō te reo.

E rua o ēnei take i ahu mai i ngā kī taurangi kei roto i te whakaaetanga haumi nō te Whiringa ā-rangi 2023 i waenganui i te Pāti Nāhinara o Aotearoa me te Pāti o Aotearoa Tuatahi. Koinei ngā take, i matapakitia ki te upoko 1 arā, kia 'noho ngā ingoa matua o ngā tari kāwanatanga katoa ki te reo Pākehā, atu i ērā e hāngai pū ana ki te iwi Māori', ā, kia herea 'ngā tari kāwanatanga me ngā hinonga Karauna ki te whakawhiti kōrero i te tuatahi ki roto i te reo Pākehā – atu i ērā e hāngai pū ana ki te iwi Māori'.[1] I ahu mai te take o ngā utu mō te reo i ngā kōrero a te Minita mō te Ratonga Tūmatanui, i matapakitia ki te tekihana 3.4.

I te upoko 5, ka whakatakoto mātau i ō mātau kitenga mō ngā takahitanga i te Tiriti / the Treaty me ōna mātāpono, ā ka mutu, mēnā i hua mai te whakahāweatanga ki ngā kaikerēme i runga i ngā mahi a te Karauna, tae atu ki ō mātau tūtohunga.

4.2 Tō Mātau Mana ā-Ture ki te Tātari i ngā Kerēme mō ngā Whakaaetanga Haumi

Ka whakatakoto te tekihana 6 o te Treaty of Waitangi Act 1975 i te mana ā-ture o te Taraipiunara. Ko te mea e whai take ana ki te ruku tātari, e ai ki te tekihana 6(1)(c) me hāngai ngā kerēme ki ngā kaupapahere, ki ngā tikanga rānei 'i tīkina atu e te Karauna, i mahia rānei mō te Karauna', 'i whakaarohia kia tīkina atu e te Karauna,

1. Tuhinga A65, wh 756 ['Coalition Agreement: New Zealand National Party & New Zealand First', 24 o Whiringa ā-rangi 2023, wh 9]

kia tīkina atu mō te Karauna rānei' rānei, ina hāngai te tekihana 6(1)(d) ki ngā mahi, ki ngā hapa rānei a te Karauna, 'ki ngā mahi, ki ngā hapa rānei a te Karauna e whakaarohia ana' rānei.

Kua kite mātau, ko te tūnga o te Karauna ehara ngā whakaaetanga haumi i te kaupapahere, i te mahi rānei a te Karauna 'kia tae rā anō ki te wā ka whakatinana te Karauna i ērā'.[2] Nā reira, e ai ki te tāpaetanga o te rōia mō te Karauna, kāore e taka ki tō mātau mana ā-ture.[3] E whakaae ana mātau ka taka ki waho i tō mātau ruku tātari ngā whiriwhiringa tōrangapū, ā, ka huri te aro (pērā i te rōia mō te Karauna) ki te tirohanga o te Taraipiunara i tōna pūrongo ohotata mō te whakakorenga o te tekihana 7AA i te Oranga Tamariki Act 1989 'kaua mā mātau te tātari i ngā tūnga kaupapahere ka tīkina atu e ngā pāti tōrangapū i waho i te kāwanatanga'.[4]

Ko te pātai mō mātau, mēnā i huri ngā whakaaetanga haumi hei kaupapahere Karauna, inahea hoki i pērā ai, mēnā rānei i tutuki ngā whakaaetanga haumi anō nei he kaupapahere Karauna. Pērā i tērā i whakahuatia ki te tekihana 3.5.2.1, i tohe ngā kaikerēme nā te mea i tautokohia ngā whakaaetanga e te Kāhui Minita i te 28 o Whiringa ā-rangi 2023 hei tūāpapa mō ngā mahi a te Kāwanatanga, ka taka ki roto i tō mātau mana ā-ture. Waihoki, i tohe rātau i whai niho ngā whakaaetanga i ngā mātārere a te Tari Kapenata nō te 25 o Poutūterangi 2024, arā

> kia mārama ngā Minita, ngā Hēkeretari i raro i te Minita, ngā tāhuhu rangapū me ō rātau tari ki ngā whakaaetanga e rua, kia whai tukanga hei whakatinana i ngā whakaaetanga.[5]

I whakahē te rōia mō te Karauna koirā te pānga o te mātārere nō te Tari Kapenata. Ka tohu ia ka tuku 'kupu ārahi' noa iho te mātārere ki ngā Minita me ngā tari. Ka tāpae tonu ia, i te wā i tautokona ngā whakaaetanga haumi, i tautoko anō te Kāhui Minita i te *Puka Kapenata* hei tūāpapa (ki te taha o ngā whakaaetanga e rua) 'mō ngā mahi a te Kāwanatanga Haumi'.[6] I mea te rōia mō te Karauna, i whakaatu tēnei ka hāngai ngā whakatau a te Kāhui Minita ki te *Puka Kapenata*, kaua ki ngā whakaaetanga anake. E ai ki a ia, ko te kōrero i roto i te mātārere mō 'ngā tukanga hei whakatinana atu', e kōrero ana mō te whiwhi i ngā kupu ārahi mai i ngā āpiha 'e pā ana ki te huarahi pai rawa hei whakatinana i ngā whakaaetanga haumi'. Kei roto anō i tēnā ko ngā whakamārama poto mō te whakatinana i ngā takohanga a te Karauna i raro i te Tiriti/the Treaty.[7]

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2. Tāpaetanga 3.3.5, wh 2
3. Tāpaetanga 3.3.17, wh 4
4. Te Rōpū Whakamana i te Tiriti o Waitangi, *The Oranga Tamariki* (*Section 7AA*) *Urgent Inquiry 10 May 2024 Report* (Pito-one: Blue Star Group (NZ) Ltd, 2024), wh 5
5. Tuhinga A65, wh 810 [Tari Kapenata, 'National, ACT and New Zealand First Coalition Government: Consultation and Operating Arrangements (CO(24)2)', 25 o Poutūterangi 2024, wh 2]; tirohia anō te tāpaetanga 3.3.19, wh 8.
6. Tuhinga A65, wh 809 [Tari Kapenata, 'National, ACT and New Zealand First Coalition Government: Consultation and Operating Arrangements', wh 1]
7. Tāpaetanga 3.3.17, wh 6

Hei tā Heather Baggott, te Kōmihana Tuarua Kairīwhi o Te Kawa Mataaho/Public Service Commission (Te Kawa Mataaho), i te wā i uia e ngā rōia mō ngā kaikerēme:

> kāore ngā whakaaetanga haumi e noho ki runga i ngā whakatau a te Kāhui Minita. Nā reira ko te hiranga o te tiki atu a te Kāhui Minita . . . te whakaū me te tautoko i te *Puka Kapenata* e hāngai ana nā te mea . . . he whakaiti i te whakatinanatanga o ngā whakaaetanga haumi e herea ana ki te whai whakatau i te Kāhui Minita.[8]

He kōrero anō tā Hannah Cameron, te Kōmihana Tuarua mō te taha Rautaki, Kaupapahere hoki o Te Kawa Mataaho, i whakamārama ia he mea āwhina te *Puka Kapenata* 'ki te whakaako [i ngā Minita] i taua tukanga, ā, mā tērā ka noho haumaru ai mātau, ka kore tētahi i te nuinga o te wā e hūpeke ki te mahi tōmua rawa'.[9]

Te āhua nei e pai ana tēnei, ā, e whakaae ana mātau i aro a Minita Willis ki ngā whakamārama poto (kāore e kore he kōrero ture anō) kātahi ka tīni i tōna tūnga mō ngā utu (he kaupapa ka hoki ai mātau ki raro nei). Heoi anō, ko te mea kē kāore ngā mahi whakatau a te Kāhui Minita – ahakoa ngā whakamārama poto nā ngā āpiha – i aukati i te whakatinanatanga o ētahi atu āhuatanga o ngā whakaaetanga haumi, ahakoa ngā kitenga a te Taraipiunara i wāwāhi ēnei mahi i ngā mātāpono o te Tiriti, ā, ka hua mai te whakahāweatanga. Hei tauira, i kī te Taraipiunara i tātari i te whakakorenga o te tekihana 7AA o te Oranga Tamariki Act i huri tuarā te Minita mō ngā Tamariki 'i te nui rawa o ngā kupu ārahi a ngā āpiha' kia kaua e haria tōna kaupapa ki te Kāhui Minita.[10] Waihoki, i kite te Taraipiunara i arotake i te whakahounga ki te Local Electoral Act 2001 ka whakahoki i te herenga kia whai pōtitake-here mō te whakatūnga o ngā wāri Māori, 'E mārama ana i whakatau te Kāhui Minita me te kore aro ki ngā kupu ārahi ko tērā i whakatūria i te tau 2021 te huarahi pai rawa kia noho taurite ai i waenganui i ngā pānga ki te marea me ngā tika a te Māori'.[11]

I tīkina atu e ēnei Taraipiunara e rua te wāhanga kōrero e whai ake nei nō te *Puka Kapenata*. Ahakoa te tūponotanga ka herea te Kāwanatanga i runga i ēnei kaupapahere e rua i te ara i kīia e Baggott rāua ko Cameron, e mārama ana kāore i pērā te pānga mai:

> Kia noho taurite i waenganui i te mana o te nuinga me ngā tika o te tokoiti, i waenganui i te tino rangatiratanga o te iwi ka whakamanahia mā roto i te Pāremata me te ture, ā, ka mutu i waenganui i te mana o ngā kāwanatanga kua pōtihia ki te whakature i ō rātau kaupapahere me te tiaki i ngā uara pāpori, turepapa hoki ka noho hei tūāpapa. Kore rawa te rongoā e noho i ngā wā katoa ki ngā mahi whakatau a te nuinga. Otirā, he maha ngā wā ka mōhio te hunga pupuri i te mana ki te whakatau

8. Tuhinga kōrero 4.1.7, wh 209
9. Tuhinga kōrero 4.1.7, wh 445
10. Te Rōpū Whakamana i te Tiriti o Waitangi, *Oranga Tamariki* (*Section 7AA*) *Urgent Inquiry 10 May 2024 Report*, wh 26
11. Te Rōpū Whakamana i te Tiriti o Waitangi, *The Māori Wards and Constituencies Urgent Inquiry Report* (Pito-one: Blue Star Group (NZ) Ltd, 2025), wh 40

> mō te nuinga, ka rāhuitia tō rātau mana e ērā mea ka noho hei tūāpapa ki tō mātau porihanga, nā ngā tikanga, nā te Tiriti o Waitangi, nā ngā takohanga o te ao me ngā whakaaro e pā ana ki te tōkeke me te tika.[12]

Nō reira, kāore mātau i te whakaae nā runga i te hiahia kia whakatau te Kāhui Minita i ia kaupapahere ko te tikanga ka noho tonu ngā whakaaetanga haumi hei kirimana tōrangapū ka noho ki tua atu i tō mātau mana ā-ture. Nā runga i te whakatau a te Kāhui Minita i te 23 o Whiringa ā-rangi 2023 ka noho ngā whakaaetanga hei tūāpapa mō ngā mahi a te Kāwanatanga hou, he uaua te tautoko i tēnei whakaaro. He mahi nā te mana whakahaere tēnei whakaaetanga ka tautuhi i ngā mahi a te Karauna e whakaarohia ana, e takunehia ana rānei, ā, ko te herenga kotahi noa iho i tāpirihia atu ko te hiahia kia hāngai ngā whakatau ōkawa ki te *Puka Kapenata*. Ko te āhua nei e mārama ana te kite e karapotia ana ēnei takune e ngā kupu o ngā tekihana 6(1)(c) me 6(1)(d) o te Treaty of Waitangi Act 1975. Kāore i a mātau te mana ā-ture noa iho ki te tātari i ngā kerēme e pā ana ki ngā whakaaetanga, engari kē ka uruhi tō mātau Ture i a mātau atu i ngā wā ka taka ērā kerēme ki raro i ngā aweretanga kei roto i ngā tekihana 6AA, 7 rānei.[13] Ki ō mātau whakaaro, he kīanga ōrite te takune i kauhautia e Minita Willis i te Hakihea 2023 ki te whakamutu i ngā utu mō te reo ki te takune o te Karauna.

E whakaae ana mātau, ko te whakaaro, mā te tukanga o ngā mahi whakatau a te Kāhui Minita ka hua mai pea ngā whakahounga ki ngā whakaaetanga haumi. Hei tauira, ka whakatakoto te kōrero kei runga nō te *Puka Kapenata* i ngā momo take me whaiwhakaaro e ngā Minita i roto i ngā mahi whakatau. Ka whakamaumahara anō tētahi mātārere o te Tari Kapenata nō te tau 2019 e pā ana ki 'Ngā Tohutohu mō Te Tiriti o Waitangi/Treaty of Waitangi' i ngā Minita ki ngā takohanga kei raro i te Tiriti/the Treaty, ā, ka whakatakoto i ngā take me whaiwhakaaro e te hunga waihanga kaupapahere kia taea e rātau 'te whakaatu i te whakaute ki te kāwanatanga, te rangatiratanga me ētahi atu ariā Tiriti matua, ka mutu ki te hāngai o ērā ki ā rātau mahi'.[14] E whakapono ana mātau i whaiwhakaaro te Taraipiunara i roto i te pūrongo ohotata mō te Oranga Tamariki Tekihana 7AA ki aua tikanga ina kī (tēnā i te kōrero i tīkina atu i te tekihana 3.5.2.1) 'i te wā ka oatihia ngā Minita, ka whakatūria hoki te kāwanatanga, kei te mana whakahaere te haepapa ki te whakatutuki i ngā takohanga a te Karauna ki te iwi Māori i raro i te Tiriti o Waitangi

12. Tari Kapenata, *Cabinet Manual 2023* (Te Whanganui-a-Tara: Tari o te Pirimia me te Kāhui Minita, 2023), wh 5; Te Rōpū Whakamana i te Tiriti o Waitangi, *Oranga Tamariki* (*Section 7AA*) *Urgent Inquiry 10 May 2024 Report*, wh 29; Te Rōpū Whakamana i te Tiriti o Waitangi, *The Māori Wards and Constituencies Urgent Inquiry Report*, wh 40

13. E pā ana te wehenga 6AA ki ngā kokoraho o mua i whakatakotohia i mua i te 1 o Mahuru 2008, ā, e pā ana te wehenga 7 ki ngā kokoraho hauarea, hangahanga, hōhā rānei, ko ērā rānei i mahia ahakoa i reira he rongoā pai, te tika rānei ki te pīra.

14. Tuhinga A45, wh 645 [Tari Kapenata, 'CO(19)5: Te Tiriti o Waitangi/Treaty of Waitangi Guidance', 22 o Whiringa-ā-nuku 2019, wh 3]

. . . Ko te whakahōnore i te Tiriti me te mahi kia tika, kia pono ki te hoa Tiriti te takohanga.'[15]

Ahakoa ngā herenga tātai o te tukanga Kapenata, kāore mātau i te whakaae ki te tūnga o te rōia mō te Karauna e kī ana he kupu ārahi noa iho te mātārere nō Poutūterangi 2024, me te mea nei kāore he pānga tūturu i tēnei wā. Kāore rānei mātau i te whakaae he tohu noa iho hei whakarite i ngā kupu ārahi kaupapahere te kawatau kia whakatakoto tukanga ngā tari mō te whakatinana i ngā whakaaetanga. Engari kē, i whakamōhio atu te mātārere ka whakatinanahia ēnei kaupapahere. Ko te ia he karanga i ngā tāhuhu rangapū ki te whakarite i tērā. Waihoki, kua kitea ki wāhi kē he tere te puta mai o ngā pānga o ngā whakaaetanga haumi. I tohu te kōrero i roto i te mātārere ki te *Puka Kapenata* ka whakamanahia ngā whakaaetanga haumi e tētahi ara hātepe. E ai ki te rōia mō te Taratī Whakataunga o Ngāi Te Rangi, kei reira 'ngā tukanga hei whakamana i ēnei whakaaetanga engari e pīrangitia ana nā te mea i tautoko te Kāhui Minita i ngā whakaaetanga'. I whakaae a Baggott ki tēnei whakamārama.[16]

Otirā, nā ngā whakaaetanga me te mātārere ka panonitia ngā kaupapahere me ngā ritenga o te Kāwanatanga ahakoa karekau he whakatau ōkawa a te Kāhui Minita, inarā ko ngā ingoa o ngā tari Kāwanatanga me te whakamahinga o te reo. Waihoki – ahakoa e whakaae ana mātau kei reira ngā pātai mō te tepenga o ngā kōrero taunaki – e ai ki ētahi o ngā kaiurupare i te tatauranga o ngā kaimahi kāwanatanga i whakahaerehia e Te Pūkenga Here Tikanga Mahi / Public Service Association (Te Pūkenga Here Tikanga Mahi), e whakamāramahia ana, e whakatinanahia ana ngā whakaaetanga haumi puta noa i ngā tari Kāwanatanga maha hei kaupapahere a te Karauna. Hei tauira, i tuhi ngā āpiha o Ara Poutama Aotearoa / Department of Corrections (Ara Poutama Aotearoa) me Te Amorangi Mātauranga Matua / Tertiary Education Commission (Te Amorangi Mātauranga Matua) i whakaitia te whakamahinga o te reo ki ō rātau tari me te kore tohutohu ōkawa mai i te Minita.[17] Waihoki, i te mutunga o Whiringa ā-rangi 2023 i takea mai i te whakaaetanga haumi (o Aotearoa Tuatahi) te tohutohu a te Pirimia Tuarua a Winston Peters ki ngā āpiha o te Manatū Aorere / Ministry of Foreign Affairs and Trade (Manatū Aorere) kia tangohia te kupu 'Aotearoa' i ngā kōrero mō te ingoa o te motu.[18] E whakaatu ana tērā i whakaaro tētahi mema matua o te Kāhui Minita mai i te tīmatanga he kaupapahere a te Karauna ngā whakaaetanga.

Hei whakarāpopoto, ki ō mātau whakaaro ka taka ngā whakaaetanga haumi ki roto i tō mātau mana ā-ture mai i te wā i tautokona e te Kāhui Minita hei takune kaupapahere a te Karauna i te Whiringa ā-rangi 2023. He whakaū anō te mātārere o te Tari Kapenata nō te 25 o Poutūterangi 2024 i tēnei – me tōna kawatau ka kōkiri ngā Minita me ngā tāhuhu rangapū ki te whakamana i ngā whakaaetanga. Waihoki, ehara i te whakamōmona kōrero te kōrero tukutahi ki te *Puka Kapenata*.

15. Te Rōpū Whakamana i te Tiriti o Waitangi, *Oranga Tamariki* (*Section 7AA*) *Urgent Inquiry 10 May 2024 Report*, wh 28

16. Tuhinga kōrero 4.1.7, wh 210

17. Tuhinga A13(a), wh 7–8, 10

18. Tuhinga A65, wh 373–374 [Manatū Aorere, 'Situation Report One: Mt Ulawun Eruption (Tūrei 28 o Whiringa-ā-rangi)', wh [1]–[2]]

Ko tā te *Puka Kapenata*, e ai ki te putanga o te 2023, 'he tuku kupu ārahi, kaua ko te tūtohu ture, ā, kei roto ngā whakamārama kua tau mō ngā ritenga kāwanatanga, kaua ko te arataki i ngā panonitanga.'[19]

4.3 Te Whakangoikore, te Tango Rānei i ngā Ingoa Reo Māori Mai i ngā Tari Kāwanatanga me ngā Hinonga Karauna

4.3.1 Kupu whakataki

I muri tata i tōna whakatūnga, ka pānui te Kāwanatanga i tōna mahere 100-rā – he huinga o ngā mahi i whakaaetia e te Kāhui Minita i takea mai i ngā whakaaetanga haumi i ū kia whakatinanahia i roto i ngā rā 100. E rua ngā mahi e pā ana ki te ratonga tūmatanui i whai wāhanga ki te mahere: ngā mea i whakaaehia e te Pāti Nāhinara me te Pāti o Aotearoa Tuatahi kia noho mātāmua ngā ingoa o ngā tari kāwanatanga katoa ki roto i te reo Pākehā, atu i ērā e hāngai pū ana ki te iwi Māori, ā, e here ana hoki i ngā tari kāwanatanga me ngā hinonga Karauna ki te whakawhiti kōrero i te tuatahi ki roto i te reo Pākehā.[20] Pērā i tō mātau kōrero nō te tekihana 4.2, i tautokona ngā whakaaetanga haumi e te Kāhui Minita i te 28 o Whiringa ā-rangi 2023 hei tūāpapa mō ngā mahi a te Kāwanatanga hou. I muri tata mai i te whakatūnga o te Kāwanatanga hou, kāore i ārikarika ngā Minita me ngā āpiha Kāwanatanga matua i titiro ki ngā ara hei whakaiti i te hiranga me te whakamahinga o te reo ki ō rātau tari, nā te mea i te matapae ka tae mai he tohutohu i te Kāwanatanga. I whakapūmau a Minita Willis, te Minita mō te Ratonga Tūmatanui, i tōna whakatau kia kaua ia e tuku tohutohu mō 'ngā ingoa me ngā whakawhitinga kōrero e whakamahia ana e ngā tari kāwanatanga' i roto i tētahi reta ki te kaikōrero mō te Karauna a Baggott nō te 27 o Haratua 2024.[21] Heoi anō, e ai ki te whakamārama o Baggott i te uiui kōkirikiri, kei ia Minita te mana ki te whakatinana i ngā herenga o ngā whakaaetanga haumi, ka mutu i ngā Minita 'tēnā kaha, tēnā mana i ngā wā katoa.'[22]

Kua tohua e mātau ngā take e whai ake nei e pā ana ki te tapa i ngā tari Kāwanatanga:

- I hāngai ngā kupu ārahi a ngā āpiha mō te reo i te ratonga tūmatanui ki ngā haepapa tiaki a te Karauna i te reo?
- He aha te takenga mai, te hiranga, me te uruhitanga o ngā tohu reorua?
- He aha te hiranga ahurea kei roto pū i te tuku i ngā ingoa reo Māori?
- He aha ngā mahi a ngā tari Kāwanatanga e pā ana ki ō rātau ingoa reo Māori?

19. Tari Kapenata, *Cabinet Manual 2023*, wh xiii

20. Tuhinga A43(a), wh 42–46 [ngā īmēra i waenganui i te DPMC me Hannah Cameron, 27–28 o Whiringa ā-rangi 2023]; tuhinga A43, wh 10–11

21. Tuhinga A66, wh 80 [Reta: Minita Willis ki a Heather Baggott, 'Re: Wai 3327: Urgent Inquiry into Te Reo Māori', wh [2]]; Tuhinga A46, wh 30

22. Tuhinga kōrero 4.1.7, wh 212

4.3.2 I hāngai ngā kupu ārahi a ngā āpiha mō te reo i te ratonga tūmatanui ki ngā haepapa tiaki a te Karauna i te reo?

I whakamārama a Cameron rāua ko Baggott ko tētahi wāhanga o ā rāua mahi i Te Kawa Mataaho ko te tuku kupu ārahi ki ngā Minita mō ngā huarahi e taea ai te whakawhiti i ngā takohanga tōrangapū ki te kaupapahere Kāwanatanga. I tēnei tekihana, ka tātari mātau i ngā kupu ārahi i tukuna e Te Kawa Mataaho mō te whakatinanatanga o ngā takohanga e rua i roto i te whakaaetanga e pā ana ki te reo i te ratonga tūmatanui. He putuputu te whakapae a Baggott rāua ko Cameron he rehurehu te hiranga o te kupu 'primary' i roto i te takohanga haumi e pā ana ki ngā ingoa o ngā tari, ā ka mutu, he maha ōna tikanga.[23] Ahakoa tēnā, i whakarite kupu ārahi tonu Te Kawa Mataaho mō te Minita hou mō te Ratonga Tūmatanui i runga i te pōhēhē 'ka hiahia te Kāwanatanga hou kia panonitia'.[24]

I tohe te rōia mō te Karauna i hua mai te rangirua o ngā kupu 'i waenganui i tētahi whakaaetanga tōrangapū kīhai i te tōtika rawa tēnā i te tōtika ka hiahiatia mō tētahi kaupapahere'.[25] Hei aha koa, pērā i te kōrero i mua, i huri ngā takohanga haumi hei kaupapahere Karauna ina tautokona e te Kāhui Minita i te 28 o Whiringa ā-rangi 2023 ki te taha o te *Puka Kapenata*.

I whakamārama a Apanui-Barr, te tāhuhu rangapū o Te Taura Whiri i te Reo Māori/Māori Language Commission (Te Taura Whiri), i a ia i raro i te uiui kōkirikiri i ōna whakaaro mō te 'primary' i roto i te horopaki o tēnei kaupapahere:

> Ko te tikanga o te 'primary', me tuarua te ingoa Māori, koinā. Mārama noa iho ki a au, nē.
>
> The meaning of 'primary' is that the Māori language comes second. It's clear to me.[26]

I te tekihana e whai ake nei, ka tātari mātau i ngā kupu ārahi tuatahi a Te Kawa Mataaho ki te Minita hou mō te Ratonga Tūmatanui.

4.3.2.1 *Ngā kupu ārahi tuatahi a Te Kawa Mataaho nō te 5 o Hakihea 2023*

I muri mai i te kōwhiringa pōti, ka tīmata Te Kawa Mataaho ki te 'whakarite i ngā kupu ārahi mō te Minita mō te Ratonga Tūmatanui hou e pā ana ki ngā take hei tāna ka tino arohia e te kāwanatanga hou'. Kātahi ka tukua atu he kupu ārahi whānui ki te Minita hou i te 24 o Whiringa ā-rangi 2023, i kōrero mō ngā mahi a te ratonga tūmatanui ki te tautoko i te Karauna me ōna hononga ki te iwi Māori engari kāore i aro ki ngā take e pā ana ki te reo i roto i te whakaaetaga haumi.[27] I kī a Cameron

23. Tuhinga kōrero 4.1.7, wh 213–214, 245, 277, 399, 408, 415
24. Tuhinga kōrero 4.1.7, wh 421
25. Tāpaetanga 3.3.17, wh 43
26. Tuhinga kōrero 4.1.7, wh 523
27. Tuhinga A32, wh 6; tuhinga A43(a), wh [125]–[150] [Te Kawa Mataaho, 'Ngā Tohutohu mō te Minita Tomo Mai – Briefing to the Incoming Minister', wh 1–26]

> ko te āhua o ngā tuhinga i waihangatia e mātau ka tahi he kōrero whānui mō te anga o te hononga Karauna–Māori, ka rua kātahi i te mutunga atu ka kaha ake te aro o ngā kupu ārahi ki te take mō te whakamahinga o te reo Māori ki roto i te rāngai tūmatanui.[28]

I whakatakotohia ngā kupu ārahi mō te whakamahinga o te reo i te rāngai tūmatanui ki roto i tētahi tuhinga kupu ārahi kē i kīia ai ko 'Te whakarato i ngā ratonga tūmatanui pai ake me te whakakaha ake i te manapori' i tukua atu i te 5 o Hakihea 2023 ('ngā kupu ārahi nō te 5 o Hakihea').[29]

I te 27 o Whiringa ā-rangi, i tono te Tari o te Pirimia me te Kāhui Minita ki Te Kawa Mataaho kia whakaritea he kupu ārahi mō Minita Willis e pā ana ki ngā mahi e rua i whakaarohia hei whakauru atu ki roto i te pepa Kapenata mahere 100-rā me oti ā te Kohitātea 2024. 'I whakaata [ēnei mahi] i ngā takohanga kei roto i te Whakaaetanga Haumi e pā ana ki te reo Māori.'[30] I whakarato te tuhinga kupu ārahi nō te 5 o Hakihea ki te Minita

> ngā kupu ārahi mō ngā tautuhinga o nāianei mō te whakamahinga o te reo Māori ki te rāngai tūmatanui (tae atu ki ngā tikanga mō ngā whaitohu me te whakaingoa i ngā tari), me ngā kōwhiringa e noho mātāmua ai te reo Pākehā.[31]

I roto i te tuhinga kupu ārahi – ka rite tonu tō mātau hoki atu i roto i tēnei upoko nā te mea e tino whai take ana ki ngā take e toru ka kōrerohia – ka tukuna anōtia e Te Kawa Mataaho ngā kupu ārahi i tonoa e te Minita 'mō ngā utu e pā ana ki ngā pūkenga reo . . . kāore i te hiahiatia hei whakatinana i te mahi a ngā kaimahi,'[32] i matapakitia ki te tekihana 4.5. I kī a Cameron i roto i tōna kōrero taunaki kīhai i taea e Te Kawa Mataaho te matapaki i ngā kupu ārahi ki te Minita i mua i te tuku i te pūrongo nā reira kīhai i taea te whakamārama i te 'tikanga o te kupu "ingoa matua" i roto i te whakaaetanga haumi.[33] I kī anō a Cameron kāore i mārama mēnā 'i te aro te Kāwanatanga ki ngā ingoa ture, ki te whakamahinga pātahi rānei, mēnā rānei ka tutuki i te ara reorua (pērā i te tūtohu i roto i te Aratohu Tohu Reorua) te takune mehemea ka putuputu te whai atu.'[34]

28. Tuhinga A43, wh 7
29. Tuhinga A43(a), wh 1–12 [Te Kawa Mataaho, 'Delivering better public services and strengthening democracy: Use of the Māori language by public sector agencies', 5 o Hakihea 2023, wh [1]–[12]]
30. Tuhinga A43, wh 10
31. Tuhinga A43(a), wh 4 [Te Kawa Mataaho, 'Delivering better public services', wh [4]]
32. Tuhinga A43(a) wh 1 [Te Kawa Mataaho, Delivering better public services', wh [1]]
33. Tuhinga A43, wh 11
34. Tuhinga A43, wh 11

I whakatakoto te tuhinga kupu ārahi i ngā kōwhiringa mō te Minita hei whakatutuki i ngā 'takohanga whāiti' o te whakaaetanga haumi o Nāhinara–Aotearoa Tuatahi e pā ana ki te reo.[35] Mō te taha ki te whakaingoa, anei ngā kōwhiringa:

a. te whakapūmau kia noho te ingoa ture mō ngā tari kāwanatanga hou, me ērā kua tū kē, ki roto i te reo Pākehā, atu i ērā e hāngai pū ana ki te iwi Māori;
b. te whakatakoto i ngā kawatau mō te whakamahinga o te ingoa ture o te tari ki ngā whakawhitinga kōrero ā-tuhi me ngā tuhinga;
c. te whakakaha anō i ngā kupu ārahi kia whakamahia e ngā tari tō rātau taitara reorua ki ngā tohu me ngā whaitohu (te whakapāhunu i te whakamahinga o te taitara reo Māori o te tari noa iho me te kore reo Pākehā).[36]

Ka whakamārama te tuhinga kupu ārahi kei te Minita mō te Ratonga Tūmatanui 'ngā āheinga rerekē ki runga i ngā hinonga Karauna' tēnā i ngā tari kāwanatanga. 'Ka taea te whakatinana ināianei i ngā kawatau katoa a te Kāhui Minita mō ngā tari kāwanatanga' i muri mai i te whakaaetanga ki te mahere 100-rā. Heoi anō, i tohu Te Kawa Mataaho i roto i te tuhinga ārahi 'mā te whakapūmau kia ngātahi te whāwhā i ngā ingoa ture' o ngā tari kāwanatanga ka herea kia 'whakahoutia e ngā Ōta Kaunihera te hōtaka whaitake o te Public Service Act 2020'.[37] Mō te taha ki ngā ingoa ture o ngā hinonga Karauna, 'ka herea kia whai whakahounga ki te ture ka whakatū i te hinonga Karauna'.[38]

Ahakoa kāore ngā ingoa o ngā hinonga Karauna i kōrerohia i roto i te whakaaetanga haumi, i kī Te Kawa Mataaho ka taea te whakatutuki i ngā 'herenga ki te whakawhānui i ēnei kawatau' ki ngā hinonga Karauna i roto i ngā tohutohu ōkawa mā

> te mahitahi ki te taha o ngā minita kōpaki whaitake ki te tohutohu i ngā tari mō te whakamahinga o ngā ingoa reo Māori ki ngā whaitohu, ngā tohu, me ngā whakawhitinga kōrero . . . Ka taea te whakamahi i tēnei ara ki te tohu i ngā tari ina pīrangi ai ngā minita ki te panoni i ā rātau mahi.[39]

E ai ki Te Kawa Mataaho, ka taea rānei mā

> te whakamahi i te tohutohu i raro i te s 107 o te Crown Entities Act 2004 ki te tohutohu i ngā tari *katoa* kia whāia ngā kawatau o te Kāhui Minita mō te whakamahinga o ngā

35. He mea nui kāore he kōrero mō ngā ingoa o ngā tari Kāwanatanga i roto i te hōtaka kōwhiringa pōti o Aotearoa Tuatahi nō te tau 2023 (engari i kōrero mō te whakawhiti kōrero ki roto i te reo Pākehā): Pāti o Aotearoa Tuatahi, *Let's Take Back Our Country: Election Manifesto 2023*, 25 o Hōngongoi 2023, https://tinyurl.com/44zckvfn, i tomokia i te 3 o Whiringa ā-nuku 2024. I whakaterehia te hōtaka i te puku o Hōngongoi 2023, ā, ka whakatakoto i ngā kaupapahere o Aotearoa Tuatahi i te kōwhiringa pōti 2023.
36. Tuhinga A43(a), wh 1–2 [Te Kawa Mataaho, 'Delivering better public services', wh [1]–[2]]
37. Tuhinga A43(a), wh 2 [Te Kawa Mataaho, 'Delivering better public services', wh [2]]
38. Tuhinga A43(a), wh 8–9 [Te Kawa Mataaho, 'Delivering better public services' wh [8]–[9]]
39. Tuhinga A43(a), wh 9 [Te Kawa Mataaho, 'Delivering better public services' wh [9]]

> ingoa reo Māori. Ka tukuna tēnei tohutohu e koe, i runga i tō āheinga hei Minita mō te Ratoga Tūmatanui me te Minita mō ngā Take Pūtea. [Kei roto i te mea taketake te miramira.][40]

I whakamārama te tuhinga kupu ārahi, i tāpirihia ngā kōwhiringa mō te whakaingoa anō i ngā hinonga Karauna nā te mea ko ngā mahi a ngā hinonga Karauna 'pērā i a Waka Kotahi – New Zealand Transport Agency he āhuatanga nui o ngā whakawhitinga kōrero a te marea mō tēnei take'. E ai anō ki te tuhinga kupu ārahi mō ētahi hinonga Karauna, 'i huri ki te whakamahi i tō rātau ingoa reo Māori anake i te nuinga o te wā'.[41]

E mārama ana te kite i ngana a Te Kawa Mataaho ki te kōrero mō ngā tikanga katoa o te kupu 'primary names' i roto i ō rātau kupu ārahi. Waihoki, i whakatakoto ngā āpiha i ngā kōwhiringa i taka ki tua atu i ngā takohanga i roto i te whakaaetanga haumi. I kōrero rātau mō Te Ture mō Te Reo Māori 2016 ki raro i te taitara o 'ngā tautuhinga o nāianei mō te whakamahinga o te reo Māori ki ngā tohu me ngā pānui whakatairanga', ā, mō te taha ki te Ture

- ka whakakaha anō i te takohanga i waenganui i te Karauna me te iwi Māori ki te mahitahi hei whakarauora i te reo Māori; ā,
- ka tautuhi kia whakamahia te reo Māori hei whakatairanga ki te marea i ngā ratonga kāwanatanga me te whakarato i ngā kōrero.[42]

I taua tekihana anō, ka tohu te tuhinga kupu ārahi ki *Te Tohu Reorua i te Reo Māori me te Reo Pākehā – Māori-English Bilingual Signage* guidelines ('*Te Tohu Reorua*') i whakaputaina i te tau 2016 e Te Puni Kōkiri/Ministry of Māori Development (Te Puni Kōkiri) ka

> tūtohu kia puta tuatahi te momo reo Māori o ngā kupu reorua, kia hāngai ki te paerewa nō tāwāhii tūtohua arā kia kaha ake te whakaatu i te 'reo tuatahi' (te reo e whakarauorahia ana) . . . E hāngai ana te noho tuatahi o te reo Māori ki te tikanga tautini o Ngā Pou Taunaha o Aotearoa kia noho ki mua te reo Māori mō ngā ingoa wāhi reorua.[43]

Heoi anō, kātahi ka whakatakoto te tuhinga kupu ārahi i te kōwhiringa kia

> whaiwhakaaro ki te whakahou, ki te whakakore rānei i ēnei kupu ārahi kia eke ai te kawatau arā kia noho mātāmua te ingoa (ture) reo Pākehā ki ngā whaitohu me ngā tohu.[44]

40. Tuhinga A43(a), wh 9 [Te Kawa Mataaho, 'Delivering better public services', wh [9]]
41. Tuhinga A43(a), wh 8 [Te Kawa Mataaho, 'Delivering better public services', wh [8]]
42. Tuhinga A43(a), wh 5 [Te Kawa Mataaho, 'Delivering better public services', wh [5]]
43. Tuhinga A43(a), wh 5 [Te Kawa Mataaho, 'Delivering better public services', wh [5]]
44. Tuhinga A43(a), wh 8 [Te Kawa Mataaho, 'Delivering better public services', wh [8]]

Mō te taha ki te whakatinanatanga o ngā ara me ngā kōwhiringa i tohua i roto i te tuhinga kupu ārahi, ka haere pēnei tonu a Te Kawa Mataaho:

> Ina whakaae te Kāhui Minita ki ngā kawatau hou, ka hiahia pea te Minita mō Te Puni Kōkiri ki te whakaaro mehemea ka arotakehia ngā kupu ārahi, tae atu ki te Aratohu Tohu Reorua, te Rautaki o te Karauna mō te Whakarauora i te Reo Māori me ngā Aratohu Kaupapahere mō te Tuakiritanga o te Kāwanatanga o Aotearoa.[45]

Kāore i roto i te tuhinga kupu ārahi tētahi kōrero mō ngā takohanga i raro i te Tiriti/the Treaty, ahakoa tana arotahi ki te whakamahinga o te reo Māori, he taonga e here ana i te Karauna ki te tiaki i raro i te atikara 2 o te Tiriti/the Treaty. He paku noa iho te kōrero mō te Public Service Act 2020 e pā ana ki te whakarārangi i ngā ingoa ture o ngā tari kāwanatanga. Ahakoa i whakarārangi te tuhinga kupu ārahi i te kōwhiringa kia tukuna ngā kupu ārahi ki te Minita mō Te Puni Kōkiri, kīhai Te Taura Whiri, Te Puni Kōkiri rānei i uia rawatia i mua i te tuku ki a Minita Willis.[46] Engari kē, i whakamārama a Apanui-Barr 'nō te whakatūnga o te Kāwanatanga Haumi me te kopounga o te Minita mō Te Puni Kōkiri, kāore anō Te Taura Whiri kia whiwhi i tētahi tono mō ngā kupu ārahi ōkawa.'[47]

I kī a Cameron i roto i tētahi hui i tū i te 7 o Hakihea 2023, i whakamōhio atu a Minita Willis 'kāore ngā mahi e pā ana ki te whakamahinga o te reo Māori e ngā tari kāwanatanga mō ngā ingoa me ngā whakawhitinga kōrero i roto i te pūrongo o te Kāhui Minita e kōrero ana mō te takohanga i roto i te mahere 100-Rā'. I te 'matapaki [te Minita] i ēnei take ki te Minita mō Te Puni Kōkiri', ā, ka whakapā atu ki Te Kawa Mataaho 'ina/mehemea hiahia ai i ētahi kupu ārahi anō'.[48]

He mea nui, 'nō te wā o te Pōtitanga Whānui', i te mahitahi a Te Kawa Mataaho ki tētahi kaupapa i aratakina e Te Taura Whiri me Te Puni Kōkiri hei waihanga i tētahi kaupapahere reo Māori hukihuki mō te rāngai tūmatanui.[49] Ko te taitara o te tuhinga hukihuki ko te 'Kaupapahere Reo Māori mō te Rāngai Tūmatanui', ā, ko tōna aronga he whakatakoto i ngā 'herenga mō te waihanga tūāhanga mō te reo Māori kia tipu ai te āheinga o te reo Māori'. Ko ngā āhuatanga nui o te kaupapahere hukihuki ko ēnei:

> He mahi nui kei ngā rōpū Rāngai Tūmatanui ki te tautoko i te Karauna me te hononga ki te iwi Māori i raro i te Tiriti o Waitangi/the Treaty of Waitangi, tae atu ki te whakawhanake me te pupuri tonu i te āheinga o te reo Māori ki roto i te rāngai tūmatanui. He mea waiwai kia whakamahia, kia kitea te Reo Māori hei hāpai i te āheinga ahurea Māori ki roto i tō rōpū.
>
> Kei runga i ngā Tāhuhu Rangapū, ngā mana whakahaere, me ngā kaihautū te haepapa kia mārama katoa ki ō rātau takohanga e pā ana ki Te Tiriti o Waitangi, Te Ture

45. Tuhinga A43(a), wh 8 [Te Kawa Mataaho, 'Delivering better public services', wh [8]]
46. Tuhinga A43, wh 13
47. Tuhinga A45, wh 9
48. Tuhinga A43, wh 14
49. Tuhinga A45, wh 9. Kāore i tāpaetia he kōrero taunaki ki a mātau i tohu i te tīmatanga o ngā mahi mō te kaupapahere hukihuki.

mō te Reo Māori/The Māori Language Act me te Public Service Act 2020, tekihana 14.

> Mā ngā kaihautū e kōkiri i te whakamahinga o te Reo Māori, te whai i tēnei kaupapahere me ngā tohutohu hei waihanga i ngā kawatau whakahaere, me te whakatūturu kia hāngai, kia whānui te whakatinana a tō rōpū i te kaupapahere.[50]

Heoi anō, i te Huitanguru 2024 i whakamōhio atu Te Kawa Mataaho i Te Taura Whiri 'i matapakitia te kaupapa kaupapahere', ā, 'he pai ake mā Te Taura Whiri me Te Puni Kōkiri e mahi tonu i runga i te kaupapahere hāunga kē a Te Kawa Mataaho'.[51] Kāore he kōrero anō kei a mātau mō tēnei. Heoi anō, ki ō mātau whakaaro kei a mātau te mana ki te whakatau e tohu ana te wehenga o Te Kawa Mataaho, kāore pea rātau i āhei ki te haere tonu nā runga i te kaupapa reo Māori o te Kāwanatanga hou.

4.3.2.2 *Ngā kupu ārahi i matapaetia*

Ko tā Te Kawa Mataaho 'i matapae i runga i ngā kōrero o Aotearoa Tuatahi i mua i te kōwhiringa pōti, ka hiahiatia pea ētahi tohutohu mō te whakamahinga o te reo Māori, inarā mō ngā ingoa o ngā tari'.[52] Nō reira, i tētahi hui i te 18 o Whiringa ā-nuku 2023, ka matapaki ngā māngai o Te Kawa Mataaho i ngā tohu reorua, te anga ture e whai take ana me ngā tohutohu e pā ana ki te tiaki i te reo ki te taha o Te Puni Kōkiri me Te Taura Whiri. I roto anō i tēnei ko te Public Service Act 2020, Te Ture mō Te Reo Māori 2016, 'ngā tohutohu i roto i te Maihi Karauna, me ngā tikanga o Te Rūnanga Whakakotahi i ngā Iwi o te Ao tae atu ki te United Nations Declaration on the Rights of Indigenous Peoples ([UNDRIP]), i waitohua e Aotearoa'.[53]

I te 26 o Whiringa ā-nuku, i whakatū a Te Mana Arataki, te rōpū whakahaere o Te Kawa Mataaho, i tētahi hui hei matapaki i ngā tohu reorua. I mau i ngā tuhituhi a ngā kaimahi i taua hui he nui ake te āwangawanga o 'Peter' ki 'ngā ingoa o ngā tari'. He nui te tūponotanga ko Peter Hughes tēnei, te Kōmihana o te Ratonga Tūmatanui i taua wā. Kātahi ka whakamārama te kaimahi 'i te ara e hiahiatia ana e Peter':

- Kaua e whakamahia te reo noa iho?
- Anei he rārangi o ngā tari ka whakamahi i te reo anake, nō reira kāore i te aro ki ngā tohutohu, he wikitōria tōmua, whakahautia rātau kia aro ki ngā tohutohu

50. Tuhinga A53, wh 376 [Te Taura Whiri i te Reo Māori, 'Public Sector te Reo Maori Policy', wh [3]]

51. Tuhinga A45, wh 9; tuhinga A53, wh 388–389 [Īmēra: 'Te Reo Policy and Te Kawa Mataaho', 27 o Poutūterangi 2024, wh [1]–[2]]

52. Tuhinga A43, wh 6

53. I whakahuatia te New Zealand Sign Language Act: Tuhinga A43(a), wh 37 [Īmēra: 'Kupu Ārahi Reorua' – ngā tuhituhi rāroto a ngā kaimahi o Te Kawa Mataaho mō te hui nō te 18 o Whiringa ā-nuku 2023, wh [1]]; Tuhinga A43, wh 8.

- Hei whaiwhai ake, kei reira tētahi take uru – e pīrangi ana koe ki te whakatika i ngā take whaitohu . . .[54]

Ki a mātau, e whakaara ana te kōrero mō te 'wikitōria tōmua' i te whakaaro he nui ake te āwangawanga o Te Kawa Mataaho mō ngā huarahi ki te whakamauru i te Kāwanatanga hou tēnā i te whai i te kawenga a te Karauna ki te tiaki i te reo. I whakatakotohia tēnā whakaaro ki a Cameron, ā, hei tāna ko te mahi kē a te ratonga tūmatanui 'he whakarite kia tukuna . . . he kupu ārahi' i runga i ngā hua o te kōwhiringa pōti.[55] Te āhua nei kei te tukituki tēnei tūnga ki te tūnga i whakapuakina e Baggott ki tōna kōrero taunaki ina kī ai ia ko te mahi a Te Kawa Mataaho he tautoko i te Karauna i roto i tana hononga ki te iwi Māori i raro i te Tiriti/the Treaty pērā i tērā e takoto ana ki te tekihana 14 o te Public Service Act 2020.[56]

Engari e ai ki te Taratī Whakataunga o Ngāi Te Rangi:

> Ko te pepa kupu ārahi i tukuna e Te Kawa Mataaho . . . e whakatakoto ana i ngā kōwhiringa *me pēhea te whakatinana* i ngā Whakaaetanga Haumi. Kāore i roto he tātari hōhonu mēnā e hāngai ana ngā kaupapahere ki ngā takohanga o te Karauna i raro i te Tiriti. [Kei roto te miramira i te mea taketake.][57]

He mea nui kāore te nuinga o te anga tiaki i te reo i matapakitia ki te hui i te 18 o Whiringa ā-nuku 2023 i uru ki roto i te tuhinga kupu ārahi nō te 5 o Hakihea. Karekau he kōrero mō te Maihi Karauna, te UNDRIP rānei. He mea nui tēnei hapa nā te mea e ai ki te Rautaki Maihi Karauna Whakamutunga me te Ara Whakatinana

> He mea angitu ngā mahi a te Maihi Karauna ki ngā takohanga o Aotearoa i raro i ngā taputapu mōtika tangata o tāwāhi. Hei tauira kei te hāngai ki te Atikara 13 o te United Nations Declaration on the Rights of Indigenous Peoples, arā kei ngā tāngata whenua te mōtika ki te whakamahi i ō rātau reo, ō rātau kōrero tuku iho, tuhinga tuku iho hoki, ā, ka whai te Kāwanatanga i ngā ara whai hua hei tiaki i tēnei mōtika.[58]

Ehara pea te korenga o UNDRIP i te mea ohorere. I roto i te whakaaetanga haumi o Aotearoa Tuatahi–Nāhinara te takohanga 'ka whakamana te Kāwanatanga i te

54. Tuhinga A43(a), wh 38 [ngā tuhinga rāroto a ngā kaimahi mō te hui o te 18 o Whiringa ā-nuku 2023, wh [2]]
55. Tuhinga kōrero 4.1.7, wh 444–445
56. Tuhinga A46, wh 9
57. Tāpaetanga 3.3.21, wh 21
58. Tuhinga A43(a), wh 104 [Tari o Te Minita Whanaketanga Māori, Kāhui Minita, Pepa Kapenata: 'Maihi Karauna: Final Strategy and Implementation Approach', 11 o Hakihea 2018, wh 14]

kōrero . . . kāore i te whakaae he kirimana ture te UNDRIP ki runga i a Aotearoa.'[59] I whāki a Cameron i a ia e uiui kōkirikiritia ana tērā pea ka taea te whakapai ake i te takotoranga o ngā kupu ārahi,[60] ā, ka mutu i 'tere te waihanga, i roto i te wā iti iho i te rua wiki'. Ko tōna takune, e ai ki a ia, he 'whakarato i ngā kōwhiringa taumata-tiketike hei whakatau ko ēhea me koke whakamua, me whiriwhiri kōrero anō hoki.'[61] Heoi anō, e whakaatu ana te whakarato i ngā kōwhiringa pērā i te whakakore ōkawa i ngā kupu ārahi mō ngā tohu reorua i waihangatia hei whakatairanga, hei āwhina ki te whakatairanga i te reo Māori i te mahi takahi i te kawenga o te matapopore moroki me te kawenga kia tika, kia pono ngā mahi. I whakaae a Cameron i te uiui kōkirikiri, ko te whakakore ōkawa i *Te Tohu Reorua*, he nui te tūponotanga he takahi i te Tiriti/the Treaty.[62] E mārama ana anō te kite i ngā kōrero taunaki o Cameron, ahakoa ngā here o te wā, kāore i whakamātau ki te whakapā atu ki te iwi Māori, ki te whai māramatanga mō ngā tirohanga Māori e hāngai ana ki te tekihana 14(2) o te Public Service Act 2020.

I whakaatu te Karauna kāore *Te Tohu Reorua* i whakakorehia. I miramira te rōia mō te Karauna 'kei te Kāhui Minita te mana' ki te whakakore, ā, ko te 'takune [o te tuhinga kupu ārahi] he tautohu i ngā kōwhiringa e wātea ana' ki te Minita. I tohe tonu te rōia mō te Karauna, mehemea i hiahia te Minita ki te whai i tēnei kōwhiringa, 'ka tukuna ngā kupu ārahi pai rawa, pono hoki mō ngā pānga o te whakakore i ngā aratohu'.[63] E ai anō ki a Baggott

> ahakoa ngā kaupapahere ka tīkina atu e te Kāwanatanga, ko te mahi a te Ratonga Tūmatanui he tuku ki ngā Minita i ō mātau kupu ārahi pai rawa, pono hoki ina mau tonu ki te ngākau tapatahi ā-tōrangapū hei tautoko i ō rātau hononga ki te iwi Māori i raro i te Tiriti, i runga i te ara e pai ana ki a rātau.[64]

E whakaae ana mātau ki te rōia mō Ngāti Rēhia i konei, nāna te tāpaetanga:

> e tukituki ana ngā haepapa o ngā āpiha ki te tautoko i te Karauna i tōna hononga ki te Māori ki raro i te Tiriti o Waitangi ki raro i te tekihana 14 o te ture Public Service me tā rātau haepapa kia āwhina i te Karauna tutuki i ōna whāinga katoa . . .[65]

59. Tuhinga A43(a), wh 166 ['Coalition Agreement: National & New Zealand First', wh 10]. I roto i tōna hōtaka kōwhiringa pōti nō te 2023 ka kī taurangi a Aotearoa Tuatahi ki 'te wehe i te UNDRIP nā te mea ka unu tēnā i ngā mōtika o ngā kirirarau o Aotearoa ki te tuhi i ō rātau ake ture': te Pāti o Aotearoa Tuatahi, *Let's Take Back Our Country: Election Manifesto 2023*, https://tinyurl.com/44zckvfn, wh 4.
60. Tuhinga kōrero 4.1.7, wh 448
61. Tuhinga A43, wh 1; tuhinga kōrero 4.1.7, wh 442
62. Tuhinga kōrero 4.1.7, wh 424–425
63. Tāpaetanga 3.3.17, wh 45–46
64. Tuhinga A46, wh 12
65. Tāpaetanga 3.3.22, wh 33

> officials' obligation to support the Crown in its relationship with Māori under s 14 of the Public Service Act conflicts with their obligation to assist the Crown in achieving its objectives . . .[66]

Ko te mahi a te Kōmihana o te Ratonga Tūmatanui 'he tiaki, he whakapaipai i te mana me te ngākau pono o te Ratonga Tūmatanui. Ka tiaki, ka hāpai anō rātau i te wairua tuku āwhina kei te iho o te Ratonga Tūmatanui me āna mahi katoa'.[67] Waihoki, ka here te Public Service Act 2020 i te ratonga tūmatanui ki te tautoko i te 'Karauna i ōna hononga ki te Māori i raro i te Tiriti o Waitangi (the Treaty of Waitangi)' mā te 'waihanga me te whakaū i te āheinga o te ratonga tūmatanui ki te whakapā atu ki te Māori me te mārama ki ngā tirohanga Māori'.[68] Hei tā te urupare ki te tūnga o Cameron, i mūhore te whai i tēnei takohanga i te waihangatanga o te tuhinga kupu ārahi nō te 5 o Hakihea.

4.3.2.3 *Ngā ingoa ture o ngā tari kāwanatanga me ngā hinonga Karauna, me te parani e tino hiahiatia ana*

I te wā o te uiui kōkirikiri, ka whakapae a Baggott 'e wātea ana ki te whakamāori' i te tikanga o te 'takohanga haumi . . . mō ngā ingoa matua'.[69] Ina tāpiri ia i te kōrero 'atu i ngā tari e rua', mō ngā tari kāwanatanga katoa 'kei roto ō rātau ingoa matua i te reo Pākehā', ka pātai a Kaiwhakawā Williams mehemea ko te ingoa ture te 'ingoa matua'.[70]

E rārangi mai ana ngā ingoa ture o ngā tari kāwanatanga i roto i te āpitihanga 2 o te Public Service Act 2020. Ka whakawehea ēnei ki ngā tari 34 me ngā umanga e ono ka whakamanuhiritia e ngā tari. Ko te nuinga o ngā ingoa o ngā umanga kei roto i te reo Pākehā, engari he itiiti ngā umanga kua whai ingoa ki roto i te reo Māori me te reo Pākehā. Ko ngā tari kāwanatanga e rua kua whai ingoa ture reo Māori e noho mātāmua ana ko Oranga Tamariki/Ministry for Children, me Aroturuki Tamariki/The Independent Children's Monitor. E rua ngā umanga, arā ko te Ministry of Māori Development/Te Puni Kōkiri me te Office for Māori Crown Relations/Te Arawhiti, kua whai ingoa reo Māori ki tō rātau ingoa ture, engari ka noho mātāmua te ingoa Pākehā. Ko te toenga kua whai ingoa Pākehā noa iho.

Kei roto ngā ingoa ture o ngā hinonga Karauna i ō rātau ture taketake, me te āpitihanga 1 o te Crown Entities Act 2004 anō hoki. I tēnei wā 27 ngā kaikawe Karauna, 16 ngā hinonga Karauna mana motuhake, ā, 19 ngā hinonga Karauna noho motuhake. Ko te rerekē i waenganui i aua rōpū ko te whānuitanga o tō rātau whai i te aronga me ngā kaupapahere o te Kāwanatanga. Hei tauira, mō te taha ki ngā hinonga Karauna mana motuhake, noho motuhake hoki, 'he tawhiti ake te hononga ki ngā minita'. Ko ngā kaikawe Karauna 'he momo hinonga Karauna

66. Tāpaetanga 3.3.22(a), wh 32
67. Te Kawa Mataaho 'Te Tumu Whakarae mō Te Kawa Mataaho – Public Service Commissioner', 2024, https://tinyurl.com/wjudtfe6, i tomokia i te 8 o Mahuru 2024
68. Public Services Act 2020, s 14
69. Tuhinga kōrero 4.1.7, wh 213
70. Tuhinga kōrero 4.1.7, wh 213–214

ōrite ana mahi ki ngā tari. Ahakoa e noho tawhiti ana ngā kaikawe Karauna i te kāwanatanga, kei ngā Minita te mana ki te tohutohu i ngā kaikawe Karauna ki te whakatinana i ngā kaupapahere a te kāwanatanga'.[71] He ingoa ture Pākehā anake kei te nuinga o ngā momo hinonga Karauna. E noho mātāmua ana te ingoa Māori ki ngā hinonga e ono, ā, mō te Museum of New Zealand Te Papa Tongarewa Board, ka noho tuarua tōna ingoa Māori.[72]

I roto i tōna urupare ki te pātai a Kaiwhakawā Williams mēnā ko te ingoa ture te ingoa 'matua', i kī a Baggott mā ngā Minita e whakamārama i te whakaaetanga haumi, ā, 'me te huarahi e hiahia ana rātau ki te whakatinana' – mehemea e hiahia ana ki te panoni i te ingoa ture, ngā whaitohu, 'te whakamahinga o te ingoa o te umanga i ia rā, ā, me tōna ingoa poto'. I miramira ia 'karekau he tohutohu me pēhea e hua mai tērā', i mahia i runga i te 'hiahia whaiaro', ā, 'kāore i te ōrite puta noa i te Ratonga Tūmatanui'.[73]

I kī a Baggott e kaha kitea ana i te Ratonga Tūmatanui mō ngā umanga 'i raro i ngā Kāwanatanga katoa . . . ka panoni i ngā huarahi e whakawhiti kōrero ai rātau' kia hāngai ki nga tino hiahia o te Minita e whai take ana – ahakoa ko te reo, ko te tāera, ko ngā here rānei. I tohu a Baggott, kāore Te Kawa Mataaho 'i te whakahaere i tērā'. Nā ngā tāhuhu rangapū e whai take ana ngā 'whakatau paheko' e pā ana, hei tauira, ki te whakangoikore, te tango rānei i te whakamahinga o ngā ingoa reo Māori o ngā tari Kāwanatanga, te whakamahinga hoki/rānei – te korenga rānei – o te reo ki ngā whakawhitinga kōrero rāroto, rāwaho hoki.[74] I pātai te rōia mō te Taratī Whakataunga o Ngāi Te Rangi mēnā i puta ngā whakatau nō mua 'i runga i te āhuatanga o tētahi Kāwanatanga Haumi e tino hiahia ana i ngā ingoa Pākehā ki mua i ngā ingoa Māori', ko te whakautu o Baggott he whakahē i tēnā. I whakaae ia he horopaki tēnei e whai take ana.[75]

Nā tēnei tino hiahia o ia minita, i kōrerohia ki te tekihana 3.4.2 mō Toka Tū Ake – Natural Hazards Commission, ka hua mai ngā whaitohu e rerekē ana ki te ingoa ture. Mō te taha ki a Toka Tū Ake, i hua mai te whakamātāmua i te ingoa Pākehā ki runga i tōna ingoa ture Māori. I whakaatu ngā kōrero taunaki i tāpaetia ki a mātau, mai i 'ngā Tari Ratonga Tūmatanui 30 whai ingoa ture Pākehā, 14 o

71. Te Kawa Mataaho, 'Te hanga o te rāngai tūmatanui – How the Public Sector Is Organised', 2024, https://tinyurl.com/3tw8ftcp, i tomokia i te 24 o Hereturikōkā 2024

72. Ko ngā hinonga e ono ko: Kāinga Ora/Homes and Communities, Taumata Arowai/The Water Services Regulator, Toka Tū Ake/Natural Hazards Commission, Te Reo Whakapuaki Irirangi (Māori Broadcasting Funding Agency), me Te Taura Whiri i te Reo Māori (Māori Language Commission): Ture Crown Entities 2004, https://tinyurl.com/5n6fundt, āpiti 1

73. Tuhinga kōrero 4.1.7, wh 213–214

74. Tuhinga kōrero 4.1.7, wh 222

75. Tuhinga kōrero 4.1.7, wh 222

ērā ka whakamahi i ngā ingoa Māori ki mua i ō rātau ingoa Pākehā i roto i ō rātau whaitohu',[76] ka mutu e hāngai ana ki *Te Tohu Reorua*.

4.3.2.4 *Ko ēhea ngā tari kāwanatanga 'e hāngai pū ana ki te Māori'?*

Ko te pātai ko ēhea ngā tari kāwanatanga e hāngai pū ana ki te Māori, ā, nō reira *kāore* e herea ki te whai kia noho mātāmua tō rātau ingoa Pākehā, tētahi āhuatanga i matapakitia e mātau i te nohoanga. I roto i te tuhinga kupu ārahi nō te 5 o Hakihea, ka tautohu Te Kawa Mataaho i ngā tari kāwanatanga e rua anake kua whai ingoa ture ki roto i te reo Māori me te reo Pākehā 'ka taka ki roto i te whakaaetanga haumi atu i ngā tari "e hāngai pū ana ki te Māori". Ko ēnei tari ko te 'Ministry of Māori Development – Te Puni Kōkiri' me te 'Office for Māori Crown Relations – Te Arawhiti'.[77]

I whakaatu a Tākuta Hope Tupara i ngā huarahi ka whai wāhi atu te Māori ki ngā ratonga tūmatanui mai i te wā ka whānau mai tae noa ki te wā ka pakeke. I whakatakoto ia i ngā tauira o te whai wāhi atu ki ngā momo tari, ka tīmata ki te tuari i te nama tauine hauora ā-motu ki te piripoho, mai i te rēhita i tōna whānautanga ki Te Tari Taiwhenua/Department of Internal Affairs (Te Tari Taiwhenua) me te tono mō tētahi nama IRD i Te Tari Taake/Inland Revenue. I miramira ia i te whai tikanga o ngā tari Karauna katoa ki te Māori, tae atu ki te hiranga o te kite a ngā tamariki i te reo Māori.[78] I whakaae a Apanui-Barr ki tā Tākuta Tupara mō te tauākī i te whakaaetanga haumi e pā ana ki te 'hāngai pū ki te Māori' o ngā tari Kāwanatanga, nā konā e kōrero ana mō ngā tari Kāwanatanga katoa. I whakaaro ake ia mō te tikanga o te kaupapahere, mēnā ko tōna tikanga he whakaahua

> [k]o ngā mea e tapaina ana ki runga i a rātau te ingoa Māori? Ko ngā mea e mahi tahi ana ki te Māori?
>
> [t]hose that have a Māori name or those that work with Māori?[79]

Ko te whakatau a Apanui-Barr, 'he pānga tō ngā tari katoa ki te iwi Māori'.[80]

I pātai te rōia mō te Taratī Whakataunga o Ngāi Te Rangi mēnā e tohu ana te whakaingoa i ngā tari e rua noa iho i roto i te tuhinga kupu ārahi nō te 5 o Hakihea 'i te whakatau ko ēhea ngā tari e hāngai pū ana ki te Māori', mēnā rānei i whakaae

76. Ko ēnei: Te Tari Ture o te Karauna/Crown Law Office; Ara Poutama Aotearoa/Department of Corrections; Te Tari Taiwhenua/Department of Internal Affairs; Te Tira Tiaki/Government Communications Security Bureau; Toitū Te Whenua/Land Information New Zealand; Manatū Taonga/Ministry for Culture and Heritage; Manatū Wāhine/Ministry for Women; Manatū Kaupapa Waonga/Ministry of Defence; Manatū Hauora/Ministry of Health; Te Tūāpapa Kura Kāinga/Ministry of Housing and Urban Development; Te Manatū Waka/Ministry of Transport; Te Pā Whakamarumaru/New Zealand Security Intelligence Service; Te Kawa Mataaho/Public Service Commission; and Te Tai Ōhanga/The Treasury: manatu 3.2.8(a).

77. Tuhinga A43(a), wh 7 [Te Kawa Mataaho, 'Delivering better public services', wh [7]]

78. Tuhinga kōrero 4.1.7, wh 162–163

79. Tuhinga kōrero 4.1.7, wh 525

80. Tuhinga kōrero 4.1.7, wh 524

ia ki te kōrero o Tākuta Tupara e hāngai pū ana ki te Māori ngā tari katoa kei roto i te ratonga tūmatanui, ka whakautu a Cameron:

> Āe, mārika. Kāore ahau i te kī e whakaaro ana ahau ko aua tari noa iho ngā mea e pā ana ki te Māori. E raparapa noa ana ahau ko tā mātau mahi he whakamārama i te tikanga i roto i te Whakaaetanga Haumi mō tērā kupu engari he mea rerekē tērā. Engari āe, e whakaae mārika ana ahau ki tērā.[81]

E ai ki ō mātau whakaaro, he hirahira ngā tari Kāwanatanga katoa ki te Māori, ā, kāore e paku kore e pā ana ngā tari katoa ki te Māori. Koirā tētahi o ngā take i waihangatia te Maihi Karauna, e whakaae ana 'he whānui ngā pāhekoheko o te rāngai tūmatanui ki te Māori'.[82] I roto i ō mātau matapaki i te ruku tātari, kīhai i arotahi ki te tikanga o te kupu 'specifically'. Heoi anō, ko tētahi whakamārama o te kupu kei roto i te Matatiki o Brittannica e kī ana 'mā te ara pū, heipū hoki'.[83] E hāngai ana ngā tari Kāwanatanga ki te Māori mā te ara pū, heipū hoki? Ki ō mātau whakaaro, e mārama ana te kite e hāngai ana.

4.3.3 He aha te pūtake, te hiranga me te uruhitanga o ngā tohu reorua?

He mea waiwai ngā tohu reorua mō te whakarauora reo. I roto i te horopaki o te waihanga i te rautaki reo Māori hou i te 2013–2014, i kī ai i te tekihana 3.3.1, i tohutohu te Kāhui Minita i Te Puni Kōkiri – i whiriwhiri kōrero ki Te Taura Whiri – ki te waihanga i ngā aratohu mō ngā tohu reorua puta noa i te rāngai tūmatanui. I te Whiringa ā-rangi 2016, i whakaputaina ngā aratohu *Te Tohu Reorua i te Reo Māori me te Reo Pākehā – Māori-English Bilingual Signage*. Waihoki, i here te Maihi Karauna – i whakaputaina i te 2019 – i ngā tari Kāwanatanga ki te waihanga me te whakatinana i ō rātau ake mahere reo Māori. I runga i tērā, i huri te nuinga o ngā tari Kāwanatanga ki te whakamahi i ngā ingoa Māori ki te taha o tō rātau ingoa Pākehā.

I whakamahia anōtia *Te Tohu Reorua*, i te taha o ētahi atu rauemi i waihangatia e Te Puni Kōkiri me Te Taura Whiri, hei anga mō te waihanga i te kaupapa o Aotearoa Reorua – Bilingual Towns and Cities i raro i te rautaki Maihi Karauna. I waihangatia a Aotearoa Reorua hei tautoko i ngā tāone me ngā tāone nunui kia huri hei pokapū reorua huri noa i Aotearoa New Zealand, ā, ka whakaterehia ā-matihiko i te Whiringa ā-nuku 2021.[84] Mō te wā poto i aro mātau i te tekihana

81. Tuhinga kōrero 4.1.7, wh 420–421

82. Tuhinga A54, wh 232 [Te Puni Kōkiri, 'Maihi Karauna: The Crown's Strategy for Māori Language Revitalisation 2019–2023', wh 19]

83. Te Papakupu o Brittanica, 'specifically', https://tinyurl.com/ynefcu59, i tomokia i te 19 o Mahuru 2024

84. Tuhinga A48, wh 2. I roto i te Tahua Pūtea 2024, ka whakaitia ngā pūtea tautoko mō te 'Kaupapa o Aotearoa Reorua (Bilingual Towns and Cities) mā te 63.63 ōrau, $700,000 rānei, ā, ka waihotia te pūtea $400,000 i ia tau hei whakamahi i ngā tohu reorua huri noa i te motu. Ko te take i hoatuhia ko te whāinga penapena pūtea paerewa mō Te Tari Taiwhenua i whakamanahia e te Kāwanatanga: Te Kāwanatanga o Aotearoa New Zealand Government, 'Budget 2024: Summary of Initiatives', 30 o Haratua 2024, https://tinyurl.com/3mykbhfr, i tomokia i te 26 o Mahuru 2024, wh 59.

3.4.4.1, arā i te Whiringa ā-rangi 2020, ka ū te Minita o Te Manatū Waka nō taua wā ki te whakatere i ngā tohu reorua puta noa i te motu, ā, kātahi ka tohutohu i a Waka Kotahi/New Zealand Transport Agency i te Kohitātea 2021 kia tīmataria ngā mahi.[85] I waihangatia te mahere tohu huarahi reorua i raro i te kaupapahere reo o Waka Kotahi hei

> tautoko ki te whakatairanga i te reo Māori i a Waka Kotahi NZ Transport Agency, me ngā mahi e mahia ana e te Umanga. E tautoko ana te kaupapahere i te ū o Waka Kotahi ki ōna takohanga i raro i Te Ture mō Te Reo Māori 2016 (Māori Language Act 2016), i hanga i tētahi rangapū mahitahi ki waenganui i te Karauna me ngā iwi/te Māori hei whakarauora i te reo Māori.[86]

He rangapū mahitahi te hōtaka tohu huarahi reorua o He Tohu Huarahi Māori i waenganui i a Waka Kotahi me Te Mātāwai. I tautoko anō a Te Taura Whiri me Te Manatū Waka/Ministry of Transport (Te Manatū Waka) i te hōtaka.

Ko ngā tohu huarahi 'kura – school' ngā tohu reorua tuatahi i puta i te tau 2022. I taka ngā panonitanga waeture, i here kia whai tohu reorua hei tāpiri ki ngā tohu kura hou, ki raro i te Land Transport Rule – Traffic Control Devices (Kura/School Signs) Amendment 2022.[87] I whakatakoto te hoahoa i te kupu 'kura' kia noho ōrite tōna rahinga, tōna momotuhi ki te kupu Pākehā 'school' i runga ake, hei whai i ngā ture e hāngai ana ki ngā tohu reorua e rārangi ana ki roto i *Te Tohu Reorua*. Pērā i te kōrero i te tekihana 3.4.4.1, kāore anō i puta he whakatau i te wā i tuhia tēnei pūrongo mō te anamata o He Tohu Huarahi Māori.

I miramira a Timi Te Po Hohepa i te tukanga roa i takahia e Ngāti Pikiao ki te kōkiri me te tautoko i te whakamahinga o te reo Māori ki ngā tohu.[88] I roto i ana kōrero taunaki, ka whakataurite a Hohepa i te kaupapahere o te Kāwanatanga haumi ki te whakangoikore i ngā ingoa reo Māori o ngā tari Kāwanatanga ki tēnei tauira:

> Kei te kite ahau i ngā ōritetanga i waenga i wēneki mahi me ngā mahi tūkino reo Māori a te Kāwanatanga i roto i ngā tau kua hipa. Ka hoki ngā mahara ki ngā wā i riro mā mātau o Ngāti Pikiao, te haepapa whawhai ki te Kāwanatanga, kia noho te tohu 'kura' a te pahi o te Kura Kaupapa Māori o Te Rotoiti hei tohu matua. I ērā wā, i te kōkiri te tumuaki o te kura, a Hawea Vercoe i tētahi kaupapa kia mātāmua ko te reo Māori ki runga i ngā tohu a ō mātau pahi ā-kura. I whakahē mai te tari Land Transport New Zealand ki wēneki hiahia a mātau, nā tō rātau pōhēhē nui he haumaru ake ngā tohu 'school' i ngā tohu 'kura'. . . . Ahakoa he hapori mōhio pai mātau, otirā a

85. Tuhinga 6.2.16 [Waka Kotahi, Reta 'REF: OIA-12853', 5 o Hōngongoi 2023]

86. Tuhinga 6.2.17, wh 9 [Waka Kotahi, 'Bilingual Signage: International Experiences and Outcomes', Whiringa ā-nuku 2021, wh 9]

87. Land Transport Rule Traffic – Control Devices (Kura/School Signs) Amendment 2022, https://tinyurl.com/mwbs94ft, i tomokia i te 9 o Hiringa-ā-nuku 2024

88. Tuhinga kōrero 4.1.7, wh 146–147

> tātau tamariki ki tēnei mea te 'kura', kāore te māramatanga i tau ki a LTNZ nā tō rātau kore whakapono ki tō mātau mōhio ki a mātau anō.[89]

> I can draw similarities between what is taking place here and the harm that was inflicted upon te reo Māori by the government in years gone by. I recall a time when Ngāti Pikiao was left to defend te reo Māori against government actions to remove the 'kura' sign from the school bus belonging to te Kura Kaupapa Māori o Te Rotoiti. Back in those days, the then principal, the late Hawea Vercoe was trying to establish te reo Māori as the main language of use on our school busses. Land Transport New Zealand vehemently objected to this, under the assumption that a 'school' sign would be safer than that of 'kura'. . . . Although we as a community, including our children, know very well what 'kura' means, LTNZ refused to acknowledge that we, the local people, had a local solution that was acceptable.[90]

Te āhua nei, nā ngā mahi kōkiri a te Tumuaki a Vercoe o te Kura nō Rotorua mō ngā tohu huarahi reorua whai muri i te tohe ki ngā āpiha huarahi haumaru e pā ana ki te whakaatu i te kupu 'kura' ki ngā pahi kura, ka huri a Waka Kotahi ki te panoni i tōna kaupapahere mo ngā tohu huarahi reorua.[91]

E ai ki ngā tāpaetanga a te rōia mō Ngāti Te Rangiunuora me Ngāti Pikiao, e tū ana ngā tohu reorua hei tohu i te tuatahi. E tohu ana te tino hiahia ki te whakarauora i te reo mā te whakamahi i te tuatahi – pērā i te whakatakoto i te reo ki mua, ki tōna kotahi rānei i runga i ngā tohu – 'i te kaha o ngā mahi'[92] ('serious about the revitalisation effort')[93] a te Karauna nāna ngā tohu i waihanga. Mā te whakauru i te reo e noho mōrearea ana, pēra i te reo Māori ki roto i te wāhi tūmatanui, ka nui ake te kite i te reo, ā, 'he tauākī mō te whaitake o te reo'; he hanga i tōna 'āhuatanga mātai reo'.[94] Mā te kite i ngā tohu reorua ka mataara ake te marea ki te reo, ā, ka whai wheako ako te hunga kāore i te kaha ki te ako i te reo. Kei roto i tēnei āhuatanga mātai reo te 'reo o ngā tohu huarahi tūmatanui, ngā papapānui korahi whakatairanga, ngā ingoa tiriti, ngā ingoa wāhi, ngā tohu o ngā toa arumoni, me ngā tohu tūmatanui kei runga i ngā whare kāwanatanga'.[95] I whakamārama a Apanui-Barr, e whakaū ana te whakamahinga o ngā tohu reorua 'kei te kaingākautia te reo Māori', ā, 'e whakapūmau ana kia kitea te reo ki waho i ngā wāhi "Māori" pērā i ngā marae, te ao mātauranga rumaki reo me ngā whānau

89. Tuhinga A33, wh 2

90. Tuhinga A33(a), wh [3]

91. 'Police Probe Threatening Letter to Māoi School Principal', *New Zealand Herald*, 18 o Pipiri 2008, https://tinyurl.com/447e8ypz, i tomokia i te 20 o Mahuru 2024; Cherie Taylor, 'Road Signs in Māori?', *Rotorua Daily Post*, 11 o Hōngongoi 2006, https://tinyurl.com/mvaykd5n, i tomokia i te 20 o Mahuru 2024

92. Tāpaetanga 3.3.3, wh 10

93. Tāpaetanga 3.3.3(a), wh 10

94. Julia Sallabank, *Attitudes to Endangered Languages: Identities and Politics* (Cambridge: Cambridge University Press, 2013), wh 163; tuhinga A65, wh 675 [Richard Benton, 'Chapter 20: The Vocabulary of Māori Governance', kei roto i a *Waking the Taniwha: Māori Governance in the 21st Century*, wh 601]

95. Tuhinga A65, wh 675 [Benton, 'Chapter 20', wh 601]

Māori'. Mā te kite i te reo 'ka whakaaturia e tautoko ana a Aoteroa, ā, e whakahīhī ana hoki ki te reo Māori hei wāhanga o te ahurea o Aotearoa katoa'.[96]

He pērā anō tā Tākuta Tupara miramira

> he tino whakahirahira ngā tohu reo mō ā mātau tamariki kia kite ai rātau i ngā mātātuhi o te ao Māori ki ō rātau ake ao. Te āhua nei he mea itiiti noa iho engari he mea nui mō ā mātau tamariki kia kite rātau i ngā kupu Māori, ka taea e rātau te kite i ngā mātātuhi e hono ana ki ō rātau ake whakapapa. Koirā te huarahi e waihanga ai ngā tamariki i tō rātau tuakiritanga, ā, ko te ao e karapoti ana i a rātau ngā mea kei roto i tērā ao, ngā huarahi e urupare ai ētahi atu i tō rātau ao ki ērā awenga, ka mutu ngā mea e ngaro ana i tō rātau ao, ā, ka pēhea hoki ētahi atu e urupare ai ki ngā mea e ngaro ana i tō rātau ao.[97]

Ko te whakapiki i te awenga me te 'kitenga o te reo Māori ki ngā wāhi tūmatanui i roto i te kāwanatanga' tētahi o ngā whāinga rautaki o *Te Tohu Reorua*, i waihangatia hei whakamana i Te Ture mō Te Reo Māori 2016.[98] I mea mai a Cameron kāore *Te Tohu Reorua* i aro pū ki te whakamahinga o te reo Māori ki ngā ingoa o ngā tari Kāwanatanga. Engari, i whakaae ia he ararau te whakaaro 'he wāhanga o tērā ngā ingoa me ngā tohu'.[99] Ko te mea kē, e kaha kitea ana ngā tauira o ngā ingoa me ngā tohu o ngā tari kāwanatanga, pērā i te 'Manatū Taonga – Ministry for Culture and Heritage' me 'Te Tari Taiwhenua – Ministry of Internal Affairs' i roto i te aratohu.[100]

Heoi anō, i whakamārama a Cameron ahakoa 'i hua mai ngā kupu ārahi i tētahi tohutohu a te kāwanatanga, kāore ngā taipitopito o ngā kupu ārahi i tautokona hei kaupapahere kāwanatanga, ā, kāore ngā umanga e herea ki te whai atu'.[101] I roto i te tuhinga kupu ārahi nō te 5 o Hakihea i whai i te whakakorenga o *Te Tohu Reorua* hei kōwhiringa, i tāpiri anō a Te Kawa Mataaho ehara [te whai i ngā kupu ārahi] i te mea me mātua tutuki'.[102] I miramira a Kerri Hancock, nāna te hautū te kaupapa *Aotearoa Reorua*, ahakoa

> neke atu i te 8 tau te pakeke [o *Te Tohu Reorua*] . . . kīhai te Karauna i tautohu i te huarahi i horapa whānuitia ai, i whakahoutia ai rānei kia whaitake tonu ngā aratohu ki roto i te pūnaha. Waihoki, nā te mea kāore ngā tuhinga i arotakehia, i whakahoutia hoki, i mahue ngā aratohu e pā ana ki te whakamahinga o ngā ingoa umanga kei roto i ngā tuhinga i whakawhanakehia.[103]

96. Tuhinga A45, wh 8
97. Tuhinga kōrero 4.1.7, wh 162
98. Tuhinga A54, wh 176 [Te Puni Kōkiri, Te Tohu Reorua i te Reo Māori me te Reo Pākehā: He Kupu Ārahi e Kairangi ai ngā Tikanga/Māori-English Bilingual Signage: A Guide for Best Practice', 1 o Whiringa-ā-rangi 2018, wh 7]
99. Tuhinga kōrero 4.1.7, wh 412
100. Tuhinga A54, wh 180 [Te Puni Kōkiri, 'Te Tohu Reorua', wh 11]
101. Tuhinga A43, wh 4
102. Tuhinga A43(a), wh 7 [Te Kawa Mataaho, 'Delivering better public services', wh [7]]
103. Tuhinga A48, wh 5

I wero a Hancock i te whakapae o te Karauna e ū tonu ana ki te reo Māori, ā, mō ngā kaupapahere e pā ana ki te whakarauora i te reo ki te 'ratonga tūmatanui kei te noho tonu'.[104] I tohe ia ka noho korekiko tonu ēnei kaupapahere ki te kore e whakakahatia, e aroturukitia hoki.[105] I whakaae a Cameron kāore ngā mahi i raro i te Kāwanatanga haumi e pā ana ki te whakangoikore i ngā ingoa reo Māori o ngā tari kāwanatanga i te hāngai ki ngā aratohu kei roto i *Te Tohu Reorua*. I whakaae ia mēnā i reira he kōwhiringa uruhi mō *Te Tohu Reorua*, kātahi 'ka noho mātāmua ngā ingoa reo Māori ki ngā ingoa ture, ki ngā whaitohu rānei' o ngā tari Kāwanatanga.[106]

Te āhua nei, ko te mea kāore te Kāwanatanga me ngā tari Kāwanatanga i te kite, ko te meka he āhuatanga hirahira te iwi Māori me te reo Māori nō tēnei motu. Koirā ngā āhuatanga e tū motuhake ai a Aotearoa New Zealand. Kāore he wāhi anō i tēnei ao e whakamahia ai te reo Māori e ngā tāngata, atu i te hunga nō konei. E miramira ana te whakamahinga o te reo Māori ki ngā tohu tūmatanui i te motuhake o tēnei motu ki ngā tāngata katoa ka tae mai ki konei. He take whakahirahira te whakatau ki te whakaiti, ki te takahi rānei i te whakamahinga o te reo Māori ki ngā tohu.

4.3.4 He aha te hiranga ahurea kei roto i te tuku i ngā ingoa reo Māori?

Pērā i te kōrero i runga nei, whai muri i *Te Tohu Reorua* me te Maihi Karauna, i tīkina atu e te nuinga o ngā tari Kāwanatanga ngā ingoa e rua i roto i te reo Māori me te reo Pākehā. I kōwhiri ētahi i ngā whakamāoritanga o ngā ingoa Pākehā, engari he maha tonu i whiwhi ingoa reo Māori. E whakaata ana te mea tuarua i te kaupapa o ia tari Kāwanatanga, i ōna wawata, me tōna hapori, taiao rānei. Kei runga i te tuku i ngā ingoa reo Māori kaua noa iho ko te kawenga kia eke te tari ki te paerewa tiketike kei roto i te ingoa, engari anō ko te kaingākau ki te ingoa. I ētahi wā, ka whakatakoto te ingoa i te aronga rautaki kāore anō kia tutuki. Ka tutuki i ētahi tari ēnei kawatau, engari kāore e tutuki i ētahi atu. He wairua, he mana kei roto i te tuku ingoa. Nā te mea he mana kei roto i te tuku ingoa, e tika ana kia whakanuia, kia kauanuanutia.

I whiwhi mātau i ngā kōrero taunaki mō te hiranga o te mahi tuku ingoa i a Kipa Munro, te hea o Te Rūnanga o Ngāti Rēhia, nāna i whakamārama kua whakatōkia ki roto ngā ingoa Māori o ngā tāngata, ngā wāhi me ngā taonga i ngā whakapapa, ngā tikanga, me ngā paparanga rau kōrero. He 'tino wairua ki roto' ('a spiritual dimension within those names) i aua mea.[107] E ai ki a Munro, nō reira ko tā te tuku ingoa reo Māori:

(a) he tuku taonga;
(b) he tuku i a mātau kōrero tuku iho, mātauranga, hītoria ki te kaupapa;
(c) he akoranga;

104. Tāpaetanga 3.3.17, wh 54
105. Tuhinga A48, wh 5
106. Tuhinga kōrero 4.1.7, wh 422–423, 440
107. Tuhinga kōrero 4.1.7, wh 110–111

(d) he whakatō i te reo Māori me ōna tikanga ki te kaupapa.[108]

(a) The gifting of a taonga;
(b) The gifting of our oral traditions, ancestral knowledge and history to the matter;
(c) Learnings;
(d) To plan the Māori language and its customs into the kaupapa.[109]

He nui ngā wā ka whakamārama te ingoa i ngā āhuatanga o te kaupapa. E tūhono ana te ingoa Māori ki ngā kōrero mō tōna tikanga, ā, '[k]a whai tuakiri te kaupapa i ngā ingoa Māori ka tapaina ki te kaupapa'[110] – '[t]he kaupapa finds its identity in the Māori name bestowed upon it'.[111]

Hei tauira, he whakamāoritanga hāngai o te ingoa Pākehā te ingoa ōkawa tuatahi o Te Taura Whiri i te Reo Māori: Te Kōmihana mō te Reo Māori.[112] I kī a Apanui-Barr ko te mahi tuatahi a ngā mema o te poari tuatahi he whakakapi i te ingoa ki 'Te Taura Whiri i te Reo Māori (the rope that binds the Māori language)'.[113] Nā Tā Kīngi Ihaka, he mema o te poari, te ingoa i takoka, nāna anō tōna tikanga i whakamārama, arā 'ko te taura e whakakotahi nei i a tātau katoa ko te reo. He taura ka whiria e ia iwi, e ia tangata kia pakari ai mō ake tonu atu.'[114] Ahakoa ko te nuinga o te whakamārama o Tā Kīngi Ihaka i aro ki te hiranga o te reo mō te Māori, e miramira ana te Maihi Karauna i tōna hiranga mō ngā tāngata katoa o Aotearoa, ā, ka mutu ka tohu atu 'he wāhanga rāroto te reo Māori o te tuakiritanga ā-motu o Aotearoa, me kaingākaunui, me whakamahi e Aotearoa whānui'.[115] Nō reira, ko te reo te taura e whakakotahi nei i te iwi Māori me ngā tāngata Tiriti.

Ko te tangata ka takoha i ngā ingoa Māori 'he tangata mōhio, he mātanga ki aua tikanga tapa ingoa'[116] – 'well-versed, an expert in tikanga associated with naming'.[117] Kua whakapā atu ngā tari Kāwanatanga e hiahia ana i tētahi ingoa Māori ki ēnei mātanga. I whakamārama a Rahui Papa, te hea o te rōpū i tuku kupu ārahi mō ngā āhuatanga o Te Ture mō Te Reo Māori 2016, i whai wāhi ia ki tētahi rōpū tohutohu nā rātau ētahi o ngā ingoa o ngā tari i takoha 'i tuku ki te Karauna hei koha ki a raatou, hei whakakanohi hoki i te taha Maaori kei roto i ngaa tari Kaawana'[118] – 'to the Crown as a koha and to give face to the Māori dimensions of those departments'.[119]

108. Tuhinga A7, wh 12
109. Tuhinga A7(a), wh 12
110. Tuhinga A7, wh 12
111. Tuhinga A7(a), wh 12
112. Te Taura Whiri i te Reo Māori, 'Our Story', https://tinyurl.com/3waaxdyf, i tomokia i te 12 o Mahuru 2024
113. Tuhinga A45, wh 3
114. I tīkina atu te kōrero i roto i Te Taura Whiri i te Reo Māori, 'Our Story', https://tinyurl.com/3waaxdyf, i tomokia i te 12 o Mahuru 2024
115. Tuhinga A54, wh 222 [Te Puni Kōkiri, 'Maihi Karauna', wh 9]
116. Tuhinga A7, wh 12
117. Tuhinga A7(a), wh 12
118. Tuhinga A4, wh 19
119. Tuhinga A4(a), wh 20

Hei tauira, nā Papa rāua ko Kahurangi Naida Glavish i takoha te ingoa Māori o Oranga Tamariki/Ministry for Children (Oranga Tamariki). I whakamārama a Munro, i aro te ingoa Māori o Oranga Tamariki ki te 'oranga o ngā tamariki', ā, '[e] hāngai pū ana ki te take mō te whānau te take o roto i tēnā wāhanga' o te ingoa.[120] E whakahau ana te pae tukutuku o Oranga Tamariki ko te "oranga" te oranga e pīrangi ana mātau ki te āwhina i ngā tamariki kia whai rātau, ā, e whakamahara ana te "tamariki" i a mātau i heke mai ngā tamariki i ngā kāwai rangatira. I whānau mai rātau ki te mana rāroto ka pakaru i ngā mahi tūkino me te whakahapa.'[121]

I arataki anō a Papa i te rōpū tohutohu i takoha i ngā ingoa Māori mō Te Whatu Ora/Health New Zealand (Te Whatu Ora), me Te Aka Whai Ora/Māori Health Authority. Ahakoa he rerekē ēnei ingoa e rua, 'he hononga tata i takea mai i te pūrākau o nehe mō Tāwhaki'.[122] I whakamārama a Papa, i tukua atu ngā ingoa i runga i ngā tikanga Māori.[123]

I whakaahua a Baggott e whakatinana ana te ingoa Māori o Te Kawa Mataaho i te 'tuakiritanga ahurea' o te tari. I kī ia i te 'tau 2017, ka tuku kupu ārahi a Ahorangi Pou Temara, i te mahi ki te taha o Te Taura Whiri, mō te ingoa hou o te Kōmihana, arā Te Kawa Mataaho (i mua ko Te Komihana o Nga Tari Kawanatanga)'.[124] I whakamārama ia ko te tūāpapa o te ingoa

> i ahu mai i ngā ariā maha e whai tikanga ana e whakaata ana i tana mahi me tana kaupapa: Te Hou Mataaho – te wāhi tū ai ngā rangatira; te mana ki te pupuri i ngā kawa/protocols; me Te Manu Ariki ka āwhina i te iwi whānui.[125]

I roto i tētahi reta whā-whārangi te roa i āpitihia, ka whakamārama a Ahorangi Temara, he mema o tēnei Taraipiunara, i te tukanga whakaaro me ngā ariā nui i muri i te ingoa.[126] I te wā o tō mātau nohoanga, i whakatakoto ia i tōna tikanga i te wā kōrero ki a Baggott kātahi ka pātai atu mēnā e mōhio ana ia 'he maha ngā āhuatanga, ngā rapunga whakaaro o tērā ingoa te hou mataaho', ā, ka whakamōhio atu ki a ia i te tūnga hautū o Te Kawa Mataaho. Kātahi ka tono kia whakaaro ia

> ki te hekenga o te kuaka i tētahi wāhi i Hawaiki e hia mano māero te tawhiti, engari kē ka haramai ki konei, ā, ka kite i te āwhā kei mua i a rātau kātahi ka ārahi te manu ngārahu i te kāhui manu kia kotahi atu te rere ki te āwhā, kia huri rānei i tōna haere. He marangai, he hau āwhā kei te tahatū o te rangi. He rawe ngā kōrero i tō pūrongo mō ngā mea pai engari kei te kōrero ahau mō ngā mea kei mua i a tātau. Kei te kōrero

120. Tuhinga kōrero 4.1.7, wh 111
121. Oranga Tamariki, 'Vision and Values, 16 o Whiringa-ā-rangi 2023, https://tinyurl.com/4tpxfw8m, I tomokia i te 13 o Mahuru 2024
122. Te Whatu Ora, 'Our Whakapapa', 3 o Kohitātea 2024, https://tinyurl.com/4kmmw59x, i tomokia i te 13 o Mahuru 2024. Ka whakamāramahia te tuku i ngā ingoa ki runbga i te pae tukutuku.
123. Tuhinga A4(a), wh 20
124. Tuhinga A46, wh 17
125. Tuhinga A46, wh 17
126. Tuhinga A46(a), wh 1–4 [Reta nā Tā Pou Temara mō te tuku i te ingoa reo Māori hou ki te State Services Commission, 14 o Hakihea 2023, wh 1–4]

> ahau mō te marangai kāore e kore e mōhio nei koe kei te haramai. Ko te pātai he aha ngā mea kua mahia e koe hei kaupare atu i ngā kino o te āwhā e haramai ana? Kua tīmata kē te ua kōpatapata.[127]

He kino ake i te ua kōpatapata te whakamārama o Munro i ngā mahi a te Kāwanatanga haumi. I tohe ia

> ki te mea mai te kāwanatanga kia kaua e whakamahia, kia whakamātāmuri ngā ingoa nā tētahi mātanga i koha ki a rātau, he takahi tikanga tēnei, ka mutu, he takahi i te tangata nōna te ingoa i tuku.[128]

> the Government's instructions for agencies not to use the Māori name, to deprioritise Māori names that an expert has gifted to them, is a trampling of tikanga, and an insult to the person that gifted the name.[129]

I kī anō a Munro '[h]e tikanga me whai e ea ai te whakamoe i tētahi ingoa'[130] – '[t]here is tikanga that applies if a Māori name is to no longer be used'[131], ā, ka whakapuaki i tōna pōuri 'kāhore te kāwanatanga i paku whai whakaaro ki ēnei tikanga'[132] – 'the Government thought nothing of this tikanga'.[133] I whakaparahako a Papa i ngā mahi takahi tikanga a te Karauna ki te tango, ki te whakangoikore rānei i te ingoa Māori i takohatia:

> E ai ki a tikanga, meenaa kaaore e piirangitia teetehi taonga i hoatu ki teetehi, he kaupapa nui teeraa. Araa, me whai kaupapa te whakataha i te taonga, aa me mahi i runga i te tika me te pono. Me hui, me aata koorero tahi ki te hunga naanaa te taonga i hoatu kia kimihia he huarahi whakamua e ea ai te koorero a ngaa taha e rua. Ko te raawekeweke pokanoa i te ingoa Maaori he raawekeweke i te reo Maaori me ngaa tikanga Maaori. Kei pooheehee te Karauna he ingoa taitara noaiho teenei, e kaao.[134]

> Further, according to tikanga, if a name that is gifted is no longer desired it is no small matter. There must be an appropriate justification to set aside a gifted taonga, and the process has to be right and just. It would involve meetings and discussions with the individuals that gifted that name to determine the pathway forward and ensure that both sides' interests could be explored and understood. But to meddle with the Maaori names without following protocol is to undermine te reo Maaori and

127. Tuhinga kōrero 4.1.7, wh 258–259
128. Tuhinga A7, wh 12
129. Tuhinga A7(a), wh 12
130. Tuhinga A7, wh 12
131. Tuhinga A7(a), wh 12
132. Tuhinga A7, wh 12
133. Tuhinga A7(a), wh 12
134. Tuhinga A4, wh 20

> tikanga Maaori. The Crown should not mislead themselves into thinking they are merely names of Government departments, they are not.[135]

E mārama ana kāore he hui, he matapaki hoki ki ngā mātanga nā rātau ngā ingoa Māori i takoha ki ngā tari Kāwanatanga i mua i te putanga o ngā whakatau a ngā Minita o te Karauna ki te whakangoikore – ki te tango rānei i te whakamahinga pātahi – o ngā ingoa Māori i ngā tari, arā i matapakihia ki te tekihana 3.4.4 me te tekihana 4.3.5 i raro nei. Kīhai ngā iwi me ngā hapū i uia rawatia.

4.3.5 Te whakaaro pāpaku ki ngā ingoa Māori o ngā tari

I roto i tōna pūrongo *Kāinga Kore* nō te tau 2024, i kī te Taraipiunara kei 'tātāhia [te Karauna] mō te whakaaro pāpaku' mēnā ka tiki atu i ngā ingoa Māori mō ngā tari Kāwanatanga, ka 'tātāhia mō te kākano tahi' rānei ki te kore e tiki atu.[136] I whakahua te Taraipiunara i te tāpaetanga o te rōia kaikēreme mō ngā ingoa pērā i a Kāinga Ora 'ehara i te whakamāoritanga tōtika o ngā ingoa Pākehā o ngā tari, engari kē e whakamātau ana 'ki te whai i te mahi whakaingoa i tētahi whare, ā . . . kī tonu aua ingoa i te nui o te kakare me te wawata "'. Hei whaiwhai ake i te matapaki poto i te tekihana 2.3, i tāpae te rōia kaikerēme i te Wāhanga Tuatahi o te Ruku Tātari ā-Kaupapa mō ngā Kaupapahere me ngā Ratonga Whare e pā ana ki te Noho Kāingakore o te Māori ko te mea kino mō ēnei ingoa, 'he mahi whakataruna e tuku ana i te ingoa ki tētahi rōpū kāore e tika kia riro ki a rātau, he momo mahi whaitohu anō, he whakapai kanohi ki tētahi rōpū kāore anō ā roto kia panonitia.'[137]

I whakapuakina anō ērā momo whakaaro mō Oranga Tamariki i te tau 2019. Whai muri i ngā pūrongo i te hunga pāpāho mō ngā mahi tango tamariki a ngā māngai o Oranga Tamariki, ka whānui hoki te arotahi me te arotake i te manatū. I te tau 2020, i tukuna e te mō ngā Tamariki, te Kaitiaki Mana Tangata, me Te Pou Matakana ngā pūrongo mō tēnei take.[138] I arotahi anōtia te manatū e tētahi ruku tātari o Te Rōpū Whakamana i te Tiriti o Waitangi, arā ka puta mai te pūrongo *He Pāharakeke, He Rito Whakakīkīnga Whāruarua: Oranga Tamariki Urgent Inquiry* i te 2021. I mea mai a Ahorangi Margaret Mutu ki a mātau kāore i te tika kia whakamahia te ingoa 'Oranga Tamariki', nā te mea 'ehara tērā i te ingoa tika mō taua manatū nā te mea ehara tērā i te mahi a taua manatū.'[139]

Ina takoha ia i te ingoa o Te Kawa Mataaho ki te State Services Commission i taua wā, i whakapuaki a Tā Pou Temara i ōna āwangawanga, arā i te mutunga atu ko te Kōmihana,

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135. Tuhinga A4(a), wh 20–21

136. Te Rōpū Whakamana i te Tiriti o Waitangi, *Kāinga Kore: The Stage One Report of the Housing Policy and Services Kaupapa Inquiry on Māori Homelessness* (Te Awakairangi: Legislation Direct, 2024), wh 155

137. Te Rōpū Whakamana i te Tiriti o Waitangi, *Kāinga Kore*, wh 152

138. Te Rōpū Whakamana i te Tiriti o Waitangi, *He Pāharakeke, He Rito Whakakīkīnga Whāruarua: Oranga Tamariki Urgent Inquiry* (Te Awakairangi: Legislation Direct, 2021), wh 76, 179, 281

139. Tuhinga kōrero 4.1.7, wh 127–128

> he manatū Pākehā. Ki te tuku mātau i te ingoa Māori māna, ko te āwangawanga kāore e eke te ia o tērā ingoa Māori. Mehemea e pīrangi ana te Kōmihana i tētahi ingoa i takea mai i te hirikapo Māori, me tika te whakamahi me te manaaki i tērā ingoa, ā ka mutu me kounga ā rātau mahi nā te mea nō reira te ingoa i takea mai i te hirikapo Māori. Kāore e kapohia i te hau takiwā noa iho. He tikanga kei muri i taua ingoa.[140]

I te wā o te nohoanga, ka whakaara anō a Tā Pou i ōna āwangawanga o mua. I a ia e kōrero ana ki a Baggott, ka kī

> i rehurehu ia i te haerenga ki hea o te Ratonga Tūmatanui, me te mea anō, e kawe ana te Kāwanatanga i a tātau ki hea. E māharahara ana ahau ki te ingoa o Te Kawa Mataaho nā te mea i ruku hōhonu ōku whakaaro ki tērā ingoa, e hia kē ngā hāora i pau ki te whakaaro, i mua i te waihanga me te whakatau i tērā ingoa.[141]

I kī a Ahorangi Margaret Mutu he herenga o te Tiriti/the Treaty te taunoa i te reo 'ki ngā āhuatanga katoa o te porihanga o Aotearoa'.[142] Kei roto i tērā, ko whai i ngā ingoa Māori mō ngā tari Kāwanatanga. I miramira ia mēnā he 'ingoa tika' te ingoa Māori 'e tika ana te whakamahi', me whakamahi, me noho mātāmua te ingoa Māori o te tari Kāwanatanga.[143] Ka whakaae a Tākuta Tupara 'he koke whakamua ahakoa he āhua pāpaku, te pikinga o te whakamahi i Te Reo pērā i te whiwhi ingoa Māori mō te tari ki mua i te ingoa Pākehā.'[144] I whakatakoto a Eru Kapa-Kingi i te whakaaro ko te tiki atu a ngā tari Kāwanatanga i ngā ingoa Māori 'me te whakauru atu ki roto i ngā tātauira, ngā tuhinga me ngā whaitohu a te Kāwanatanga' he herenga mōkito, ā, 'he whakapā atu ki te reo mā ngā ngutu noa iho.'[145]

Nō reira kāore i te tohengia e ngā kaikerēme te uara o ngā ingoa Māori mō ngā tari Kāwanatanga, mēnā e tika ana te whakamahi i ēnei ingoa. E ai ki te tirohanga o ngā kaikerēme me whai anō i ngā kupu ārahi kei roto i *Te Tohu Reorua* me ngā whakaratonga o Te Ture mō Te Reo Māori 2016.

4.3.6 He aha ngā mahi a ngā tari Kāwanatanga e pā ana ki ō rātau ingoa Māori?

Pērā i ngā kōrero i te tekihana 3.4, i huri ngā Minita maha (i te taha o ngā tāhuhu rangapū o ngā tari) – me te kore tohutohu i te Kāhui Minita – ki te whakangoikore i ngā ingoa Māori o ngā tari, ki te tango rānei kia kaua e taunoa te whakamahi. Waihoki, i whai atu anō ētahi kaihautū o ngā hinonga Karauna – kāore i whai wāhi ki tēnei takohanga – ā, ka kī nā te whakaaetanga haumi i pērā ai tā rātau mahi. Karekau i whakatakotohia he kōrero taunaki e tohu ana i whai whakaarotia te mana o ngā ingoa Māori takoha, i uia rawatia rānei ngā tāngata, ngā iwi, ngā hapū rānei i takoha i ēnei taonga. E mārama ana te kite i te korenga o te whakaaro ki te

140. Tuhinga A46(a), wh 1 [Reta nā Tā Pou Temara, wh 1]
141. Tuhinga kōrero 4.1.7, wh 257
142. Tuhinga A21, wh 4
143. Tuhinga kōrero 4.1.7, wh 128
144. Tuhinga A6, wh 14
145. Tuhinga A2, wh 4

pānga o ēnei panonitanga ki te mana o te reo Māori me tōna whakarauoratanga ā moroki noa nei.

I roto i tēnei wehenga-iti, ka titiro mātau ki a Waka Kotahi, Te Manatū Waka, Toka Tū Ake EQC/The Earthquake Commission (Toka Tū Ake (EQC)), Taumata Arowai/The Water Services Regulator (Taumata Arowai) me Whaikaha/Ministry of Disabled People (Whaikaha), kātahi ka huri ki te tirotiro ki ā rātau mahi e pā ana ki ō rātau ingoa Māori i muri mai i te whakatūnga o te Kāwanatanga hou.

4.3.6.1 *Waka Kotahi/New Zealand Transport Agency*

Ko Waka Kotahi, te hinonga Karauna, te tari Kāwanatanga tuatahi ki te whakangoikore i tōna ingoa Māori, i te tīmatanga o Hakihea 2023.[146] Ko te take a te Kāwanatanga i whakatakoto te takohanga haumi i te ingoa Pākehā o ngā tari ratonga tūmatanui i te tuatahi nā te mea he āwhina kia mārama ai ki ngā ratonga o ngā tari Kāwanatanga. I whakaaro te Pirimia Tuarua a Winston Peters kāore pea ngā kiririrarau e mōhio ki ngā mahi a te tari Kāwanatanga ki te kore e mārama ki te ingoa. I whakaatu ia i ōna whakaaro hahani mō te ingoa 'Waka Kotahi', arā he rite tonu tana whiu i te pātai i te wā whakatairanga o te kōwhiringa pōti, i muri mai anō, arā me pēhea 'te waka e noho ki runga i te rori'.[147]

I takohatia te ingoa Māori o Waka Kotahi i te tau 2008 e tētahi kaumātua nō Te Arawa, ā, ka whakaurua atu ki runga i tōna mokopakihi rēhita i tērā tau tonu.[148] Ko tōna ingoa ture ko te New Zealand Transport Agency, engari i te 2019 i whakaurua te waitohu Waka Kotahi/NZ Transport Agency kia hirahira ake tōna ingoa Māori, he whakamātāmua i a Waka Kotahi mā te tāmiramira me te whakarahi ake i tōna momotuhi ki runga ake i tōna ingoa Pākehā.[149]

I whakamārama te rōia mō Ngāti Te Rangiunuora me Ngāti Pikiao he tari Kāwanatanga a Waka Kotahi e hirahira ana ki te Māori. I mea mai te rōia i hangaia ngā rori o te tari ki runga i ngā whenua i raupatuhia i a Ngāti Pikiao, i whāia ngā raina o ngā rori o ngā ope taua, ā, i haere 'tōtika . . . i ngā takiwā e mau nei i ngā ingoa Pākehāināianei'.[150]

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146. Tuhinga A65, wh 778 [Īmēra 'Re: 'Waka Kotahi', 6 o Hakihea 2023, wh [1]]

147. Raphael Franks, 'Incoming Deputy Prime Minister Winston Peters Blasts Te Reo Māori Names for Government Departments', *New Zealand Herald*, 24 o Whiringa-ā-rangi 2023, https://tinyurl.com/bdfmkdxy, i tomokia i te 12 o Hōngongoi 2024; Alice Neville, 'Don't Know What the Word 'waka' Means? Here's a Handy Guide', *Spinoff*, 28 o Whiringa-ā-rangi 2023, https://tinyurl.com/8tvykxbk, i tomokia i te 14 o Mahuru 2024

148. E ai ki ngā kōrero taunaki i tāpaetia ki a mātau, i waihangatia te ingoa Waka Kotahi e 'te kaumātua nō Te Arawa, ā, he ika a Whiro hoki . . . ko ia te Tumuaki Māori o te tari . . . ko ia te pou tikanga o te kāwanatanga o Aotearoa me te Kapa Orimipia o Aotearoa me . . . te Kaiwhakahaere Māori ō mua o Transit New Zealand'. I kōpanihia te ingoa o te kaumātua, ā, kāore he kōrero mō te tukanga o te tuku i te ingoa: tuhinga A65, wh 791 [Īmēra nā Waka Kotahi: 'Re: Kia ira whaea', 12 o Hakihea 2023, wh [2]]. Ahakoa kei runga ka whai pārongo ētahi tari mō te tuku i ngā ingoa reo Māori ki runga i ō rātau pae tukutuku, kāore a Waka Kotahi e pērā.

149. Tuhinga A65, wh 780–782 [Īmēra: 'Re: Media Inquiry for CEO', 110 Hakihea 2023, wh [1]–[3]]; Tuhinga A65, wh 838 [Richard Benton, 'Te Kukunga Hou: The Clampdown Revisited', pepa mō te hui taumata *Kia kotahi te hoe, kia manawa piharau*, 1 o Haratua 2024, wh 6]

150. Tuhinga kōrero 4.1.3, wh [88]

Ki te titiro ki ngā wāhanga o tōna ingoa Māori, ko te tikanga o te 'kotahi' ko *'one'*, ā, ehara te tikanga o te kupu 'waka' i te *'boat'*, i te *'canoe'* rānei engari e whakaaro kē ana mō te waka (*vessel*). Hei tā te pae tukutuku o te tari, e whakamārama ana te ingoa Māori i te 'ariā o te "haere kotahi", ā, he tauawhi i te whakauruuru, te utu, te haumaru, te urupare me te toitūtanga.'[151] Kei te kite i āta whakaarohia te ratonga o Waka Kotahi i roto i te ingoa, ā, kei te tika tōna whakaahua ka mutu e mārama ana. E ai ki ngā kaikerēme he wairua tōna e noho motuhake ana i te ingoa Pākehā. E whakaatu ana ngā kupu hahani a Peters i te kupu 'waka kotahi' i runga nei i te kore whaiwhakaaro ki te horopaki whānui o te kupu i roto i te reo Māori. He whakamahara i te hiranga o te whakataunoa i ngā ingoa Māori mā te whakamahi, kia kaua e hē te horopaki i runga i ngā kōrero tōrangapū makihoi.

I kī te rōia mō Ngāti Te Rangiunuora me Ngāti Pikiao he poto te ingoa o te tari, 'he māmā ki te whakahua, he hirahira te whakaatu mai ki ōna pānga tuhituhi me ngā tohu . . . he tauira o te tautoko ōkawa i te whakarauora reo.'[152] E tino kitea ana, e āwangawanga ana i te pānga i muri tata tonu mai o te takohanga haumi mō Waka Kotahi – he tauira i para i te huarahi mō te whakatinana i ngā kaupapahere me ngā hōtaka reo whai tikanga, pērā i te hōtaka tohu huarahi reorua o He Tohu Huarahi Māori i kōrerohia i runga nei. Nō te 30 o Whiringa ā-rangi 2023, 'hei urupare ki te tohutohu a te Minita mō Te Manatū Waka', ka tautoko te Tāhuhu Rangapū a Nicole Rosie me te kapa mana whakahaere o Waka Kotahi kia huri ki tētahi rerenga reo Pākehā i te tuatahi o te ingoa o te tari me te tohu, e whakamāramatia ana ki raro nei.[153]

I runga i te pae tukutuku o Waka Kotahi mō ngā ture whakaingoa i mua i te panoitanga ko tēnei kōrero e whai ake nei:

> Ko Waka Kotahi NZ Transport Agency tō mātau ingoa whānui.
>
> Whakamahia tō mātau ingoa whānui a 'Waka Kotahi NZ Transport Agency' i te wā tuatahi ka tuhia tō mātau tari ki tētahi tuhinga. Whakapotohia tō mātau ingoa ki a 'Waka Kotahi' i ia atu wā ka whakamahia e koe ki ngā whakawhitinga kōrero.[154]

E kī ana te whakakapinga i te pae tukutuku ināianei:

> Ko NZ Transport Agency Waka Kotahi tō mātau ingoa whānui.
>
> Ko NZTA tō mātau ingoa poto.

151. Waka Kotahi, 'Using Our Logo', 2024 https://tinyurl.com/3k5pe6vy, i tomokia i te 14 o Mahuru 2024

152. Tāpaetanga 3.3.3(a), wh 11

153. Tuhinga 6.2.18 [Waka Kotahi, Reta: 'OIA-14235', 9 o Kohitātea 2024]; Tuhinga 6.2.19, wh [50] [Waka Kotahi, 'For Noting – Implementing a Change to English-First Version of Our Name and Logo', 30 o Whiringa-ā-rangi 2023, wh [1]]

154. Tuhinga 6.2.20, wh 2 [Waka Kotahi, Reta: 'OIA-14259', 13 o Huitanguru 2024, wh 2]

> Whakamahia tō mātau ingoa poto i roto taiapa whai muri i te ingoa whānui i te wā tuatahi ka kōrero mō mātau – NZ Transport Agency Waka Kotahi (NZTA). Whakamahia a NZTA i ia atu wā ka kōrero mō mātau.[155]

I whakatakoto te manatū nō te 30 o Whiringa ā-rangi 2023 e kīia ana ko 'Kia mahara ake – e whakatinana ana i te panonitanga ki te rerenga Pākehā-tuatahi o tō mātau ingoa, tohu hoki' i te kōrero e whai ake nei hei horopaki mō te panonitanga:

> E kī ana *Te Whakaaetanga Haumi o Nāhinara me Aotearoa Tuatahi* ko te mahi a ngā Pāti 'he whakapūmau kia noho te ingoa matua o ngā tari kāwanatanga katoa ki roto i te reo Pākehā, atu i ērā e hāngai pū ana ki te Māori'. Ahakoa e hāngai pū ana ki ngā tari, i kī tūmatanui te Pirimia ka hāngai ki te rāngai tūmatanui, ā, i tēnei wiki i tohutohu ā-waha te Minita mō Te Manatū Waka i a mātau kia huri tō mātau ingoa ki te rerenga Pākehā-tuatahi.
>
> E mārama ana mātau ka whakarato Te Kawa Mataaho i tēnei tohutohu ā-tuhi ki ngā tari.[156]

I whakamahara ngā meneti o tētahi hui ā-kapa o ngā mana whakahaere i tū i te 30 o Whiringa ā-rangi 2023 'ahakoa e hāngai pū ana te whakaaetanga haumi ki ngā tari, kua puta i te Pirimia me te Pirimia Tuarua ngā tauākī pāpāho e hāngai ana hoki ki te rāngai tūmatanui whānui, arā ka tīkina atu a Waka Kotahi hei tauira o tētahi tari ka panonitia'.

I whakatakoto anō te tuhinga i ngā panonitanga whānui me whai i muri mai i tētahi tātari i tautohu i ngā wāhi i whakamahia te tohu o Waka Kotahi. Ko te here kia whāia ēnei panonitanga 'puta noa i ngā wāhi rangatōpū 28 (tae atu ki ngā waka, ngā kaupapa, . . . ngā tapanga, ngā puka waeture me ngā kākahu)', ngā pae tukutuku 17, ngā hongere pae pāpori e whitu me ngā pūnaha 22. I whakaarahia ngā pātai 'mō te panoni i te ingoa, ā, he aha te pānga o tēnei ki te whakamahinga o te reo Māori, ngā tikanga me te whai wāhi atu ki te Māori, ngā iwi me ngā hapū'. Heoi anō, kāore ēnei pātati i whakautua i ngā meneti, ki te manatu i whai ake rānei.[157]

Ko te āhua nei kāore ēnei pānonitanga i te hāngai ki te tekihana 9(1)(b) o Te Ture mō Te Reo Māori 2016, e here ana i ngā tari Kāwanatanga kia whakamahia te reo Māori i roto i ngā mahi whakatairanga i ngā ratonga tūmatanui me te whakaratonga o ngā pārongo.

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155. New Zealand Transport Agency/Waka Kotahi, 'Using Our Logo', 2024, https://tinyurl.com/3k5pe6vy, i tomokia i te 14 o Paengawhāwhā 2025

156. Tuhinga 6.2.18 [Waka Kotahi, Reta: 'O1A-14235']; Tuhinga 6.2.19, wh [50] ['For Noting – Implementing a Change to English-First Version of Our Name and Logo', wh [1]]

157. Tuhinga 6.2.21 [Waka Kotahi, Ngā Urupare Ture Official Information, 'ELT paper: Implications of New Government Commitments (In-Confidence), Meeting date: 30/11/2023', Huitanguru 2024] He pea hui taumata nā Dr Richard Benton e kīia ana ko 'Te Kukunga Hou: The Clampdown Revisited', i toro atu ki ngā tīpako o ngā meneti i tāpaetia hei kōrero taunaki: Tuhinga A65, wh 838–839 ['Te Kukunga Hou', wh 6–7]; Tuhinga 6.2.18 [Waka Kotahi, Reta: 'O1A-14235']; Tuhinga 6.2.19, wh [50] [Waka Kotahi, 'For Noting – Implementing a Change to English-First Version of Our Name and Logo', wh [1]]

I roto i tōna urupare ki tētahi tangata o te marea i karanga kia whakamutua e Waka Kotahi te whakamahi i te reo, ka whakamārama te Minita mō Te Manatū Waka a Simeon Brown

> i runga i tētahi wāhanga o ngā whiriwhiri haumi a te Kāwanatanga, ka whakaae a Aotearoa Tuatahi me Nāhinara ki tētahi kaupapahere e here ana i ngā tari kāwanatanga kia noho tō rātau ingoa matua ki te reo Pākehā, atu i ērā e hāngai pū ana ki te Māori.
>
> Kāore anō te Kāwanatanga kia tuku i ngā tohutohu ōkawa ki ngā tari kāwanatanga ki te panoni i tō rātau ingoa kia hāngai ki tēnei kaupapahere nā te mea kei te arotahiināianei ki te whakatinana i tō mātau mahere 100-rā. Nā runga i tēnā, i tēnei wā ka noho te whakatau mō te whakaingoa, ngā whaitohu, te whakamahinga o te reo Pākehā hoki/rānei ki ia tari kāwanatanga.
>
> Kua kī te NZ Transport Agency kei te huri ki te whakamana i te kaupapahere a te Kāwanatanga, ā, kua panoni i tōna ingoa me ngā whaitohu. Kāore te ingoa, te tohu me te paetukutuku o Waka Kotahi kia panonitia, ā, kei te noho tonu te reo Pākehā me te reo Māori, kia mārama ai ngā kōrero ki te nuinga rawa atu o ngā tāngata o Aotearoa.[158]

Engari, kua hurikōaro ināianei te tohu kei te pae tukutuku o Waka Kotahi, kia noho te NZ Transport Agency – e tāmiramira ana, kei tētahi momotuhi rahi ake – ki runga ake i a Waka Kotahi, he tino rerekē ki ngā tūtohunga i roto i ngā aratohu o *Te Tohu Reorua*.[159]

E mārama ana te kite i te whakaparahakotanga o te ingoa Māori ki tēnei tauira. Karekau he tohu i whiriwhiri kōrero ki te Māori mō te panonitanga. I whakaae a Baggott 'he mea kotiti' te whakangoikore i te ingoa Māori mai i te kaupapahere tohu reorua i 'te whakamahia' e te Kāwanatanga, engari i pūmau tonu ia ehara te whai i ngā aratohu i te herenga.[160]

I whakamihi te Karauna i 'ngā kōrero taunaki mō te hiranga o te ingoa Waka Kotahi ki te Māori', ā, kāore 'ōna take ki ngā kōrero taunaki i whakatakoto i te pānga kino o te takahuri i te ingoa ki te reo Māori'. Heoi anō, i tāpae te Karauna kāore ngā hinonga Karauna e 'whai wāhanga ki te Karauna', he 'hinonga ture motuhake', ā, 'e tū motuhake ana i ngā Minita i roto i ā rātau mahi whakatau'. Ka tohe te rōia nā te mea 'ehara i te mahi a te Karauna' ngā mahi a ngā hinonga pēnei i a Waka Kotahi, kāore ērā mahi i te 'takahi i te Tiriti'.[161] Heoi anō, ko te āhua nei he teka tēnei tāpaetanga. E mārama ana ngā kōrero taunaki i whakatakotohia ki a mātau ko te takohanga haumi te take mō te panonitanga ki Waka Kotahi, ā, i tohutohungia e te Minita mō Te Manatū Waka, ka mutu e whakaatuhia ana ki ngā meneti o te hui o te 30 o Whiringa ā-rangi me te manatu i kōrerohia i runga nei.

158. Tuhinga A65, wh 596 [Reta nā Minita Brown, 'M24011005', wh [1]]. I kōpanihia te kaiwhiwhi o te reta, ā, kāore i whai i te rā.

159. Tuhinga A65, wh 778 [Īmēra: 'Re: "Waka Kotahi"', 6 o Hakihea 2023, wh [2]]; 'Using Our Logo', Waka Kotahi/NZ Transport Agency, https://tinyurl.com/3k5pe6vy

160. Tuhinga kōrero 4.1.3, wh [94]

161. Tāpaetanga 3.3.17, wh 49–50

I whakaae te Karauna ka taea e te Minita mō tētahi hinonga Karauna te tohutohu atu 'kia whakamanahia ngā kaupapahere kāwanatanga, ina pā tērā kaupapahere ki ngā mahi me ngā whāinga o te hinonga'. Engari i tohe te rōia mō te Karauna, 'i tēnei tauira nō nāianei, kāore tētahi o ērā momo tohutohu i tukua atu', ā, 'karekau he kaupapahere kāwanatanga hei whakamana'.[162] Te āhua nei kāore tēnei i whakapāhunu i a Minita Brown. Ahakoa te aha, kua whakatau kē mātau i huri ngā takohanga i roto i te whakaaetanga haumi hei kaupapahere Karauna ina tautokona e te Kāhui Minita hei tūāpapa e mahi ai te Kāwanatanga i te 28 o Whiringa ā-rangi 2023.

4.3.6.2 *Te Manatū Waka / Ministry of Transport*

Pērā ki ngā mahi e pā ana ki a Waka Kotahi, i kōrerohia ki te tekihana 4.3.5.1, i whakahua a Minita Brown i ngā mea e tino hiahia ana ia mō ngā tohu e whakamātāmua ana i te ingoa Pākehā ki runga i te ingoa Māori mō Te Manatū Waka. He tari kāwanatanga Te Manatū Waka e ārahi ana i te Kāwanatanga mō ngā kaupapahere waka, ka mutu he tata te mahitahi ki a Waka Kotahi.

I te tau 2022, i raro i tōna rautaki Māori a Hei Arataki, ka panoni Te Manatū Waka i tōna ingoa, whaitohu hoki. I whakahou te Manatū i tōna ture whakaingoa, ka tīkina atu he ingoa Māori hei tāpiri ki tōna ingoa Pākehā me te whakatakoto kia noho tuatahi, hei whakatūturu i tōna ū ki 'ngā kawenga rangapū Karauna–Māori'. He kupu mino te ingoa Māori o te ingoa Pākehā o te Manatū, arā ko te tikanga o 'te manatū' ko 'the Ministry', ā, ko te tikanga o 'waka' ko 'vessel'. I runga i te tohu ko 'Te Manatū Waka' e tāmiramira ana, he momotuhi rahi ake ki runga i tōna ingoa Pākehā, whai tata atu i ngā kupu ārahi o *Te Tohu Reorua*.[163] I waihangatia te tohu hou e te mātanga hāpai Māori a Dan Brown. E whakaatu ana i 'te whetū e whakatinana ana i te mahi whakatere' e tohu ana 'i ngā āhuatanga ina haere ai te katoa i Aotearoa . . . [te] taiao – mā ngā maunga, ngā roto, ngā moana, ngā awa, ngā whārua, ngā tāone nui me ngā hapori'.[164]

I te 6 o Pipiri, i tū he hui ki waenganui i te Minita mō Te Manatū Waka me te Hēkeretari mō Te Manatū Waka. I tēnei hui, i kōrerohia ki te tekihana 3.4.5, i tohu te Minita mō Te Manatū Waka kāore tētahi mātārere Kāpenata mō 'Te Reo Māori, te reo Pākehā hoki / rānei mō ngā Tari Kāwanatanga' i te puta mai. Engari kē, mā ngā Minita 'e whakaara i ngā kōrero kei roto i te whakaaetanga haumi ki ō rātau tari'.[165]

I whakaatu ngā kōrero taunaki i whakatakotohia ki a mātau i te whānuitanga o ngā kōrero i te hui mō te takohanga haumi e pā ana ki te whakangoikore i te reo Māori ki Te Manatū Waka, ka mutu me ōna whakaritenga mō te whakatinanatanga:

162. Tāpaetanga 3.3.17, wh 49

163. Tuhinga 6.2.22 [Te Manatū Waka, Reta: 'Te Manatū Waka Name – OC220497', 7 o Hōngongoi 2022]

164. Scenario Communications Limited, 'Te Manatū Waka – Ministry of Transport', 2023, https://tinyurl.com/53ue8axu, i tomokia i te 14 o Mahuru 2024

165. Tuhinga A58, wh 1

> Nā runga i tērā ka whakaae te Hēkeretari ka tīmata ia ki te titiro me pēhea te whakatinana i te whakaaetanga haumi. I whakamārama te Hēkeretari he nui te tūponotanga ka āta haere te ara. Ka tīmata pea ki ngā tohu tātauira kātahi ka huri ki te whatungaroto (nā te mea kei te waihanga anōtia tēnei), kātahi ka huri ki te pae tukutuku. Kāore pea te tohu pōwhiri i te tari o mua e panoni nā runga i te utu engari ka tirohia mēnā ka hūnuku te Manatū ki tētahi tari hou i te mutunga o tōna rīhi o nāianei. [kia mahara: me whai kia tutuki ētahi atu takohanga ture – whāia ngā kupu ārahi mō tēnei]
>
> Ka whakapūmau te Hēkeretari kia mōhio ai ngā Hinonga Karauna[166] ki ēnei kawatau mā tētahi huarahi tika. [kia mahara: whāia ngā kupu ārahi i te taha ā-ture mō te huarahi pai rawa][167]

Kāore ngā tuhipoka o te hui (i tuhia ki runga i ngā pepa ōkawa e miramira ana i te tohu whetū me te whakamātāmua i Te Manatū Waka) i kōrero mō tētahi atu take mō te panonitanga i whakaritea atu i te takohanga haumi. Kāore he kōrero mō te pānga o te panonitanga ki te Māori, mō ngā whakaritenga rānei ki te whiriwhiri kōrero ki ngā iwi, ki ngā hapū rānei.

I whakamārama a Cameron ko te mahi a te ratonga tūmatanui, mā roto i te whakarato i ngā kupu ārahi hāngai, pono hoki, he 'whakaako' i ngā Minita e kuhu mai ana. I kī ia e ai ki ngā Minita hou 'kua tau kē tō rātau Whakaaetanga Haumi, ā, ko tā mātau he whakaako i a rātau ki ngā tukanga o tō mātau manapori me ngā tukanga e taea ai ngā whakatau a te Kāhui Minita, tae atu ki ērā kei roto i te *Puka Kapenata*.[168] Heoi anō, ahakoa tēnei awenga mauru a ngā āpiha, he maha ngā Minita te āhua nei kāore i whakamā ki tō rātau whakangoikore i te reo mai i te ratonga tūmatanui. I tū te nuinga o ngā mahi nō nātata nei ka whakamāramahia e mātau – e pā ana ki a Taumata Arowai (tirohia te tekihana 4.3.5.5 kei raro) – i ngā rā tōmuri o Pipiri 2024, i muri mai i tō mātau nohoanga i tū i ngā rā tōmua o taua marama tonu.

E ai ki te Tāhuhu Rangapū o mua o Te Taura Whiri a Haami Piripi tata ki te 30 tau e mahi ana i roto i te ratonga tūmatanui,

> i tōna wā ina tutuki ai tētahi Whakaaetanga Haumi, tētahi momo whakaaetanga pērā, mā ngā Minita e whakatinana, ā, mā ngā Minita o te Kāhui Minita hoki e whakatinana i tērā kaupapahere, ka mutu koinā tāku e whakapono ana mō tēnei take, kei te whakatinana ngā Minita i te kaupapahere kua whakapuakina e te Haumi e pā ana ki te whakamahinga o te reo Māori.[169]

166. I kī mai te rōia mō te Karauna i te kōrero tēnei mō 'ngā hinonga Karauna e pā ana ki Te Manatū Waka': tāpaetanga 3.3.17, wh 52
167. Tuhinga A58, wh 1
168. Tuhinga kōrero 4.1.7, wh 445
169. Tuhinga kōrero 4.1.7, wh 61

He ōrite te ara whaitake āta haere mō te whakatinana i te panonitanga o te ingoa i Te Manatū Waka ki ngā tūtohunga e pā ana ki te penapena pūtea kei roto i te tuhinga kōrero ārahi nō te 5 o Hakihea i kī mehemea

> ka herea ngā tari ki te panoni i ō rātau whaitohu, tohu, me ngā ihirangi matihiko (hei tauira ko ngā pae tukutuku) ka nui pea ngā utu mō te whakahou i ngā whaitohu. Ka taea te whakaiti i ēnei utu mēnā ka noho kaupae ngā panonitanga:
>
> a. Ngā panonitanga inamata: He māmā te whakahāngai ki ngā kawatau a te Kāhui Minita ngā ihirangi *hou* katoa ka waihangatia e te ratonga tūmatanui. Hei tauira, kei roto i tēnei ngā tuhinga kupu ārahi ki ngā minita, ngā ihirangi pae tukutuku hou, me ngā reta.
> b. Ngā panonitanga ā muri: E tūtohu ana mātau kia kaua e kamakama te whakakapi i ngā ihirangi matihiko me ngā tohu ā-tinana, engari kē kia whakahoutia i te wā ka panonitia (arā i te wā o mua ka panonitia ngā kaupapahere, ka whakahoutia te pae tukutuku arā atu anō). [E miramira ana ki te mea taketake.][170]

I roto i ngā tāpaetanga whakakōpani, ka tohe te rōia mō te Karauna ko ngā mahi e pā ana ki te ingoa o Te Manatū Waka 'he tukanga kaupapahere e haere tonu ana', ā, i 'hopukina e te Hēkeretari me tutuki . . . ngā takohanga ture'. Heoi anō, ko te āhua nei he tohu noa iho tēnei kōrero mai i te hēkeretari ka whāia te huarahi kia hāngai ngā mahi ka mahia ki te ture. Karekau he kōrero ki ngā takohanga i raro i te Tiriti/the Treaty. I tāpae anō te rōia 'kāore anō kia puta he whakatau whakamutunga mō te ingoa', ā, ka tūhuratia 'ētahi atu pepa ki te Taraipiunara mēnā, i te wā hoki ka wātea mai'.[171]

Nō te wā i tuhia tēnei pūrongo, i panonitia ētahi mea i Te Manatū Waka. Ināianei kei runga i te pae tukutuku te ingoa hurikōaro me te tohu hou: Ministry of Transport – Te Manatū Waka. Kei te miramira tonu te whetū, engari e tāmiramira ana te ingoa Pākehā ki ngā reta mā i runga i tōna ingoa Māori e whakaaturia ana ki tētahi momotuhi tata ki te pūataata, ā, e mārama ana te kite ko te ingoa Pākehā te mea awenui. E whakaaturia ana kei roto i te reo Pākehā me te reo Māori ngā taitara o ngā wāhi ihirangi. Engari i te tīmatanga, i tōna rerenga hou nō te 2022, ka noho tuatahi te reo Māori, ā, 'ka tuhia ngā kupu Māori ka whakamahia ki te pae tukutuku o te Manatū ki tētahi momotuhi rahi ake' ka mutu ka tuhia ki te momotuhi ōrite ki runga i ngā kupu Pākehā i ngā mātārere.[172] E taupatupatu ana ngā panonitanga hou ki ngā tūtohunga i roro i ngā aratohu o *Te Tohu Reorua*.

E mārama ana kāore anō ngā mahi i runga i te pae tukutuku kia tutuki: ina rapu ai i ngā kōrero mō tōna ingoa, ka puta tuatahi mai te tohu whai tikanga whakaingoa hurikōaro i roto i te reo Pākehā, engari ka puta mai anō 'Te Manatū Waka

170. Tuhinga A43(a), wh 8 [Te Kawa Mataaho, 'Delivering better public services', wh [8]]
171. Tāpaetanga 3.3.17, wh 52–53
172. Tuhinga 6.2.22 [Reta: 'Te Manatū Waka Name – OC220497']; Scenario Communications Limited, 'Te Manatū Waka – Ministry of Transport', 2023, https://tinyurl.com/53ue8axu, i tomokia i te 14 o Mahuru 2024

– Ministry of Transport, e whakamātāmua ana i te ingoa Māori. E whakamārama ana 'kei te whakamahi mātau i tō mātau ingoa Māori a Te Manatū Waka me te ingoa Pākehā',[173] ko te āhua nei he kōrero nō te whakahounga whaitohu 2022 a te Manatū kāore anō kia whakakapia. Nō reira kāore i te mārama mēnā – ki tēhea rerenga – noho tonu ai ngā kōrero i roto i te reo ki runga i te pae tukutuku o te Manatū, ōna taputapu, me ētahi pae hoki/rānei i ngā rā ā muri ake nei. Te āhua nei ka tangohia te whakamātāmua i ngā taitara i roto i te reo nō mua.

4.3.6.3 *Toka Tū Ake EQC/The Earthquake Commission*

Ko tētahi atu hinonga Karauna i panoni i tōna ingoa kia hāngai ki te takohanga haumi (ahakoa kāore i whai wāhi atu) ko Toka Tū Ake (EQC), i kōrerohia i te tekihana 3.4.1.[174]

Nō te uruhitanga o te Ture Natural Hazards Insurance 2023 (Ture NHI) i te 1 o Hōngongoi 2024, ko te tikanga ka huri te ingoa ture o te Kōmihana – te Kōmihana Rū Whenua – ki a 'Toka Tū Ake – Natural Hazards Commission'. I te Hōngongoi 2022, ka tīkina e te Kōmihana he ingoa tauwhiro hei whakatakoto i te ingoa Māori hou o Toka Tū Ake ki te marea: Toka Tū Ake EQC.[175]

Ko te tikanga o Toka Tū Ake, e ai ki tōna pae tukutuku ko 'te tūāpapa e tū pakari ai tātau katoa'. I ahu mai i ngā kupu 'toka' arā 'rock', 'tū' arā ko tōna whakapākehātanga ko 'to stand, take place, set in place, establish', me 'ake', arā 'to raise upwards'. Karekau he kōrero ko t/ēhea mātanga Māori, iwi rānei i uia rawatia, ā, mēnā i takohatia te ingoa e wai, engari i whakamāramatia ko te ingoa Māori 'e whakapuaki ana i te kōrero pono nō neherā ko te huarahi pai rawa ki te whakarite mō ngā wā poautinitini ko te whakakotahi i ngā hapori ki te tuari i ō rātau mātauranga, rauemi hoki kia tautoko tētahi ki tētahi'.[176]

I roto i tētahi tuhinga kupu ārahi nō te 17 o Kohitātea 2024 i tukua ki te Minita mō ngā Take Pūtea a Nicola Wills, ka rapu te Tāhuhu Rangapū Kairīwhi me te Āpiha Rautaki Matua o Toka Tū Ake i ngā tohutohu mai i te minita mō te ū ki te takohanga mō ngā ingoa o te tari Kāwanatanga i roto i te whakaaetanga haumi. I tuku anōtia taua tuhinga kupu ārahi ki te Minita Tuarua mō ngā Take Pūtea a David Seymour i te 1 o Huitanguru 2024, ko ia te Minita mō Toka Tū Ake (EQC) i taua wā.[177] I whakatakoto te tuhinga ārahi i

173. Te Manatū Waka/Ministry of Transport, 'Te Manatū Waka', https://tinyurl.com/yubsvupm, i tomokia i te 14 o Paengawhāwhā 2025

174. Pērā i te upoko whakataki, ka whakamahi mātau i te whakapoto Toka Tū Ake (EQC) mō Toka Tū Ake EQC/Earthquake Commission, ā, i muri mai i te panonitanga o tōna ingoa ki a Toka Tū Ake/Natural Hazards Commission, ka whakamahi mātau i te whakapoto a Toka Tū Ake.

175. Tuhinga 6.2.8, wh 2 [Toka Tū Ake, 'Toka Tū Ake EQC Briefing: Name change conventions', 1 o Huitanguru 2024, wh 2]

176. Natural Hazards Commission/Toka Tū Ake, 'Our Name', 2024, https://tinyurl.com/44ffm2hz, i tomokia i te 15 o Mahuru 2024

177. Tuhinga 6.2.8 [Toka Tū Ake, 'Briefing: Name Change Conventions']. I tukuna ngā kupu whakamōhio nō te 1 o Huitanguru ki a Minita Seymour e te Tāhuhu Rangapū a Tina Mitchell, me te Āpiha Rautaki Matua.

> runga i ngā tikanga whakaingoaināianei mō te ingoa hou ka noho mātāmua a Toka Tū Ake, ā, ka whakamahia te Natural Hazards Commission mēnā e tino hiahia ana ki tēnā. Heoi anō, e karapoti ana i te Natural Hazards ngā tikanga whakaingoa kua whakaritea mō te hautaonga inihua, te kaupapa, te utu, te pae tukutuku me ngā īmēra . . . hei āwhina kia tere mārama ki ngā tikanga o ērā me te whakakotahi i ērā.[178]

I kī a Toka Tū Ake (EQC) 'kei runga i te tohu mō te ingoa hou te waitohu "Toka Tū Ake" e miramira ana, ā, me tētahi waitohu iti iho arā "Natural Hazards Commission"',[179] he mea hāngai ki tōna ingoa matua, ingoa ture hoki, me ngā aratohu o *Te Tohu Reorua*. Heoi anō, whai muri i tērā, ka whakatakoto ngā kaihautū i te whakaaro 'ka taea te whakawhiti, te whakarerekē rānei i tēnei whakaritenga waitohu i runga i te kore utu', e tohu ana i te takune ki te whakangoikore i te ingoa Māori. I tautuhi a Toka Tū Ake (EQC)

> Whai muri i te tohutohu i roto i te whakaaetanga haumi i waenganui i a Nāhinara me Aotearoa Tuatahi 'kia noho ngā ingoa matua o ngā tari kāwanatanga ki te reo Pākehā, atu i ērā e hāngai pū ana ki te Māori', e rapu ana mātau i ngā tohutohu Minita me pēhea tō mātau ara mō te ingoa o te Kōmihana ina panoni ā-ture ki te ingoa Toka Tū Ake Natural Hazards Commission i te 1 o Hōngongoi 2024, me te ara mō tō mātau ingoa whakawhiti a Toka Tū Ake EQC, tae noa ki te 30 o Pipiri 2024.[180]

Kātahi ka whakatakoto ngā kaihautū i ngā kōwhiringa mō te whakamahinga e toe ana o te ingoa whakawhiti a Toka Tū Ake (EQC), tae noa ki te 30 o Pipiri 2024. I roto i tēnei, tuatahi ake, kia noho ki taua āhua tonu, arā koirā tō rātau tūtohunga (nā te mea he pai te utu); tuarua, kia panonitia te ingoa tuhi i runga i te pae tukutuku me ngā whakawhitinga kōrero 'ki te EQC, ki te EQC Toka Tū Ake rānei' engari ka puritia tonu te tohu, kāore a panonitia 'ngā pānui kiritaki, ngā ataata mātauranga tūmatanui, me ētahi atu tuhinga'; ā, tuatoru, 'kia huri katoa ki te EQC, ki te EQC Toka Tū Ake rānei (tae atu ki te panoni i te tohu)' puta noa i te pae tukutuku me ētahi atu ihirangi.[181]

I muri i tērā, ka whakatika ngā kaihautū o Toka Tū Ake (EQC) i ngā tikanga panoni ingoa mai i te 1 o Hōngongoi 2024, ina huri ai a 'Toka Tū Ake – Natural Hazards Commission' hei ingoa ture o te hinonga Karauna. Ka whakamārama ahakoa me whakamahi te ingoa ture

178. Tuhinga 6.2.7, wh 3 ['Toka Tū Ake EQC Briefing: Name change conventions', 17 o Kohitātea 2024, wh 3]

179. Tuhinga 6.2.7, wh 3 ['Toka Tū Ake EQC Briefing: Name change conventions', 17 o Kohitātea 2024, wh 3]

180. Tuhinga 6.2.7, wh 3–4 ['Toka Tū Ake EQC Briefing: Name change conventions', 17 o Kohitātea 2024, wh 3–4]

181. Tuhinga 6.2.7, wh 4 ['Toka Tū Ake EQC Briefing: Name change conventions', 17 o Kohitātea 2024, wh 4]

ki ngā tuhinga ture me ngā āhuatanga o te ture, ka taea te whakamahi i te ingoa ture e tino hiahia ana mō te Kōmihana, i tōna tuakiri ataata, me ērā atu āhuatanga katoa me te kore e herea ki te whai Pire menemana ki te Ture NHI.[182]

Kātahi ka whakatakoto ngā kaihautū o Toka Tū Ake (EQC) i ngā kupu ārahi me ngā tūtohunga, he āhua ōrite ki ngā kōwhiringa whānui i roto i te tuhinga ārahi a Te Kawa Mataaho nō te 5 o Hakihea:

> Hei whakatutuki i te tohutohu kei roto i te whakaaetanga haumi . . . e whakatakoto ana mātau i te whakaaro kia whakamahia te tāerā o te ingoa Natural Hazards Commission hei ingoa matua ki tō mātau tuakiri ataata, ā mātau mahi, me ngā āhuatanga katoa e tika ana. Ki te taha o tēnei tāera ko Toka Tū Ake, i ngā wā e tika ana, ā, kei roto i tō mātau tohu hou tētahi waitohu iti iho ki te waitohu Natural Hazards Network e miramira ana. E hāngai ana tēnei i tō mātau tikanga whakaingoa ki ngā rōpū Rāngai Tūmatanui maha, e herea ana kia iti te whakapau kaha rāroto ki te whakahou i tō mātau tuakiri ataata, ngā kupu ārahi me ngā rawa, ā, he iti ngā utu/karekau he utu i te tahua kaupapa hei whakahou i ō mātau pae rāwaho . . . Ka whakamahi mātau i tō mātau ingoa katoa (Natural Hazards Commission – Toka Tū Ake) ina hiahiatia ai te ingoa ture . . .
>
> Ko tētahi kōwhiringa kē, ka koke whakamua mātau i a Toka Tū Ake – Natural Hazards Commission (i muri mai i whakamahinga tuatahi ka huri ki a Toka Tū Ake), pērā i tōna āhua i te Ture NHI. Karekau he utu tāpiri, he whakapaunga kaha rānei ki tō mātau hōtaka mahi o nāianei. . . .
>
> Mēnā e tino hiahia ana ki te panoni ōkawa, ki te panoni ā-ture hoki i tō mātau ingoa, me whai kupu ārahi ture anō, tae atu ki ngā kupu ārahi mai i Te Tai Ōhanga.[183]

I te 13 o Huitanguru 2024, ka whakapuaki a Minita Seymour i tōna whakatau ki te panoni i te ingoa rangitahi me te 'tāera ingoa kia hāngai mai i te 1 o Hōngongoi 2024'; i kōwhiri ia i te 'tāera Natural Hazards Commission'.[184] Hei urupare ki tētahi kōwhiringa i runga i te tuhinga ārahi, e tohu ana mēnā e pīrangi ana ia kia tāpiri kōrero anō a Toka Tū Ake (EQC) mō gā mea katoa kei runga nei, ka whakamārama atu a Minita Seymour:

182. Tuhinga 6.2.7, wh 4 ['Toka Tū Ake EQC Briefing: Name change conventions', 17 o Kohitātea 2024, wh 4]

183. Tuhinga 6.2.7, wh 4–5 ['Toka Tū Ake EQC Briefing: Name change conventions', 17 o Kohitātea 2024, wh 4–5]

184. Tuhinga 6.2.7, wh 6 ['Toka Tū Ake EQC Briefing: Name change conventions', 17 o Kohitātea 2024, wh 6]

> Me hui tātau ka tika ki te matapaki i tēnei. Ko te tikanga o te ingoa he whakamārama i ngā mahi a te kōmihana, koirā. Me noho ki roto i te reo Pākehā engari kia mārama ahau ki ngā utu ki te Kōmihana me ngā herenga ture.[185]

I whakamōhio atu tētahi īmēra nō te 23 o Huitanguru 2024 ki ngā kaimahi katoa mai i te Tāhuhu Rangapū o Toka Tū Ake (EQC) a Tina Mitchell i te whakatau mō te whakaingoa i te hinonga Karauna. I panonitia te ingoa rangitahi o Toka Tū Ake ki te 'EQC Toka Tū Ake', ā, ka whakamahia he 'rerenga hou' o te tohu. I muri mai i tērā, ka whakamahia 'the Commission', te 'EQC' rānei ina hiahiatia ai te rerenga poto iho.[186] Nō reira ka whakakorehia te ingoa Māori, ka noho tuarua rānei.

I roto i tōna īmēra, ka tuhi a Mitchell mai i te 1 o Hōngongoi ā haere ake nei, ka mōhiotia ko te 'Natural Hazards Commission Toka Tū Ake' te hinonga Karauna. I muri mai i tērā, ka whakamahia 'the Commission', te 'NHC' rānei hei kōwhiringa poto iho. I whakatakoto te īmēra i te take mō ēnei whakatau:

> E whakaata ana ēnei whakatau i te ū o te Kāwanatanga kia noho ngā ingoa matua o ngā tari ratonga tūmatanui ki te reo Pākehā, atu i ērā e hāngai pū ana ki te Māori.[187]

Ahakoa i whakamātau te Karauna ki te whakaiti i te hiranga o te hurikōaro i te ingoa Māori me te ingoa Pākehā mā te miramira 'i puritia [e te hinonga Karauna] te ingoa Māori engari he rerekē te raupapa i te ture',[188] ki ō mātau whakaaro he kino ngā tohu i roto i te hurikōaro ki te reo Māori. Kāore i whakapūmau i te mana ōrite o te reo arā te whakarauora i te reo anō hoki, engari kē he whakamātāmuri kia noho tuarua te reo, he ārai rānei i te reo kia kore e kitea.

Waihoki, i whakaatuhia te tohu hou 'Natural Hazards Commission' ki tētahi momotuhi rahi ake e tāmiramira ana ki runga i a 'Toka Tū Ake', he takahi katoa anō i ngā aratohu reorua o *Te Tohu Reorua*. Kāore he take o te matapaki whānui mō te tikanga o te kupu 'primary' e pā ana ki ngā ingoa tari kāwanatanga ina hurihia te ingoa ture e whakamātāmua ana i te reo i roto i te 'whakamahinga whānui' kia noho tuatahi te ingoa Pākehā.

Nā reira kua mate mātau ki te whakatau kei te tika te kōrero a Apanui-Barr ko te tikanga o te 'primary' i roto i te takohanga haumi 'kia noho tuarua te reo Māori'.[189]

Kāore he kōrero taunaki i whiriwhiri kōrero ngā kaihautū o te Kōmihana ki te Māori mō te panoni i te ingoa, kāore rānei i paku whakaaro ki tōna pānga ki te Māori. Ahakoa tēnā, e kī ana te pae tukutuku o Toka Tū Ake

185. Tuhinga 6.2.7, wh 6 ['Toka Tū Ake EQC Briefing: Name Change Conventions', 17 o Kohitātea 2024, wh 6]. He uaua te mōhio ki te tuhi ā-ringa o te kupu 'costs' me te kupu 'constraints'; ka taea pea te pānui ko te 'costs' te 'cash', ā, ko te 'constraints' te 'constructs/contexts/conducts'. I uaua te mōhio ki ngā tuhi ā-ringa engari i whakatau mātau ko te kōrero i tīkina atu i runga nei te takotoranga tika.

186. Tuhinga A65, wh 641–642 [Īmēra: Tina Mitchell, 'An update on our name', 23 o Huitanguru 2024, wh [1]–[2]]

187. Tuhinga A65, wh 641–642 [Īmēra: Tina Mitchell, 'An update on our name', wh [1]–[2]]

188. Tāpaetanga 3.3.17, wh 51

189. Tuhinga kōrero 4.1.7, wh 523

e whakaata ana te ingoa hou, Natural Hazards Commission Toka Tū Ake, i tō mātau tūnga hei hoa rangapū ki te Tiriti o Waitangi, me tō mātau kawenga kaitiakitanga ki te taha o te tangata whenua e pā ana ki ngā tāngata me ngā wāhi ka pāngia e ngā pūmate māori.[190]

Nā runga i ngā mahi a ngā kaihautū o Toka Tū Ake/Natural Hazards Commission (Toka Tū Ake), hei tā mātau kei ngā ngutu noa iho te kōrero mō te Tiriti/the Treaty. Tino kore rawa he kiko ki te whakaaro e whakaata ana te ingoa hou i te tūnga o Toka Tū Ake hei hoa rangapū i raro i te Tiriti/the Treaty. E herea ana te Karauna ki te tiaki moroki me te whakatairanga i te reo, engari kāore te panoni i te ingoa i tautoko, i whakarākei rānei i te whakamahinga o te reo Māori ki roto i te ratonga tūmatanui.

I tōwai te Karauna i tōna tauākī e pā ana ki a Waka Kotahi arā e noho motuhake ana ngā hinonga Karauna i te Karauna, ā, nā reira ehara ngā mahi a Toka Tū Ake i te mahi a te Karauna ka mutu kāore e taea te kī he mea takahi i te Tiriti/the Treaty.[191] Heoi anō, e whakaae ana mātau ki tā Tamaki Legal tāpaetanga 'ahakoa e āhua tū motuhake ana a Toka Tū Ake i te minita me te whakaaetanga haumi (hei kaikawe Karauna i raro i te Ture Crown Entities 2004), . . . i hāngai āna mahi ki ngā tohutohu ā-minita' e pā ana ki te panoni i te ingoa.[192]

4.3.6.4 *Kāinga Ora me Te Whatu Ora*

Kāore i rahi ngā kōrero taunaki i whiwhi ai mātau mō Kāinga Ora, mō Te Whatu Ora rānei kia whai wāhi ēnei tari kāwanatanga ki roto i tō mātau tātari. E kōrero ana ngā tekihana 3.4.1, 3.4.3 hoki i ngā pārongo e wātea ana ki te marea mō te matapaki e pā ana ki ngā panonitanga o ngā ingoa i whakaarohia ki ēnei hinonga Karauna e rua. Heoi anō, e mahara ana mātau he nui ngā wā ka mahue i ngā Minita me te Pirimia te ingoa Māori a 'Kāinga Ora' kia kī ko 'ĸo' noa iho te ingoa.[193] Kāore tēnā whakapoto i te hāpai i te mana o te ingoa, i te reo Māori rānei.

4.3.6.5 *Taumata Arowai/The Water Services Regulator*

Kei te panoni tonu ngā tari kāwanatanga i ō rātau ingoa hei whai i te tohu i tukuna e te whakaaetanga haumi. I te wā i tuhia tēnei pūrongo, i whakawāteahia ētahi tuhinga tūhura ki a mātau e pā ana ki ngā menemana e whakaarohia ana mō te hinonga Karauna a Taumata Arowai – the Water Services Act 2020. I te 23 o

190. Toka Tū Ake, 'Our Name', 2024], https://tinyurl.com/44ffm2hz, i tomokia i te 15 o Paengawhāwhā 2025

191. Tāpaetanga 3.3.17, wh 50

192. Tāpaetanga 3.3.18, wh 32

193. He poto te kōrero mō tēnei i te wehenga 3.4.4. Mō ētahi atu tauira, tirohia a: 'Kāinga Ora Chief's Exit: New Chair at Odds with Christopher Luxon over Performance', *Te Reo Irirangi o Aotearoa*, 2 o Hōngongoi 2024, https://tinyurl.com/5jcdf4w5, i tomokia i te 25 o Poutūterangi 2025; Jenna Lynch, 'Revealed: The Simple Texts between Sir Bill English and Chris Bishop That Led to Kāinga Ora Review', *Stuff*, 28 o Haratua 2024, https://tinyurl.com/mwbn73j7, i tomokia i te 25 o Poutūterangi 2025; Hon Chris Bishop, 'Kāinga Ora Instructed to End Sustaining Tenancies', New Zealand Government Releases, 18 o Poutūterangi 2024, https://tinyurl.com/3brb6b8v, i tomokia i te 25 o Poutūterangi 2024.

Haratua 2024, i tukua atu e te Mana Whakahaere (Kaupapahere Ratonga Wai) me te Kaiwhakahaere Kaupapahere (te Aroturuki me te Kaitiakitanga) he tuhinga ārahi e kīia ana he 'Whakarāpopoto o ngā menemana ki te Ture Water Services me ngā ture tūhono e pā ana ki ngā mahi me ngā haepapa o Taumata Arowai' ('te tuhinga ārahi nō Haratua') ki te Minita mō te Mana Kāwanatanga ā Rohe a Simeon Brown. I roto i taua tuhinga, ka whakamārama ngā āpiha nō nakuanei ka whakaae a Minita Brown ki ngā menemana maha ki te Ture Water Services 2021. Kātahi ka tono rātau mēnā i whakapūmautia 'ngā menemana e rua anō ki te ture whai tikanga, arā te Ture Taumata Arowai – the Water Services Regulator 2020', ā, ka tuhi mō ēnei menemana 'ko te takune ka hua mai ēnei mā te Pire Local Government Water Services'.[194]

I raro i tētahi pane e kīia ana ko 'Te panoni i te ingoa ture o Taumata Arowai hei whakaata i ngā takohanga o te Kāwanatanga haumi', ka kī te tuhinga ārahi nō Haratua:

> Ka whakatau te ture ko te ingoa o Taumata Arowai ko Taumata Arowai – the Water Services Regulator. E mārama ana ngā āpiha hei whakatutuki i ngā whakaaetanga Kāwanatanga haumi, ka hiahia koe ki te panoni i te ingoa kia noho tuatahi te reo Pākehā ina kōrero ai mō te rōpū. Ka whai wāhi ki tēnei ngā panonitanga ki te Ture Taumata Arowai – the Water Services Regulator 020. Ka hua mai ētahi menemana anō ki te ingoa o Taumata Arowai ina kōrerohia ki ētahi atu ture, tae atu ki te Ture Water Services 2021.
>
> Nō reira e ai ki ngā āpiha ka panonitia te ingoa i roto i te ture ki 'The Water Services Regulator – Taumata Arowai'. . .
>
> Ka kimi kupu ārahi ture ngā āpiha mō ngā menemana katoa ki te Ture Water Services 2021 me Taumata Arowai – te Ture Water Services Regulator 2020, ā, kia whaiwhakaarohia ngā take katoa ka hua ake. He nui te tūponotanga ka uru atu ētahi menemana kaupapa paku ki te Ture Water services.
>
> Ina mutu ai ngā tātari ture, kaupapahere hoki, ka whakaurua ngā ki te pepa Kapenata mō te Pire Local Government Water Services (Pire 3) i te marama o Hōngongoi.[195]

E mahara ana mātau i tautuhi te tuhinga ārahi nō Haratua ka hiahiatia ngā kupu ārahi ture e pā ana ki ngā menemana. Kāore i te mārama mēnā ko te takune kia uru atu ngā kupu ārahi mō te ū ki Te Ture mō Te Reo Māori 2016 me te Tiriti/the Treaty e pā ana ki te whakangoikore i te ingoa Māori o Taumata Arowai.

E whai ake nei te whakamārama i te wehenga e pā ana ki te 'ingoa me te tuakiritanga' kei runga i te pae tukutuku o Taumata Arowai:

> E kōrero ana te kupu Taumata mō te kōtihi, mō te huihuinga tāngata rānei e whakakotahi ana ki tētahi wāhi arotahinga hirahira. Ko tō mātau arotahinga he whakapai ake i te kounga o ngā mahi o te rāngai ratonga wai i roto i te wā.

194. Tuhinga A64, wh 1
195. Tuhinga A64, wh 3–4. Tiro anōhia te tuhinga A63, wh 16.

> E whakamārama ana te kupu Arowai i tō mātau arotahinga ki te taonga o te wai, me tō mātau arotahinga kia noho te mauri o te wai, te mana o te wai me te ora o te wai ki te iho o ā mātau mahi katoa.[196]

Kei te taupatupatu te arotahinga kia noho 'te taonga o te wai' ki te iho o te tari kāwanatanga ki te whakaaro kia whakangoikoretia te ingoa Māori. Ko tētahi mea nui, ehara te tikanga o te kupu 'wai' ko te 'water' noa iho, engari koirā anō te kupu Māori mō te kupu 'who'. I whakamārama a Tākuta Huirangi Waikerepuru ko te 'wai', te 'water' rānei he mea tūāpapa ki te Māori:

> Hei tauira, ko wai tō ingoa? Nō tēhea wai koe? Ehara ko te, he aha tō ingoa! Nō reira, ko ngā mea katoa i te ao e pā ana ki te wai; ki te kore he wai – ka kore e ora. Ki te kore he wai, ki te kore he tangata, ka kore te iwi. Nō reira, mō te Māori, ka uia te pātai – Ko wai tōu ingoa? *Who's your name?* nā wai koe? Ko wai tō tupuna? *Who's your ancestor?* Ko wai tō matua? *Who's your father?* Ko wai tō whaene? *Who's your mother?* E pā ana ēnei mea katoa ki te wai me te hononga ki ia mema o te whānau.[197]

Ka kōrero anō te pae tukutuku mō te 'wai mauri'. I roto i ngā tikanga Māori, he 'mauri' kei ngā momo wai katoa; ko te wai te iho o ngā mea ora katoa, ā, he mea waiwai ki te tuakiri ahurea o te Māori.[198] E mahara ana mātau he tino hirahira rawa atu te ingoa o Taumata Arowai me te tikanga o tōna ingoa ki te Māori.

I whakaatu te tuhinga ārahi nō Haratua kāore he kōrero taunaki o tētahi mahere ki te whakapāpā atu, ki te whiriwhiri kōrero ki te Māori mō te pānga o te pan-onitanga i whakatakotohia. I kōkiritia te kaupapa ki te whakaingoa anō i te Ture Water Services 2020 i te 23 o Hōngongoi 2024 ki roto i tētahi Pepa Kapenata ki te Komiti Kaupapahere Ohaoha Kapenata. I tū rāroto ngā whiriwhiri kōrero mō tētahi mea hukihuki o te pepa ki te taha o ngā tari Kāwanatanga maha pērā i Te Arawhiti/The Office for Māori Crown Relations (Te Arawhiti) me Te Puni Kōkiri, engari kaua ki te taha o Te Taura Whiri. E ai ki a Tamaki Legal kāore tēnei i te tika, ā, ka tāpae atu 'Kāore e taea e Te Taura Whiri te whakatutuki i ōna kawenga mēnā ka aukatihia i ngā tukanga whiriwhiri kōrero e pā ana ki te reo Māori'.[199] I urupare te rōia mō te Karauna ki te tohe Tamaki Legal mā te whakamahara ake ki te whakatau a ngā tohutohu o te Kāhui Minita

196. Taumata Arowai, 'Ko wai mātau – Who we are', https://tinyurl.com/3jf3yuk2, i tomokia i te 16 o Mahuru 2024

197. I tīkina te kōrero i a Joeliee Seed-Pihama, 'Naming Our Names and Telling our Stories', kei roto i a *Decolonizing Research: Indigenous Storywork as Methodology*, i whakatikahia e Jo-ann Archibald Q'um Q'um Xiiem, Jenny Bol Jun Lee-Morgan, me Jason De Santolo (London: Zed Books, 2019), wh 107

et al. (Bloomsbury: Bloomsbury Academic, 2019), wh 107

198. Te Rōpū Whakamana i te Tiriti o Waitangi, *Stage 1 Report on the National Freshwater and Geothermal Resources Claim* (Te Awakairangi: Legislation Direct, 2012), wh 10

199. Manatu 3.2.18, wh 3–5

> me whiriwhiri kōrero ki ngā tari kāwanatanga e whai pānga ana ki te ngako o te whakatau kaupapahere mō ngā pepa Kapenata hukihuki . . . i tēnei tauira i whiriwhiri kōrero te tari hautū ki Te Arawhiti me Te Puni Kōkiri i runga i ngā tohutohu o te Aratohu Kapenata, e whakamahara ana ehara te arotahinga matua o te pepa ko te reo Māori engari ko ngā take whānui o ngā waeture wai.[200]

Ki ō mātau whakaaro, hāunga te kōrero meka karekau he whiriwhiri kōrero rāwaho, ka taea te tohe e whakararu ana te whakatau o ngā kupu ārahi ki te Kāhui Minita i ngā mahi me te whai hua o ngā mahi a Te Taura Whiri. Ahakoa kāore pea te pepa i arotahi ki te reo, kei mua rawa i te aroaro o te take te panoni i te ingoa o te tari mai i te reo Māori ki te reo Pākehā, nā te mea kei te kōrero mātau i konei mō te panoni i te ingoa kua whakaturehia. Ko Te Taumata Arowai te ingoa o te hinonga i whakamanahia hei kawe i ngā waeture wai me ōna takohanga e taumarutia ana i roto i te mana o taua ingoa. Ko te āhua nei kāore tēnei tūnga i arohia ina rapu i ngā kupu ārahi mai i ngā tari, kāore rānei i rapu i tēnei wā.

I whakatūturu te meneti nō te 19 o Pipiri o te Komiti Kaupapahere Ohaoha Kapenata i te whakaae a te Kapenata ki tētahi menemana ki te Ture ki te whakamātāmua i te ingoa Pākehā o Taumata Arowai.[201] I pōwhiri te komiti Kapenata i te Minita mō te Mana Kāwanatanga ā Rohe kia tukuna he tohutohu tuhi hukihuki ki Te Tari Tohutohu Pāremata hei whakarite i te Pire Local Government Water Services. I whakatakotohia te Pire i te 18 o Hakihea 2024, ā, ko te kawatau ka whakamanahia i waenganui i te tau 2025.[202]

Nō te wā i tuhia tēnei pūrongo, i whakaatu te whaitohu o Taumata Arowai i runga i tana pae tukutuku i te ingoa reo Māori noa iho, ā, i whakamātāmua ngā upoko ihirangi i runga i te whārangi kāinga i te reo: i whakamahia he momotuhi tāmiramira ake, ā, ka rau atu ki runga ake i ngā taitara Pākehā. Heoi anō, i raro iho i runga i te whārangi kāinga, ka kitea ngā rau tāera: te upoko Pākehā 'Wai ora. Tangata ora.' I raro anō i te whārangi, mō ētahi tapawhā ihirangi pērā i 'Ngā Otinga Pai – Acceptable Solutions', kei te tāmiramira ngā kupu i roto i te reo, ā, kei te noho ki runga ake i te mea Pākehā; ka whakamahia te rahinga momotuhi mō ngā mea e rua. Mō ētahi atu, pērā i ngā 'Standards, Rules, and Aesthetic Values' kei te whakaatu noa iho ki roto i te reo Pākehā, ahakoa e rua ngā wā kei te whakaatu ētahi atu i te whakamārama kotahi ki roto i te reo Pākehā: ko tētahi i tāmiramirahia, ko tētahi kāore i tāmiramirahia.[203] E whakapae ana mātau ko te mea kei runga ake i tāmiramirahia, koirā te whakamārama i mua i roto i te reo Māori, ā, kei te āta panoni tonuhia te pae tukutuku – he tino rerekē ki ngā tūtohunga i roto i ngā aratohu o *Te Tohu Reorua*. Ko tā mātau e kawatau nei ka pā

200. Manatu 3.4.1, wh 2

201. I whiwhi mātau i te Meneti i te 23 o Hōngongoi 2024: tuhinga A62, wh 1

202. Tuhinga A62, wh 1; New Zealand Parliament – Pāremata Aotearoa, 'Local Government (Water Services) Bill', 27 o Kohitātea 2025, https://tinyurl.com/4juzbx2w, i tomokia i te 26 o Poutūterangi 2025; Tuhinga 6.2.23 [Te Tari Taiwhenua, 'Factsheet: Local Government (Water Services) Bill Overview', Hakihea 2024]

203. Taumata Arowai, 'Home/Taumata Arowai', https://www.taumataarowai.govt.nz/, i tomokia i te 26 o Poutūterangi 2025

ngā panonitanga ki te whaitohu o Taumata Arowai, pērā – hei tauira – i Te Manatū Waka.

E whakatūturu ana ngā menemana ki te Ture Water Services Regulator 2020 i ngā mahi e haere tonu ana ki te whakangoikore i te reo me te whakararu i tōna mana i muri mai i tō mātau nohoanga. E whakaatu ana kei te ū tonu te Kāwanatanga ki tōna huarahi.

I tāpae a Tamaki Legal mō te taha ki a Taumata Arowai

> He whakatauira anō i tā te Karauna whakamana i ōna kaupapahere whakatuanui mō te reo Māori, kei roto i te Whakaaetanga Haumi. E mārama ana te kite nā te Karauna i whakamana te kaupapahere ki te panoni i te Ture kia noho tuatahi te ingoa Pākehā. Kua tautokona e te Kāhui Minita te menemana ki te whakaingoa anō i te Ture 'hei whakatutuki i te takune o te kāwanatanga kia whai ingoa Pākehā ai ngā tari kāwanatanga.' Hei āpiti atu, kua tukua atu ki Te Tari Tohutohu Pāremata.[204]

I whakahē te rōia mō te Karauna i te kōrero he kaupapahere whakatuanui tō te Karauna ki te panoni i ngā ingoa mō ngā tari. Engari kē, i toai ia, he take tērā mō ia Minita.[205] Engari ki ō mātau whakaaro, kei te whakatinanahia e ngā Minita te takohanga kei roto i te whakaaetanga haumi i tautokona e te Kāhui Minita, ka mutu e kaha āwhinatia ana e ngā āpiha. Ehara i te mea kei te whakatau ngā minita takitahi, engari he kawatau whānui i ngā wāhi maha kia whakangoikoretia ngā ingoa reo Māori.

I whakatakoto ngā tohutohu mō ngā tari Kāwanatanga i roto i Te Ture mō Te Reo Māori 2016 i te tekihana 9, 'mehemea ka taea te whakatinana . . . me whiriwhiri kōrero ki ngā iwi me te Māori mō ngā take e pā ana ki te reo Māori'. E ai ki a mātau, e mārama ana te kite nā tētahi panonitanga ā-ture e hāngai pū ana ki te mana o te ingoa reo Māori o tētahi tari Kāwanatanga, ka herea ki te whiriwhiri kōrero, ahakoa he uaua ki te tohu ko wai pū te kaitiaki o te ingoa Māori. E whakatakoto ana te tekihana 9 'kia wātea ngā ratonga kāwanatanga me ngā pārongo ki ngā iwi me te Māori mā te whakamahi i ngā ara e tika ana (tae atu ki te whakamahinga o te reo Māori)'. E taupatupatu ana te whakamātāmuri i te ingoa reo Māori nei i tēnei takune.

4.3.6.6 *Whaikaha / Ministry of Disabled People*

Ko Whaikaha, i kōrerohia ki te tekihana 3.4.4, te tari Kāwanatanga tuatahi ki te whai ingoa i roto i ngā reo ōkawa e toru o tō mātau motu, arā te reo Māori me te Reo Rotarota o Aotearoa (NZSL), me te reo Pākehā.[206] Ko te ingoa ture o Whaikaha ko te 'Manatū mō ngā Tāngata Whaikaha'.[207]

I whakatūria a Whaikaha i te Hōngongoi 2022 i muri mai i te whakaaetanga o te Kāhui Minita i te Whiringa ā-nuku 2021 ki te whakatū i te Manatū mō ngā

204. Manatu 3.2.18, wh 4
205. Manatu 3.4.1, wh 1
206. Tuhinga A56, wh [1]; Tuhinga 3.2.8(a), wh [2]
207. Tuhinga 3.2.8(a), wh [2]

Tāngata Whaikaha hou, he tari kāwanatanga kei raro i Te Manatū Whakahiato Ora/The Ministry of Social Development. Ko te arotahinga o te Manatū hou kia whai reo te hapori whaikaha, kia whakakotahi i ngā ratonga tautoko, kia noho hoki hei pokapū kotahi mō te hunga whaikaha e whakamahi ana i ngā ratonga tautoko mō te hunga whaikaha. Ko te tūāpapa o te 'ahunga whānui mō ngā panonitanga ki te pūnaha tautoko mō te hunga whaikaha', ko te Rautaki Whaikaha o Aotearoa (2016–26); te Mahere Whaikaha (2019–23); Whāia Te Ao Mārama/The Māori Disability Action Plan (2018–22); Faiva Ora/The National Pasifika Disability Plan (2016–21); me ngā Tikanga o Te Rūnanga Whakakotahi i ngā Iwi o te Ao e pā ana ki ngā Mōtika o ngā Tāngata Whaikaha (2008).[208]

Ko tētahi atu take i whakatūria ai te Manatū ko te ū kia whai wāhi ngā tāngata whaikaha me ō rātau whānau ki ngā 'whakahaerenga o te pūnaha hou' me te whakatō i ō rātau reo 'ki ngā taumata katoa o ngā mahi whakatau'.[209] Ko te mea nui o te Manatū hou he mahi tahi 'ki ngā tāngata whaikaha Māori me ngā hoa rangapū o Te Tiriti o Waitangi ki te hāpai i ngā mātāpono o Te Titiri o Waitangi ki roto i te Manatū hou' me te whakatairanga i 'ngā ariā me ngā tauira o te whaikaha nō Te Ao Māori, nō Te Moana nui a Kiwa, e pā ana hoki ki te taha pāpori, te taha ahurea, me te taha mōtika'.[210]

I takea mai te whakatau i te ingoa mō te Manatū i runga i tēnei rangapū mahi-tahi. Pērā i te kōrero i te tekihana 3.4.4, i rēhitatia te ingoa ture o te Manatū arā te 'Manatū *mō* ngā Tāngata Whaikaha' i mua kia āhei te whakahaere i ngā mahi whakahaere matua (e miramira ana i te mea taketake).[211] Nō te tūnga o te Manatū, ka tukua e te Kāhui Minita te mana ki te Minita mō ngā Take Whaikaha, te Minita mō te Ratonga Tūmatanui, me te Minita o te Manatū Hauora hei whakatau i te ingoa whakamutunga o te Manatū. I muri mai i ngā matapaki ki ngā āpiha me ngā tāngata whaikaha ka whakaae ngā Minita kia uru te reo Māori, te Reo Turi o Aotearoa (NZSL) me te reo Pākehā.[212]

I whai wāhi te Manatū ki ngā hea ā-iwi, 'ngā rōpū i roto i te hapori whaikaha . . . me te hapori whānui' ki te kimi i te ingoa reo Māori. Nā te kaumātua o Ngāti Porou a Maaka Tibble, he mema taketake o te Rōpū Hautū Whaikaha Māori te ingoa i tuku. Pērā i te kōrero i te tekihana 3.4.4., ko te whakapākehātanga o te kupu 'whaikaha' ko te 'having strength', ā, e arotahi ana ki te kaha o ngā tāngata whaikaha, kaua ki tō rātau taha hauā.[213] Anei te whakamārama o Tibble mō te tikanga o te ingoa:

208. Tuhinga 6.2.24, wh 1 [Tari o te Minita mō ngā Take Whaikaha me te Tari o te Minita Hauora, pepa Kapenata: 'Disability System Transformation Update', 2022, wh 1]

209. Whaikaha, 'Working in Partnership', https://tinyurl.com/3yrewsj5, i tomokia i te 18 o Mahuru 2024

210. Tuhinga 6.2.24, wh 5 [Tari o te Minita mō ngā Take Whaikaha me te Tari o te Minita Hauora, pepa Kapenata: 'Disability System Transformation Update', wh 5]

211. Tuhinga A56, wh [1]

212. Whaikaha, 'Finding Our Name', https://tinyurl.com/jsthuwee, i tomokia i te 23 o Hōngongoi 2024

213. Whaikaha, 'Finding Our Name', https://tinyurl.com/jsthuwee, i tomokia i te 23 o Hōngongoi 2024

> Ko te tikanga o Tāngata Whaikaha ko ngā tāngata e titikaha ana ki te eke panuku, koirā hoki rānei tā rātau e whai ana. E hāngai ana ki ngā whāinga o ngā tāngata whaikaha e titikaha ana ki te eke panuku me te waihanga i ngā huarahi mō rātau anō, kaua ko te whiu tohu ki runga i a rātau, pērā i mua.[214]

Nā Tibble te ingoa i tuku ki te Manatū i runga i te herenga ka noho mātāmua, ā, ka takoto 'ki runga i te ūpoko reta'. I tautoko te rōpū mana urungi o te Manatū i a Whaikaha hei ingoa reo Māori, ā, 'i kaha whakaae kia noho ki te wāhanga tuatahi o te ingoa o te Manatū'. I waihangatia te wāhanga reo Pākehā o te ingoa mā te whai wāhi anō ki te hapori whaikaha. I pīrangi te hapori kia tohu te ingoa i te āhuatanga rangapū o te Manatū, e whakaae ana he hoa rangapū ngā tāngata whaikaha, ehara i te tū 'mō' ngā tāngata whaikaha. Nō reira ka huri te ingoa o te Manatū ki a Whaikaha/Ministry **of** Disabled People.[215]

I whakaterehia te ingoa Reo Rotarota o Aotearoa (NZSL) i te Pipiri 2023, ā, i takea mai i te ingoa reo Māori. I roto i te rōpū mātanga o te Reo Rotarota o Aotearoa i waihanga, i tuku hoki i te ingoa ngā mema o te Poari o te Reo Rotarota o Aotearoa, Te Rōpū Kaitiaki, Tāngata Turi Aotearoa, Deaf Action me te Rōpū Rangahau Take Turi i Te Herenga Waka ki Te Whanganui a Tara. Kei te iho o te ingoa Reo Rotarota o Aotearoa ko te whakataukī e whai ake nei:

> Me he aka rātā ka tipu tahi, ka puāwai tahi kia tū kaha i ngā hihi o Tamanuiterā.
>
> Like the rātā vines growing together and flourishing to stand strong in the warmth of the sun.

Kei roto i te ingoa Reo Rotarota o Aotearoa te nekehanga o te ringa kotahi, te tohu 'rākau' e neke whakarunga ana, arā he tohu o te aka rātā, ina waha ana, waha ana rānei ahakoa wahangū ana i te kupu 'Whaikaha'. Ka whai wāhanga anō te aka rātā ki te whaitohu ataata o Whaikaha, ā, he wāhanga o te whaitohu.[216]

Ināianei he whānui te whakamahi i ngā kupu 'whaikaha', 'tāngata whaikaha' rānei, ka mutu he maha te hunga i te hapori whaikaha e tautoko ana i te kupu whakamana nei. Kua tāpirihia tōna tikanga hou ki *Te Aka*, te papakupu Māori-Pākehā: 'whaikaha: disabled – he whakamahinga i waihangatia ki roto i te hapori whaikaha Māori.'[217]

I whakapaoho te hunga pāpāho i te rongo kōrero arā i tōna hui tuatahi ki te rōpū mana whakahaere i te Whiringa ā-rangi 2023, ka whakaara te Minita hou mō ngā Take Whaikaha a Penny Simmonds i te takohanga i roto i te whakaaetanga

214. Mana Whaikaha – Enabling Good Lives, 'Mana Whaikaha korero', https://tinyurl.com/2jyf923z, i tomokia i te 18 o Mahuru 2024

215. Whaikaha, 'Finding Our Name', https://tinyurl.com/jsthuwee, i tomokia i te 23 o Hōngongoi 2024

216. Whaikaha, 'Finding Our Name', https://tinyurl.com/jsthuwee, i tomokia i te 23 o Hōngongoi 2024

217. Te Aka/Māori Dictionary, 'whaikaha', https://tinyurl.com/2n5af4vf, i tomokia i te 18 o Mahuru 2024

haumi ki te whakamātāmua i ngā ingoa Pākehā o ngā tari kātahi ka tono ia kia pērā anō te Manatū.[218] Kāore ngā kōrero taunaki i whakatakotohia ki a mātau i whakapūmau i tēnei. He whakarāpopoto noa ngā tuhituhi nō te hui i te Whiringa ā-rangi 2023, arā mō te taha ki te whakaingoa:

> He poto te kōrero: . . . Te whakaingoa i a Whaikaha – ka taea e mātau te whakamahi i ngā ingoa e rua?[219]

Kāore i whakaingoahia te kaituhi o te pātai, nō reira kei te āhua rangirua tēnei maramara kōrero. Ko te āhua nei mai i te horopaki nā Minita Simmonds pea te pātai me te tono kia whakamahia te ingoa reo Māori me te ingoa reo Pākehā, kaua ko te whakamahi i te ingoa reo Māori anake. Kāore ngā mahi i hua mai i te hui i tuhia ki te whakarāpopototanga i kōrero mō te take e pā ana ki te whakaingoa.[220] Nō reira he nui te tūponotanga kāore i tukuna he tohutohu. Nā te mea he rangirua tēnei, kāore mātau e whai anō i tēnei take.

Heoi anō, kāore i te rangirua ngā kōrero a Louise Upston e pā ana ki te ingoa reo Māori o Whaikaha whai muri i tōna whakakapi i a Simmonds hei Minita Take Whaikaha i te Paengawhāwhā 2024. Pērā i te matapaki i te tekihana 3.4.4, i tohutohu ā-waha a Minita Upston ki te Tāhūhū Rangapū o Whaikaha i te 7 o Haratua 2024 'mō ngā rauemi ka tukuna ki a ia, i runga i tōna ingoa . . . me noho te reo Pākehā i te tuatahi', tae atu:

- Ngā rauemi ka kitea e te marea
- Ngā kauhau
- Ngā take kōrero.[221]

Ko ētahi atu tohutohu matua kia

> whakamahi ngā rauemi mō te Minita i te ingoa Pākehā i te tuatahi, kātahi ka whai atu ko te ingoa i roto i Te Reo Māori. Ko te ara whānui mō ngā whakawhiti kōrero e pā ana ki te ingoa o te Minita kia whakamahia te Manatū o ngā Tāngata Whaikaha – Whaikaha i te tīmatanga kātahi ka whai atu ko 'te Manatū' ki ngā kōrero ka whai atu anō. Kāore he panonitanga ki te whaitohu, he panonitanga rānei anō ka hua mai.[222]

218. Tuhinga A43(a), wh 224–229 [Glenn McConnell, 'Government's English Name Edict Runs into Trouble at Whaikaha', 7 o Haratua 2024, wh [1]–[5]]

219. Tuhinga A65, wh 40 ['Summary Notes – Meeting with Whaikaha Officials', 29 o Whiringa-ā-rangi 2023 2023, wh [1]]. I te hui ā-wiki o ngā kaimahi i mua i te hui tuatahi ki te taha o te Minita hou, i kōrero te Tāhuhu Rangapū mō ngā ingoa e toru ka whakamahi tonutia kia whakamāramahia e te Minita ngā pānga o te takohanga haumi ki te ingoa o te Manatū. I muri mai, ka whai wāhi ēnei kōrero ki tētahi reta kaimahi: tuhinga A66, wh 170 [Whaikaha, Reta: 'OIA2150', 17 o Paengawhāwhā 2024, wh [1]]

220. Tuhinga A65, wh 40 ['Summary Notes – Meeting with Whaikaha Officials', wh [1]]

221. Tuhinga A56, wh 2

222. Tuhinga A56, wh 2

'I whakaae [te Karauna] i whakatakotohia te reo Pākehā i te tuatahi i runga i tēnei tohutohu ā-waha'. Heoi anō, i tāpae te rōia mō te Karauna ka hāngai anake tēnei tohutohu ki 'ngā rauemi i tukuna ki te Minita'.[223] E mārama ana mātau i hua mai te korenga o tētahi tohutohu e pā ana ki te whakahou i te whaitohu o Whaikaha kia hāngai ki te tino hiahia o Minita Upston i ngā take ahumoni, pērā i te whakahou i te whaitohu o Te Manatū Waka i matapakitia ki te tekihana 4.5.2 i runga nei. I whakamārama te Tāhūhū Rangapū o te Manatū ki a Baggott i te 10 o Pipiri 2024 'i tono [te Minita] ki te Manatū kia kaua e whakapau pūtea, e whakapau wā rānei ki te whakahou i te whaitohu nā runga i ngā tino hiahia onāianei e arohia ana e te Manatū'.[224]

I puta kē ngā raruraru ahumoni i pā ki a Whaikaha i te Poutūterangi 2024, ina puta i a Minita Simmonds te kōrero ka poroa ngā pūtea mō ngā ratonga tautoko tānga manawa, me ngā ratonga taputapu nā runga i ngā pēhitanga o te utu. I te otinga atu, ka nui ake te mana whakahaere o te Kāhui Minita ki runga i ngā pūtea o Whaikaha, ā, ka kapi i a Minita Upston te tūnga o Simmonds hei Minita mō ngā Take Whaikaha.[225]

I whakatau mātau ā tōna wā ka hua ake ngā panonitanga ki te whaitohu ataata, te tohu, me ngā ihirangi i runga i te pae tukutuku, kia hāngai ki te takohanga haumi me te tino hiahia a Upston kia noho mātāmua te ingoa Pākehā. I tēnei wā tonu, e takahi ana te tohutohu ki te whakamātāmua i te ingoa Pākehā i Te Ture mō Te Reo Māori 2016 me *Te Tohu Reorua*. Waihoki, e takahi katoa ana i te tūnga o Tibble, nāna te ingoa reo Māori i tuku i runga i te whakaaro ka noho mātāmua. E takahi anō ana i ngā hiahia o te hapori whaikaha.

E ai ki a Minita Upston 'tērā pea e mōhio whānuitia ana [te ingoa o Whaikaha] i roto i te hapori whaikaha engari kāore e pērā te mōhio o ētahi atu tāngata nō Aotearoa ki te ingoa me tōna tikanga'.[226] I kī a Baggott i hāngai te tauākī ki tētahi tauākī āhua ōrite nā Minita Willis i tōna reta nō te 27 o Haratua 2024

> e whakapono ana te Kāwanatanga Haumi me wātea te Ratonga Tūmatanui me ōna pārongo ki ngā tāngata katoa nō Aotearoa, ka mutu me noho ngā whakawhiti kōrero ki roto i tētahi reo e mārama nei rātau.[227]

Heoi anō, ki tā mātau tirohanga me arotahi te ara whakawhiti kōrero ki te hunga e toro atu ana ki te ratonga. E mārama ana ngā kōrero taunaki, mō te hunga o te hapori whaikaha, kua whakaaehia ko te ingoa reo Māori te ingoa tika mō te Manatū o ngā Tāngata Whaikaha.

E whakaae ana mātau ki te tāpaetanga o te rōia mō te Taratī Whakataunga o Ngāi Te Rangi, e ai ki te tauākī o Upston, *kei te* mārama te hapori ka taka ki raro

223. Tāpaetanga 3.3.17, wh 51–52
224. Tuhinga A56, wh 2
225. 'Cabinet Takes Greater Control Over Ministry for Disabled People After Funding Cuts', *Te Reo Irirangi o Aotearoa*, 26 o Poutūterangi 2024, https://tinyurl.com/y46y2z2k, i tomokia i te 18 o Mahuru 2024
226. Tuhinga A56, wh [1]
227. Tuhinga kōrero 4.1.7, wh 217

i te kaupapa o te kōpaki Take Whaikaha ki te ingoa. Nō reira kāore te tino hiahia o te Minita ki te whakangoikore i te ingoa reo Māori i takea mai i te kore mārama a te 'hapori e pāngia ana' ki te ingoa.[228] E mārama ana te kite kāore i whānui te kōrero a Minita Upston ki ngā tāngata whaikaha, ina koa ko ngā tāngata whaikaha Māori, ka mutu e whakaatu ana kāore i mārama ki ō rātau hiahia, pīrangi hoki mō tēnei take.

Waihoki, ka pā anō ki te ingoa Reo Turi te whakangoikore i te ingoa reo Māori me tōna whakakapinga ki 'te Manatū' i roto i ngā whakawhiti kōrero ka whai ake.[229] Pērā i te kōrero i runga nei, ko te waha ahakoa wahangū ana i te kupu 'whaikaha' tētahi wāhanga o tōna ingoa reo rotarota. Nō reira e rua ngā wāhanga o te ingoa arotorutanga o Whaikaha kei te whakangoikorehia, he mea tōhore i ngā tāngata whaikaha Māori. Ko te takune mō te Maihi Karauna ka

> kauawhi ngā whakapaunga kaha o te Karauna, ā, kāore e uruhi i ngā ārai ki te whai wāhi atu. Hei tauira, ka whai take ngā kaupapa pāpāho, matihiko, mātauranga hoki kia whai wāhi atu ki te hunga whaikaha, ā, ka taea te hono ki ngā kaupapa ā-hapori pērā i te waihanga o te hapori Turi Māori i ngā ariā Māori i roto i te Reo Rotarota o Aotearoa.[230]

I tuhia anō ki roto i te 'Ara Rautaki, Whakatinanatanga Whakamutunga o te Maihi Karauna' te hiahia a ngā āpiha Kāwanatanga 'ki uru atu ki ngā mahi whakamahere whakatinana te whakaaro kia nui ake te āheitanga ki te reo Māori mō te hunga whaikaha'.[231] He mahi tauaro te whakangoikore i te ingoa reo Māori o te Manatū arā hoki te ingoa Reo Rotarota.

I whakatakotohia ki runga nei, ko te kaha ki te whiriwhiri kōrero ki te Māori i te whakatūnga o Whaikaha te ritenga tae noa ki te wā i whai mana te Kāwanatanga haumi. I kī te Tuhinga Ārahi nō Whiringa ā-nuku 2023 ki te Minita mō ngā Take Whaikaha, e tautoko ana te kōpaki mō ngā take whaikaha

> i te Karauna kia tutuki ōna takohanga i raro i Te Tiriti o Waitangi/Treaty of Waitangi mā ngā rangapū whai hua ki te taha o ngā tāngata whaikaha Māori me ō rātau whānau.[232]

He tino rerekē anō tēnei i te korenga o ngā whiriwhiri kōrero a Minita Upston mō te panoni i te ingoa.

E rua marama i muri mai i tō mātau nohoanga, i te Hereturikōkā 2024, i puta i a Minita Upston te kōrero ka whakahouhou, ka raungaiti te Kāwanatanga i a Whaikaha kia 'noho hei manatū takitahi e tuku ana i ngā kupu ārahi kaupapahere

228. Tuhinga kōrero, wh 217–219
229. Tuhinga A56, wh 2
230. Tuhinga A54, wh 222 [Te Puni Kōkiri, 'Maihi Karauna: The Crown's Strategy', wh 9]
231. Tuhinga A43(a), wh 105 [Pepa kapenata: 'Maihi Karauna: Final Strategy and Implementation Approach', wh 15]
232. Tuhinga A43(a), wh 126 [Te Kawa Mataaho, 'Ngā Tohutohu mō te Minita Tomo Mai – Briefing to the Incoming Minister', wh 6]

iti iho, e taunaki ana, e whakaako ana, e aroturuki ana, ka mutu ka whakawhiti ngā ratonga tautoko ki Te Manatū Whakahiato Ora'. I 'tumeke, i pukuriri, i kaha āwangawanga ngā tāngata whaikaha, ō rātau whānau me te hapori tautoko' ki te whakatau.[233] Ahakoa kei waho i te whānuitanga o tō mātau ruku tātari, ka taea e mātau te kite i whakakore tēnei i ngā tūāpapa rangapū whiriwhiri kōrero i takunetia.

4.3.7 Hei whakakapi

Ko te takohanga i roto i te whakaaetanga haumi mō ngā ingoa o ngā tari kia 'noho ngā ingoa matua o ngā tari ratonga tūmatanui ki roto i te reo Pākehā, atu i ērā e hāngai pū ana ki te Māori'. Kāore he kōrero i konei mō ngā hinonga Karauna engari, kua kite mātau, he maha ngā hinonga Karauna kua panoni i ngā ingoa. Ko te tuatahi o ēnei ko Waka Kotahi, whai muri i te tohutohu a te Minita o Te Manatū Waka i muri tata i te whakatūnga o te Kāwanatanga hou. I roto i ngā kupu ārahi ki te Minita mō te Ratonga Tūmatanui i te 5 o Hakihea 2023 mō ngā kōwhiringa e pā ana ki te whakatinana i te takohanga, i whakatakoto a Te Kawa Mataaho i tēnei tauira, ā, ka tuku kupu ārahi ki te Minita me pēhea e whānui ake te takohanga kia uru atu ngā hinonga Karauna katoa.

Kāore e pai te noho o ēnei kupu ārahi ki te taha o ngā takohanga a te Karauna i raro i Te Ture mō Te Reo Māori 2016, ā, ko te āhua nei e whakararu ana i te kōrero i whakaarahia e Baggott kei reira Te Kawa Mataaho ki te tuku kupu ārahi motuhake. I huri a Te Kawa Mataaho ki tua atu i tēnā, ā, ka whakaara i te whakaaro ka whakakorehia pea ngā kupu ārahi mō ngā tohu reorua nō te tau 2016, arā *Te Tohu Reorua*.

Kaua ko tēnā noa iho, engari i whakaara ngā āpiha i te whakaaro ka pīrangi pea te Minita mō Te Puni Kōkiri ki te panoni i te rautaki reo Māori o te Karauna kia hāngai ki te tohutohu reo Pākehā-tuatahi hou. Ka taea e mātau te kite i konei i mahue i ngā āpiha ngā kupu ārahi kaha e pā ana ki ngā takohanga a te Karauna i raro i te Tiriti/the Treaty me ngā ture e whai take ana. Ahakoa he nui te tūponotanga i rite Te Puni Kōkiri ki te tere urupare ki ngā tono katoa ki te kōrero mō tēnei tuhinga kupu ārahi, kāore Te Kawa Mataaho i whiriwhiri kōrero ki a rātau.

Kāore ngā kupu ārahi a Te Kawa Mataaho nō te 5 o Hakihea i miramira i tētahi āhuatanga rangirua mō te kupu 'matua'('primary'). He tino rerekē ki ngā kōrero taunaki a ngā kaikōrero o Te Kawa Mataaho i mea mai ki a mātau he maha ngā tikanga o te kupu 'matua' ('primary'). I whakaae anō te Karauna, mō te taha ki a Whaikaha, he uaua te mōhio pēhea nei te hāngai o te kupu 'matua' ('primary'). I runga i ngā kōrero taunaki i whiwhi ai mātau mō ngā panonitanga ki ngā ingoa o ngā tari, kua mate mātau ki te whakatau i te tika a Barr-Apanui ina kī ai ia ko te tikanga o te kupu 'matua' ('primary') ka noho tuarua te ingoa reo Māori.

233. Robyn Hunt, 'Disabled People Deserve a Meaningful Place of Our Own – Whaikaha Has Been Shafted', *The Spinoff*, 19 o Hereturikōkā 2024, https://tinyurl.com/pbydxhyc, i tomokia i te 18 o Mahuru 2024

Nā runga i te anga tuku mana whakararo o te ratonga tūmatanui o Aotearoa – me te korenga o tētahi tohutohu minita – kei te Minita te mana ki te panoni i ngā ingoa ture, te whaitohu, te whakamahinga pātahi o ngā ingoa o ngā tari. Nō reira, nā te tohutohu minita i panoni tētahi tari whai ingoa reo Māori noho mātāmua arā a Toka Tū Ake i tōna ingoa, i ōna whaitohu hoki kia noho mātāmua te reo Pākehā ki tōna whakamahinga pātahi, me te kore menemana ki tōna ingoa ture, mō tēnei wā. Nō nakua tonu nei, ka whakatau te Minita mō te Kāwanatanga ā-Rohe ki te panoni i te ingoa ture o te hinonga Karauna a Taumata Arowai kia whakaatu mai tōna ingoa Pākehā i te tuatahi mā te panoni i a Taumata Arowai – Te Ture Water Services Regulator 2020, arā tōna ingoa i whakamanahia e te ture.

I tohutohu te Minita o Te Manatū Waka – te Minita e hautū nei i te hinonga Karauna a Waka Kotahi me te tari ratonga tūmatanui o Te Manatū Waka – kia whakaatu mai ēnei tari i ō rātau ingoa Pākehā i te tuatahi. E hāngai anaināianei ngā whaitohu me ngā tohu ki te hurikōaro i ngā ingoa, he takahi hoki te hurikōaro i ngā tūtohunga i roto i *Te Tohu Reorua* e pā ana ki te hiranga o te reo i tōna taunga me tōna momotuhi. Nā te Minita mō te Mana Kāwanatanga ā-Rohe (ko te Minita anō o Te Manatū Waka) i tohutohu kia panonitia a Taumata Arowai. Mō te taha ki a Whaikaha, i whakatau te Minita mō ngā Take Whaikaha ki te whakamātāmua i te wāhanga Pākehā o te ingoa arotorutanga o te Manatū.

I whakahaerehia ēnei panonitanga hei whakaahua, hei whakatinana i te takohanga i roto i te whakaaetanga haumi. Ko te takohanga anake te take i tukuna mai mō ngā panonitanga. Ahakoa i tohe te rōia mō te Karauna ka taea te whakaaro ko te Karauna ngā hinonga Karauna, nā ngā Minita te tohutohu kia panonitia e ngā hinonga Karauna ngā ingoa.

Kīhai tā mātau ruku tātari i ārai i te tukanga whakangoikore i te reo ki ngā ingoa o ngā tari. Kāore he whiriwhiri kōrero ki te Māori i te wā katoa o ēnei panonitanga, ahakoa ki te taha o ngā iwi, ngā hapū, ngā mātanga rānei i tuku i ngā ingoa. Nō reira kāore i whai whakaarotia te tikanga e hāngai ana ki te wā tuatahi i takohatia ngā ingoa.

Hei whakarāpopoto, atu i ōna takohanga i raro i te Tiriti/the Treaty, ko te āhua nei kāore rawa i te hāngai ki ōna takohanga i raro i Te Ture mō Te Reo Māori 2016 ngā mahi a te Karauna ki te whakamana i te takohanga i roto i te whakaaetanga haumi mō ngā ingoa tari. Ina koa ko te wāhi e pā ana ki te tekihana 9(1)(a), e kī ana me whiriwhiri kōrero ki ngā iwi me te Māori mō ngā take e pā ana ki te reo, me te tekihana 9(1)(b), e kī ana me whakamahi te reo Māori ki te whakatairanga i ngā ratonga Kāwanatanga.

4.4 Te Whakamātāmua i ngā Whakawhiti Kōrero ki te Reo Pākehā i roto i te Ratonga Tūmatanui

4.4.1 He kupu whakataki

Kei roto i te whakaaetanga haumi i waenganui i a Nāhinara me Aotearoa Tuatahi te takohanga 'kia mātua whakawhiti kōrero ngā tari ratonga tūmatanui me ngā

Hinonga Karauna ki roto i te reo Pākehā – atu i ērā hinonga e hāngai pū ana ki te Māori'.[234] Te āhua nei i whakamāmāhia (ā, i whai tohutō) he rerenga o te tūnga kaupapahere i roto i te hōtaka pōtitanga o Aotearoa Tuatahi:

> Ka herea ngā tari ratonga tūmatanui katoa, ngā Hinonga Karauna, me ngā Hinonga Kāwanatanga ki te whakawhiti kōrero ki roto i te reo Pākehā atu i ērā e hāngai pū ana ki te Māori.[235]

Te āhua nei, i tohu te hōtaka o Aotearoa Tuatahi i te takune ki te ārai i te nuinga o ngā tari ki te whakamahi i tētahi reo atu i te reo Pākehā, te āhua nei anō kāore e taea te whakatinana hei kaupapahere Kāwanatanga. Āe mārika he reo ōkawa te reo Māori, ā, e whakarārangi mai ana te tekihana 9 o Te Ture mō Te Reo Māori 2016 i ngā huarahi hei whai mā te Kāwanatanga ki te whakatairanga i ōna ratonga me te whakawhiti kōrero i roto i te reo Māori. Hei whakamārama noa, kua tāmautia ki te ture te herenga kia whakawhiti kōrero te Kāwanatanga ki roto i te reo Māori.

Nō reira, ko te pātai, he aha te tikanga o te takohanga ki te whakangoikore i te reo i roto i te ratonga tūmatanui, ā, he aha ngā mea kua tutukii te takohanga? Ka huri mātau ki te whai whakaaro ki ngā pātai:

- he aha ngā kupu ārahi i tukuna e Te Kawa Mataaho i te tīmatanga ki a Minita Willis mō tēnei take;
- mēnā kāore tētahi/ētahi tari e mātua whakawhiti kōrero ki roto i te reo Pākehā;
- he aha ngā mahi a ngā Minita me ngā tari ki te whakangoikore i ngā whakawhiti kōrero i roto i te reo;
- he aha ētahi atu tauira o tēnei momo mahi i huraina e te tirohanga whānui i whakahaerehia e Te Pūkenga Here Tikanga Mahi/The New Zealand Public Service Association;
- he aha ngā whakawhiti kōrero i roto i te reo nō nakua tonu nei i mahue i te Minita mō Te Manatū Taonga.

4.4.2 He aha ngā kupu ārahi i tukuna e Te Kawa Mataaho i te tīmatanga ki a Minita Willis?

E mahara ana mātau i te 5 o Hakihea 2023 ka whakamōhio atu Te Kawa Mataaho ki a Nicola Willis mō ngā āhuatanga e pā ana ki te reo i te whakaaetanga haumi, i kōrerohia e mātau ki te tekihana 4.3.2.1. I whakamōhiotia nā runga i te hiahia a te Minita ki te tuku pūrongo ki te Kāhui Minita, he wāhanga o te 'mahere 100-rā' a te Kāwanatanga, 'kia wātea ngā ratonga tūmatanui ki ngā tāngata katoa nō Aotearoa, ā ka mutu, kia wātea i runga i te hiahia, kaua i runga i te tae o te kiri'.[236]

I mārama Te Kawa Mataaho ka whai wāhanga ngā takohanga e pā ana ki te reo Māori ki tēnei mahi tuku pūrongo, tae atu ki te herenga kia mātua whakawhiti

234. Tuhinga A65, wh 756 ['Coalition Agreement: National & New Zealand First', wh 9]
235. Pāti o Aotearoa Tuatahi, 'Let's Take Back Our Country: Election Manifesto 2023', wh 4, https://tinyurl.com/44zckvfn
236. Tuhinga A43(a), wh 1 [Te Kawa Mataaho, 'Delivering better public services', wh 1]]

kōrero ngā tari i roto i te reo Pākehā.[237] Kāore te whakarāpopoto o te mana whakahaere, te wehenga rānei o te pepa e pā ana ki ngā whakawhiti kōrero i roto i te reo, i kōrero mō ngā takohanga a te Karauna i raro i Te Ture mō Te Reo Māori 2016 (ahakoa i pērā te wehenga mō ngā ingoa o ngā tari). I kōrero te wehenga e pā ana ki ngā whakawhiti kōrero mō ngā kī taurangi i roto i te Maihi Karauna (ahakoa kāore ngā āpiha i tuku i te ingoa o te rautaki) engari i kaha tana kī

> kāore te nuinga o ngā tari e whakamahi i te reo Māori *anake* ki ō rātau whakawhiti kōrero, ka mātua whakamahi te nuinga i te reo Pākehā me ētahi whakamāoritanga (tae atu ki ētahi atu reo). [Kei te mea taketake te miramira.][238]

Nō reira, i tēnei wā, ka taea te whakaaro i tuku kupu ārahi Te Kawa Mataaho kāore i te hiahiatia he mahi ki te whakamana i tēnei takohanga i roto i te whakaaetanga haumi. Heoi anō, te āhua nei kāore tērā whakaaro i arohia atu. Engari, i whakatakoto ngā āpiha i ngā huarahi ki te whakangoikore i te whakamahinga o te reo. Hei tauira, i whakaara rātau i te whakaaro ka taea te 'whakariteināia tonu nei' mā te whakamōhio atu a ngā Minita takitahi ki ngā āpiha i ō rātau tino hiahia. Ko tētahi atu whakaaro i whakaarahia, arā ka taea e te Kāhui Minita te tuku i tētahi kawatau whānui ake mō te ratonga tūmatanui kia whai ngā kupu i roto i te reo i tētahi whakapākehātanga i ngā wā katoa. Ki te pīrangi te Minita ki te whakawhānui i ēnei tohutohu ki ngā hinonga Karauna, i whakamārama Te Kawa Mataaho ka taea e ngā Minita kōpaki 'te tohutohu i ngā māngai a te Karauna', ka taea rānei e te Minita te tuku 'i tētahi tohutohu mō-te-kāwanatanga-katoa i raro i te tekihana 107 o te Ture Crown Entities 2004'. Hei whakamutunga, i whakamahara ngā āpiha kua eke te wā kia whakahouhia te Maihi Karauna, ā, ka taea e te Minita te matapaki ki te Minita mō Te Puni Kōkiri mēnā ka uru ki roto i te rautaki hou 'te kawatau kia kaua te whakamahinga o te reo Māori ki ngā whakawhiti kōrero a te kāwanatanga me ngā tuhinga e ārai atu i te māramatanga'.[239]

I whakamārama a Cameron he 'tere rawa te waihanga [i ngā kupu whakamōhio], i roto i te wā iti iho i te rua wiki', ā, i runga i ngā āhuatanga o te wā, kāore i whai wā ki te whiriwhiri kōrero ki Te Puni Kōkiri, ki Te Taura Whiri rānei. Hei tāna, he 'tūhura te āhua' o te pūrongo, ā, he mahi 'whakamātau i ngā whakaaro o te Minita mō te whakamāoritanga o ngā takohanga Haumi me ngā kōwhiringa e wātea ana'. Mehemea i haere whakamua ki te tuku kupu ārahi ki te Minita mō tētahi pepa Kapenata, i mea mai ia, ka whānui te whiriwhiri kōrero ki ngā tari e whai take ana, ā, ka whakauruhia ngā kupu ārahi 'mō ngā take whakaaetanga ki te Tiriti, te Ture Reo Māori me te Maihi Karauna'. Heoi anō, i te mutunga atu, i whakatau te Kāwanatanga kia kaua e tukuna he tohutohu ōkawa mō ngā whakawhiti kōrero, ka mutu ka taea e ngā Minita te whakarite takitahi ki ō rātau ake tari.[240]

237. Tuhinga A43(a), wh 1 [Te Kawa Mataaho, 'Delivering better public services', wh 1]]. I te mutunga atu, i whakatau Te Kawa Mataaho kia kaua ēnei take e uru ki roto i te pepa Kapenata. Tirohia te tuhinga A43, wh 10.

238. Tuhinga A43(a), wh 9–10 [Te Kawa Mataaho, 'Delivering better public services', wh [9]–[10]]

239. Tuhinga A43(a), wh 10 [Te Kawa Mataaho, 'Delivering better public services', wh [10]]

240. Tuhinga A43, wh 11, 13, 17

He kaha rawa atu te rōia mō Ngāti Te Rangiunuora me Ngāti Pikiao ki te tātā i te kounga o ēnei kupu whakamōhio, ka kī ki a Cameron nā runga i te mana o te reo, kāore 'i te eke ki te paerewa mō te tuku i ngā kupu ārahi e hāngai ana, e pono ana.'[241] I whakamahara mātau i te tekihana 4.2 i runga nei, arā i tohu te rōia ki te korenga o tētahi tohutoro ki te mātārere o te Tari Kapenata i te 2019 ka whakarato i ngā kupu ārahi mō te Tiriti/the Treaty. I tohe te rōia i noho tēnei hei 'rārangi tirotiro.'[242] E mārama ana, i te whakaaro anō a Cameron mō te takotoranga o ngā kupu o ngā kupu whakamōhio, ka whakaae ka taea kia 'mārama ake' ngā kōwhiringa e rārangi mai ana, ahakoa ko te ia o tōna tohutoro he ōrite ki ngā kōrero mō ngā ingoa o ngā tari.[243]

E ai ki a mātau he take anō ka kaniawhea ai. Kīhai ngā kupu whakamōhio i whakamātau ki te whakahē i ngā takune o ngā Minita mā te miramira i ngā takohanga ture a te Karauna e pā ana ki te whakawhiti kōrero i roto i te reo. Āe mārika, kua kite mātau, i whakaara hoki Te Kawa Mataaho i te whakaaro ka whakamārama te rerenga o te Maihi Karauna ka whai ake kia kaua e whakamahia te reo e te Kāwanatanga i runga i te huarahi e whakangoikore ana i te āheitanga ki ngā pārongo o te Kāwanatanga. He mea kōrori ka nui te pēhitanga o te rerengaināianei o te Maihi Karauna ki te waihanga 'i ngā ratonga tūmatanui e wātea ake ana ki roto i te reo Māori.'[244]

E ai anō ki a mātau i reira te kōwhiringa ki te whiriwhiri kōrero ki Te Puni Kōkiri me Te Taura Whiri. Ahakoa i mate ki te tāpiri i ngā tuhinga mō ngā utu tāpui ki ngā kupu whakamōhio i te rā kotahi, he roa ake te wā hei whakarite i te pūrongo mō ngā ingoa o ngā tari me ngā whakawhiti kōrero. I whakatūturu a Paula Rawiri, te Hēkeretari Tuarua mō ngā Rangapū Kaupapahere i Te Puni Kōkiri, mehemea i whiwhi i te tuhinga hukihuki, ka mātua kōrero Te Puni Kōkiri mō te tuhinga hukihuki.[245] Mēnā i pērā rātau, ka taea e mātau te whakapae ka whakaatuhia ngā kōrero rerekē mō te rerenga o te Maihi Karauna ka whai ake.

I whakamārama a Rawiri i hui te Minita mō Te Puni Kōkiri ki te taha o Minita Willis ki te matapaki tōtika i ngā take.[246] Ahakoa kāore ia i mōhio ki tō rātau matapaki, ka whakaae ia nā tēnā ka waihotia he āputa ki ō mātau kōrero.[247] I āhua whakakīia te korenga o aua kōrero e ngā tuhinga kōrero i whakaritea ki roto i Te Kawa Mataaho i waenganui i te marama o Kohitātea 2024 i whakaputaina e te Karauna i raro i te tūhuratanga. I hopukina e tēnei tuhinga 'nā te Minita mō Te Puni Kōkiri tētahi tuhinga kōrero i kī kāore ia i te whakaae ki te whakaaro ka ārai atu te reo Māori i te āheitanga ki ngā ratonga.'[248] Mō te taha ki a ia, ka whakaae Rawiri i te wā o te uiui kōkirikiri, i taupatupatu ngā takohanga i roto i te whakaae-

241. Tuhinga kōrero 4.1.7, wh 442
242. Tuhinga kōrero 4.1.7, wh 441
243. Tuhinga kōrero 4.1.7, wh 448
244. Tuhinga A54, wh 223 [Te Puni Kōkiri, 'Maihi Karauna: The Crown's Strategy', wh 10]
245. Tuhinga kōrero 4.1.7, wh 489
246. Tuhinga kōrero 4.1.7, wh 466
247. Tuhinga kōrero 4.1.7, wh 467–468
248. Tuhinga A53, wh 238 [Te Taura Whiri i te Reo Māori, 'Kura Reo Rāngai Tūmatanui: Final evaluation report', 1 o Hakihea 2022, wh 7]

tanga haumi, pērā i te whakamātāmua i te reo Pākehā ki ngā whakawhiti kōrero a ngā tari, ki te Maihi Karauna. I kī mai ia 'i runga i taku tūranga hei kaitohu kaupapahere matua ki te Kāwanatanga koirā aku kupu ārahi, āe.'[249]

4.4.3 Kei reira he tari kāore i te mātua whakawhiti kōrero ki roto i te reo Pākehā?

Tuia katoa, kāore te takohanga ka here i ngā tari kia noho mātāmua te reo Pākehā ki ngā whakawhiti kōrero i te āhuatanga hirahira o tō mātau ruku tātari. He rerekē i te whakaaetanga haumi mō ngā ingoa 'matua' ('primary') o ngā tari, nā te mea kāore he tautohetohe i waenganui i ngā hunga mō te tikanga o te kupu 'whakamātāmua' ('primarily'). E ai ki a mātau i pērā nā te mea e whakaatu ana te takohanga i te āhuatanga taunoa huri noa i ngā tari Kāwanatanga. I whakamōhio atu Te Kawa Mataaho i tēnei ki a Minita Willis i te 5 o Hakihea 2023, ahakoa kāore i tōtika ngā kupu kōrero. I taea e mātau te kite, i tuhi rātau i whakamātāmua te reo Pākehā ki ngā whakawhiti kōrero o te 'nuinga' o ngā tari.[250] I pātai mātau ki a Baggott, te o Te Kawa Mataaho, mēnā e mōhio ana ia ki ētahi tari atu i ērā e hāngai pū ana ki te Māori kāore kē i te whakamātāmua i te reo Pākehā ki ōna whakawhiti kōrero. I kī mai a Baggott i ngā tau tata nei kua 'tino piki' te whakamahinga o te reo ki ngā whakawhiti kōrero a te Kāwanatanga, engari ka whakaae ia kāore he tari e whakamātāmua ana i tētahi reo atu i te reo Pākehā ki ngā whakawhiti kōrero.[251]

Ka uia tērā pātai ki a Rawiri. Hei tāna anō kāore he tari e whakamātāmua ana i te reo Pākehā ki ngā whakawhiti kōrero. Ka tāpiri atu ia i Te Puni Kōkiri – tētahi o ērā tari 'e hāngai pū ana ki te Māori' – ko te whakawhiti kōrero ki roto i te reo Pākehā te ritenga arowhānui, ahakoa i āhua wahangū ia i roto i te horopaki o tō mātau ruku tātari ki te whakaaro mō tēnā.[252] I kī anō te rōia mō te Karauna 'he mea rangirua' tēnei āhuatanga o te whakaaetanga haumi, 'arā he uaua rawa te kite i tētahi tari Kāwanatanga kāore i te whakamātāmua i ngā whakawhiti kōrero ki te reo Pākehā'. Kātahi ka whakamārama ia ko te 'takune he kōrero whakatūai ngā kupu 'uaua rawa', ehara i te kōrero rangirua'.[253]

Nō reira ko te whakaaro tuatahi mō tētahi o ngā kaupapahere, mahi matua rānei e toru a te Kāwanatanga e noho ana hei arotahinga ki tō mātau ruku tātari, he koremana te reta. Heoi anō, kāore mātau i te whakapono he iti noa iho tōna pāpātanga. Engari kē, e mārama ana te kite i whakamahia tēnei āhuatanga o te whakaaetanga haumi kia mimiti ai te whakamahinga o te reo Māori ki ngā tari Kāwanatanga.

249. Tuhinga kōrero 4.1.7, wh 473
250. Tuhinga A43(a), wh 9 [Te Kawa Mataaho, 'Delivering better public services', wh [9]]
251. Tuhinga kōrero 4.1.7, wh 267–269
252. Tuhinga kōrero 4.1.7, wh 501–502
253. Tuhinga kōrero 4.1.7, wh 705

4.4.4 He aha ngā mahi a ngā Minita me ngā tari ki te whakangoikore i ngā whakawhiti kōrero i roto i te reo?

Mēnā ka tīmata mātau ki te Manatū Aorere/Ministry of Foreign Affairs and Trade, kua tuhi kē mātau ki te tekihana 3.4.3, i te wā kaitiaki i muri mai i te pōtitanga kua taha ake, ā, i runga i te matapae ki te tūnga o te Kāwanatanga hou, ka tangohia e te Tāhūhū Rangapū a Chris Seed te reo i ngā tātauira kupu whakamōhio minita, nā tērā ka tumeke katoa ngā kaimahi o te Manatū Aorere. E whakaae ana mātau i hua ake ēnei āhuatanga i mua i te tūnga o te Kāwanatanga hou, ā, i mua hoki i te wā e hāngai ana ki tō mātau ruku tātari. Heoi anō, e ai ki a mātau he horopaki nui mō ngā āhuatanga i hua ake i muri i te kuhunga mai o te Kāwanatanga haumi.

I whākina e te tūhuratanga o te Karauna, kāore i ārikarika ngā kaimahi o Te Manatū Aorere (tae atu ki ngā māngai o ngā whatunga kaimahi Māori, nō Te Moana-nui-a-Kiwa hoki) i tuhi ki te īnoi kia hurikōaro te whakatau o te Tāhūhū Rangapū. Ka tīkina e mātau he kī horipū wahapū, i tuhia i te 20 o Whiringa-ā-nuku 2023, hei whakatauira i te hōhonutanga o ngā kare-ā-roto:

> E mārama ana mātau kei te whakapau kaha te Rōpū Hautū Matua kia angitu Te Manatū Aorere ki te taha o te kāwanatanga e kuhu mai ana, ā, kia āta whāwhāhia te whakawhitinga. Heoi anō, ki tāku rongo he mahi whakaneinei, he mahi waikura tēnei whakatau. Whai muri i te whakangao a ngā tāngata takitahi me te manatū i te hōtaka mahi Mātauranga Māori, e tohu ana te whakatau i te hokinga whakamuri. E pōhēhē ana he mea whakawehewehe tētahi o ngā reo ōkawa o Aotearoa, ā, kāore i te tika kia whakamahia ki Te Manatū Aorere.
>
> Nā te panoni i ngā tuhinga ka kitea i waho, kua whakaaturia e mātau he nui ake te māharahara ki tō mātau āhua, tēnā i te ū ki ngā mātāpono.
>
> E ngākau titikaha ana ahau ka taea e te Rōpū Hautū Matua me te Manatū te waihanga i tētahi hononga pakari, hononga whai hua hoki ki te taha o tō mātau Minita e kuhu mai ana, ā, kāore tēnei e noho mōrearea i te takotoranga o ngā kupu o tētahi tātauira. . . . e tino āhei ana te Minita i pōtihia ki te tono kia whakamahi Te Manatū Aorere i te reo Pākehā anake ki ō mātau tāpaetanga, ā, kei te mārama ahau ki te hiahia kia ū ki tēnā. Engari e whakamā ana i te ohorere o tēnei whakatau.
>
> E waia ana mātau ki te tuku tāpaetanga ki ngā Minita. E whakaaro nui ana mātau ki ngā kupu me te takotoranga o ngā kupu. Ehara hoki i te mea iti noa iho nei tō mātau whakatau kia kaua te reo e whai wāhi atu ki tēnā. He tohu nā mātau ka noho te reo ki waho i ō mātau 'ritenga', me te āhua hoki o te Manatūināianei.[254]

I mihi te Tāhūhū Rangapū ki ngā kaimahi i tuku tāpaetanga kātahi ka whakaae 'i tino mārama ki ngā kōrero whānui kua whiwhi te Rōpū Hautū Matua i kī he nui te pāpātanga o tēnei'. I huri ia ki te kōrero ki ngā Minita hou o Te Manatū Aorere 'mō te huarahi e hiahia ana rātau ki te whakatakoto i ō mātau kupu ārahi

254. Tuhinga A65, wh 467–468 [Īmēra: 'Feedback: new submissions template for incoming Ministers', 20 o Whiringa-ā-nuku 2023, wh [1]–[2]]

kaupapahere'. Hei tāna anō 'e whai take ana ki tēnei horopaki' ngā whakahokinga kōrero a ngā kaimahi mō te korenga o te reo ki ngā tātauira tāpaetanga.[255]

Kātahi ka hohoro te puta mai o ngā whakaaro o Winston Peters, te Minita hou o Te Manatū Aorere, mō te whakamahinga o tētahi kupu Māori. Whai muri i te pahūtanga o Maunga Ulawun i Papua Nūkini i te Whiringa ā-rangi 2023, ka tuhi Te Manatū Aorere i tētahi 'pūrongo tūāhua' mō te Minita (nō te rā 28 o Whiringa ā-rangi 2023) – te rā i whakapūmau te Kāhui Minita i ngā whakaaetanga haumi ka noho hei tūāpapa mō ngā mahi a te Kāwanatanga). I roto i taua pūrongo, e rua ngā wā ka kī a Te Manatū Aorere ko 'Aotearoa New Zealand' te ingoa mō New Zealand. I muku a Peters i te kupu 'Aotearoa' i ia wā, kātahi ka waiho ia i te kōrero e whai ake nei:

> KM [kia mahara]
> Hai ngā rā haere ake nei, ā, i runga i te mahara ki te whakaaetanga haumi, tēnā koa whakamahia te ingoa New Zealand mō tō mātau motu.[256]

Pērā i tā mātau i whakatakoto ai ki te tekihana 4.2 runga nei, i toro atu te Minita ki te whakaaetanga haumi hei kaupapahere a te Karauna. Ko te āhua nei i te kōrero a Peters mō tētahi atu āhuatanga o te whakaaetanga haumi o Aotearoa Tuatahi–Nāhinara i ērā e hāngai ana ki tō mātau ruku tātari, arā te takohanga 'ki te kore he pōtitake, kāore tō mātau Kāwanatanga e panoni i te ingoa ōkawa o Aotearoa'.[257] Kei te kite mātau tērā pea i te kōrero ia mō te takohanga e here ana i ngā tari kia noho mātāmua te reo Pākehā ki ngā whakawhiti kōrero. Hei aha noa iho, ehara te whakamahi a Te Manatū Aorere i te kupu 'Aotearoa' i te panoni i te ingoa o te motu me te kore pōtitake, ā, ki ō mātau whakaaro he nui ake te tūponotanga i te hāngai kē te urupare a te Minita ki te whakamahinga o te ingoa reo Māori mō te motu.[258]

E whakaae ana mātau – pērā i te kaimahi o Te Manatū Aorere i kōrero i runga nei – ka taea e ia Minita te whakapuaki i ō rātau tino hiahia mō te kaha o ngā āpiha ki te whakamahi i te reo Māori i roto i ngā whakawhiti kōrero ki a rātau. I whakamārama a Baggott, pērā i te kōrero i maharatia i te tekihana 4.3.2.3, he whānui te kite ki roto i te Ratonga Tūmatanui, pērā i ngā Kāwanatanga o mua, te panoni a ngā tari i te huarahi whakawhiti kōrero ki ngā Minita, arā te wairua, te tāera, te reo, ngā here, me ngā kīanga e tino hiahia nei rātau, kia eke ai ki ngā tino hiahia o te Minita. Koirā te āhuatanga mai rā anō.[259]

E maumahara ana mātau i te Pipiri 2022, hei tauira, i tuku karere tiwīti te Minita o Te Papa Atawhai a Kiritapu Allan e whakamārama ana (hei urupare ki ngā

255. Tuhinga A65, wh 430 ['Submission template: Removal of Te Reo titles during caretaker period', 10 o Whiringa-ā-rangi 2023, wh [1]]

256. Tuhinga A65, wh 373–374 [Manatū Aorere, 'Situation Report One: Mt Ulawun Eruption', wh [1]–[2]]

257. Tuhinga A65, wh 756 ['Coalition Agreement: National & New Zealand First', wh 9]

258. I kī i runga i te tauākī pōtitanga o Aotearoa Tuatahi 'New Zealand means New Zealand and not "Aotearoa New Zealand"'. New Zealand First Party, *Let's Take Back Our Country*, wh 4.

259. Tuhinga kōrero 4.1.7, wh 222

pūrongo pāpāho e ai ki a e hē ana) i 'akiaki ia kia whakamahia te reo engari kore rawa ahau e whakaae kia whakamahi karetao ngā tari kāwanatanga i te reo hei whakaatu i te āheitanga ahurea'.[260] Ki te whai i tērā, ka ngāwari noa iho mō Peters te whakamōhio atu i ngā āpiha e tino hiahia ana ia kia kīia ko 'New Zealand' anake te ingoa o te motu me te kore e whakaara i te whakaaetanga haumi.

Ko ētahi atu tepenga i ūhia ki runga i ngā whakawhiti kōrero ko te tohutohu a te Minita mō ngā Kōti a Nicole McKee, nō te 29 o Whiringa ā-rangi 2023, kia noho ki roto i te reo Pākehā, kaua ki te reo Māori, ngā mihi nā ngā āpiha i ngā pepa whakamōhio, ngā karere ōpaki, me ētahi atu pepa.[261] I te 18 o Hakihea 2023, ka tono te Minita mō te Rāngai Hapori, Tūao hoki a Louise Upston ki ngā āpiha o Te Tari Taiwhenua kia noho ngā pane ki te reo Pākehā, ā, 'kia noho mātāmua te reo Pākehā mō ngā Tari Kāwanatanga'.[262] Ka mutu i te 7 o Haratua 2024, pērā i te matapaki i te tekihana 3.4.4, i runga i tōna mana hei Minita mō ngā Take Whaikaha, ka tohutohu anō a Minita Upston ki ngā āpiha 'kia noho mātāmua te reo Pākehā ki ngā rauemi kei roto i tōna ingoa ka whakaratohia ki a ia, tae atu ki ngā mea pēnei i: ngā rauemi ka kitea e te marea, ngā kauhau, me ngā kaupapa kōrero.'[263]

4.4.5 He aha ngā mea i tūhuraina e te tatauranga nā Te Pūkenga Here Tikanga Mahi mō ngā whakawhiti kōrero o ngā tari?

Atu i ēnei tauira, ko te āhua nei i mahi ngā kaiwhakahaere i roto i ētahi tari ki te whakangoikore i te whakamahinga o te reo ahakoa kāore i whiwhi tohutohu ā-minita (ā, i roto hoki i ō rātau ake whakawhiti kōrero rāroto, kaua ki ngā pepa whakamōhio ki ngā Minita anake). I whakaurua atu ngā kōrero taunaki o tēnei ki ngā urupare o tētahi tatauranga o ngā kaimahi Māori o Te Pūkenga Here Tikanga Mahi i whakahaerehia e te uniana i te Paengawhāwhā 2024. I te wā i uiui kōkirikiritia tōna kaikōrero a Janice Panoho, ka tohu te rōia mō te Karauna ki ngā uauatanga maha ki te ara o te tatauranga me te whakatakotoranga o ngā hua, ā, e whakaae ana mātau he whaitake ōna kupu whakahē.[264] Heoi anō, e ai ki a mātau ka taea te tiki atu i ngā taipitopito e hāngai ana mai i ngā urupare, he tohu ki ngā panonitanga i roto i ngā tari mō te taha ki te reo.

Hei urupare ki tētahi pātai mēnā i tohua ngā āpiha ki te whakamutu, ki te whakaiti i tō rātau whakamahi i te reo (ā, me te ahunga mai o te tohutohu), hei

260. Karanama Ruru, 'Kiri Allan Says DOC Email Ending Te Reo Māori Use in Materials Doesn't Reflect Her View on Language "Tokenism"', *Stuff*, 14 o Pipiri 2022, https://tinyurl.com/4a6zmsh2, i tomokia i te 27 o Hereturikōkā 2024. I whakamārama a Allan ki a *Stuff*: 'You want to use te reo, you use it with integrity and use it responsibly. This isn't a "everybody go out and use mahi and kaupapa" and say you have a deep and enduring relationship with te ao Māori'.

261. Tuhinga A65, wh 326 [Īmēra: 'Minister McKee', 29 o Whiringa-ā-rangi 2023, wh 1]

262. Tuhinga A65, wh 549 [Īmēra: 'FW: Minister Upston – request to action please', 18 o Hakihea 2023, wh [1]]

263. Tuhinga A56, wh [2]

264. Hei tauira, kāore te tirohanga whānui i tāpaetia hei kōrero taunaki; i tukua ki ngā kaimahi Māori e mahi ana ki ngā tūranga kei waho i te iho o te ratonga tūmatanui (pērā i Te Whatu Ora me ngā mana kāwanatanga ā-rohe); ā, (mai i te whakarāpopoto o Panoho) nā te hoahoa o te tirohanga whānui me te takotoranga o ngā kupu o ētahi pātai i tūpato ki te whāwhā i ngā urupare: tirohia te tuhinga kōrero 4.1.7, wh 312–330.

tauira, i tuhi tētahi kaiurupare mai i Ara Poutama Aotearoa 'he nui ngā panonitanga a tō mātau tīma whakawhiti kōrero ki te whakamahinga o te reo i te tari ki roto i ngā tuhinga ōkawa, ōpaki hoki. Arā ko te kaupapa ko te horopakiināianei o te kāwanatanga haumi'.[265] I tuhi tētahi kaiurupare e mahi ana ki te Manatū Ahu Matua 'Kīhai tētahi i mea mai ki ahau nō tēhea taumata i ahu mai te tono e pā ana ki te whakamahinga o te kupu "Aotearoa" ki roto i tētahi hōtaka, engari i eke ki te taumata o te Ringa Tohu. I whakamōhiotia ahau kāore nō ngā minita engari i ahu mai i runga i te pōhēhē ki ngā wawata o te kāwanatanga o te rā.'[266] I tuhi tētahi kaiurupare nō Te Amorangi Mātauranga Matua i ahu mai te whakatau ki te whakangoikore i te whakamahinga o te reo i 'ngā kaiwhakahaere tae noa ake ki te Tāhūhū Rangapū. Ko te take he waihanga i te hononga ki te Minita'.[267] Ka mutu i tuhi tētahi kaiurupare nō Te Tāhuhu o te Mātauranga

> i tae mai te kōrero i tō mātau kaiwhakahaere taumata 3 i whakatau te kaiwhakahaere taumata 2 ki te whakakore i te reo Māori mai i ā mātau mahi ka kitea e te marea. Ko te take noa iho i tukuna ā-waha mai 'ka whakamahi te Ture Education and Training i ngā kupu Pākehā'. Ina whakahē atu ahau ki tēnei take, ka tohe ehara tērā i te kupu ārahi ā-ture tūturu, i whakamōhiotia ahau i whakatau te kaiarataki taumata 2 i runga i ngā take tōrangapū. Arā te panoni i te kupu Māori ki te reo Pākehā i runga i te tūmanako kāore te kāwanatanga e panoni i ngā ihirangi.[268]

Kāore i taea e mātau te whakapūmau i ēnei kōrero a ngā tāngata takitahi. Heoi anō, te āhua nei he pono ēnei ki a mātau i roto i te horopaki o ngā tohutohu minita e rua e pā ana ki ngā whakawhiti kōrero me ngā ingoa o ngā tari e mōhio nei mātau tae atu ki ngā mahi ohorere a ngā kaihautū o te Manatū Aorere e rārangi mai ana ki runga nei. E whakaū anō ana ngā urupare ki te tatauranga i ngā māharahara a te Hea Tuarua o te Taraipiunara mō te whakaae ki te ruku tātari ohotata ki ngā kerēme kei mua i a mātau i te Poutūterangi 2024. Hei tāna,

> ahakoa e tū ana te anga ā-ture, kaupapahere hoki ki te tiaki me te whakatairanga i te reo, ka taea te kī e whakangoikore ana, e whakawehi ana ēnei kaupapahere hou i te whakamahinga o te reo ki te rāngai tūmatanui. He maha ngā raruraru ka hua mai, ā, kāore i tua atu i ngā karere rangirua e tukuna mai ana e te Karauna mēnā e kaingākau ana te Karauna ki te reo, ā, me te pānga mōrearea ki ngā takohanga a te Karauna ki te whakarauoratanga o te reo.[269]

265. Tuhinga A13(a), wh 7–8
266. Tuhinga A13(a), wh 8. E whakaaro ana mātau ko te tikanga o te kōrero a tēnei kaiurupare *kāore* i te whakamahi i a 'Aotearoa'.
267. Tuhinga A13(a), wh 10
268. Tuhinga A13(a), wh 9
269. Whakatau 2.5.15, wh 12

4.4.6 He aha ngā whakawhiti kōrero i roto i te reo i whakakorehia e te Minita o Te Manatū Taonga?

Nō te 6 o Hereturikōkā 2024, i te wā i tuhia tā mātau pūrongo, ka puta mai tētahi mahi minita i nui ake ai te whakapono ki ngā hua o tatauranga o Te Pūkenga Here Tikanga Mahi. I whakapāoho a 1News i te pūrongo i tohutohu te Minita o Te Manatū Taonga a Paul Goldsmith i ngā āpiha kia tangohia ngā mihi i roto i te reo Māori me te whakamahinga o te kupu 'Aotearoa' i tētahi reta pōwhiri nōna ki te Minita mō ngā Mahi Toi a Tony Burke nō Ahitereiria, kia haere ki te hui whakanui i a Matariki i te 28 o Pipiri 2024. I parahau a Minita Goldsmith i āna mahi mā te whakamārama 'Ki ōku whakaaro kāore ia i hiahia ki te nui o te reo i roto i tōna reta pōwhiri, nā te mea nō Ahitereiria ia'. Mō te taha ki te whakakore i te kupu 'Aotearoa' ka āpiti atu ia 'e kī ana tō mātau whakaaetanga haumi . . . ki te kore he pōtitake e panoni ana i te ingoa o tō mātau motu arā a New Zealand, ka kī ahau ko New Zealand te ingoa o te motu'.[270]

Anō, e rangirua ana mātau mēnā he mea takahi i te whakaaetanga haumi i waenganui i a Nāhinara me Aotearoa Tuatahi te kī a te Minita i ngā kupu 'Aotearoa New Zealand' mō te motu. Ki ō mātau whakaaro anō he mea kaniawhea, he ngutungutu ahi te mahi a te Minita ki te tango i ngā kupu Māori mai i tētahi reta pōwhiri e pā ana ki a Matariki, he kaupapa e whakanui ana i te ao Māori. Ahakoa te pōhēhē a te Minita ka rangirua tētahi tangata nō Ahitereiria i te kupu 'Aotearoa', i muri mai ka whakapūmau a Burke i mōhio katoa ia ki tōna tikanga.[271] I whakaae a Goldsmith tērā pea i ōrite ngā panonitanga ki ētahi atu reta pōwhiri, ahakoa i āpiti atu ia ehara tēnei i tōna tohutohu.[272]

Kīhai mātau i te whakapono ka taea te parahau i te tangohanga o ngā kupu Māori i tētahi reta pōwhiri mō Matariki ki tētahi tangata nō Ahitereiria, nō Aotearoa rānei. E taupatupatu ana ngā mahi a te Minita i te kaupapa o te Maihi Karauna. E rārangi mai ana i te rerenga hou rawa o te rautaki, 'he āhuatanga whakaharahara te reo o tō mātau motu e motuhake ai mātau ki runga i ngā atamira o te ao', ā, 'ka whakatairanga te Karauna i te reo Māori ki ngā taumata o te motu me te ao.'[273]

Hei āpiti atu, he rerekē ngā mahi a Goldsmith ki ngā whakamārama a Baggott ki a mātau mō āna mahi e pā ana ki ērā momo āhuatanga. Hei tāna, 'ina whakamanuhiri ai mātau i ngā tāngata nō tāwāhi, hei whakataki, ka kōrero pea ahau mō te Ministry of Māori Development, engari kātahi ahau ka huri ki te kī i Te Puni Kōkiri hei whakanui, kia kauanuanutia, kia kaingākautia tō mātau reo'. I pātai mēnā ka whakawhiti ia mai i ngā ingoa Pākehā ki ngā ingoa Māori kia mārama ai te hunga mātakitaki ki te tikanga o te ingoa Māori, kātahi ka whakaae ia koirā tana ara.[274] I runga i tēnei ara, ka taea e Goldsmith te mihi ki roto i te reo Pākehā

270. Felix Desmarais, 'Minister Removed Te Reo Greetings from Official Matariki Invitation', *1News*, 6 o Hereturikōkā 2024, https://tinyurl.com/5ju9m37w, i tomokia i te 28 o Hereturikōkā 2024

271. Felix Desmarais, 'Aus Minister: I Know What Aotearoa Is, Learned It From Split Enz', *1News*, 8 o Hereturikōkā 2024. https://tinyurl.com/msb2nxn3, i tomokia i te 28 o Hereturikōkā 2024

272. Desmarais, 'Minister Removed Te Reo Greetings'

273. Tuhinga A54, wh 218, 233 [Te Puni Kōkiri, 'Maihi Karauna: The Crown's Strategy', wh 5, 20]

274. Tuhinga kōrero 4.1.7, wh 504

me te reo Māori. Mā tēnei ka kore e puta mai te rangirua i whakaarohia e ia, ka kauanuanutia te reo, ā, ka mutu ka whāia ngā whāinga o te Maihi Karauna.

4.4.7 Hei whakakapi

Hei whakarāpopoto, e whakaatu ana ngā mahi ohorere a ngā kaihautū o te Manatū Aorere, ngā mahi a ngā Minita maha me ngā tauira o ngā urupare i roto i te tatauranga i mahia e Te Pūkenga Tikanga Here Mahi i te pānga mōrearea o te tohutohu a te Kāwanatanga hou ki te whakamahinga o te reo Māori. Ahakoa kāore he take o te āhuatanga o te whakaaetanga haumi e pā ana ki te whakamātāmua i te reo Pākehā ki ngā whakawhiti kōrero a ngā tari, nā tonā awenga i hua mai te horopaki e taea ai e Minita Goldsmith te tere whakakore i ngā kupu Māori mai i tētahi reta pōwhiri mō Matariki, ā, e huri anō ai ngā kaiwhakahaere puta noa i ngā tari Kāwanatanga ki te whakaiti i te kitenga me te whakamahinga o te reo hei whakamauru i ō rātau Minita. I hua mai tēnei ahakoa ngā takohanga a te Kāwanatanga i raro i Te Ture mō Te Reo Māori 2016 ki 'te matapopore moroki me te whakatairanga' i te reo, me te kawenga a te ratonga tūmatanui ki te tautoko i ngā hononga a te Karauna ki te Māori i raro i te Tiriti/the Treaty. E ai anō ki a mātau i whakaatu ngā kupu ārahi a Te Kawa Mataaho i te tīmatanga ki a Minita Willis i te 5 o Hakihea i ngā whakaaro tino kuare mō ngā takohanga a te Karauna i raro i te Tiriti/the Treaty me ngā ture e whai take ana ki ngā whakawhiti kōrero i roto i te reo.

I runga i tērā āhuatanga, e whakahē ana mātau i te whakaaro i roto i ngā tāpaetanga whakakapi a te Karauna nā te korenga o tētahi tohutohu Kapenata e here ana i ngā tari kia noho mātāmua te reo Pākehā ki ngā whakawhiti kōrero, kua tau te take. I mea mai te rōia mō te Karauna 'kāore i panonitia'[275] te kaupapahere matua e pā ana ki ngā whakawhiti kōrero, engari ki ō mātau whakaaro kua uruhia ngā tepenga nui e whakararu ana i te mana o te reo hei ara whakawhiti kōrero ki roto i te Kāwanatanga. Ka kī ake mātau i tēnei kaua i runga i ngā mahi anake, engari nā te mōhio ki ērā mahi, ka hua mai te pānga mōrearea kua kōrerohia e mātau.

Kei reira ngā okotahi – hei tauira, i rongo mātau i a Rawiri i akiaki tōna Minita i ana āpiha ki te kōrero i te reo i ngā wā katoa, i kī ki a rātau 'kei roto te reo i tō mātau pītau ira'.[276] E maumahara ana mātau ki te tirohanga i roto i te pūrongo o te Tairaipiunara te *Report on the Comprehensive and Progressive Agreement for Trans-Pacific Partnership* (kei te tekihana 2.3 te kōrero) 'he nui te anipā' ki ngā mahi e noho mōrearea ai te whakarauoratanga o te reo, ā, kua 'whakapiki' te Karauna i te kawenga o te matapopore moroki.[277] Hei whakarāpopoto, nā runga i ngā mahi kua kitea i te Manatū Aorere me ētahi atu tari, kua tawhiti ake te Karauna i te Kāwanatanga kōrero-Māori i whakaarohia ki te pūrongo Wai 262 ka mutu ka whakaturehia ki roto i te tekihana 9 o Te Ture mō Te Reo Māori 2016. I runga i tērā

275. Tāpaetanga 3.3.17, wh 56
276. Tuhinga kōrero 4.1.7, wh 491
277. Te Rōpū Whakamana i te Tiriti o Waitangi, *The Report on the Comprehensive and Progressive Agreement for Trans-Pacific Partnership* (Te Awakairangi: Legislation Direct, 2023), wh 177

āhuatanga, ki ō mātau whakaaro kāore i te hāngai ki te wairua, ki ngā kupu rānei o te ture.

4.5 Te Aukati i te Āheitanga ki ngā Utu mō te Reo Māori i roto i te Ratonga Tūmatanui

Ka tīmata mātau i tēnei wehenga mā te whakarārangi mai i ngā kōrero tūmatanui a Minita Willis i te tīmatanga mō ngā utu-tāpiri mō te reo, ā, me ngā tuhinga whakamōhio i whiwhi ai ia i Te Kawa Mataaho.

4.5.1 Ngā kōrero a te Minita i te tīmatanga me te urupare a Te Kawa Mataaho

E mōhio nei mātau, kāore te take o ngā utu-tāpiri mō te reo Māori i roto i te whakaaetanga haumi. Engari kē, i ara mai tēnei take mō ngā kaikerēme i tēnei ruku tātari i muri mai i ngā kōrero a Minita Willis ki te hunga pāpāho i puta mai i te ata o te 6 o Hakihea 2023. I kī ake ia kāore tōna Kāwanatanga i te tautoko i ēnei 'utu whakamihi', ā, ka kimi kupu ārahi ia ki te whakamutu i ngā utu. Āe mārika, i tuku īmēra tōna tari ki Te Kawa Mataaho i te ata o te 5 o Hakihea ki te tono 'mō ngā kupu ārahi me pēhea te aukati i ngā utu whakamihi mō te hunga i kōwhiri ki te ako i Te Reo ki roto i ngā kirimana tōpū i ngā rā e heke mai nei'.[278] I te ata i muri mai ka tono kupu ārahi anō te tari o te Minita mō:

- te kaupapa me te āhua o ēnei utu tāpiri mō te hunga i kōwhiri ki te ako i Te Reo me ētahi atu utu whakamihi ki te rāngai tūmatanui
- te maha o ngā tāngata e whiwhi ana
- pēhea te hāngai o ngā utu whakamihi ki tō mātau whāinga kia pai ake ngā mahi i roto i te ratonga tūmatanui me te uara o ngā pūtea a ngā kaiutu tāke.[279]

Ko te whakaaro ka puta he urupare i te 2 karaka i te ahiahi, e hia kē ngā hāora i muri mai.

Ka taea e mātau te kite i tēnei wā i te whakaaroaro te Minita me te Kāwanatanga hou ki te take e pāpaku nei tō rātau mōhio. Ehara ngā utu i te utu whakamihi (ka utua i te wā kotahi, he utu akene kāore e utua nā te mea e whirinaki ana ki tētahi whakatutukitanga, ki tētahi taumata kua ekea i ngā mahi) engari he utu tāpiri kē ka utua ki te hunga e matatau ana ki te reo, kaua ki ērā e ako noa iho ana.

Pērā i te kōrero i te tekihana 4.3.2.1, i te 5 o Hakihea, kua whakarite kē Te Kawa Mataaho i tētahi tuhinga whakamōhio mō te Minita e pā ana ki te reo Māori o te whakaaetanga haumi o Aotearoa Tuatahi, nō reira – i runga i te hiahia ki te whakarato i ngā kupu ārahi tere – i āpiti atu rātau i tētahi whārangi mō ngā utu tāpui, ā, ka whakarato i te tuhinga whakamōhio nō te 5 o Hakihea i taua rā tonu. I roto i taua tuhinga ka tuhi Te Kawa Mataaho 'kei te hāngai ngā mahi akiaki kia piki te matatau reo Māori ki ngā kawatau o te Kāwanatanga o mua e pā ana ki ngā hononga taimahi, e whakapuakina ana ki roto i te Tauākī Kaupapahere Rāngimahi

278. Tuhinga A42(a), wh 40 [Īmēra Email 'Māori Language', 5 o Hakihea 2023, wh [1]]
279. Tuhinga A42(a), wh 40 [Īmēra 'Re: Māori Language', 6 o Hakihea 2023, wh [1]]

Kāwanatanga (TKRK) o nāianei', ā, e ai ki ngā tari me ngā uniana 'e tika ana ki tēnei horopaki' ngā utu tāpui mō te matatau i roto i te reo ahakoa ehara i te mea waiwai mō te mahi a te tangata. Heoi anō, i tāpiri atu rātau ka whakauru pea te Minita i te kawatau ki roto i te rerenga ka whai mai o te TKRK 'e hāngai ana ki te takune o te Kāwanatanga ki te aukati i ēnei utu tāpui i ngā rā e heke mai nei'.[280] I whakatakoto rātau i te whakaaro ka pēnei te takotoranga o ngā kupu:

> E kawatau ana te Kāwanatanga ka whakamahere ngā tari, ka whakamānawa ngā tari, i ngā pūkenga a te kaimahi hei whakatutuki i ā rātau tūranga i roto i te utu paremata mō tērā tūranga. Kāore e tautokona te whakarato i ngā utu paremata mō te whakawhanake i ngā pūkenga, pēnei i ngā pūkenga reo, kāore e hiahiatia ki te whakatutuki i ā rātau mahi (arā i whakaaetia e te whakaaturanga tūranga mahi).[281]

Kāore i te tino mārama te tikanga o 'ngā utu paremata mō te whakawhanake i ngā pūkenga', engari ki a mātau ko te tikanga o tēnei kia kaua ngā tari e utu i te ako ngaiotanga mō te reo ina kāore te mahi i te hiahia ki ērā pūkenga reo. I whakamahara anō Te Kawa Mataaho ka taea e te Minita te tuku kupu ārahi whai muri i te TKRK i kī 'kāore e tautokona ngā utu mō te matatau ki te reo, mō te whakamahi rānei i te reo Māori'. Kātahi ka huri Te Kawa Mataaho 'ki te whakahē i te rautaki whiriwhiringa tōpū, i te whakataunga rānei kāore i te hāngai ki ēnei kawatau'.[282]

Hei urupare ki te tono mai i te tari o te Minita, i whakahoki kōrero a Te Kawa Mataaho i te rā kati arā te ahiahi o te 6 o Hakihea, me te kore e whakamahara ki ngā panonitanga tērā pea ka puta mai ki te TKRK.[283]

Ahakoa he āhua uaua te mōhio ki te rārangi wā tika, nā ngā kupu ārahi a ngā āpiha i hoki whakamuri ai a Minita Willis i tana tūnga i rīpoatahia i te tīmatanga o te rā. I mea atu ia ki te hunga pāpāho i te ahiahi o te 6 o Hakihea kei te whakahē ki ēnei utu 'i ngā wā kāore i te whaitake'. Engari i ngā wā ka 'whai wāhi atu ngā āpiha ki te iwi Māori', 'e mahi tahi ana ki ngā hapori Māori e noho mātāmua ana te reo Māori' rānei, i mea mai ia 'e tino whaitake ana kia wātea te ratonga tūmatanui ki tērā hapori'.[284]

I whakamahara mātau i te tekihana 3.3.4, i te 7 o Hakihea 2023 i tuku kupu whakamōhio atu Te Kawa Mataaho ki a Minita Willis anō, ka tāpiri i tētahi tuhinga hukihuki o te TKRK hou. I toai rātau i ngā kupu ārahi o mua ka taea e te Minita te tūtohi kāore ngā utu mō te reo e utua i ngā rā e heke mai ana atu i ngā wā ka whai wāhanga aua pūkenga ki te tūranga mahi o te kaimahi. I tūtohi te Minita (mā te tuhi whakamārama ki te tuhinga hukihuki) ka hiahia ia kia uru tērā

280. Tuhinga A43(a), wh 11 [Te Kawa Mataaho, 'Delivering better public services', wh [11]]
281. Tuhinga A43(a), wh 11 [Te Kawa Mataaho, 'Delivering better public services', wh [11]]
282. Tuhinga A43(a), wh 11 [Te Kawa Mataaho, 'Delivering better public services', wh [11]]
283. Tuhinga A42(a), wh 36 [Email 'Re: Māori Language – P Request', nō te 6 o Hakihea 2023, wh [1]]
284. Tuhinga A42(a), wh 156 [Russell Palmer, 'Te Reo Māori Bonuses Acceptable for "Relevant" Roles – Minister Nicola Willis', *Radio New Zealand*, 6 o Hakihea 2023, wh [2]]

momo kawatau ki roto i te TKRK.[285] I roto i ngā kupu whakamōhio, i whakarato Te Kawa Mataaho i taua kawatau hukihuki i whakaurua atu e rātau ki roto i ngā kupu whakamōhio nō te 5 o Hakihea. I whakakore te Minita i ngā kupu 'pērā i te reo'[286] (te āhua nei, kia whānui ake tōna tono).

Ahakoa he maha ngā wāhanga i mukua o te TKRK hukihuki i tukuna ki te Minita ka whakaratohia ki a mātau hei kōrero taunaki, e whakaaro ana mātau i uru anō tētahi tohutoro ki te Tiriti/the Treaty, ā, ka tangohia e te Minita. E pērā ana ō mātau kōrero nā te mea i whakapuaki ngā whakahokinga kōrero i te wā o ngā whiriwhiri kōrero ki ngā tari me ngā uniana i te Kohitātea 2024 i ngā māharahara e pā ana ki te whakakorenga o tētahi tohutoro ki te Tiriti/the Treaty, he rerekē ki te 2021 TKRK.[287] He mea whānui te tohutoro i roto i te 2021 TKRK: i whakarārangi te tauākī i ngā whāinga maha mō te ratonga tūmatanui kia 'tū hei tauira o te kaituku mahi mō Aotearoa', ā, ka kī anō ia 'mā te whakatutuki i ēnei whāinga ka whāia ngā huarahi auaha hei whakatinana i te rangapū o Te Tiriti o Waitangi me te whai i ngā tukanga me ngā ritenga whiwhi mahi e whai whakaaro ana ki ngā tikanga me ngā ahurea rerekē.'[288]

4.5.2 Te whiriwhiri kōrero mō te Tauākī Kaupapahere Rāngaimahi Kāwanatanga hukihuki

He herenga ā-ture te whiriwhiri kōrero ki ngā tari me ngā uniana i whakahaerehia i te Kohitātea 2024.[289] I tērā wā e pēnei ana ngā tuhinga kōrero hukihuki e pā ana ki ngā utu tāpui:

> Ka whakamahere ngā tari, ka whakamānawa ngā tari, i ngā pūkenga a te kaimahi hei whakatutuki i ā rātau tūranga i roto i te utu pūtake mō tērā tūranga. Kāore e tautokona te whakarato i ngā utu paremata mō te whakawhanake i ngā pūkenga, pēnei i ngā pūkenga reo, kāore e hiahiatia ki te whakatutuki i ā rātau mahi (arā i whakaaetia e te whakaaturanga tūranga mahi).[290]

Atu i ngā kupu whakahē mō te korenga o tētahi tohutoro ki te Tiriti/the Treaty, i whakapuaki ngā whakahokingā kōrero a ngā tari me ngā uniana i te māharahara mō te korenga o tētahi kōrero e pā ana ki te tekihana 14 o te Ture Public Service 2020, e kōrero ana mō te tūranga o te ratonga tūmatanui ki te 'tautoko i te Karauna

285. Tuhinga A42(b), wh 11; Tuhinga A42(a), wh 9 [Tuhinga Hukihuki o Te Kawa Mataaho: 'Delivering Outcomes Through Effective Employment Relations – Implementing a Government Workforce Policy Statement on Public Sector Employment Relations', wh [5]]

286. Tuhinga A42(a), wh 9 [Te Kawa Mataaho, Draft: 'Delivering Outcomes Through Effective Employment Relations', wh [5]]

287. Hei tauira, tirohia, te tuhinga A42(a), wh 76 [New Zealand Nurses Organisation, 'Government Workforce Policy Statement – Employment Relations in the Public Sector NZNO Response', 18 o Kohitātea 2024, wh [1]].

288. Tuhinga 6.2.25, wh [1]–[2] [Te Kawa Mataaho, 'Government Workforce Policy Statement on the Government's Expectations for Employment Relations in the Public Sector', 2021, wh [1]–[2]]

289. E kōrero ana te wehenga 96 o te Ture Public Service 2020 ki te hiahia kia kōrero ki ngā 'affected agencies and other parties that the Commissioner thinks fit'.

290. Tuhinga A42(b), wh 13

i ōna hononga ki te Māori i raro i te Tiriti o Waitangi (the Treaty of Waitangi)'. Mō te taha ki te kawatau kāore e utua mō ngā pūkenga e whakaarohia ana kāore i te hāngai ki te tūranga, i whakamōhiotia a Te Kawa Mataaho e hiahia ana he whakamārama anō mō ngā utu tāpui mō te reo. Mehemea ka mimiti ngā utu tāpui mō te reo, e māharahara ana ngā kaiurupare me pēhea te Karauna e whakatutuki i ērā atu o ōna takohanga (pērā i ērā i whakapuakina ki te tekihana 14). I whiwhi anō a Te Kawa Mataaho i ngā whakaaro o Te Tari Ture o te Karauna engari i puritia ērā kupu i tō mātau ruku tātari.[291]

I runga i te pūtake o ngā whakahokinga kōrero katoa i whiwhi, i huri Te Kawa Mataaho ki te whai whakaaro ki te pānga o te whiti mō ngā utu tāpui i te TKRK hukihuki ki ōna takohanga i raro i te Tiriti/the Treaty, i raro i te tekihana 14 o te Ture Public Service 2020, i raro hoki i Te Ture mō Te Reo Māori 2016. Kāore e kore i whakaaweawetia e ngā kaikerēme o tēnei ruku tātari e whai ana i tētahi ruku tātari o te Taraipiunara ki ēnei take. Nā runga i tērā, e ai ki a Chadwick, i panoni ngā āpiha o Te Kawa Mataaho i ētahi wāhanga o te TKRK hukihuki, kātahi ka toro atu ki Te Taura Whiri mō ētahi kōrero.[292] I mea atu rātau ki Te Taura Whiri kei te whakaara ināianei i te whakaaro kia pēnei te pānui i te whiti mō ngā utu tāpui:

> Ka whakamahere ngā tari, ka whakamānawa ngā tari, i ngā pūkenga a te kaimahi e hiahiatia ana hei whakatutuki i ā rātau tūranga i roto i te utu pūtake mō tērā tūranga. I runga i ngā kaupapahere hou me ngā āhuatanga whiwhi mahi hou, ka whakaaetia ngā utu tāpui hei āpiti atu ki te utu pūtake i ētahi wā, hei tauira ina whakamahia ai ngā utu tāpui ki te whakamānawa i ngā pūkenga, i ngā kawenga rānei e hiahiatia ana mō te tūranga, ahakoa ka hiahiatia i ētahi wā noa iho, ā, kāore i te noho ki te iho o te tūranga.[293]

I whakaara anō ngā kaimahi o Te Kawa Mataaho i te whakaaro kia āpitihia he tohutoro ki te tautoko i te Maihi Karauna i roto i te wehenga e pā ana ki te whanaketanga wāhimahi.[294]

I urupare Te Taura Whiri mā te tūtohi kia whakakapi i ngā kupu 'e hiahiatia ana mō te tūranga' ki ngā kupu 'ka mahia pea e te kaimahi', kia kaua ngā utu tāpui e rāhuitia ki ngā mahi o te tūranga anake. I tūtohu anō Te Taura Whiri kia āpitihia ngā tohutoro mō te rangapū i raro i te Tiriti/the Treaty, Te Ture mō Te Reo Māori 2016 me te tekihana 14 o te Ture Public Service 2020 ki ngā tuhinga kōrero e pā ana ki te whanaketanga o te wāhimahi.[295] Kāore i tōtika te tāuru i ēnei tūtohunga, nā te mea i te whakauru Te Kawa Mataaho i ētahi atu whakahokinga kōrero i taua wā tonu, ā, e ai ki a Chadwick i 'neke whakamua' ngā kupu i tuhia. Heoi anō, i

291. Tuhinga A42(b), wh 15

292. Tuhinga A42(b), wh 15

293. Tuhinga A42(a), wh 91 [Īmēra: 'Consultation on Draft Government Workforce Policy Statement', 2 o Huitanguru 2024, wh [1]]

294. Tuhinga A42(a), wh 92 [Īmēra: 'Consultation on Draft Government Workforce Policy Statement', wh [2]]

295. Tuhinga A42(a), wh 90 [Īmēra: 'Māori Language Commission Feedback – FW: Consultation on Draft Government Workforce Policy Statement', 5 o Huitanguru 2024, wh [1]]

whakapono ia i hāngai ngā panonitanga ki te tuhinga i 'te iho' o ngā whakahokinga kōrero a Te Taura Whiri.[296]

I whakamahara mātau i te tekihana 3.3.4, mō te taha ki ngā tuhinga mō ngā utu tāpui o te TKRK hukihuki i tohaina e Chadwick ki tōna kōrero taunaki, i whakapono a Apanui-Barr

> ka āhei ngā tari ki te utu i ngā utu tāpui mō te matatau ki te reo ki ngā kaimahi (ahakoa ka ākina rātau kia whakamānawatia aua pūkenga ki roto i ngā whakaahua o te tūranga mahi me te utu pūtake) me te whakapakari i Te Reo Māori ki ō rātau tari hei wāhanga o ngā takohanga o te Karauna i raro i te Tiriti o Waitangi.[297]

4.5.3 Whakatutukinga o te Tauākī Kaupapahere Rāngaimahi Kāwanatanga

I te 7 o Huitanguru 2024, i whakarato Te Kawa Mataaho i te tuhinga hukihuki hou o te TKRK ki a Minita Willis i whakauru atu i ngā whakahokinga kōrero mai i ngā whiriwhiri kōrero. Kātahi ka tuku whakamārama ia mō ngā panonitanga i hiahiatia e ia (kua tuhia he raina mō ngā wāhanga i mukua, ā, kei te tītaha ngā kupu i āpitihia):

> Ka whakamahere ngā tari, ka whakamānawa ngā tari, i ngā pūkenga a te kaimahi e hiahiatia ana hei whakatutuki i ā rātau tūranga i roto i te utu pūtake mō tērā tūranga. ~~I runga i ngā kaupapahere hou me ngā āhuatanga whiwhi mahi hou, ka~~ Ka whakaaetia ngā utu tāpui hei āpiti atu ki te utu pūtake i ētahi wā, hei tauira ina whakamahia ai ngā utu tāpui ki te whakamānawa i ngā pūkenga, i ngā kawenga rānei e hiahiatia ana mō te tūranga, ahakoa ka hiahiatia i ētahi wā noa iho, ā, kāore i te noho ki te iho o te tūranga.
>
> . . . . .
>
> Ka taea e ngā tari te whakarato i ngā kaupapa whakawhanake i te wāhimahi, ina hiahiatia ai kia tutuki tēnei whakaarotau,[298] tae atu ki te whakahaumako i te āheinga o te Ratonga Tūmatanui ki te tautoko i te Karauna ki ōna hononga ki te Māori ~~i raro i te Tiriti o Waitangi (the Treaty of Waitangi) me te tautoko i te Rautaki Reo Māori o te Karauna i raro~~, ki te hāpai i Te Ture mō Te Reo Māori 2016/the Maōri Language Act 2016.[299]

I tūtohu anō Te Kawa Mataaho ki te whakauru atu i tētahi kōwae anō e arotahi ana ki ngā haepapa o ngā tari i raro i te tekihana 14 o te Ture Public Service 2020 'hei tautoko i te Karauna ki ōna hononga ki te Māori i raro i te Tiriti o Waitangi (the Treaty of Waitangi)'. Heoi anō, i muku te Minita i tēnei kōwae katoa, ka kī 'i

296. Tuhinga kōrero 4.1.7, wh 367
297. Tuhinga A45, wh 8
298. Whakaarotau 3: 'Have a workforce that is responsive to the needs of all New Zealanders'.
299. Tuhinga A42(b), wh 18–19; Tuhinga A42(a), wh 103 ['2024 Government Workforce Policy Statement – Draft', 7 o Huitanguru 2024, wh 2]

kīia i mua'.[300] I mārama a Chadwick i te kōrero te Minita i konei mō te manatu whānui ki ngā tāhūhū rangapū kia tutuki ai ō rātau takohanga ā-ture, tae atu ki ērā i roto i te Ture Public Service 2020.[301] Heoi anō, e ai ki ō mātau whakaaro, he ara takaāwhio tēnei tohutoro ki te Ture Public Service 2020 kia toro atu ki ngā kawenga o ngā tari i raro i te Tiriti/the Treaty, inarā i te muku matawā te Minita i ērā atu o ngā tohutoro tōtika ki te Tiriti/the Treaty i whakauru anōtia e Te Kawa Mataaho whai muri i ngā whiriwhiri kōrero.

Anō, pērā i tērā e rārangi mai ana ki te tekihana 3.3.4, i te 10 o Haratua 2024 i whiwhi kupu ārahi anō a Minita Willis mō ngā tuhinga kōrero o te TKRK hukihuki, tae atu i Te Tari Ture o te Karauna, ā, i runga i tērā ka tohutohu kia whakauru anōtia te tohutoro ki te Tiriti/the Treaty e tūhono pū ana ki te whakaratonga o ngā utu tāpui mō te reo. Nā tenei ka hua mai ngā tuhinga kōrero mō te utu tāpui i roto i te TKRK hukihuki i tohaina e Chadwick ki tō mātau nohoanga i te Pipiri 2024. I te 27 o Haratua 2024, ka tuhi a Minita Willis ki a Baggott e whakarārangi mai ana, i mua i tō mātau nohoanga, 'he tirohanga whānui o tōku tūnga me ngā mahi kua whakahaerehia e ahau e pā ana ki ngā take whaitake kua ara mai i roto i tōku kōpaki hei Minita mō te Ratonga Tūmatanui'.[302] Kia mahara ake, i ōrite te rā o tēnei reta ki te wā i whāia ngā kupu ārahi i Te Mātāwai.[303]

I roto i tēnei reta he wehenga roa e pā ana ki te take o ngā utu tāpui. I maumahara te Minita ki ngā kupu ārahi nō te Hakihea 2023 i whāia e ia i Te Kawa Mataaho mō te utu i ngā utu tāpui me ngā kōrero a tōna tari ki te hunga pāpāho. Hei āpiti atu i tere whakamārama ia 'kāore ērā kōrero i whakaiti i te takohanga o te Karauna ki te reo Māori'. I mea mai ia i whiwhi tonu ia i ngā kupu ārahi mai i ngā āpiha, ā, mai i te Hakihea 2023 ki te Haratua 2024, i 'whai whakaaro ia ki ngā rerenga maha o te TKRK hukihuki'. I whakamahara ia i whiriwhiri kōrero ki Te Taura Whiri, ā, i whai whakaaro ōna āpiha ki ngā takohanga o te Karauna i raro i te Tiriti/the Treaty. Kātahi ka whakamārama ia i te otinga atu o tēnei ki a ia:

> Mā tēnei tukanga whakawhanake kaupapahere, kua taea e au te whakamārama i ōku whakaaro kia tika ngā utu ki ngā kaimahi ratonga tūmatanui engari kia hāngai anō ki ō rātau pūkenga, takoha anō hoki. Ko tōku whakaaro whānui me whakamahere e ngā tari, me whakamānawa e ngā tari, ētahi pūkenga – tae atu ki te reo Māori – ki roto i tō rātau utu pūtake, ā, me whakamahi ngā utu tāpui hei āpiti ki te utu pūtake i runga i ētahi āhuatanga noa iho.

300. Tuhinga A42(a), wh 98 [Pūrongo 'Government Workforce Policy Statement on Public Sector Employment Relations', wh [3]]; Tuhinga A42(a), wh 104 [Te Kawa Mataaho, '2024 Government Workforce Policy Statement – Draft', wh 3]

301. Tuhinga kōrero 4.1.7, wh 370. I roto I tōna tuhinga kōrero taunaki, i kī a Chadwick i muku te Minita i 'some of the repetitive supporting statements regarding the Crown's obligations under Te Tiriti': Tuhinga A42(b), wh 19.

302. Tuhinga A66, wh 79–81 [Reta: Minita Willis ki a Heather Baggot, wh [1]–[3]]; Tuhinga A46, wh 30

303. Tuhinga A46(a), wh 28 [Īmēra: 'Thanks for discussion on Friday . . .', 28 o Haratua 2024, wh [1]]

I pātai anō ahau ki ngā āpiha kia whakaū ngā kupu o te TKRK hukihuki i tō mātau kawatau ka tautoko tonu te Ratonga Tūmatanui i te Karauna ki ōna hononga ki te Māori me te hāpai i Te Ture mō Te Reo Māori 2016/the Māori Language Act 2016. E whakamahara ana ahau e whakaata ana te arotahinga ki te utu i ngā kaimahi (ahakoa he utu tāpui, tētahi atu momo utu rānei) i ngā pūkenga ka kawea ki te tūranga i ngā wā ka pātaihia te kaimahi ki te whakamahi i te reo Māori he whakapiki i te hiranga o te reo ki roto i te wāhimahi.

Kei te whai whakaaro tonuhia te TKRK. Mō tētahi wāhanga o taua whai whakaarotanga, e mōhio ana ahau kei te whiriwhiri kōrero ngā āpiha ki Te Taura Whiri i te Reo Māori me Te Mātāwai mō ngā utu tāpui e pā ana ki te reo Māori. Ka whai whakaaro ahau ki ērā kupu ārahi ina whakaaro ai i te whakatau whakamutunga ki te TKRK. Ka whakaata anō te whakatau i te takohanga o te Karauna ki te tiaki me te whakatairanga i te reo Māori.[304]

I ngā tāpaetanga whakakōpani (nō te 5 o Hōngongoi 2024), i mea mai te rōia mō te Karauna ki a mātau i tīmata tētahi wiki whiriwhiri kōrero ā-minita mō te TKRK hukihuki i te 24 o Pipiri. I mea mai anō ia, i te 24 o Pipiri, i whakahoutia ngā kupu i tuhia mō ngā utu tāpui kia pēnei te pānui atu:

Ka whakamahere ngā tari, ka whakamānawa ngā tari, i ngā pūkenga a te kaimahi e hiahiatia ana hei whakatutuki i ā rātau tūranga i roto i te utu pūtake mō tērā tūranga. Ka whakaaetia ngā utu tāpui hei āpiti atu ki te utu pūtake i ētahi wā, hei tauira ina whakamahia ai ngā utu tāpui ki te whakamānawa i ngā pūkenga, i ngā kawenga rānei e hiahiatia ana mō te tūranga, ahakoa ka hiahiatia i ētahi wā noa iho, ā, kāore i te noho ki te iho o te tūranga. Ka taea te parahau i utu i ngā utu tāpui ina taea ai e te tari te whakaatu he huarahi whai hua te utu i tērā utu tāpui kia hāpai te Karauna i ōna takohanga tae atu ki Te Ture mō Te Reo Māori 2016/the Māori Language Act 2016, tētahi atu Ture, ētahi atu takohanga rānei.[305]

Me pēnei te kōrero, kua tangohia ināianei te tohutoro ki te Tiriti/the Treaty i runga i te tohutohu o Minita Willis nō te 15 o Haratua. Ahakoa i te Whiringa ā-rangi 2024 i whakatakoto te Karauna i ētahi tuhinga tūhura anō e pā ana ki te rerenga whakamutunga o te TKRK, kāore ēnei i te huarahi i hua mai tēnei panonitanga, me te wā i hua mai tēnei panonitanga. I whakamōhio atu ngā āpiha ki a Minita Willis i te 16 o Hōngongoi 2024 ko ngā whakahoki kōrero i whiwhi i te wā o te whiriwhiri kōrero ā-minita nō Ngā Pirihimana o Aotearoa/New Zealand Police anake, ā, nā runga i tērā kāore i tūtohua he panonitanga ki te TKRK hukihuki.[306] Nō reira te āhua nei, i kōwhiri anō a Minita Willis ki te tango i te tohutoro ki te Tiriti/the Treaty. Pērā i tā mātau i whakatakoto atu ki te tekihana 3.3.4, i whakaputa ia i te

304. Tuhinga A66, wh 80–81 [Reta: Minita Willis ki a Heather Baggot, wh [2]–[3]]
305. Tāpaetanga 3.3.17, wh 35–36
306. Tuhinga 6.2.9 [Te Kawa Mataaho, 'Agreement to Lodge the 2024 Government Workforce Policy Statement on Public Sector Employment Relations Cabinet Paper', 16 o Hōngongoi 2024]

TKRK hou i te 7 o Hereturikōkā 2024 i whai i ngā kupu ōrite mō ngā utu tāpui mō te reo ki ērā kupu i whakaratohia e te rōia mō te Karauna i runga nei.

4.5.4 He aha te take kāore he tohutoro ki te Tiriti/the Treaty i roto i te TKRK whakamutunga?

He whai hua te hoki whakamuri ki te mutunga atu o ngā tohutoro ki te Tiriti/the Treaty ki roto i te TKRK. I kōrero whānui te TKRK o mua, i tukuna i te 2021, mō te Tiriti/the Treaty. E whakaaro ana mātau i puritia e ngā āpiha tērā tohutoro ki te tuhinga hukihuki o te TKRK hou i tukuna ki a Minita Willis i te Hakihea 2023, ahakoa he uaua rawa atu te mōhio nā runga i te maha o ngā wāhanga i mukua. Whai muri i ngā whakahokinga kōrero a te Minita, i puta te tuhinga hukihuki i te Kohitātea 2024 kia uia rawatia me te kore tohutoro ki te Tiriti/the Treaty. Whai muri i te maha o ngā kōrero a ngā hunga mō te korenga o te tohutoro, ka whakauru anōtia e ngā āpiha ki ngā wāhi motuhake e rua i te rerenga whai ake i tukuna ki te Minita i ngā rā tōmua o Huitanguru. Kātahi ka tango anō te Minita i aua tohutoro e rua. Heoi anō, whai muri i te whiwhi kupu ārahi anō, tae atu i Te Tari Ture o te Karauna, i tētahi hui i tū i te 15 Haratua 2024, ka tohutohu te Minita ki ngā āpiha kia whakauru anō i tētahi tohutoro ki te Tiriti/the Treaty i roto i te horopaki o ngā utu tāpui.[307] Kātahi ka tangohia tēnei tohutoro ki te Tiriti/the Treaty i te rā tuatahi o te wā o ngā whiriwhiri kōrero ā-minita, ā, ka whakaputaina te TKRK me te kore tohutoro ki te Tiriti/the Treaty i te 7 o Hereturikōkā. Kia pēnei kē te kōrero, i roto i ngā marama e iwa i waihangatia te TKRK hou, te āhua nei e toru ngā wā i whakaurua ngā tohutoro ki te Tiriti/the Treaty, ā, e toru ngā wā i tangohia.

Kua kite mātau, ko te tango i ngā tohutoro ki te Tiriti/the Treaty tētahi wāhanga o te tukanga ki te waihanga i te tuhinga hukihuki TKRK i arohaehaetia e ngā rōia mō ngā kaikerēme. I arotahi tēnei ki te tango a te Minita i ngā tohutoro ki te Tiriti/the Treaty i te Huitanguru 2024, kaua ko tōna whakauru anō i tētahi tohutoro i te Haratua, engari kua kite mātau i te mutunga atu i whakakorehia ērā tohutoro i whakaurua atu. I tohe te rōia mō te Karauna e ū ana ngā tuhinga kōrero o te TKRK i panonitia (arā, i muri mai i te panonitanga i te 24 o Pipiri) 'ki ngā takohanga o te Karauna i raro i te Tiriti me ngā ture whai take'. I runga i tēnei āhuatanga ka toro atu ia ki te whakaaetanga a te kaikerēme a Tākuta Hope Tupara me Apanui-Barr ki ngā tuhinga kōrero.[308] Engari i roto tētahi tohutoro ki te Tiriti/the Treaty i te rerenga hei tā Apanui-Barr e whakaae ana 'kia utua ngā utu tāpui ki ngā kaimahi . . . me te penapena pūtea ki te whakawhanake i te kaha o te reo Māori ki ō rātau tari hei wāhanga o ngā takohanga o te Karauna i raro i te Tiriti o Waitangi'.[309] Ka taea te tohe mēnā ka pērā anō te whakapuaki a Apanui-Barr mō te rerenga whakamutunga o te TKRK, nā te mea i tuku kupu ārahi a Te Taura Whiri ki Te Kawa Mataaho i te Huitanguru 2024 kia whakaurua he tohutoro ki te Tiriti/the Treaty ki roto i ngā tuhinga kōrero e pā ana ki te whakawhanake i te rāngaimahi. E ūhia ana

307. Tuhinga A42(b), wh 19–20
308. Tāpaetanga 3.3.17, wh 37
309. Tuhinga A45, wh 8

te Tiriti/the Treaty e ngā kupu 'ētahi atu . . . takohanga',[310] engari kua whakaitihia tōna awenga e te korenga o tētahi tohutoro torotika.

Kāore mātau i te whakaae he kī taurangi te tohutoro ki te Tiriti/the Treaty i tōna kotahi, e ū ana ki te Tiriti/the Treaty. Hei tauira, i whakarārangi te Taraipiunara Wai 262 i ngā ngoikorehanga o te ū o Karauna ki te Tiriti/the Treaty mō ngā whakahaerenga o ngā whenua whāomo, ahakoa te pakari o te whiti Tiriti i roto i te Ture Conservation. Kāore rānei tērā Taraipiunara i whakaae ka taea te uruhi i te hunga whakatau kia ū kii te Tiriti/the Treaty mā tētahi whiti pakari ake ki roto i te Ture Resource Management. Engari kē, e ai ki te Taraipiunara ko te hiahia kia tuia ngā anga me ngā ratonga e ū ana ki te Tiriti puta noa i ngā pūnaha whakahaere i ngā whenua whāomo me te taiao.[311] E rua ngā tohutoro kei roto i te 2024 TKRK e pā ana ki ngā take Māori: ka taea te utu i ngā utu tāpui mehemea ka āwhinatia aua utu i te Karauna kia tutuki ōna takohanga i raro i Te Ture mō Te Reo Māori 2016, ā, ka taea te whakarato i te whanaketanga wāhimahi ki te hāpai i tērā Ture me te 'tautoko i te Karauna i ōna hononga ki te Māori'. Ka taea te tohe he tirohanga whāiti ake tēnei mai i te 2021 TKRK, i kōrero mō 'te whai i ngā huarahi auaha hei whakatinana i te rangapū o Te Tiriti o Waitangi' (i tuhia ki runga nei), me 'te tautoko i ngā hononga Māori Karauna mā ngā ritenga i te rāngaimahi me te wāhimahi e whakamānawa ana i Te Ao Māori'.[312]

E whakapono ana mātau e hāngai ana te korenga o tētahi tohutoro ki te Tiriti/the Treaty ki roto i te TKRK ki ngā mahi a te Kāwanatanga haumi mō ētahi atu take kua tau ki mua i te Taraipiunara mai i te mutunga o te 2023, pērā i te whakakorenga o te tekihana 7AA o te Ture Oranga Tamariki me te arotakenga o ngā whiti Tiriti i roto i te ture. Ko te āhua nei e ōrite ana ēnei mahi ki te whakaiti i ngā kōrero mō te Tiriti/the Treaty, arā ki te whakaiti i tōna hiranga turepapa. Nā te tukanga ki te whakatau i te TKRK, i kitea ngā tohutoro ki te Tiriti/the Treaty e hūpeke ana ki roto, ki waho anō hoki i te tauākī hukihuki. E whakaatu ana tēnei i ngā taukumekume kei roto i te Karauna i waenganui i ngā ritenga kua tau me te kaupapa kōkiri i ngā whakaaetanga haumi.

4.5.5 I whai te Karauna i te tukanga arowhānui ki te whakawhanake i ngā kupu ārahi e pā ana ki te kaupapahere mō ngā utu tāpui?

Atu i te korenga o tētahi kōrero mō te Tiriti/the Treaty, ko te tikanga kia whai whakaaro mātau mēnā he pakari te tukanga i whāia e te Karauna ki te whakawhanake i ōna kupu ārahi e pā ana ki te tukanga utu tāpui mō te reo. Ka taea e mātau te kite e whakarārangi ana ngā tuhinga kōrero o te TKRK i te kawatau kia utua ngā utu tāpui mō te reo i runga i ngā āhuatanga whāiti noa iho, ā, nō reira e whakamātau ana kia whāiti te wātea mai o te utu tāpui. Ko te tairitenga ka taea e ngā tari te whakamānawa i ērā pūkenga i roto i te paepito, engari noa iho

310. Āpitihanga 3.3.17(a), wh 2

311. Te Rōpū Whakamana i te Tiriti o Waitangi, *Ko Aotearoa Tēnei: A Report into Claims concerning New Zealand Law and Policy Affecting Māori Culture and Identity, Te Taumata Tuatahi* (Te Whanganui-a-Tara: Legislation Direction, 2011), wh 116, 146–147

312. Tuhinga 6.2.25 [Te Kawa Mataaho, 'Government Workforce Policy Statement on the Government's Expectations for Employment Relations in the Public Sector']

ina noho ai ki te iho o te tūranga. E tāpiri ana te TKRK ka taea te parahau i ngā utu tāpui hei hāpai i ngā takohanga o ngā tari i raro i Te Ture mō Te Reo Māori 2016, engari kāore i te mārama mēnā ka utua rātau (pērā i mua) mō ngā pūkenga reo Māori. Mēnā he herenga tōmua te whakamahi i ngā pūkenga reo i ētahi wā, ka takahi te TKRK i te uara o ngā kaimahi e kaha ana ki te kōrero noa i te reo ki ō rātau hoamahi, te āhei rānei ki te whakahua tika i te reo Māori. Nō reira he mea waiwai te huarahi e mārama ai, e whakatinana ai te TKRK. Ko tō mātau kawatau, ina kore ai ngā pūkenga reo e uru ki te utu pūtake, me utu tonu ngā utu tāpui mō ērā pūkenga.

E noho ana ngā tuhinga kōrero o te TKRK ki te horopaki o ngā mahi me ngā kōrero o te Kāwanatanga. Kua kite kē mātau, i tuku kōrero a Minita Willis ki te hunga pāpāho i ngā rā tōmua o Hakihea 2023 i wero i te uara o ngā utu tāpui, ā, ka tohu i tōna hiahia ki te whakamutu i aua utu. I roto i te rā kotahi i ngāwari ake ōna whakaaro, engari i whakawhāiti ake tōna whakamārama i ngā āhuatanga hei tāna e tika ai ngā utu tāpui, tuatahi i runga i te whai take ki te tūranga, ā, tuarua, 'te mahi ki te taha o ngā hapori Māori e noho mātāmua ana te reo Māori'. I hē anō tōna kōrero he 'utu tāpiri' ngā utu tāpui.

E whakapono ana mātau nā ēnei momo kōrero i hua mai te whakahāweatanga ki ngā kaiwhiwhi o ngā utu tāpui mō te reo, ā, i whakararu hoki i te pūnaha o ngā utu tāpui kua tipu haere mai i te wā i whakamanahia te Ture Reo Māori i te 1987. Ka haere te wā, ka huri te Minita (me ngā āpiha o Te Kawa Mataaho) ki te māharahara kia hāngai ngā utu pūtake ki ngā pūkenga e hiahiatia ana pērā i te matatau ki te reo Māori, kaua ki te utu i ērā pūkenga mā ngā utu tāpui. Engari kia kaua tērā e matarehu i te meka, arā ko te mahi i te tīmatanga he rapu i tētahi take ki te whakamutu i ngā utu tāpui nā runga i te kaupapa kōkiri o te Kāwanatanga 'kia whai uara mō ngā pūtea o ngā kaiutu tāke'.[313]

I tohe a Baggott he whakaaro whaitake kia whai uara mō ngā pūtea, nā te mea mehemea – e whakapae ana – i whiwhi te hautoru o ngā kaimahi kāwanatanga 60,000 te maha i te utu tāpui mō te reo ki te toharite o te $2,000 mō ia tangata, he $40 miriona i ia tau. I wero ia mēnā koirā 'te huarahi pai rawa atu ki te whakahōnore i ngā haepapa o te Karauna ki te whakatairanga me te matapopore moroki i te reo'. I whakaara te rōia mō te Taratī Whakataunga o Ngāi Te Rangi he whakatauritenga horihori tēnei, nā te mea ehara i te kī taurangi ka tukuna ngā pūtea penapena ki ētahi atu kaupapa e pā ana ki te reo, he whakaaro i whakaaetia e Baggott he tika. I kite te rōia – e tika ana ki tō mātau tirohanga – 'kāore te Kāwanatanga i rata ki te ritenga kua tipu haere mō te whakarato i ngā utu tāpui, ā, e arotahi ana ki te here i tērā mahi. . . . Kāore he kaupapa whānui ake ki te whakapau i aua pūtea ki wāhi kē hei whakatutuki i ngā takohanga mō te reo.'[314]

Ahakoa te aha, e ai ki a mātau he hangarau te whakapae o Baggott ka eke ngā kaimahi kāwanatanga 20,000 te maha i te toharite i waenganui i te taumata 3 me

313. Tuhinga A42(a), wh 40 [Īmēra: 'Re: Māori Language', wh [5]]
314. Tuhinga kōrero 4.1.7, wh 228–231

te taumata 4 o te matatau ki te reo i runga i te āwhata o Te Taura Whiri.[315] Ki tā mātau e mōhio nei, kāore e hipa i te $1 miriona te pūtea ka whakapaua e te Kāwanatanga i ia tau mō ngā utu tāpui mō te reo. Hei tauira, i te Hakihea 2023, i puta te pūrongo i whakaemi te kaihautū o te Pāti ACT a David i ngā tatauranga mai i ngā tari Kāwanatanga e whakaatu ana e 547 ngā kaimahi kāwanatanga i te pūtea tapeke tata ki te $800,000.[316] E whakapūmau ana ētahi atu tatauranga kua kite mātau mō ngā tari takitahi i te itiiti noa o ngā kaiwhiwhi me te pūtea i whakapaua, pēnā ka whakatairite ki te whakapae o Baggott mō ngā whakapaunga pūtea, he whakapōhēhē tōna whakapae.[317] Ki te eke te hautoru o ngā kaimahi kāwanatanga ki tērā taumata matatau ki te reo, ka whakaaro mātau kua angitu te Maihi Karauna ki tua i ngā kawatau i wawatahia.

I roto i tōna reta nō te 27 o Haratua ki a Baggott, i whakamārama a Minita Willis (i whakamaharatia), nā te 'tukanga waihanga kaupapahere', i 'taea e ia te whakamārama i tōku whakaaro kia tika te utu i te pūtea ki ngā kaimahi kāwanatanga engari e whakaatu ana i ō rātau pūkenga, ō rātau takoha whai painga'. I toai anō ia i tōna tautoko mō 'te whakatairanga me te matapopore moroki i te reo Māori'.[318] Hei tā mātau he pai ake mēnā i whai te Minita i ngā kupu ārahi kātahi ka whai whakaaro rāroto ki te take i te tuatahi kaua ki te whakatumatuma i ngā kaihāpai i te reo mā te whakaara i te matapaki ki te hunga pāpāho.

Kia huri ki ngā mahi a ngā āpiha, ka taea e mātau te kite i ngana ngā kaimahi o Te Kawa Mataaho kia aro te Minita ki ngā takohanga o te Karauna i raro i te Ture Public Service 2020, Te Ture mō Te Reo Māori 2016 me te Tiriti/the Treaty. He mea nui ā rātau mahi ki te āwhina i te Minita kia eke ai he māramatanga kua tipu ake. Ahakoa tēnā e whakaaro ana mātau, mō te taha ki ētahi o ngā mahi a Te Kawa Mataaho, kāore i hāngai ake ki ōna takohanga i raro i te tekihana 14 o te Ture Public Service 2020. I tohu atu te rōia mō Ngāti Te Rangiunuora me Ngāti Pikiao,[319] i te wā tuatahi i tuku kupu whakamōhio atu ngā āpiha ki a Minita Willis kāore i tohu i a ia ki te mātārere o te Tari Kapenata e whakarārangi ana i ngā aratohu e pā ana ki te Tiriti/the Treaty i roto i te waihanga me te whakatinana i te kaupapahere, i kōrerohia ki te tekihana 4.2 kei runga nei. Kāore te tuhinga kupu whakamōhio nō te 5 o Hakihea 2023 i arotahi ki ngā takohanga o te Karauna i raro i te Tiriti/

315. Hei tauira, i te 2023, i te tuku Te Papa Atawhai i ngā utu tāpui $1,800 mō te taumata 3, $2,500 mō te taumata 4, me te $3,500 mō te matatau taumata 5: Tuhinga A42, wh 7.

316. Lloyd Burr, 'Nearly $800,000 Paid to Public Servants Fluent in Te Reo Māori as Government Considers Cutting Bonus', *Newshub*, 6 o Hakihea 2023, https://tinyurl.com/4hsnf2be, i tomokia I te 22 o Hereturikōkā 2024

317. Hei urupare ki tētahi tono OIA nō te Hōngongoi 2023, i whakamōhio atu te Manatū Mō Te Taiao e 21 ngā kaimahi i whiwhi i ngā utu tāpui mō te reo, ā, ko te $15,448.33 te tapeke i roto i te tau moni kua hipa: Tuhinga 6.2.27 [Reta: Manatū Mō Te Taiao, 'OIAD-721']; nō te Kohitātea 2024, 15 ngā kaimahi o Te Tāhū o te Ture/Ministry of Justice i whiwhi i ngā utu tāpui mō te reo, he utu ā-tau o te $31,300.00 (Tuhinga A65, wh 369–370 ['Background information: Te reo Māori allowance', wh [1]–[2]); ā, nō te 1 o Hakihea 2023, 117 ngā kaimahi o Te Puni Kōkiri i te whiwhi i ngā utu tāpui mō te reo, he utu ā-tau o te $89,127.20: Tuhinga 6.2.6 ['Status of Te Reo Allowance and its application – Proposed Talking points']

318. Tuhinga A66, wh 79–81 [Reta: Minita Willis ki a Heather Baggot, wh [1]–[3]]

319. Tuhinga kōrero 4.1.7, wh 441–442

the Treaty, Te Ture mō Te Reo Māori 2016 rānei engari he ara e whakatinanahia ai ngā takune o Minita Willis. I tōmuri anō te whiriwhiri kōrero ki Te Mātāwai, i te 24 o Haratua 2024. I whakamahara a Baggott, kāore i hua mai ētahi whakahokinga kōrero ā-tuhi i te wā i tuku ia i ōna kōrero taunaki.[320]

Ahakoa rā, kāore i whiriwhiri kōrero ki te hapori hāpai i te reo Māori, māna ka whakaaro tētahi ko Te Mātāwai te māngai tika mō rātau. I whakahē atu te rōia mō Ngāti Te Rangiunuora me Ngāti Pikiao i te whānui o te mana o Te Mātāwai ki te tū hei māngai mō ngā whakaaro o te iwi Māori, ā, i mate a Baggott ki te whakaae atu.[321] I mau tonu a Baggott ka kawea mai e ngā tari pēnei i Te Taura Whiri me Te Puni Kōkiri ngā tirohanga whai painga, ahakoa i whakaae ia ko te whiriwhiri kōrero rāroto tēnei o te Karauna.[322] Ka āpiti atu ia e whakarārangi ana te TKRK i te tūnga whiriwhiri mō ngā utu me ngā ture me ngā here, nō reira he āhua whāiti ngā whiriwhiri kōrero mō te TKRK. Akene he pērā, engari koinei te TKRK tuatahi kua kōrero pū mō ngā utu tāpui mō te reo. I whakatakoto mātau i te whakaaro ki a Baggott ko te āhua nei ko te tekihana 9(1) o Te Ture mō Te Reo Māori 2016 tētahi o ngā momo take e here ana pea i te Karauna ki te whiriwhiri kōrero ki te Māori, engari ka whakamārama atu he whāiti te āhei o Te Kawa Mataaho ki te whiriwhiri kōrero.[323] Ahakoa he whāiti te angawā ki te whakamutu i te TKRK hou i mua i te tīmatanga o ngā whiriwhiri tōpū hou i te tīmatanga o te 2024, i hīkina tōna whakaputanga tae noa ki te Hereturikōkā. Hei tā mātau ka taea te whiriwhiri kōrero anō ki ngā kaihāpai i te reo Māori mō te take e hāngai pū ana ki ngā utu tāpui mō te reo.

4.5.6 E ū ana ngā mahi a te Karauna ki te ture?

I kī mātau i te tekihana 2.5.5 e here ana te mātāpono o te kāwanatanga pai i te Karauna kia ū ki ōna ake ture. I roto i Te Ture mō Te Reo Māori 2016, i titikaha te Karauna ki te mahi rangapū ki ngā iwi me te Māori ki te tiaki i te reo (tekihana 6(2)) me te whiriwhiri kōrero ki ngā iwi me te Māori mō ngā take e pā ana ki te reo, pērā i tōna whakatairanga, i tōna whakamahinga (tekihana 9(1)(a)). He uaua te kite i te huarahi i tutuki ai te Karauna i ēnei takohanga. Te āhua nei kāore i te whai i ngā ratonga i roto i te Ture te tauākī a tētahi Minita matua kāore ngā utu tāpui mō te reo i te tautokona, ā, me whakamutu, me te kore e aro ki ngā kupu ārahi mō te takenga mai o ngā utu me ngā āhuatanga e utua ai (tae atu ki te kōrero ehara i te 'utu tāpiri', ā ka mutu e whakawhirinaki ana ki te matatau kua whakaatuhia, kaua ki te hiahia ki te ako). Nā te tata mūhore katoa ki te whiwhi i ngā whakahokinga kōrero motuhake a te Māori he uaua te whakaōrua ki ngā takohanga o te Ture.

I tāpae te rōia mō te Karauna i waihangatia ngā utu tāpui i runga i te ara ohorere, ā, ka tohu ki te kī a Apanui-Barr he 'ara harangotengote ki te whakamihi

320. Tuhinga A46, wh 29

321. Tuhinga kōrero 4.1.7, wh 383

322. Tuhinga kōrero 4.1.7, wh 271. I kōrero te rōia mō Ngāti Te Rangiunuora me Ngāti Pikiao ki tēnei 'the kāwanatanga sphere . . . consulting within its own sphere': tuhinga kōrero 4.1.7, wh 383

323. Tuhinga kōrero 4.1.7, wh 270–271

i te matatau ki te reo Māori i roto i te Rāngai Tūmatanui.'[324] Heoi anō, i whakaae te rōia mō te Karauna, i kī anō a Apanui-Barr 'e whakatenatena ana Te Taura Whiri kia whakaratoa ngā utu tāpui mō te reo, ā, e mihi ana ki te tūranga hirahira o ngā kaikōrero i te reo Māori, inarā ko te hunga e kawe ana i ngā mahi pērā i ngā kaikōrero, ngā kaikaranga, me ērā e taki ana i ngā mihi whakatau.'[325] Waihoki, i kī anō a Apanui-Barr nā ngā tauākī a ngā kaitōrangapū mō ngā utu tāpui me ētahi atu take e pā ana ki te reo kua hua mai 'te mataku i waenganui i ngā kaimahi Māori o te ratonga tūmatanui ko te reo Māori me ngā tūranga e arotahi ana ki te Māori ngā mea tuatahi ka panaia ina rapu ana ngā tari ki te poro i ngā utu.'[326] He mea taupatupatu anō tēnei ki ngā takohanga o te Karauna i raro i te Ture.

Mō te taha ki te Ture Public Service 2020, e whakarārangi ana te tekihana 14(1) i te tūranga o te ratonga tūmatanui, tae atu 'ki te tautoko i te Karauna ki ōna hononga ki te Maori i raro i te Tiriti o Waitangi (the Treaty of Waitangi)'. Ko tētahi o tēnei kei roto i te tekihana 73(3)(d), e whakahau ana i ngā tāhūhū rangapū ki te tū hei kaituku mahi pai mā te mōhio (i) ki ngā whāinga me ngā wawata o te Māori; (ii) ki ngā herenga mahi o te Māori; me (iii) te hiahia kia nui ake te whai wāhi o te Māori ki roto i te ratonga tūmatanui. Kāore mātau i rongo i tētahi tohe torotika mēnā i eke te arotahi a Te Kawa Mataaho ki ngā whāinga me ngā wawata o te Māori i roto i ōna kupu whakamōhio ki tōna Minita mō ngā utu tāpui mō te reo, nō reira e horokukū ana mātau ki te tuku kōrero anō. Engari i roto i ngā kōrero taunaki o ngā kaikerēme ngā tauira o ēnei wawata. Hei tauira, i whakamārama a Haami Piripi – te tāhūhū rangapū o mua o Te Taura Whiri – he rite tonu tōna whiwhi i ngā utu tāpui mō te reo i roto i āna mahi hei kaimahi kāwanatanga. Ki ōna whakaaro he iti noa iho ngā utu – he 'utu karetao' – engari ko ngā mea nui ko te 'mana o te utu tāpui' me te 'whakamihi'.[327] Mō te taha ki a ia, i whakaae a Margaret Mutu ki te rōia mō te Karauna ko te mea pai rawa, ka waia ngā kaimahi kāwanatanga katoa ki te ahurea Pākehā me te ahurea Māori. Engari, he 'tawhiti rawa atu' tērā, ā, i tēnei wā me whai i te utu e tika ana mō te hunga 'e mahi tika ana.'[328]

4.6 Hei Whakakapi

Kei a mātau te mana ā-ture ki te whai whakaaro ki ngā takohanga i roto i nga whakaaetanga haumi. I huri hei kaupapahere Karauna ina whakaaetia e te Kapenata hei paparahi mahi mō te Kāwanatanga i te 28 o Whiringa ā-rangi 2023. Ko tētahi atu paparahi ko te *Puka Kapenata*, engari kua kite mātau ki ētahi atu o ngā ruku tātari o te Taraipiunara, kāore tēnei i whakamauru i ngā takohanga whakaaetanga haumi pērā i tērā i tūtohia e te rōia mō te Karauna.

324. Tāpaetanga 3.3.17, wh 28; tuhinga kōrero 4.1.7, wh 551
325. Tāpaetanga 3.3.17, wh 28; Tuhinga A45, wh 7
326. Tuhinga A45, wh 13–14
327. Tuhinga kōrero 4.1.7, wh 67
328. Tuhinga kōrero 4.1.7, wh 125–126

Ko tētahi o ngā takohanga kia noho ngā ingoa matua o ngā tari Kāwanatanga (atu i ērā e hānga pū ana ki te Māori) ki roto i te reo Pākehā. I te mutunga kāore i puta tērā momo tohutohu i te Kāhui Minita, ka waiho i te take kia whakatauhia e ia Minita. Nā tērā he nui ngā panonitanga ki ngā ingoa o ngā tari, tae atu ki ngā hinonga Karauna maha, ahakoa i rāhuitia te takohanga i roto i te whakaaetanga haumi ki ngā tari. I mahia ēnei panonitanga ahakoa te aratohu tohu reorua 2016 o te Kāwanatanga, arā *Te Tohu Reorua*, me ngā takohanga o te Karauna i raro i Te Ture mō Te Reo Māori 2016. Kāore i whiriwhiri kōrero ki te Māori mō ērā.

Ko tērā atu takohanga i arotahitia e mātau, ko tērā e here ana i ngā tari me ngā hinonga Karauna (atu i ērā e hāngai pū ana ki te Māori) kia noho mātāmua te reo Pākehā ki ngā whakawhitinga kōrero. Pērā anō, i waihotia mā ngā Minita e whakatau. Ahakoa ki tētahi tirohanga kāore he take o te takohanga, ā, e whakatakoto noa iho ana i te āhuatanga taunoa, kua hua mai te pānga whakamataku mō te whakamahinga o te reo ki ngā whakawhitinga kōrero ki ētahi tari kāwanatanga. I hua ake anō tēnei ahakoa te takohanga o te Karauna i roto i Te Ture mō Te Reo Māori 2016 kia kaha ake te kōrero Māori.

Ko te kaupapahere Karauna tuatoru i tūtohia i tirohia ki tēnei ruku tātari ko te takune o te Minita Willis ki te aukati i ngā utu tāpui anamata mō te reo mō ngā kaimahi kāwanatanga, ki te whakaiti rānei i te āhei ki aua utu.

I te waihangatanga o ngā kaupapahere mō tēnei take, i panonitia ngā kupu i roto i te Tauākī Kaupapahere Rāngimahi Kāwanatanga (TKRK) hukihuki. He rite tonu te tango me te whakauru i ngā tohutoro ki te Tiriti/the Treaty o te tuhinga hukihuki, ā, i te mutunga atu ka tangohia i te rerenga whakamutunga, kia hāngai ki ngā mahi i whakarārangihia e te Kāwanatanga haumi mō ētahi atu take. Tuia katoa – nā runga i te anipā i hua mai i ngā kōrero tūmatanui a te Minita i te tīmatanga me te korenga o ētahi whiriwhiri kōrero ki te Māori – te āhua nei kāore te tukanga i whakatutuki i ngā paerewa e rārangi mai nei i roto i Te Ture mō Te Reo Māori 2016, te Ture Public Service 2020 rānei. Nāianei he nui te whakawhirinaki ki te whakatinana a ngā tāhūhū rangapū i te TKRK.

I kōrerohia ēnei take e toru katoa e Te Kawa Mataaho ki roto i ōna kupu whakamōhio nō te 5 o Hakihea 2023 ki a Minita Willis. Iti iho i te rua wiki i riro ki ngā āpiha ki te whakarite i ngā kupu ārahi mō ngā ingoa o ngā tari me ngā whakawhitinga kōrero, ā, he hāora itiiti noa iho mō ngā utu tāpui. He mea nui te toai i ngā āhuatanga ōrite o ēnei kupu ārahi waiwai tōmua puta noa i ngā take e toru. Tuatahi ake, kāore ngā kupu whakamōhio i kōrero mō te Tiriti/the Treaty, ā, he poto noa iho te toro atu ki Te Ture mō Te Reo Māori 2016. Kāore i arotahi nā ngā takohanga o te Karauna e tū ana, ka uaua, ka heahea rānei te whakatutuki i ngā takohanga i roto i te whakaaetanga haumi (me ngā whakaritenga o Minita Willis mō ngā utu tāpui mō te reo). Engari, he nui āna mahi ki te tuku kōwhiringa e whakatinanahia ai ēnei takune. Ko ētahi o ēnei kōwhiringa:

- Te Whakatau Kaunihera e panoni ana i ngā ingoa ture o ngā tari Karauna kua whai ingoa reo Māori e noho mātāmua ana;
- He tohutohu i te Kāhui Minita kia whakamahi ngā tari i ō rātau ingoa ture (Pākehā) i ngā wā katoa, ā, kia kaua rawa e whakamahi i tō rātau ingoa

Māori ki ngā whaitohu, ki ngā tohu rānei, ki te kore anō e whakamahi i te ingoa Pākehā;

- Te whakahou, te whakakore rānei i ngā aratohu mō ngā tohu reorua;
- Te whakawhānui atu i te panonitanga ki ngā ingoa kia toro atu ki ngā hinonga Karauna mā (hei tauira) tētahi tohutohu i tukuna i raro i te tekihana 107 o te Ture Crown Entities 2004;
- Te tohutohu a te Kāhui Minita kia noho mātāmua ngā whakawhitinga kōrero ki te reo Pākehā, ā, kia kaua rawa e whakamahi i tētahi kupu Māori ki te kore he whakapākehātanga;
- He arotakenga o te rautaki a te Karauna mō te whakarauora i te reo kia uru te kawatau e kore te whakamahinga o te reo ki ngā whakawhitinga kōrero o te Kāwanatanga e ārai atu i te māramatanga; ā,
- Te whakaurunga o te kawatau i roto i te TKRK ka kore ngā utu tāpui mō te reo i ngā rā e heke mai nei, ā, ka kore Te Kawa Mataaho e whakaae ki ngā rautaki whiriwhiri, ki ngā whakataunga rānei kāore i te hāngai ki tēnei.

E ai ki ngā kaikōrero o Te Kawa Mataaho, koinei ngā kupu ārahi pai rawa atu i taea e rātau te tuku i te wā whāiti i wātea mai, ā, e ai anō ki a rātau ka nui ake tō rātau whakaara i ngā takohanga o te Karauna e tū kē ana mēnā i haere te take ki te Kāhui Minita. He uaua ki a mātau te whakaae ki tēnei. E ai ki a mātau, he rahi te wā ki te kimi kōrero mō te pepa mai i Te Puni Kōkiri me Te Taura Whiri, ā, i whai tikanga kia tukuna e rātau ngā kupu ārahi e wātea ana, e pono ana ki te Minita mō te huarahi e tutuki ai i te Karauna ōna takohanga i raro i te Tiriti/the Treaty me Te Ture mō Te Reo Māori 2016.

CHAPTER 4

TREATY ANALYSIS, EVIDENCE, AND FINDINGS

4.1 Introduction

In the previous chapter, we discussed the parties' positions and ordered them into five thematic subsections. As indicated in chapter 3, our analysis in this chapter follows this breakdown, although we defer consideration of the impact of the Crown's policies to our final chapter.

We begin with an analysis of our jurisdiction to consider aspects of the claims made in relation to the coalition agreements. We then address the key issues arising from the claims before us. We consider these to be the deprioritisation or removal from common usage of te reo names from public service departments and Crown entities; the prioritisation of communication in English in the public service; and, finally, the proposition that the Crown seeks to limit public servants' entitlement or access to te reo allowances.

Two of these matters stem from commitments contained in the November 2023 coalition agreement between the New Zealand National Party and the New Zealand First Party. These were, as discussed in chapter 1, ensuring 'all public service departments have their primary name in English, except for those specifically related to Māori' and requiring 'the public service departments and Crown Entities to communicate primarily in English – except those entities specifically related to Māori.'[1] The issue of te reo allowances stems from public comments made by the Minister for the Public Service, as discussed in section 3.4.

In chapter 5, we set out our findings on breaches of te Tiriti/the Treaty and its principles, whether the Crown's actions have caused the claimants prejudice, and our recommendations.

4.2 Our Jurisdiction to Consider Claims concerning the Coalition Agreements

Section 6 of the Treaty of Waitangi Act 1975 sets out the Tribunal's jurisdiction. Of relevance to our inquiry, section 6(1)(c) stipulates that claims must concern policies or practices 'adopted by or on behalf of the Crown' or 'proposed to be adopted by or on behalf of the Crown', while section 6(1)(d) covers both acts done or omitted by the Crown or 'proposed to be done or omitted'.

1. Document A65, p756 ['Coalition Agreement: New Zealand National Party & New Zealand First', November 2023, p 9]

As we have seen, the Crown's position is that the coalition agreements are not Crown policies or actions 'unless, and until, the Crown takes action to bring them into effect'.[2] As such, submitted counsel for the Crown, they are not subject to our jurisdiction.[3] We accept that political negotiations fall outside our purview, and note (as counsel for the Crown also did) the observation of the Tribunal in its urgent report on the proposed repeal of section 7AA of the Oranga Tamariki Act 1989 that 'it is not our role to inquire into the policy positions adopted by political parties outside of government'.[4]

The question for us is if and when the coalition agreements became Crown policy or have been acted upon as if they were Crown policy. As noted in section 3.5.2.1, the claimants argued that the endorsement of the agreements by Cabinet on 28 November 2023 as the basis on which the Government would operate brought them squarely within our jurisdiction. Furthermore, they argued that the agreements were given 'teeth' by the Cabinet Office circular of 25 March 2024, which specified that

> [a]ll Ministers, Parliamentary Under-Secretaries, chief executives, and their respective offices need to be familiar with the two agreements and ensure that they have processes in place to implement them.[5]

Counsel for the Crown denied that the Cabinet Office circular had this effect. He pointed to the fact that the circular merely provided 'guidance' for Ministers and agencies. He further noted that, at the same time as it endorsed the coalition agreements, Cabinet also endorsed the *Cabinet Manual* as the basis (alongside the two agreements) 'on which the Coalition Government will operate'.[6] This, said counsel for the Crown, showed that Cabinet would make decisions in accordance with the *Cabinet Manual* rather than simply on the basis of the agreements. The reference in the circular to 'processes in place to implement them', he said, referred to receiving advice from officials 'on how to best implement the coalition agreements'. This would include advice on meeting the Crown's obligations under te Tiriti / the Treaty.[7]

Heather Baggott, the Acting Public Service Commissioner of Te Kawa Mataaho / Public Service Commission (Te Kawa Mataaho), put it like this under questioning from claimant counsel:

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2. Submission 3.3.5, p 2
3. Submission 3.3.17, p 4
4. Waitangi Tribunal, *The Oranga Tamariki* (*Section 7AA*) *Urgent Inquiry 10 May 2024 Report* (Petone: Blue Star Group (NZ) Ltd, 2024), p 5
5. Document A65, p 810 [Cabinet Office, 'National, ACT and New Zealand First Coalition Government: Consultation and Operating Arrangements (CO(24)2)', 25 March 2024, p 2]; see also submission 3.3.19, p 8.
6. Document A65, p 809 [Cabinet Office, 'National, ACT and New Zealand First Coalition Government: Consultation and Operating Arrangements', p 1]
7. Submission 3.3.17, p 6

> [T]he coalition commitments do not trump Cabinet decision-making[. S]o the importance of Cabinet adopting, . . . confirming and endorsing the *Cabinet Manual* is pertinent because it . . . puts a limit on the implementation of coalition commitments insofar as they require Cabinet decision-making.[8]

The Deputy Commissioner, Strategy and Policy of Te Kawa Mataaho, Hannah Cameron, went further, explaining that the adoption of the *Cabinet Manual* helped to 'educate [Ministers] in that process and that's what keeps us safe and does stop people most of the time jumping off and doing things too early'.[9]

This all sounds perfectly fine in theory, and we accept that Minister Willis appears to have heeded official (and no doubt legal) advice and altered her position on allowances (a subject we return to below). However, the reality is that Cabinet decision-making – even with the provision of officials' advice – has hardly acted as a brake on the implementation of other aspects of the coalition agreements, even in the case of Tribunal findings that these actions breach Treaty principles and will cause prejudice. For example, the Tribunal considering the proposed repeal of section 7AA of the Oranga Tamariki Act noted that the Minister for Children had ignored 'the overwhelming advice from officials' not to bring her proposal to Cabinet.[10] Likewise, the Tribunal reviewing the proposed amendment to the Local Electoral Act 2001 to reinstate the requirement for binding polls on the establishment of Māori wards found that 'Cabinet clearly made decisions that ignored initial advice that the status quo established in 2021 best fulfilled the balance between public interests and Māori rights.'[11]

Both of these Tribunals also quoted the following passage from the *Cabinet Manual*. Whilst theoretically it should have constrained the Government on these two policies in the manner Ms Baggott and Ms Cameron suggested, clearly it has had no such effect:

> A balance has to be struck between majority power and minority right, between the sovereignty of the people exercised through Parliament and the rule of the law, and between the right of elected governments to have their policies enacted into law and the protection of fundamental social and constitutional values. The answer cannot always lie with simple majority decision-making. Indeed, those with the authority to make majority decisions often themselves recognise that their authority is limited by understandings of what is basic in our society, by convention, by the Treaty of Waitangi, by international obligations and by ideas of fairness and justice.[12]

8. Transcript 4.1.7, p 209
9. Transcript 4.1.7, p 445
10. Waitangi Tribunal, *Oranga Tamariki* (*Section 7AA*) *Urgent Inquiry 10 May 2024 Report*, p 26
11. Waitangi Tribunal, *The Māori Wards and Constituencies Urgent Inquiry Report – Prepublication Version* (Wellington: Waitangi Tribunal, 2024), p 40
12. Cabinet Office, *Cabinet Manual 2023* (Wellington: Department of Prime Minister and Cabinet, 2023), p 5; Waitangi Tribunal, *The Oranga Tamariki* (*Section 7AA*) *Urgent Inquiry 10 May 2024 Report*, p 29; Waitangi Tribunal, *The Māori Wards and Constituencies Urgent Inquiry Report*, p 40

We do not accept, therefore, that the need for Cabinet decision-making on individual policies means that the coalition agreements remain political compacts and beyond our jurisdiction. Given Cabinet's decision on 28 November 2023 that the agreements constituted the basis on which the new Government would operate, this proposition is difficult to sustain. This endorsement was an executive action that, at the very least, defined proposed or intended Crown action, with the only condition attached being the need to take formal decisions in accordance with the *Cabinet Manual*. Such intentions appear clearly to be encompassed by the wording of sections 6(1)(c) and 6(1)(d) of the Treaty of Waitangi Act 1975. Not only do we have jurisdiction to consider claims about the agreements, our Act also compels us to do so unless those claims are subject to the exceptions set out in sections 6AA or 7.[13] We regard Minister Willis' announced intention in December 2023 to stop the future payment of te reo allowances as a similar expression of the Crown's intent.

We acknowledge that, in theory, the process of Cabinet decision-making could lead to amendments to the coalition agreements. The above quotation from the *Cabinet Manual*, for example, sets out the kinds of issues Ministers should take into account in making decisions. A still-active Cabinet Office circular from 2019 on 'Te Tiriti o Waitangi/Treaty of Waitangi Guidance' also reminds Ministers of obligations under te Tiriti/the Treaty and lays out matters that policy-makers should consider to enable them 'to demonstrate an appreciation of kawanatanga, rangatiratanga and other key Treaty concepts and their applicability to their work'.[14] We believe that the Tribunal in the Oranga Tamariki Section 7AA urgency report was mindful of such conventions when it said (as we have quoted at section 3.5.2.1) that 'once Ministers are sworn in and the government is formed, the executive so constituted are responsible for meeting the Crown's obligations to Māori under the Treaty of Waitangi. . . . The obligation is to honour the Treaty and act in good faith towards the Treaty partner'.[15]

Despite the theoretical constraints imposed by the Cabinet process, however, we do not accept the position of counsel for the Crown that the March 2024 circular was mere guidance, as if it had little real-world impact for the time being. Nor do we accept that the expectation that agencies put processes in place for the agreements' implementation was a signal merely to prepare policy advice. Rather, the circular gave notice that these policies would soon be effected. It essentially invited chief executives to lay the groundwork for that. Moreover, we have seen elsewhere that other aspects of the coalition agreements had rapid consequences. The reference in the circular to the *Cabinet Manual* essentially signified that the coalition agreements would be given effect by a conventional series of steps. As counsel for the Ngāi Te Rangi Settlement Trust put it, there would be 'processes to

13. Section 6AA concerns historical claims filed after 1 September 2008 and section 7 concerns trivial, frivolous, or vexatious claims or ones made despite the existence of an adequate remedy or right of appeal.

14. Document A65, p 645 [Cabinet Office, 'CO(19)5: Te Tiriti o Waitangi/Treaty of Waitangi Guidance', 22 October 2019, p 3]

15. Waitangi Tribunal, *Oranga Tamariki* (*Section 7AA*) *Urgent Inquiry 10 May 2024 Report*, p 28

give effect to these agreements but they're necessary because Cabinet has endorsed the agreements'. Ms Baggott agreed with this characterisation.[16]

Indeed, the agreements and the circular were enough to trigger changes in Government policy and practice even without a formal decision by Cabinet, particularly in the case of Government agency names and the use of te reo. Furthermore – and while we accept that there are questions about its evidential limitations – some respondents' remarks in the survey of public servants undertaken by Te Pūkenga Here Tikanga Mahi / Public Service Association (Te Pūkenga Here Tikanga Mahi) suggest that the coalition agreements were being interpreted and applied across several Government departments as Crown policy. For example, both Ara Poutama Aotearoa / Department of Corrections (Ara Poutama Aotearoa) and Te Amorangi Mātauranga Matua / Tertiary Education Commission (Te Amorangi Mātauranga Matua) officials wrote that their agencies' use of te reo Māori had been reduced without any formal ministerial instruction.[17] Moreover, in late November 2023 Deputy Prime Minister Peters based his instruction to officials of Manatū Aorere / Ministry of Foreign Affairs and Trade (Manatū Aorere) to remove 'Aotearoa' from references to the country's name by pointing to the existence of the (New Zealand First) coalition agreement.[18] That shows that at least one very senior member of the Cabinet treated the agreements as Crown policy from the outset.

In short, we consider that the coalition agreements fall within our jurisdiction from the time of their endorsement by Cabinet as Crown policy intentions in November 2023. The 25 March 2024 Cabinet Office circular – with its expectation that Ministers and chief executives alike take steps to give effect to the agreements – only further confirms this. Furthermore, the simultaneous reference to the *Cabinet Manual* should not be overstated. The *Cabinet Manual*, as the 2023 edition explains, 'provides guidance rather than prescribing rules, and generally contains settled understandings of government practice rather than leading change'.[19]

4.3 The Deprioritisation or Removal from Common Usage of Te Reo Names from Public Service Departments and Crown Entities

4.3.1 Introduction

Shortly after its formation, the Government announced its 100-day plan – a set of Cabinet-agreed actions based on the coalition agreements it committed to deliver within 100 days in office. Two actions concerning the public service were initially to form part of the plan: the commitments agreed to by the National Party and the New Zealand First Party that all public service departments have their primary name in English, except for those specifically related to Māori,

16. Transcript 4.1.7, p 210
17. Document A13(a), pp 7–8, 10
18. Document A65, pp 373–374 [Manatū Aorere, 'Situation Report One: Mt Ulawun Eruption (Tuesday 28 November)', pp [1]–[2]]
19. Cabinet Office, *Cabinet Manual 2023*, p xiii

and requiring public service department and Crown Entities to communicate primarily in English.[20] As we have discussed in section 4.2, the coalition agreements were endorsed by Cabinet on 28 November 2023 as the basis on which the incoming Government would operate. Shortly after the formation of the new Government, several Ministers and some senior Government officials looked at measures to minimise the prominence and use of te reo in their respective agencies, in anticipation of a Government directive. Minister Willis, the Minister for the Public Service, confirmed her decision not to issue such a directive concerning 'names or communication used by government departments' in a letter to Crown witness Ms Baggott on 27 May 2024.[21] However, as Ms Baggott clarified during cross-examination, it is up to the individual discretion of Ministers to give effect to the requirements of coalition agreements and that Ministers 'always had that ability, that discretion'.[22]

We have identified the following issues in respect of the naming of Government agencies:

- Was officials' initial advice on te reo in the public service consistent with the Crown's protective responsibilities to te reo?
- What are the origins, significance and enforceability of bilingual signs?
- What is the cultural significance inherent in the gifting of te reo Māori names?
- What actions have Government agencies taken in respect to their te reo names?

4.3.2 Was officials' advice on te reo in the public service consistent with the Crown's protective responsibilities to te reo?

Ms Cameron and Ms Baggott explained that part of their roles at Te Kawa Mataaho is to advise Ministers on the ways in which political commitments can be translated into Government policy. In this section, we analyse the advice Te Kawa Mataaho gave on the implementation of the two commitments in the coalition agreement concerning te reo in the public service.

Both Ms Baggott and Ms Cameron repeatedly asserted that the significance of 'primary' in the coalition commitment relating to agency names was unclear and subject to interpretation.[23] Despite that, Te Kawa Mataaho prepared advice for the incoming Minister for the Public Service on the assumption that 'the incoming Government wanted to make a change'.[24]

Counsel for the Crown argued that the ambiguity of the wording lay in the 'difference between an imprecise political agreement as compared to the precision

20. Document A43(a), pp 42–46 [Emails between DPMC and Hannah Cameron, 27–28 November 2023, pp [1]–[5]]; doc A43, pp 10–11

21. Document A66, p 80 [Letter: Minister Willis to Heather Baggott, 'Re: Wai 3327: Urgent Inquiry into Te Reo Māori', not dated, p [2]]; doc A46, p 30

22. Transcript 4.1.7, p 212

23. Transcript 4.1.7, pp 213–214, 245, 277, 399, 408, 415

24. Transcript 4.1.7, p 421

that would be required of any eventual policy'.[25] Nevertheless, as discussed previously, the coalition commitments became Crown policy when they were endorsed by Cabinet on 28 November 2023 in tandem with the *Cabinet Manual*.

Mr Apanui-Barr, the Chief Executive of Te Taura Whiri i te Reo Māori/Māori Language Commission (Te Taura Whiri), explained under cross-examination what he thought 'primary' meant in the context of this policy:

> Ko te tikanga o te 'primary', me tuarua te ingoa Māori, koinā. Mārama noa iho ki a au, nē.
>
> The meaning of 'primary' is that the Māori language comes second. It's clear to me.[26]

In the next section, we will analyse the initial briefing of Te Kawa Mataaho to the incoming Minister for the Public Service.

4.3.2.1 *The initial briefing by Te Kawa Mataaho dated 5 December 2023*

Following the election, Te Kawa Mataaho had begun to 'prepare advice to the incoming Minister for the Public Service on matters that [it] anticipated may be of immediate interest to the incoming government'. It sent out a general briefing to the incoming Minister on 24 November 2023, which mentioned the public service's role to support the Crown in its relationships with Māori but did not address the issues related to te reo mentioned in the coalition agreement.[27] Ms Cameron noted that

> documents we created took the form of both general information about the framework for the Crown–Māori relationship, and then ultimately more focused advice on the subject of the use of te reo Māori in the public sector.[28]

The advice on the use of te reo in the public sector was set out in a separate briefing entitled 'Delivering better public services and strengthening democracy: Use of the Māori language by public sector agencies' that was sent out on 5 December 2023 ('the 5 December briefing').[29]

On 27 November 2023, the Department of the Prime Minister and Cabinet had asked Te Kawa Mataaho to prepare advice for Minister Willis on two actions proposed to be included in the 100-day plan Cabinet paper due in January 2024.

25. Submission 3.3.17, p 43
26. Transcript 4.1.7, p 523
27. Document A43, p 6; doc A43(a), pp 121–145 [Te Kawa Mataaho, 'Ngā Tohutohu mō te Minita Tomo Mai – Briefing to the Incoming Minister', 5 December 2023, pp 1–25]
28. Document A43, p 7
29. Document A43(a), pp 1–12 [Te Kawa Mataaho, 'Delivering Better Public Services and Strengthening Democracy: Use of the Māori Language by Public Sector Agencies', pp [1]–[12]]

These actions 'reflected the commitments in the Coalition Agreement with respect to te reo Māori.'[30] The resulting 5 December briefing provided the Minister

> with advice on the current settings for the use of Māori language in the public sector (including branding and agency naming conventions), and options for ensuring English is used as the primary language.[31]

In the briefing – to which we return repeatedly in this chapter as it is highly relevant to the three issues we cover – Te Kawa Mataaho also provided advice requested by the Minister 'on payments for language skills . . . not required to perform the employee's role',[32] as discussed in section 4.5. Ms Cameron stated in her evidence that Te Kawa Mataaho had been unable to discuss the advice with the Minister before issuing the report and that it had therefore been unable to clarify the 'interpretation of the term "primary name"' in the coalition agreement.[33] Ms Cameron also noted that it was unclear whether the 'Government was concerned with legal names or common usage, or whether a bilingual approach (as recommended in the Bilingual Signage Guidance) would meet the intent if consistently applied'.[34]

The briefing set out options for the Minister to ensure that the 'specific commitments' of the National–New Zealand First coalition agreement regarding te reo were fulfilled.[35] In respect of naming, these options were:

a. ensuring that new and existing public service departments have English for their legal name, apart from those specifically related to Māori;
b. setting expectations on usage of [a] department's legal name in written communications and documents;
c. reinforcing existing guidance that agencies use their bilingual title in signage and branding (discouraging the use of the Māori agency title without the English).[36]

The briefing went on to clarify that the Minister for the Public Service had 'different levers over Crown entities' than public service departments. Any 'Cabinet expectations regarding public service departments could take effect immediately' after the approval of the 100-day plan. However, Te Kawa Mataaho pointed out in the briefing that '[e]nsuring consistent treatment of legal names' of public service

30. Document A43, p 10
31. Document A43(a), p 4 [Te Kawa Mataaho, 'Delivering Better Public Services', p [4]]
32. Document A43(a), p 1 [Te Kawa Mataaho, 'Delivering Better Public Services', p [1]]
33. Document A43, p 11
34. Document A43, p 11
35. It is noteworthy that no mention was made about te reo Government agency names in New Zealand First's 2023 election manifesto (but it mentioned communication carried out in English): New Zealand First Party, *Let's Take Back Our Country: Election Manifesto 2023*, 25 July 2023, https://tinyurl.com/44zckvfn, accessed 3 October 2024. The manifesto was launched in mid-July 2023 and outlined the policies New Zealand First campaigned on in the 2023 election.
36. Document A43(a), pp 1–2 [Te Kawa Mataaho, 'Delivering Better Public Services', pp [1]–[2]]

departments would necessitate 'Orders in Council to amend the relevant schedule of the Public Service Act 2020'.[37] Legal names of Crown entities 'would require amendments to the legislation establishing the Crown entity'.[38]

Even though the names of Crown entities were not covered in the coalition agreement, Te Kawa Mataaho noted that any 'requirements to extend these expectations' to Crown entities through formal directions could be done either by

> working with the relevant portfolio ministers to direct specific agencies on the use of Māori names in branding, signage and communications. . . . This approach could be used to target any specific agencies where ministers expect them to change their practice.[39]

Or, Te Kawa Mataaho advised, it could be done by

> [u]sing a direction under s107 of the Crown Entities Act 2004 to direct *all* agencies to comply with Cabinet's expectations on use of Māori names. This direction would be issued by you, in your capacity as both Minister for the Public Service and Minister of Finance [Emphasis in original.][40]

The options for renaming Crown entities, the briefing explained, was added because actions taken by Crown entities 'such as Waka Kotahi – New Zealand Transport Agency have been a significant aspect of the public dialogue about this issue'. The briefing further highlighted that some Crown entities had 'gone further in terms of using only their Māori name in common usage'.[41]

It is apparent that Te Kawa Mataaho sought to cover every possible interpretation of the term 'primary names' in their advice. Moreover, officials conveyed options that extended beyond the commitments in the coalition agreement. They did make reference to Te Ture mō Te Reo Māori 2016 under the heading of '[c]urrent settings for the use of Māori language in signage and advertising', stating that the Act

- reinforced the commitment between the Crown and Māori to work together to revitalise the Māori language; and
- specified the Māori language should be used in promotion to the public of government services and in provision of information.[42]

In the same section, the briefing also pointed to *Te Tohu Reorua i te Reo Māori me te Reo Pākehā – Māori–English Bilingual Signage* guidelines ('*Te Tohu Reorua*')

37. Document A43(a), p 2 [Te Kawa Mataaho, 'Delivering Better Public Services', p [2]]
38. Document A43(a), pp 8–9 [Te Kawa Mataaho, 'Delivering Better Public Services', pp [8]–[9]]
39. Document A43(a), p 9 [Te Kawa Mataaho, 'Delivering Better Public Services', p [9]]
40. Document A43(a), p 9 [Te Kawa Mataaho, 'Delivering Better Public Services', p [9]]
41. Document A43(a), p 8 [Te Kawa Mataaho, 'Delivering Better Public Services', p [8]]
42. Document A43(a), p 5 [Te Kawa Mataaho, 'Delivering Better Public Services', p [5]]

issued in 2016 by Te Puni Kōkiri/Ministry of Māori Development (Te Puni Kōkiri) which

> recommends that the Māori language version of bilingual text appear first, to align with an internationally recommended standard that a 'first language' (language being revitalised) be displayed more prominently . . . The ordering of Māori language first also aligns with a longstanding New Zealand Geographic Board convention that Māori language come first for bilingual place names.[43]

However, the briefing then set out the option to

> consider revising this guidance or revoking it to give the expectation that the English (legal) name is given prominence in branding and signage.[44]

In regard to implementation of approaches and options previously identified in the briefing, Te Kawa Mataaho continued as follows:

> Once Cabinet has agreed on new expectations, the Minister for Māori Development may wish to consider whether existing guidance is reviewed, including the Bilingual Signage Guidance, the Crown's Strategy for Māori Language Revitalisation and the Policy Guidelines for the New Zealand Government Identity.[45]

The briefing was absent of any reference to obligations under te Tiriti/the Treaty, despite its focus on the use of te reo Māori, a taonga which the Crown is obliged to protect under article 2 of te Tiriti/the Treaty. The Public Service Act 2020 was only briefly mentioned in regard to listing the legal names of public service agencies. Even though the briefing listed an option to forward the advice to the Minister for Māori Development, neither Te Taura Whiri nor Te Puni Kōkiri were formally consulted before it was provided to Minister Willis.[46] In fact, Mr Apanui-Barr explained that '[s]ince the formation of the Coalition Government and appointment of the Minister for Māori Development, Te Taura Whiri ha[d] not received any requests for official advice.'[47]

Ms Cameron stated that in a meeting held on 7 December 2023, Minister Willis conveyed that 'actions relating to the use of Māori language by public sector agencies in names and communications would not be covered in the Cabinet report addressing the commitment in the draft 100-Day Plan'. The Minister 'had been discussing these matters with the Minister for Māori Development' and would contact Te Kawa Mataaho 'when/if they needed further advice'.[48]

43. Document A43(a), p 5 [Te Kawa Mataaho, 'Delivering Better Public Services', p [5]]
44. Document A43(a), p 8 [Te Kawa Mataaho, 'Delivering Better Public Services', p [8]]
45. Document A43(a), p 8 [Te Kawa Mataaho, 'Delivering Better Public Services', p [8]]
46. Document A43, p 13
47. Document A45, p 9
48. Document A43, p 14

It is noteworthy that, '[a]t the time of the General Election', Te Kawa Mataaho had been collaborating on a project jointly led by Te Taura Whiri and Te Puni Kōkiri to develop a draft te reo policy for the public sector.[49] The draft is entitled 'Public Sector Te Reo Māori Policy' and focuses on setting out the 'requirements for establishing te reo Māori infrastructure to grow te reo Māori capability'. The draft policy highlights the following:

> Public Sector organisations have a key role in supporting the Crown and the relationship with Māori under Te Tiriti o Waitangi/the Treaty of Waitangi, this includes developing and maintaining the capability of te reo Māori within the public sector. The use and visibility of te Reo Māori is an essential aspect of uplifting Māori cultural capability within your organisation.
>
> Chief Executives, Executive leaders and leaders are responsible for understanding entirely their obligations pertaining to Te Tiriti o Waitangi, Te Ture mo te Reo Māori/The Māori Language Act and the Public Service Act 2020, section 14.
>
> Leadership is responsible for championing the use of te Reo Māori, following this policy and guidance to create organisational expectations, and ensuring your organisation applies the policy consistently and comprehensively.[50]

However, in February 2024 Te Kawa Mataaho informed Te Taura Whiri that a 'discussion about the policy project had occurred' and that 'it would be best for Te Taura Whiri and Te Puni Kōkiri to continue working on the policy without Te Kawa Mataaho'.[51] We have no further information about this. However, we consider that we are entitled to draw a conclusion that the withdrawal of Te Kawa Mataaho indicates that it may have felt unable to continue given the new Government's te reo agenda.

4.3.2.2 *Anticipatory advice*

Te Kawa Mataaho had 'anticipated on the basis of the New Zealand's First party's statements in the lead-up to the election that some advice on the use of te reo Māori, particularly in agency names, may be required'.[52] Consequently, in a meeting on 18 October 2023, representatives of Te Kawa Mataaho had discussed bilingual signage and the relevant legislative framework and guidance around the protection of te reo with Te Puni Kōkiri and Te Taura Whiri. This included the Public Service Act 2020, Te Ture mō Te Reo Māori 2016, 'guidance contained in the Maihi Karauna, as well as United Nation conventions including the United

49. Document A45, p 9. No evidence was submitted to us that pinpoints the exact starting point of the work on the draft policy.

50. Document A53, p 376 [Te Taura Whiri i te Reo Māori, 'Public Sector te Reo Maori Policy', p [3]]

51. Document A45, p 9; doc A53, pp 388–389 [Email: 'Te Reo Policy and Te Kawa Mataaho', 27 March 2024, pp [1]–[2]]

52. Document A43, p 6

Nations Declaration on the Rights of Indigenous Peoples [(UNDRIP)], of which New Zealand is a signatory'.[53]

On 26 October, Te Mana Arataki, the governance group of Te Kawa Mataaho, held a follow-up meeting to discuss bilingual signage. Staff notes taken during the meeting recorded that 'Peter' is 'more concerned about agency names'. It is highly likely that this was Peter Hughes, the Public Service Commissioner at the time. The staff member then annotated 'Peter's preferred approach':

- No use of te reo only?
- Here's a list of the agencies that are only using te reo, they are [therefore] not configuring to the guidance, early win, get them to configure to the guidance
- By the way, there's another accessibility issue – do you want to deal with branding issues . . .[54]

The note of 'early win' here implies to us that Te Kawa Mataaho was more concerned with finding ways to appease the incoming Government than with adhering to the Crown's duty to protect te reo. We put that to Ms Cameron and she thought it was rather the public service's role to be 'ready to provide . . . advice' depending on which way the election results fell.[55] This position appears to conflict with the position expressed by Ms Baggott in her evidence when she stated that the role of Te Kawa Mataaho was to support the Crown in its relationship with Māori under Te Tiriti/the Treaty as set out in section 14 of the Public Service Act 2020.[56]

As counsel for the Ngāi Te Rangi Settlement Trust noted, however:

> The 5 December 2023 briefing paper provided by Te Kawa Mataaho . . . presents options on *how to implement* the Coalition Agreements. It does not provide any detailed analysis on whether the policies are themselves consistent with the Crown's obligations under the Treaty. [Emphasis in original.][57]

It is noteworthy that most of the protective framework regarding te reo discussed in the 18 October 2023 meeting did not make it into the 5 December briefing. There was no mention of the Maihi Karauna or UNDRIP. This is a significant omission because the Maihi Karauna Final Strategy and Implementation Approach states that the

> Maihi Karauna contributes positively to New Zealand's obligations under international human rights instruments. For example, it is consistent with Article 13 of

53. Mention was also made of the New Zealand Sign Language Act: doc A43(a), p 37 [Email: 'Bilingual Guidance' – Te Kawa Mataaho internal staff notes on the 18 October 2023 meeting, p [1]]; doc A43, p 8.
54. Document A43(a), p 38 [Internal staff notes on the 18 October 2023 meeting, p [2]]
55. Transcript 4.1.7, pp 444–445
56. Document A46, p 9
57. Submission 3.3.21, p 21

> the United Nations Declaration on the Rights of Indigenous Peoples, which says that indigenous peoples have the right to use their languages, oral traditions and literatures, and that the State shall take effective measures to protect this right.[58]

The omission of UNDRIP from the briefing is perhaps unsurprising. The New Zealand First–National coalition agreement included the commitment that the Government would '[c]onfirm that . . . [it] does not recognise the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) as having any binding legal effect on New Zealand.'[59] Ms Cameron admitted under cross-examination that the advice could have been worded better,[60] and that it was 'developed rapidly, over a period of less than two weeks'. Its intent, she noted, was to 'provide initial high-level options to determine which should be progressed further and consulted on'.[61] However, providing options such as the revocation of the bilingual signage guidance that was developed to promote and assist in the promotion of te reo Māori shows a disregard of the duty of active protection and the duty to act reasonably and in good faith. Such a revocation of *Te Tohu Reorua* without the provision of an adequate replacement, as Ms Cameron accepted under cross-examination, would likely be a breach of te Tiriti/the Treaty.[62] It is also apparent from Ms Cameron's evidence that, regardless of the suggested time restraints, there was no attempt to engage with Māori or understand Māori perspectives consistent with section 14(2) of the Public Service Act 2020.

The Crown pointed out that *Te Tohu Reorua* had, in fact, not been revoked. Counsel for the Crown emphasised that its revocation was, however, 'a power available to Cabinet' and that the briefing was 'intended to identify the options available' to the Minister. Counsel for the Crown further argued that, had the Minister intended to pursue this option, 'free and frank advice would have been provided on the implications of revoking the guidelines'.[63] Ms Baggott likewise stated:

> [r]egardless of the policies adopted by the Government, the role of the Public Service is to give Ministers our best free and frank advice while maintaining political neutrality to support them in their relationships with Māori under the Treaty, in the manner they deem fit.[64]

58. Document A43(a), p 104 [Office of Te Minita Whanaketanga Māori, Cabinet, Cabinet Paper: 'Maihi Karauna: Final Strategy and Implementation Approach', 11 December 2018, p 14]
59. Document A43(a), p 166 ['Coalition Agreement: National & New Zealand First', p 10]. In its 2023 election manifesto New Zealand First had promised to '[w]ithdraw from the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) as it removes the rights of New Zealand citizens to write their own laws': New Zealand First Party, 'Let's Take Back Our Country: Election Manifesto 2023', https://tinyurl.com/44zckvfn, p 4.
60. Transcript 4.1.7, p 448
61. Document A43, p 11; transcript 4.1.7, p 442
62. Transcript 4.1.7, pp 424–425
63. Submission 3.3.17, pp 45–46
64. Document A46, p 12

We agree with counsel for Ngāti Rēhia here, who submitted:

> e tukituki ana ngā haepapa o ngā āpiha ki te tautoko i te Karauna i tōna hononga ki te Māori ki raro i te Tiriti o Waitangi ki raro i te wehenga 14 o te ture Public Service me tā rātou haepapa kia āwhina i te Karauna tutuki i ōna whāinga katoa . . .[65]

> officials' obligation to support the Crown in its relationship with Māori under s 14 of the Public Service Act conflicts with their obligation to assist the Crown in achieving its objectives . . .[66]

The Public Service Commissioner's role is to 'protect and enhance the legitimacy and integrity of the Public Service. They also preserve, protect and nurture the spirit of service that sits at the heart of the Public Service and everything it does.'[67] Furthermore, the Public Service Act 2020 requires the public service to support the Crown in 'its relationships with Māori under the Treaty of Waitangi (te Tiriti o Waitangi)' by 'developing and maintaining the capability of the public service to engage with Māori and to understand Māori perspectives'.[68] As noted in response to the position of Ms Cameron, there was an abject failure to comply with this obligation in developing the 5 December briefing.

4.3.2.3 *Legal names of public service agencies and Crown entities, and branding preference*

During cross-examination, Ms Baggott also contended that there was 'room to interpret' the meaning of the 'coalition commitment . . . about primary names.'[69] When she added that 'apart from two departments' all public service departments 'have their legal names in English', Judge Williams questioned whether the legal name was hence the 'primary name.'[70]

The legal names of public service agencies are set out in schedule 2 of the Public Service Act 2020. These are divided into 34 departments and six agencies hosted by departments. Most agency names are expressed only in English, although a small number of them have names in both te reo Māori and English. The only two public service agencies with prioritised te reo Māori legal names are Oranga Tamariki/Ministry for Children, and Aroturuki Tamariki/The Independent Children's Monitor. Two agencies, the Ministry of Māori Development/Te Puni Kōkiri, and the Office for Māori Crown Relations/Te Arawhiti, have te reo Māori included in their legal name, but have their English name first. The rest have English names only.

65. Submission 3.3.22, p 33
66. Submission 3.3.22(a), p 32
67. Te Kawa Mataaho, 'Te Tumu Whakarae mō Te Kawa Mataaho – Public Service Commissioner', 2024, https://tinyurl.com/wjudtfe6, accessed 8 September 2024
68. Public Service Act 2020, s 14
69. Transcript 4.1.7, p 213
70. Transcript 4.1.7, pp 213–214

The legal names of Crown entities are included within their founding legislation, as well as in schedule 1 of the Crown Entities Act 2004. There are currently 27 Crown agents, 16 autonomous Crown entities and 19 independent Crown entities. The difference between those categories relates to the extent to which they must follow the direction and policy of the Government. Autonomous and independent Crown entities, for example, 'have a more distant relationship with ministers'. Crown agents are 'the type of Crown entity most like departments in function. Although they are at arms' length from government, Ministers have the power to direct Crown agents to give effect to government policy'.[71] The majority of the different types of Crown entities have solely English legal names. Six have their Māori name prioritised, and one, Museum of New Zealand Te Papa Tongarewa Board, has its Māori name displayed second.[72]

In response to Judge Williams' question on whether the legal name was the 'primary' name, Ms Baggott said that it was up to Ministers to interpret the coalition agreement and 'how they wish to implement it' – whether they wished to change the legal name, the branding or 'everyday common usage of the agency name and how it's referred to in shorthand'. She emphasised that there was 'no guidance as to how that occurs', that it was done by 'personal preference' and that it is 'inconsistent across the Public Service'.[73]

Ms Baggott stated that it is commonplace in the Public Service for agencies 'under any Government . . . to adjust the way they communicate' according to the relevant Minister's preferences – be that regarding language, style or terms. Te Kawa Mataaho, Ms Baggott pointed out, had no 'oversight role of that'. The 'operational decisions' concerning, for example, the deprioritisation or removal from common usage of te reo names of Government agencies and/or the use – or the lack – of te reo in internal and/or external communication – were taken by the relevant chief executives.[74] Counsel for the Ngāi Te Rangi Settlement Trust questioned Ms Baggott as to whether such decisions had been made previously 'against the backdrop of a Coalition which explicitly made reference to preferring English over Māori names', which Ms Baggott answered in the negative. She accepted that this was relevant context.[75]

This individual ministerial preference, as discussed in section 3.4.2 with regard to Toka Tū Ake/Natural Hazards Commission, can result in branding that is different to the legal name. In the case of Toka Tū Ake, this led to the prioritisation of its English name over its Māori legal name. Evidence submitted to us showed that of the '30 Public Service Departments with English legal names, 14 use te reo

71. Te Kawa Mataaho, 'Te Hanga o te Rāngai Tūmatanui – How the Public Sector Is Organised', 2024, https://tinyurl.com/3tw8ftcp, accessed 24 August 2024

72. The six entities are: Kāinga Ora/Homes and Communities, Taumata Arowai/The Water Services Regulator, Toka Tū Ake/Natural Hazards Commission, Te Reo Whakapuaki Irirangi (Māori Broadcasting Funding Agency) and Te Taura Whiri i Te Reo Māori (Māori Language Commission): Crown Entities Act 2004, sch 1.

73. Transcript 4.1.7, pp 213–214

74. Transcript 4.1.7, p 222

75. Transcript 4.1.7, p 222

Māori names before their English names in their branding',[76] which was in line with *Te Tohu Reorua*.

4.3.2.4 *Which public service departments are 'specifically related to Māori'?*

The question as to which public service departments are specifically related to Māori, and by implication would *not* be required to have their English name first, formed another focus of discussion during our hearing. In the 5 December briefing, Te Kawa Mataaho identified only two public service departments with their legal name in te reo and in English that 'would fall within the coalition agreement exception for agencies "specifically related to Māori"'. These were the 'Ministry of Māori Development – Te Puni Kōkiri' and the 'Office for Māori Crown Relations – Te Arawhiti'.[77]

Dr Hope Tupara painted a vivid picture of the ways in which all Māori engage with public services from birth to adulthood. She provided examples of engagement with different agencies, starting with the allocation of a national health index number to a newborn, from registering its birth at Te Tari Taiwhenua/Department of Internal Affairs (Te Tari Taiwhenua) and applying for an IRD number at Te Tari Taake/Inland Revenue. She highlighted the relevance of all of the Crown agencies to Māori, as well as the importance of the visibility of te reo Māori for tamariki.[78] Mr Apanui-Barr agreed with Dr Tupara that the coalition agreement's statement about Government departments 'specifically related to Māori' hence referred to all Government departments. He pondered the meaning of the policy, whether it was supposed to describe

> [k]o ngā mea e tapaina ana ki runga i a rātou te ingoa Māori? Ko ngā mea e mahi tahi ana ki te Māori?
>
> [t]hose that have a Māori name or those that work with Māori?[79]

Mr Apanui-Barr concluded that 'he pānga tō ngā tari katoa ki te iwi Māori', meaning every department is related to Māori people.[80]

Asked by counsel for the Ngāi Te Rangi Settlement Trust whether the naming of only two agencies in the 5 December briefing signified a 'conclusion as to what agencies are specifically related to Māori', or whether she accepted Dr Tupara's

76. These are: Te Tari Ture o te Karauna/Crown Law Office; Ara Poutama Aotearoa/Department of Corrections; Te Tari Taiwhenua/Department of Internal Affairs; Te Tira Tiaki/Government Communications Security Bureau; Toitū Te Whenua/Land Information New Zealand; Manatū Taonga/Ministry for Culture and Heritage; Manatū Wāhine/Ministry for Women; Manatū Kaupapa Waonga/Ministry of Defence; Manatū Hauora/Ministry of Health; Te Tūāpapa Kura Kāinga/Ministry of Housing and Urban Development; Te Manatū Waka/Ministry of Transport; Te Pā Whakamarumaru/New Zealand Security Intelligence Service; Te Kawa Mataaho/Public Service Commission; and Te Tai Ōhanga/The Treasury: appendix 3.2.8(a).

77. Document A43(a), p 7 [Te Kawa Mataaho, 'Delivering Better Public Services', p [7]]

78. Transcript 4.1.7, pp 162–163

79. Transcript 4.1.7, p 525

80. Transcript 4.1.7, p 524

point that all agencies in the public service were related to Māori, Ms Cameron responded:

> Yes, absolutely. I'm not indicating that my view is that those agencies are the only ones that relate to Māori. I guess what we were doing there was trying to interpret what the Coalition Agreement might have meant by that term which is a different thing. But yes, absolutely I accept that.[81]

Our view is that all Government agencies are important to Māori and there seems little doubt that all relate to Māori. That was one of the reasons for the development of the Maihi Karauna, which recognised that 'the public sector has far reaching interactions with Māori'.[82] The meaning of the term 'specifically' was not a focus of discussion in our inquiry. However, a definition of it in the Britannica Dictionary is 'in a definite and exact way'.[83] Do all Government agencies relate to Māori in a definite and exact way? In our view, they clearly do.

4.3.3 What are the origins, significance and enforceability of bilingual signs?

Bilingual signage plays a pivotal role in language revitalisation. In the context of the development of a new Māori language strategy in 2013–2014, as stated in section 3.3.1, Cabinet had directed Te Puni Kōkiri – in consultation with Te Taura Whiri – to develop guidelines for bilingual signage across the public sector. In November 2016, *Te Tohu Reorua i te Reo Māori me te Reo Pākehā – Māori–English Bilingual Signage* guidelines were published. Moreover, the Maihi Karauna – published in 2019 – required Government departments to develop and implement their own Māori language plans. As a result, most Government agencies took steps to adopt te reo names alongside their English names.

Te Tohu Reorua, amid other resources developed by Te Puni Kōkiri and Te Taura Whiri, was also used as a framework for the development of the Aotearoa Reorua – Bilingual Towns and Cities project under the Maihi Karauna strategy. Aotearoa Reorua was created to support towns and cities to become bilingual centres across Aotearoa New Zealand and was digitally launched in October 2021.[84]

As briefly touched on in section 3.4.4.1, in November 2020, the then Minister of Transport had committed to introducing bilingual traffic signs across the country, and instructed Waka Kotahi/New Zealand Transport Agency (Waka Kotahi) in

81. Transcript 4.1.7, pp 420–421

82. Document A54, p 232 [Te Puni Kōkiri, 'Maihi Karauna: The Crown's Strategy for Māori Language Revitalisation 2019–2023', p 19]

83. The Britannica Dictionary, 'specifically', https://tinyurl.com/ynefcu59, accessed 19 September 2024

84. Document A48, p 2. In the 2024 Budget, grant funding for the 'Aotearoa Reorua (Bilingual Towns and Cities) Programme' was reduced by 63.63 per cent, or $700,000, and left only about $400,000 of funding per year for the adoption of bilingual signage across the country. The reason given was the baseline savings target for Te Tari Taiwhenua mandated by the Government: Te Kāwanatanga o Aotearoa New Zealand Government, 'Budget 2024: Summary of Initiatives', 30 May 2024, https://tinyurl.com/3mykbhfr, accessed 26 September 2024, p 59.

January 2021 to commence the work.[85] The bilingual traffic sign plan was developed under the te reo policy of Waka Kotahi to

> support the promotion of te reo Māori in Waka Kotahi NZ Transport Agency, and in the work the Agency does. The policy supports the commitment of Waka Kotahi to its obligations under Te Ture mō Te Reo Māori 2016 (Māori Language Act 2016), which created a partnership between the Crown and iwi/Māori for the revitalisation of te reo Māori.[86]

The He Tohu Huarahi Māori bilingual traffic signs programme is a partnership between Waka Kotahi and Te Mātāwai. The programme is also supported by Te Taura Whiri and Te Manatū Waka/Ministry of Transport (Te Manatū Waka).

The 'kura – school' traffic signs were the first bilingual signs rolled out in 2022. The regulatory changes, which required bilingual sign supplements for new school signs, were covered under the Land Transport Rule – Traffic Control Devices (Kura/School Signs) Amendment 2022.[87] The design positioned 'kura', in the same size and font as the English 'school', above it, following the rules applying to bilingual signage as set out in *Te Tohu Reorua*. As noted in section 3.4.4.1, no decision had been made at the time of writing this report on the future of He Tohu Huarahi Māori.

Timi Te Po Hohepa highlighted the long process Ngāti Pikiao had gone through in advocating for and supporting the use of te reo Māori on signage.[88] In his evidence, Mr Hohepa likened the coalition Government's policy of deprioritising te reo names of Government agencies to this example:

> Kei te kite ahau i ngā ōritetanga i waenga i wēneki mahi me ngā mahi tūkino reo Māori a te Kāwanatanga i roto i ngā tau kua hipa. Ka hoki ngā mahara ki ngā wā i riro mā mātou o Ngāti Pikiao, te haepapa whawhai ki te Kāwanatanga, kia noho te tohu 'kura' a te pahi o te Kura Kaupapa Māori o Te Rotoiti hei tohu matua. I ērā wā, i te kōkiri te tumuaki o te kura, a Hawea Vercoe i tētahi kaupapa kia mātāmua ko te reo Māori ki runga i ngā tohu a ō mātou pahi ā-kura. I whakahē mai te tari Land Transport New Zealand ki wēneki hiahia a mātou, nā tō rātou pōhēhē nui he haumaru ake ngā tohu 'school' i ngā tohu 'kura'. . . . Ahakoa he hapori mōhio pai mātou, otirā a tātau tamariki ki tēnei mea te 'kura', kāore te māramatanga i tau ki a LTNZ nā tō rātou kore whakapono ki tō mātou mōhio ki a mātou anō.[89]

> I can draw similarities between what is taking place here and the harm that was inflicted upon te reo Māori by the government in years gone by. I recall a time when

85. Document 6.2.16 [Waka Kotahi, Letter: 'Ref: OIA-12853', 5 July 2023]
86. Document 6.2.17, p 9 [Waka Kotahi, 'Bilingual Traffic Signage – A Research Note: International Experiences and Outcomes', October 2021, p 9]
87. Land Transport Rule: Traffic Control Devices (Kura/School Signs) Amendment 2022, https://tinyurl.com/mwbs94ft, accessed 9 October 2025
88. Transcript 4.1.7, pp 146–147
89. Document A33, p 2

> Ngāti Pikiao was left to defend te reo Māori against government actions to remove the 'kura' sign from the school bus belonging to te Kura Kaupapa Māori o Te Rotoiti. Back in those days, the then principal, the late Hawea Vercoe was trying to establish te reo Māori as the main language of use on our school busses. Land Transport New Zealand vehemently objected to this, under the assumption that a 'school' sign would be safer than that of 'kura'. . . . Although we as a community, including our children, know very well what 'kura' means, LTNZ refused to acknowledge that we, the local people, had a local solution that was acceptable.[90]

The advocacy of Rotorua School Principal Mr Vercoe for bilingual traffic signs following the stand-off with traffic safety officials regarding the display of 'kura' on his school's buses seems to have led Land Transport New Zealand to change its policy on bilingual traffic signs.[91]

As counsel for Ngāti Te Rangiunuora me Ngāti Pikiao submitted, signage is primarily symbolic. The preferential use of the language being revitalised – such as placing it either first or by itself on signs – symbolises that the sign maker, here the Crown, is 'ka pai ake te kite i te kaha o ngā mahi'[92] – 'serious about the revitalisation effort'.[93] The inclusion of an endangered language, such as te reo Māori, in the public space increases its visibility and 'makes a statement about language validity'; it shapes its 'linguistic landscape'.[94] The exposure to bilingual signs also increases language awareness among the population and provides a passive learning experience for those not actively learning te reo. This linguistic landscape includes the 'language of public road signs, advertising billboards, street names, place names, commercial shop signs, and public signs on government buildings'.[95] The usage of bilingual signs affirms that 'te reo Māori is valued' and 'ensures that the language is seen outside of "Māori" domains such as marae, immersion education and whānau Māori', Mr Apanui-Barr explained. The visibility of te reo 'shows that New Zealand is supportive and takes pride in te reo Māori as part of New Zealand culture as a whole'.[96]

Dr Tupara likewise emphasised that

> te reo signage is very important for our tamariki so that they can see the images of te ao Māori in their world. It might seem like a small thing but it's actually quite a big thing for our tamariki so that they can see kupu Māori, they can see images that are

90. Document A33(a), p [3]

91. 'Police Probe Threatening Letter to Māori School Principal', *New Zealand Herald*, 18 June 2008, https://tinyurl.com/447e8ypz, accessed 20 September 2024; Cherie Taylor, 'Road Signs in Māori?', *Rotorua Daily Post*, 11 July 2006, https://tinyurl.com/mvaykd5n, accessed 20 September 2024

92. Submission 3.3.3, p 10

93. Submission 3.3.3(a), p 10

94. Julia Sallabank, *Attitudes to Endangered Languages: Identities and Politics* (Cambridge: Cambridge University Press, 2013), p 163; doc A65, p 675 [Richard Benton, 'Chapter 20: The Vocabulary of Māori Governance', in *Waking the Taniwha: Māori Governance in the 21st Century*, p 601]

95. Document A65, p 675 [Benton, 'Chapter 20', p 601]

96. Document A45, p 8

> connected to their own whakapapa, to their ancestry. That is how children are forming their identity and their world around them is what is present in that world, how others in their world are responding to that presence, and also what is absent in their world and how others are responding to what is absent in their world.[97]

Increasing the presence and 'visibility of te reo Māori in public spaces within the government' is one of the strategic goals of *Te Tohu Reorua*, which was developed to give effect to Te Ture mō Te Reo Māori 2016.[98] Ms Cameron noted that *Te Tohu Reorua* did not specifically refer to the use of te reo in Government agency names. She accepted, however, that it was logical to infer that 'names and logos form[ed] part of that'.[99] In fact, examples of names and logos of public service departments, such as 'Manatū Taonga – Ministry for Culture and Heritage' and 'Te Tari Taiwhenua – Ministry of Internal Affairs' are featured in the guidance.[100]

However, Ms Cameron clarified that even though the 'production of the guidance was the result of a government direction, the content of the guidance was not formally endorsed as specific government policy, and agencies are not required to follow it'.[101] In the 5 December briefing that included the revocation of *Te Tohu Reorua* as an option, Te Kawa Mataaho had likewise added that compliance with the guidance was 'not mandatory'.[102] Kerri Hancock, who had led the *Aotearoa Reorua* project, emphasised that, despite *Te Tohu Reorua*

> being over 8 years old, . . . the Crown [did] not identify how the guidelines have been widely socialised or updated to ensure the guidelines' continued relevance within the system. Furthermore, failure to review and refresh the documentation means that improvements such as guidance around the use of agency names within the documentation has been omitted.[103]

Ms Hancock questioned the Crown's assertion that it remains committed to te reo Māori, and that the policies about the revitalisation of te reo in the 'public service remain in place'.[104] These policies remained ineffective if not reinforced and monitored, she argued.[105] Ms Cameron accepted that actions taken under the coalition Government regarding the deprioritisation of te reo Government agency names were inconsistent with the guidelines set out in *Te Tohu Reorua*. She acknowledged that if there were an enforcement option for *Te Tohu Reorua*, then

97. Transcript 4.1.7, p 162
98. Document A54, p 176 [Te Puni Kōkiri, *Te Tohu Reorua i te Reo Māori me te Reo Pākehā: He Kupu Ārahi e Kairangi ai ngā Tikanga/Māori–English Bilingual Signage: A Guide for Best Practice*, 1 November 2018, p 7]
99. Transcript 4.1.7, p 412
100. Document A54, p 180 [Te Puni Kōkiri, 'Te Tohu Reorua', p 11]
101. Document A43, p 4
102. Document A43(a), p 7 [Te Kawa Mataaho, 'Delivering Better Public Services', p [7]]
103. Document A48, p 5
104. Submission 3.3.17, p 54
105. Document A48, p 5

'te reo Māori names would come first in legal [names] or branding' of Government agencies.[106]

What the Government and Government agencies appear to have lost sight of is the fact that Māori people and te reo are a significant feature of this country. They are what makes Aotearoa New Zealand unique. There is nowhere else in the world where te reo is used by people except by those who come from here. The use of te reo Māori on public signage highlights the country's uniqueness to anyone who visits it. A decision to limit or downgrade the usage of te reo in signage is a significant issue.

4.3.4 What is the cultural significance inherent in the gifting of te reo Māori names?

As discussed above, in the wake of *Te Tohu Reorua* and the Maihi Karauna, most Government agencies adopted dual te reo Māori–English names. Some chose literal Māori translations of their English names, while many others were gifted te reo names. The latter tend to reflect the purpose of each Government agency, its aspirations, and the community or environment it serves. The bestowal of a gifted te reo name carries with it an expectation not just that the agency will live up to the high standard of performance the name connotes, but also that the name will be valued. In some cases the name suggests a strategic aspiration that has yet to be fulfilled. Some agencies fulfil these expectations, but others fail. There is a wairua and mana that comes with being bestowed a name. The prestige that comes with having a name bestowed needs to be honoured and respected.

We received evidence about the importance of the act of naming from Kipa Munro, the chair of Tē Rūnanga o Ngāti Rēhia, who explained that te reo names of people, places and taonga are embedded in whakapapa, tikanga and multi-layered narratives. They have 'tino wairua ki roto' ('a spiritual dimension within those names').[107] According to Mr Munro, the gifting of te reo Māori names therefore represents:

(a) Tuku taonga;
(b) He tuku i a mātou kōrero tuku iho, mātauranga, hītoria ki te kaupapa;
(c) He akoranga;
(d) He whakatō i te reo Māori me ōna tikanga ki te kaupapa.[108]

(a) The gifting of a taonga;
(b) The gifting of our oral traditions, ancestral knowledge and history to the matter;
(c) Learnings;
(d) To plan the Māori language and its customs into the kaupapa.[109]

106. Transcript 4.1.7, pp 422–423, 440
107. Transcript 4.1.7, pp 110–111
108. Document A7, p 12
109. Document A7(a), p 12

Often a name communicates the characteristics of the subject. The te reo name is connected to stories behind its meaning and '[k]a whai tuakiri te kaupapa i ngā ingoa Māori ka tapaina ki te kaupapa'[110] – '[t]he kaupapa finds its identity in the Māori name bestowed upon it.'[111]

For example, the Māori Language Commission's first official name was a literal translation of its English name: Te Komihana mō te Reo Māori.[112] Mr Apanui-Barr noted that the first action of the founding board members was to replace the name with 'Te Taura Whiri i te Reo Māori (the rope that binds the Māori language)'.[113] The name was gifted by Sir Kīngi Ihaka, a board member, who explained its meaning, noting that the 'rope that binds us all together is our language. A rope that is woven by each tribe and each person to be strong forever.'[114] Even though Sir Kīngi Ihaka's explanation suggests mainly the importance of te reo for Māori, the Maihi Karauna stresses its importance for all New Zealanders and points out that '[t]e reo Māori is an inherent part of New Zealand's national identity, to be valued and used by wider Aotearoa New Zealand.'[115] Te reo therefore is also the rope that binds Māori and tāngata Tiriti together.

The person who gifts a Māori name needs to be 'he tangata mōhio, he mātanga ki aua tikanga tapa ingoa'[116] – 'well-versed, an expert in tikanga associated with naming.'[117] These experts have been contacted by Government agencies wishing to adopt a te reo name. Rahui Papa, who was the chairperson of a group that advised on aspects of Te Ture mō Te Reo Māori 2016, explained that he formed part of an expert advisory group who gifted some of the agency names 'i tuku ki te Karauna hei koha ki a raatou, hei whakakanohi hoki i te taha Maaori kei roto i ngaa tari Kaawana'[118] – 'to the Crown as a koha and to give face to the Maaori dimensions of those departments'.[119]

Mr Papa and Dame Naida Glavish, for example, had gifted the te reo name of Oranga Tamariki/Ministry for Children (Oranga Tamariki). The te reo name of Orangi Tamariki, Mr Munro explained, focused on the 'wellbeing of children' and was '[e] hāngai pū ana ki te take mō te whānau te take o roto i tēnā wāhanga' – 'relevant to the whānau in that part' of the name.[120] Oranga Tamariki's website stipulates that '"oranga" is the wellbeing we want to help the children we work with to have [and that] "tamariki" reminds us that children are descended from

110. Document A7, p 12
111. Document A7(a), p 12
112. Te Taura Whiri i te Reo Māori/Māori Language Commission, 'Our Story', https://tinyurl.com/3waaxdyf, accessed 12 September 2024
113. Document A45, p 3
114. Quoted in Te Taura Whiri i te Reo Māori/Māori Language Commission, 'Our Story', https://tinyurl.com/3waaxdyf, accessed 12 September 2024
115. Document A54, p 222 [Te Puni Kōkiri, 'Maihi Karauna', p 9]
116. Document A7, p 12
117. Document A7(a), p 12
118. Document A4, p 19
119. Document A4(a), p 20
120. Transcript 4.1.7, p 111

greatness. They are born with an inherent mana that can be damaged by abuse and neglect.'[121]

Mr Papa also headed the advisory group that gifted both the te reo names for Te Whatu Ora/Health New Zealand (Te Whatu Ora), and Te Aka Whai Ora/Māori Health Authority. These two names, while markedly distinctive, share a 'close relationship founded in the ancient legend of Tāwhaki.'[122] The names, explained Mr Papa, were provided in accordance with tikanga Māori.[123]

Ms Baggott described the te reo name of Te Kawa Mataaho as embodying the 'cultural identity' of the agency. She noted that in '2017, Professor Pou Temara, working with Te Taura Whiri i te Reo Māori, gave advice on a new te reo Māori name for the Commission, Te Kawa Mataaho (previously Te Komihana o Nga Tari Kawanatanga)'.[124] She explained that the foundation for the name

> comes from several related concepts that reflect [its] role and purpose: Te Hou Mataaho ? the place where leaders stand; the authority for maintaining kawa/protocols; and Te Manu Ariki who serves the wider flock.[125]

In an accompanying four-page letter, Professor Temara, a member of this Tribunal, had explained the thought process and significant concepts behind the name.[126] During our hearing, he recounted its meaning when addressing Ms Baggott and asked her whether she realised 'that there are many facets, many philosophies to that name te hou mataaho' and reminded her of the leadership role of Te Kawa Mataaho. He then asked her to picture

> the kuaka migrating from some place over in Hawaiki somewhere thousands and thousands of miles, and yet they come here, and they see a storm in front of them and the lead bird orchestrates the flock so that it can meet the storm head-on, or it can change its course. There are rainstorms and storm clouds on the horizon. Your report talks glowingly about what is good but I'm talking about what is in front of us. I'm talking about the rainstorm that you probably know is coming. The question is how have you put steps in to weather the storm or to save the flock from the storm that is obviously coming? Some of the raindrops have already started to fall.[127]

121. Oranga Tamariki/Ministry for Children, 'Vision and Values', 16 November 2023, https://tinyurl.com/4tpxfw8m, accessed 13 September 2024

122. Te Whatu Ora/Health New Zealand, 'Our Whakapapa', 3 January 2024, https://tinyurl.com/4kmmw59x, accessed 13 September 2024. The gifting of the names and the legend behind them are explained in detail on the website.

123. Document A4(a), p 20

124. Document A46, p 17

125. Document A46, p 17

126. Document A46(a), pp 1–4 [Letter by Tā Pou Temara on the gifting of a new te reo name to the State Services Commission, 14 December 2023, pp 1–4]

127. Transcript 4.1.7, pp 258–259

Mr Munro's description of the coalition Government's actions was more severe than raindrops. He argued that

> ki te mea mai te kāwanatanga kia kaua e whakamahia, kia whakamātāmuri ngā ingoa nā tētahi mātanga i koha ki a rātou, he takahi tikanga tēnei, ka mutu, he takahi i te tangata nōna te ingoa i tuku.[128]

> the Government's instructions for agencies not to use the Māori name, to deprioritise Māori names that an expert has gifted to them, is a trampling of tikanga, and an insult to the person that gifted the name.[129]

Mr Munro pointed out that '[h]e tikanga me whai e ea ai te whakamoe i tētahi ingoa'[130] – '[t]here is tikanga that applies if a Māori name is to no longer be used'[131] and lamented that 'kāhore te kāwanatanga i paku whai whakaaro ki ēnei tikanga'[132] – 'the Government thought nothing of this tikanga.'[133] Mr Papa denounced the violation of tikanga by the Crown in the removal or deprioritisation of a gifted te reo name as follows:

> E ai ki a tikanga, meenaa kaaore e piirangitia teetehi taonga i hoatu ki teetehi, he kaupapa nui teeraa. Araa, me whai kaupapa te whakataha i te taonga, aa me mahi i runga i te tika me te pono. Me hui, me aata koorero tahi ki te hunga naanaa te taonga i hoatu kia kimihia he huarahi whakamua e ea ai te koorero a ngaa taha e rua. Ko te raawekeweke pokanoa i te ingoa Maaori he raawekeweke i te reo Maaori me ngaa tikanga Maaori. Kei pooheehee te Karauna he ingoa taitara noaiho teenei, e kaao.[134]

> Further, according to tikanga, if a name that is gifted is no longer desired it is no small matter. There must be an appropriate justification to set aside a gifted taonga, and the process has to be right and just. It would involve meetings and discussions with the individuals that gifted that name to determine the pathway forward and ensure that both sides' interests could be explored and understood. But to meddle with the Maaori names without following protocol is to undermine te reo Maaori and tikanga Maaori. The Crown should not mislead themselves into thinking they are merely names of Government departments, they are not.[135]

Meetings and discussions with the individual experts that had gifted te reo names to Government agencies clearly did not occur before decisions were made by Ministers of the Crown to deprioritise – or remove from common usage – te

128. Document A7, p 12
129. Document A7(a), p 12
130. Document A7, p 12
131. Document A7(a), p 12
132. Document A7, p 12
133. Document A7(a), p 12
134. Document A4, p 20
135. Document A4(a), pp 20–21

reo names from agencies, as discussed in section 3.4.4 and section 4.3.5 below. Neither iwi nor hapū were consulted.

4.3.5 Potential tokenism of te reo agency names

In its 2024 *Kāinga Kore* (homelessness) report, the Tribunal stated that the Crown risked 'being criticised for tokenism' if it adopted te reo names for Government agencies and being 'admonished for monoculturalism' if it did not.[136] The Tribunal noted the submission of claimant counsel that names such as Kāinga Ora 'were not direct translations into Māori of the agencies' names in English, but rather an attempt "to emulate the naming of a whare, with . . . those names expressing significant sentiment and aspiration"'. As briefly discussed at section 2.3, claimant counsel in the Stage One Housing Policy and Services Kaupapa Inquiry on Māori Homelessness submitted that, at worst, these names were 'empty grandiose sentiments giving a name to an organisation that does not deserve them, a form of rebranding that provides a new façade to an organisation that has not yet changed internally'.[137]

Similar sentiments had been voiced in 2019 regarding Oranga Tamariki. Following reports in the media of several disturbing uplifts of tamariki by Oranga Tamariki representatives, the ministry had become the focus of extensive attention and review. In 2020, reports on it were issued by the Children's Commissioner, the Ombudsman, and the Whānau Ora Commissioning Agency.[138] The ministry was also the focus of a Waitangi Tribunal inquiry, with the report *He Pāharakeke, He Rito Whakakīkīnga Whāruarua: Oranga Tamariki Urgent Inquiry* released in 2021. Professor Margaret Mutu told us that it was not appropriate to use the name 'Oranga Tamariki', as it was 'not the right name for that ministry because it is not what that ministry does'.[139]

When gifting the name of Te Kawa Mataaho to the then-State Services Commission, Tā Pou Temara had voiced concerns, noting that the Commission was, after all,

> a Pākehā ministry. If we are to give it a Māori name, the concern would be that it may not achieve the essence of that Māori name. If the Commission wants a name that is rooted in Māori intellect, it should use and care for that name in an appropriate manner and the quality of their work should be excellent because that's where a name rooted in Māori intellect originates. It is not just snatched from the wind or from fresh air. There is a meaning behind that name.[140]

136. Waitangi Tribunal, *Kāinga Kore: The Stage One Report of the Housing Policy and Services Kaupapa Inquiry on Māori Homelessness* (Lower Hutt: Legislation Direct, 2024), p 155
137. Waitangi Tribunal, *Kāinga Kore*, p 152
138. Waitangi Tribunal, *He Pāharakeke, He Rito Whakakīkīnga Whāruarua: Oranga Tamariki Urgent Inquiry* (Lower Hutt: Legislation Direct, 2021), pp 76, 179, 281
139. Transcript 4.1.7, pp 127–128
140. Document A46(a), p 1 Letter by Tā Pou Temara, p 1]

During the hearing, Tā Pou reiterated the concerns he had expressed previously. Addressing Ms Baggott, he said that he had

> premonitions of where the Public Service is going and where the Government is taking us. I worry about the name Te Kawa Mataaho that I thought about so deeply, spent many hours thinking about it, before coming up and finalising that name.[141]

Professor Mutu commented that the normalisation of te reo 'in all aspects of New Zealand society' is a requirement of te Tiriti/the Treaty.[142] That includes, by default, having te reo names for Government agencies. She emphasised that if the Māori name is an 'accurate name' that is 'properly used', then the Māori name of a Government agency should be used and prioritised.[143] Dr Tupara agreed that '[a]dvances in the use of Te Reo like having a Māori name of an agency appear before the English name, is progress albeit somewhat superficial.'[144] For his part, Eru Kapa-Kingi suggested that the adoption of te reo names by Government departments and 'incorporating [them] into Government templates, documentation and branding' constituted a minimum requirement and was 'surface level engagement with te reo'.[145]

The value of having te reo names for Government agencies is therefore not disputed by the claimants, as long as these names are used appropriately. From the claimants' perspective that would include complying with the guidance in *Te Tohu Reorua* and the provisions of Te Ture mō Te Reo Māori 2016.

4.3.6 What actions have Government agencies taken in respect to their te reo names?

As discussed in section 3.4, various Ministers (in conjunction with agency chief executives) have taken action – without a Cabinet directive – to deprioritise agencies' te reo Māori names or remove them from common usage. Moreover, leaders of several Crown entities – which are not covered by this commitment – also did so and referenced the coalition commitment as the reason for it. No evidence was presented that indicated that the mana of the gifted te reo names were taken into consideration or that individuals, iwi or hapū who had gifted these taonga were consulted. There was also a clear absence of consideration about the impact these changes would have on the mana of te reo Māori and its ongoing revitalisation.

In this subsection, we look at Waka Kotahi, Te Manatū Waka, Toka Tū Ake EQC/The Earthquake Commission (Toka Tū Ake (EQC)), Taumata Arowai/The Water Services Regulator (Taumata Arowai), and Whaikaha/Ministry of Disabled Pepople (Whaikaha) in turn and examine the actions that they each took in respect of their te reo names after the new Government was formed.

141. Transcript 4.1.7, p 257
142. Document A21, p 4
143. Transcript 4.1.7, p 128
144. Document A6, p 14
145. Document A2, p 4

4.3.6.1 *Waka Kotahi / New Zealand Transport Agency*

The Crown entity Waka Kotahi was the first Government agency to deprioritise its te reo name, at the beginning of December 2023.[146] The new Government's rationale for the coalition commitment to place the English name of public service departments first was to aid in the understanding of services provided by Government agencies. Deputy Prime Minister Peters supposed that citizens might not comprehend what a Government agency does if they did not understand the name. He demonstrated a particular disdain for the name 'Waka Kotahi', having repeatedly questioned during the election campaign, and afterwards, how it was possible to 'have a waka on the road'.[147]

The te reo name of Waka Kotahi was gifted to it in 2008 by a Te Arawa kaumātua and was included on its registered trademark in the same year.[148] Its legal name is New Zealand Transport Agency, but to give more prominence to its te reo name, a new Waka Kotahi/NZ Transport Agency logo was introduced in 2019, which prioritised Waka Kotahi in bold and in a larger font above its English name.[149]

Waka Kotahi is a Government agency of particular importance to Māori, as counsel for Ngāti Te Rangiunuora me Ngāti Pikiao explained. Counsel said that the agency's roads were constructed on land confiscated from Ngāti Pikiao, followed the lines of military roads, and ran 'through . . . territories that now bear Pākehā names'.[150]

Looking at the components of its te reo name, 'kotahi' means 'one' and 'waka' does not only translate as 'boat' or 'canoe' but conveys the idea of a vessel. The agency's website explains the te reo name communicates the 'concept of "travelling together as one" and embraces integration, affordability, safety, responsiveness and sustainability'.[151] Careful consideration of the service Waka Kotahi delivers is apparent in the name and its description is apt and easily comprehendible. The claimants considered that it had a wairua that made it quite distinct from the English name. Peters' criticism of the term 'waka kotahi' mentioned above suggests an inability to appreciate the broader context the term conveys in te reo Māori. It

146. Document A65, p 778 [Email 'Re: 'Waka Kotahi', 6 December 2023, p [1]]

147. Raphael Franks, 'Incoming Deputy Prime Minister Winston Peters Blasts Te Reo Māori Names for Government Departments', *New Zealand Herald*, 24 November 2023, https://tinyurl.com/bdfmkdxy, accessed 12 July 2024; Alice Neville, 'Don't Know What the Word 'Waka' Means? Here's a Handy Guide', *Spinoff*, 28 November 2023, https://tinyurl.com/8tvykxbk, accessed 14 September 2024

148. Evidence submitted to us noted that the name Waka Kotahi was created by 'the late Te Arawa kaumatua [*sic*] and decorated veteran . . . who was the first Tumuaki – Māori Manager for the agency . . . who was the cultural advisor to the New Zealand government and New Zealand Olympic Team and . . . the previous Maori [*sic*] Manager for Transit New Zealand'. The name of the kaumātua was redacted, and there was no mention of the process involved in the gifting: doc A65, p 791 [Email from Waka Kotahi: 'Re: Kia Ira Whaea', 12 December 2023, p [2]]. Even though some agencies include information on the gifting of their te reo names on their websites, Waka Kotahi does not.

149. Document A65, pp 780–782 [Email: 'Re: Media Inquiry for CEO', 11 December 2023, pp [1]–[3]]; Document A65, p 838 [Richard Benton, 'Te Kukunga Hou: The Clampdown Revisited', paper for symposium *Kia Kotahi te Hoe, Kia Manawa Piharau*, 1 May 2024, p 6]

150. Transcript 4.1.3, p [88]

151. Waka Kotahi/NZ Transport Agency, 'Using Our Logo', https://tinyurl.com/3k5pe6vy, accessed 14 September 2024

is a reminder of the importance of normalising te reo Māori names through use, so that they are not so vulnerable to being taken out of context for the sake of what appears simply to be political rhetoric.

Counsel for Ngāti Te Rangiunuora me Ngāti Pikiao noted that the agency's te reo name is short, 'easy to pronounce, and prominently featured on its stationery and signage . . . a model for official support for language revitalization'.[152] The immediate impact of the coalition commitment on Waka Kotahi – a model for and trailblazer in implementing pivotal te reo policies and programmes, such as the He Tohu Huarahi Māori bilingual traffic signs programme discussed above – is strikingly obvious, and concerning. On 30 November 2023, 'in response to direction from the Minister of Transport', Chief Executive Nicole Rosie and the rest of the executive leadership team of Waka Kotahi endorsed a change to an English-first version of the agency's name and logo, as explained in more detail below.[153]

The information on Waka Kotahi's website about its naming convention prior to the change had noted the following:

> Our full name is Waka Kotahi NZ Transport Agency.
>
> Use our full name 'Waka Kotahi NZ Transport Agency' when you first mention our organisation in a document. Shorten our name to 'Waka Kotahi' every other time you use it in the communication.[154]

Its replacement on the current website states:

> Our full name is NZ Transport Agency Waka Kotahi.
>
> Our short name is NZTA.
>
> Use our full name followed by our short name in brackets the first time you mention us – NZ Transport Agency Waka Kotahi (NZTA). Use NZTA alone every other time you mention us.[155]

The 30 November 2023 memorandum, entitled 'For noting – implementing a change to English-first version of our name and logo' provided the following as background to the change:

> *The Coalition Agreement New Zealand National Party & New Zealand First* states that the Parties will '[e]nsure all public service departments will have their primary name in English, except for those specifically related to Māori'. While the commitment is specific to departments, the Prime Minister has publicly stated it will apply

152. Submission 3.3.3(a), p 11

153. Document 6.2.18 [Waka Kotahi, Letter: '01A-14235', 9 January 2024]; doc 6.2.19, p [50] [Waka Kotahi, 'For Noting – Implementing a Change to English-First Version of Our Name and Logo', 30 November 2023, p [1]]

154. Document 6.2.20, p 2 [Waka Kotahi, Letter: '01A-14259', 13 February 2024, p 2]

155. New Zealand Transport Agency/Waka Kotahi, 'Using Our Logo', 2024, https://tinyurl.com/3k5pe6vy, accessed 14 April 2025

> to the state sector and the Minister of Transport has this week verbally directed us to change our name to English-first.
>
> We understand that the Public Service Commission (PSC) will be providing written confirmation of this direction to agencies.[156]

Minutes of an executive leadership team meeting on 30 November 2023 noted that '[w]hile the coalition agreement is specific to departments, the Prime Minister and Deputy have made media statements that it will apply to the wider state sector, with Waka Kotahi being cited as an example of an agency that will change'. The document further outlined the extensive changes that were required following an initial audit that had identified where the logo of Waka Kotahi was utilised. These changes needed to be made 'across 28 corporate areas (including vehicles, projects, . . . labels, regulatory forms and clothing)', 17 websites, seven social media channels and 22 systems. Questions had been raised, it was noted, 'about the change of name and what this means for the use of te reo Māori, tikanga and engagement with Māori, iwi and hapū'. These questions, however, were not addressed in the minutes or the follow-up memorandum.[157]

These changes appear inconsistent with section 9(1)(b) of Te Ture mō Te Reo Māori 2016, which requires Government agencies to use the Māori language in the promotion of public services and the provision of information.

The Minister of Transport, Simeon Brown, explained in reply to a member of the public calling for the use of te reo by Waka Kotahi to be stopped that

> [a]s part of the Government's coalition negotiations, NZ First and National agreed on a policy requiring public service agencies to have their primary name in English, except for those specially related to Māori. . . .
>
> The Government has not yet provided formal direction to public service agencies to change their name to reflect this policy as we are currently focused on delivering our 100-day plan. As such, changes to naming, branding and/or the use of English are currently a decision for individual public service agencies.
>
> The NZ Transport Agency has said it is taking action to give effect to the Government's policy, and has made changes to its name and branding. The Ministry of Transport's name, logo and website are unchanged and provide both English and te reo Māori, ensuring the information is understandable to the vast majority of New Zealanders.[158]

156. Document 6.2.18 [Waka Kotahi, Letter: '01A-14235']; Document 6.2.19, p [50] ['For Noting – Implementing a Change to English-First Version of Our Name and Logo', p [1]]

157. Document 6.2.21 [Waka Kotahi, Official Information Act Responses, 'ELT paper: Implications of New Government Commitments (In-Confidence), Meeting Date: 30/11/2023', February 2024] A symposium paper by Dr Richard Benton, entitled 'Te Kukunga Hou: The Clampdown Revisited', that cited excerpts of the minutes had been submitted as evidence: doc A65, pp 838–839 ['Te Kukunga Hou', pp 6–7]; doc 6.2.18 [Waka Kotahi, Letter: '01A-14235']; doc 6.2.19, pp [50] [Waka Kotahi, 'For Noting – Implementing a Change to English-First Version of Our Name and Logo', p [1]]

158. Document A65, p 596 [Letter by Minister Brown, 'M24011005', p [1]]. The recipient of the letter was redacted, and it was undated.

The logo on the website of Waka Kotahi, however, is now reversed, so that NZ Transport Agency – in bold and in a larger font – is placed above Waka Kotahi, in stark contrast to recommendations in the *Te Tohu Reorua* guidelines.[159]

The marginalisation of the te reo name is manifest in this case. There is no indication that any consultation with Māori occurred about the change. Ms Baggott accepted that the deprioritisation of the te reo name was a 'deviation' from the bilingual signage policy that the Government had 'been progressively adopting', but maintained that adherence to the guidelines was not mandatory.[160]

The Crown acknowledged the 'evidence filed about the importance of the name Waka Kotahi to Māori' and did not 'take issue with the evidence expressing the detrimental effect the re-ordering of the name has had with te reo Māori'. However, the Crown submitted that Crown entities were 'not part of the Crown', that they constitute 'separate legal entities' and have 'operational independence from Ministers in their decision-making'. Counsel argued that actions by Crown entities, such as Waka Kotahi, were therefore 'not Crown actions' and hence could not constitute 'breaches of the Treaty'.[161] However, this submission seems to be illusory. The evidence presented to us shows clearly that the coalition commitment was the motivation behind the change at Waka Kotahi, and was directed by the Minister for Transport, as shown in the 30 November meeting minutes and memorandum discussed above.

The Crown conceded that it was possible for a Minister responsible for a Crown entity to direct it 'to give effect to government policy, where that policy relates to the entity's functions and objectives'. Counsel for the Crown argued, however, that 'in the present case, no such direction has been issued' and that 'there is no government policy to give effect to'.[162] This does not appear to have deterred Minister Brown. In any event, we have already concluded that the commitments in the coalition agreement became Crown policy when Cabinet endorsed them as the basis on which the Government would operate on 28 November 2023.

4.3.6.2 *Te Manatū Waka / Ministry of Transport*

Similar to the actions taken regarding Waka Kotahi, as discussed in section 4.3.5.1, Minister Brown expressed his preferences for signage prioritising the English name over the Māori name for Te Manatū Waka. Te Manatū Waka is the public service department charged with advising the Government on transport policy, and works closely with Waka Kotahi.

In 2022, under its Māori strategy, Hei Arataki, Te Manatū Waka had changed changed its name and branding. The Ministry had refreshed its naming convention, adopting a te reo name in addition to its English name and placing it first, to underscore its commitment to 'Crown–Māori partnership responsibilities'. The te

159. Document A65, p 778 [Email: 'Re: "Waka Kotahi"', 6 December 2023, p [2]]; 'Using Our Logo', Waka Kotahi / NZ Transport Agency, https://tinyurl.com/3k5pe6vy

160. Transcript 4.1.3, p [94]

161. Submission 3.3.17, pp 49–50

162. Submission 3.3.17, p 49

reo name is a transliteration of the Ministry's English name, 'te manatū' meaning 'the Ministry', and 'waka' meaning 'vessel'. The logo featured 'Te Manatū Waka' in bold and larger font above its English name, closely following the guidance of *Te Tohu Reorua*.[163] The new logo was developed by Māori consultant Dan Brown. It displays 'a whētu – a star – representing navigation', which symbolises 'elements of the journeys as everyone in Aotearoa travels through . . . [the] environment – through mountains, lakes, oceans, rivers, valleys, cities and communities'.[164]

On 6 June 2024, a meeting took place between the Minister of Transport and the Secretary for Transport. In this meeting, as discussed in section 3.4.5, the Minister of Transport indicated that no Cabinet circular about 'Te Reo and/or English for Government Departments' would be forthcoming. Rather, the Ministers were to 'raise the content of the coalition agreement with their agencies'.[165]

Evidence provided to us shows the extent to which the coalition commitment regarding the deprioritisation of te reo at Te Manatū Waka was discussed in the meeting, and its plans for implementation:

> As a result the Secretary agreed that she would proceed to look at how to implement the coalition agreement. The Secretary outlined that the approach would probably be incremental. It may start with template logos and then the intranet (as this is currently under re-development anyway) and then the website. The welcome sign at the front office will probably not be changed due to cost but will be looked at if the Ministry moves to a new office at the end of its current lease. [NB: need to ensure any other legal obligations are also met – get some advice on this]
>
> The Secretary will also ensure Crown Entities[166] are aware of these expectations in an appropriate way. [NB: get some advice on the best way to do this from legal][167]

The meeting notes (written on official stationery featuring the whētu logo and prioritising Te Manatū Waka) do not mention any other reason for the planned change other than the coalition commitment. There is no mention of the impact the change would have on Māori nor of any plans to consult with iwi or hapū.

Ms Cameron had explained that the public service, through its provision of free and frank advice, served to 'educate' incoming Ministers. She noted that new Ministers 'think that their Coalition Agreement is a foregone conclusion and we have to educate them in the processes of our democracy and the processes by which Cabinet' decisions are made, including those set out in the *Cabinet Manual*.[168] However, despite this supposedly moderating influence from officials, several Ministers have appeared unabashed in their minimisation of te reo in the

163. Document 6.2.22 [Te Manatū Waka, Letter: 'Te Manatū Waka Name – OC220497', 7 July 2022]
164. Scenario Communications Limited, 'Te Manatū Waka – Ministry of Transport', 2023, https://tinyurl.com/53ue8axu, accessed 14 September 2024
165. Document A58, p 1
166. Counsel for the Crown said that this referred to 'Crown entities related to Te Manatū Waka': submission 3.3.17, p 52.
167. Document A58, p 1
168. Transcript 4.1.7, p 445

public service. The most recent actions we describe – concerning Taumata Arowai (see section 4.3.5.5 below) – occurred in late June 2024, after our hearing held earlier that month.

According to former Chief Executive of Te Taura Whiri, Mr Haami Piripi, who worked for nearly 30 years in the public service, his

> experience has been when a Coalition Agreement or some kind of agreement of that nature is achieved, the Ministers implement it and the Cabinet Ministers implement that policy, and that is what I believe is happening in this case, that the Ministers are implementing the policy that's been expressed by the Coalition in relation to the use and incidence of te reo Māori.[169]

The incremental practical approach in implementing the name change at Te Manatū Waka mirrors the recommendations regarding cost-saving entailed in the aforementioned 5 December briefing by Te Kawa Mataaho that stated that if

> agencies are required to change their branding, signage and digital content (eg websites) this could involve significant rebranding costs. These costs could be mitigated if the changes were phased:
>
> a. Immediate changes: All new content created by public service agencies can easily incorporate Cabinet's expectations. For example, this would include ministerial briefings, new website content, and letters.
> b. Later changes: We propose that existing digital content and physical signage are not immediately replaced, but instead updated when changes are otherwise being made (ie during the usual cycle of policy changes, website refreshes, etc). [Emphasis in original.][170]

In closing submissions, counsel for the Crown contended that the developments concerning the name of Te Manatū Waka described a 'policy process which remain[ed] underway' and that the 'Secretary record[ed] that legal obligations' would 'need to be met'. However, this reference from the secretary seems to be no more than an indication that steps will be taken to ensure that what is to be done will be covered legally. There is no reference to any obligations under te Tiriti/the Treaty. Counsel further submitted that '[n]o final decisions [had] been made in respect of the name' and that it would disclose 'any further documents to the Tribunal if and when they bec[a]me available'.[171]

During the writing of this report, changes were made at Te Manatū Waka. The website now features the reversed name and new logo: Ministry of Transport – Te Manatū Waka. It still features the whētu, but the English name is placed in bold, white lettering above its te reo name that is displayed in a font that appears nearly transparent, and clearly dominated by its English equivalent. Titles of content

169. Transcript 4.1.7, p 61
170. Document A43(a), p 8 [Te Kawa Mataaho, 'Delivering Better Public Services', p [8]]
171. Submission 3.3.17, pp 52–53

areas are displayed in both English and te reo. However, originally, in its 2022 rebrand version, te reo came first and te reo 'terms used on the Ministry's website were written in a larger font size' and placed in the same font above their English equivalents in brochures.[172] The recent changes are in clear contradiction of the recommendations in the *Te Tohu Reorua* guidelines.

The work on the website is clearly not yet finalised: when searching for information about its name, the logo with its reversed naming convention, English first, appears on the site, but 'Te Manatū Waka – Ministry of Transport' comes up, prioritising its te reo name. It is explained that 'we're now using our te reo name, Te Manatū Waka as well as our English name',[173] which appears to be content from the Ministry's 2022 rebrand that has not yet been replaced. It is therefore unclear whether – and in which form – any content in te reo will remain on the Ministry's website, its stationery and/or other sites in the future. It seems likely that over time the previous prioritising of te reo headings will be removed.

4.3.6.3 *Toka Tū Ake EQC/The Earthquake Commission*

Another Crown entity that changed its name in accordance with the coalition commitment (despite not being subject to it) is Toka Tū Ake (EQC), as discussed in section 3.4.1.[174]

With the Natural Hazards Insurance Act 2023 (NHI Act) coming into force on 1 July 2024, the legal name of the Commission – the Earthquake Commission – was to change to 'Toka Tū Ake – Natural Hazards Commission'. To introduce the public to the new te reo name Toka Tū Ake in the interim, the Commission had adopted a transitional name in July 2022: Toka Tū Ake EQC.[175]

Toka Tū Ake, its website explains, stands for '[t]he foundation from which we stand strong, together'. It is derived from the words 'toka', meaning 'rock', 'tū', which can be translated as 'to stand, take place, set in place, establish', and 'ake', 'to raise upwards'. There is no mention of which Māori expert(s) or iwi were consulted and whether the name had been gifted and by whom, but it is explained that the te reo name 'expresses an age-old truth that the best way to be prepared for adversity is for communities to come together to share their knowledge and resources as support for one another'.[176]

In a briefing on 17 January 2024 addressed to the Minister of Finance, Nicola Willis, the Acting Chief Executive, and the Chief Strategy Officer of Toka Tū

172. Document 6.2.22 [Letter: 'Te Manatū Waka Name – OC220497']; Scenario Communications Limited, 'Te Manatū Waka – Ministry of Transport', 2023, https://tinyurl.com/53ue8axu,accessed 14 September 2024

173. Te Manatū Waka/Ministry of Transport, 'Te Manatū Waka', https://tinyurl.com/yubsvupm, accessed 14 April 2025

174. As set out in our introductory chapter, we use the abbreviation Toka Tū Ake (EQC) for Toka Tū Ake EQC/Earthquake Commission, and after its name change to Toka Tū Ake/Natural Hazards Commission, we use the abbreviation Toka Tū Ake.

175. Document 6.2.8, p 2 [Toka Tū Ake, 'Toka Tū Ake EQC Briefing: Name Change Conventions', 1 February 2024, p 2]

176. Natural Hazards Commission/Toka Tū Ake, 'Our Name', 2024, https://tinyurl.com/44ffm2hz, accessed 15 September 2024

Ake (EQC) sought ministerial guidance on compliance with the commitment on Government agency names in the coalition agreement. The identical briefing was re-sent to the Associate Minister of Finance, David Seymour, on 1 February 2024, who was the Minister responsible for Toka Tū Ake (EQC) at the time.[177] The briefing set out that the

> current naming conventions for the new name is to lead with Toka Tū Ake and for Natural Hazards Commission to be used, if preferred. However, [the] planned naming conventions for [the] insurance product, scheme, levy, website and emails are orientated around Natural Hazards . . . to assist rapid understanding of what they represent and to unify them.[178]

Toka Tū Ake (EQC) noted that the 'logo for the new name includes a prominent "Toka Tū Ake" wordmark and "Natural Hazards Commission" as a subordinate wordmark',[179] which would be in line with its primary, legal name, and the *Te Tohu Reorua* guidelines. Following on from that, the leadership suggested, however, that it was 'possible to switch or adjust this wordmark arrangement at no cost', signalling an intent to deprioritise the te reo name. Toka Tū Ake (EQC) specified that

> Following the direction set out in the coalition agreement between National and New Zealand First to 'ensure all public service departments have their primary name in English, except for those specifically related to Māori', we are seeking Ministerial guidance on how to approach the Commission's name when it legally changes to Toka Tū Ake Natural Hazards Commission on 1 July 2024, as well as the approach to our transitional name, Toka Tū Ake EQC, up to 30 June 2024.[180]

The leadership then set out several options for the remaining use of the transitional name, Toka Tū Ake EQC, until 30 June 2024. This included, first, the status quo, which they recommended (as it was most cost effective); secondly, a change of the written name on the website and in communications 'to EQC or EQC Toka Tū Ake' but retaining the logo and making no changes to 'customer flyers, public education videos, and other documents'; and, thirdly, a '[f]ull change to EQC or EQC Toka Tū Ake (including change to the logo)' across the website and any other content.[181]

177. Document 6.2.8 [Toka Tū Ake, 'Briefing: Name Change Conventions']. The 1 February 2024 briefing to Minister Seymour was sent by Chief Executive Tina Mitchell, and the Chief Strategy Officer.

178. Document 6.2.7, p 3 ['Toka Tū Ake EQC Briefing: Name Change Conventions', 17 January 2024, p 3]

179. Document 6.2.7, p 3 ['Toka Tū Ake EQC Briefing: Name Change Conventions', 17 January 2024, p 3]

180. Document 6.2.7, pp 3–4 ['Toka Tū Ake EQC Briefing: Name Change Conventions', 17 January 2024, pp 3–4]

181. Document 6.2.7, p 4 ['Toka Tū Ake EQC Briefing: Name Change Conventions', 17 January 2024, p 4]

Following on from that, the leadership of Toka Tū Ake (EQC) addressed any required name change conventions from 1 July 2024, when 'Toka Tū Ake – Natural Hazards Commission' would become the legal name of the Crown entity. It clarified that, while the legal name

> must be used in legal documents and legislative circumstances, it is possible to adopt a preferred style of this legal name in how [to] refer to [the Commission], in [its] visual identity, and all other circumstances without requiring an amendment Bill to the NHI Act.[182]

The leadership of Toka Tū Ake (EQC) then set out advice and recommendations, in a similar fashion to the wide range of options set out in the 5 December briefing by Te Kawa Mataaho:

> To meet the direction set out in the coalition agreement . . ., we propose adopting the style of Natural Hazards Commission as our most prominent name in our visual identity, operations and any appropriate circumstances. This style will be accompanied by Toka Tū Ake, where appropriate, and our new logo will include it as a subordinate wordmark to the prominent Natural Hazards Commission wordmark. This aligns our naming convention with multiple Public Sector organisations, requires minor additional inhouse effort to update our visual identity, guidance and assets, and represents limited/no additional costs to existing project budget to update our external platforms. . . . We would use our full name (Natural Hazards Commission – Toka Tū Ake) where the legal name is required. . . .
>
> Alternatively, we can proceed with Toka Tū Ake – Natural Hazards Commission (with Toka Tū Ake preferred after first use), as it appears in the NHI Act. This option requires no additional cost or effort to our current work programme. . . .
>
> Should a formal and legal change to our name be preferred, further legal advice would need to be sought, including from The Treasury.[183]

On 13 February 2024, Minister Seymour communicated his decision to make a full change to both the interim name and the 'name style to apply from 1 July 2024'; he opted for the 'Natural Hazards Commission style'.[184] Responding to an option on the briefing, indicating whether he would like Toka Tū Ake (EQC) to elaborate on any of the above, Minister Seymour annotated:

182. Document 6.2.7, p 4 ['Toka Tū Ake EQC Briefing: Name Change Conventions', 17 January 2024, p 4]

183. Document 6.2.7, pp 4–5 ['Toka Tū Ake EQC Briefing: Name Change Conventions', 17 January 2024, pp 4–5]

184. Document 6.2.8, p 6 [Toka Tū Ake, 'EQC Briefing: Name Change Conventions', p 6]

> We really need to meet & discuss this. The point of a name is to communicate what the organisation does, effectively. That should be in English but I need to understand the Commission's costs & legislative constraints.[185]

An email to all staff from the Chief Executive of Toka Tū Ake (EQC), Ms Tina Mitchell, communicated the decision on the Crown entity's naming on 23 February 2024. The interim name of Toka Tū Ake was changed to 'EQC Toka Tū Ake', and an 'updated version' of the logo was to be used. After that, 'the Commission' or 'EQC' would be used when a shorter version was required.[186] The te reo name was therefore either to be completely omitted or relegated to second place.

In her email, Ms Mitchell wrote that from 1 July 2024 onwards, the Crown entity would be known as the 'Natural Hazards Commission Toka Tū Ake'. After that, either 'the Commission' or 'NHC' would be used as a shorter option. The email gave the reason for these decisions as follows:

> These decisions reflect the Government's commitment for public service organisations to have their primary name in English, except those specifically related to Māori.[187]

Even though the Crown tried to downplay the significance of the reversal of the te reo and the English name by emphasising that the Crown entity 'retain[ed] the Māori name but in a different order from the statute',[188] we consider that the symbolism inherent in this reversal is detrimental to te reo. Rather than affirming the equal status of te reo and thus serving in the cause of revitalisation, it either relegates it to a secondary status or invisibilises it.

Moreover, the new logo simply showed 'Natural Hazards Commission' in a bold, larger font above 'Toka Tū Ake', again, in complete disregard of the bilingual guidelines in *Te Tohu Reorua*. The extended discussion about the meaning of 'primary' regarding agency names is rendered moot when even a legal name that prioritises te reo is changed in 'common use' to display the English name first.

We are left to conclude that Mr Apanui-Barr's comment that 'primary' in the coalition commitment means that 'the Māori language comes second'[189] is correct.

There is no evidence that the leadership of the Commission consulted with Māori on the name change or gave any thought to its impact on Māori. Despite that, Toku Tū Ake's website states that the

185. Document 6.2.8, p 6 [Toka Tū Ake, 'EQC Briefing: Name Change Conventions', p 6]. The handwriting of the words 'costs' and 'constraints' is hard to decipher; 'costs' could be read as 'cash' and 'constraints' could also be read as 'constructs/contexts/conducts'. The handwriting was difficult to decipher but we decided that the wording we have quoted above is the most likely.

186. Document A65, pp 641–642 [Email: Tina Mitchell, 'An Update on Our Name', 23 February 2024, pp [1]–[2]]

187. Document A65, pp 641–642 [Email: Tina Mitchell, 'An Update on Our Name', pp [1]–[2]]

188. Submission 3.3.17, p 51

189. Transcript 4.1.7, p 523

> new name, Natural Hazards Commission Toka Tū Ake, reflects our role as a partner to Te Tiriti o Waitangi, as well as our shared responsibility with tangata whenua for kaitiakitanga (guardianship and protection) of people and places impacted by natural hazards.[190]

Given the actions by the leadership of Toka Tū Ake/Natural Hazards Commission (Toka Tū Ake), we consider the reference to te Tiriti/the Treaty here is merely lip service. There is no substance to the proposition that the new name reflects the role of Toka Tū Ake as a partner under te Tiriti/the Treaty at all. The Crown is obliged to actively protect and promote te reo, but the name change has neither supported nor enhanced the use of the Māori language within the public service.

The Crown reiterated the statement it made regarding Waka Kotahi that Crown entities are separate from the Crown and that actions by Toka Tū Ake were therefore not Crown actions and could not be termed breaches of te Tiriti/the Treaty.[191] However, we agree with Tamaki Legal who submitted that 'although Toka Tū Ake operates with a degree of autonomy from the minister and coalition government (as a Crown agent under the Crown Entities Act 2004), . . . it was acting in accordance with ministerial guidance' regarding the name change.[192]

4.3.6.4 *Kāinga Ora and Te Whatu Ora*

We did not receive sufficient evidence on Kāinga Ora or Te Whatu Ora to include these agencies in our analysis. Sections 3.4.1 and 3.4.3 discuss publicly available information about the discussion of proposed name changes at these two Crown entities. We note, however, that there is a tendency by Ministers and the Prime Minister to omit the te reo name 'Kāinga Ora' and refer to the agency simply as 'KO'.[193] That abbreviation does not uphold the mana of the name or te reo.

4.3.6.5 *Taumata Arowai/The Water Services Regulator*

Agencies are continuing to make changes to their te reo names in response to the signal the coalition agreement has given them. During the writing of this report, additional disclosure documents were made available to us regarding proposed amendments to the Crown entity Taumata Arowai – the Water Services Regulator Act 2020. On 23 May 2024, the Deputy Executive Director (Water Services Policy) and the Policy Manager (Monitoring and Stewardship) had sent a briefing entitled

190. Toka Tū Ake, 'Our Name', 2024], https://tinyurl.com/44ffm2hz, accessed 15 April 2025
191. Submission 3.3.17, p 50
192. Submission 3.3.18, p 32
193. As briefly mentioned in section 3.4.4. For more examples, see: 'Kāinga Ora Chief's Exit: New Chair at Odds with Christopher Luxon over Performance', Radio New Zealand, 2 July 2024, https://tinyurl.com/5jcdf4w5, accessed 25 March 2025; Jenna Lynch, 'Revealed: The Simple Texts between Sir Bill English and Chris Bishop That Led to Kāinga Ora Review', Stuff, 28 May 2024, https://tinyurl.com/mwbn73j7, accessed 25 March 2025; Hon Chris Bishop, 'Kāinga Ora Instructed to End Sustaining Tenancies', New Zealand Government Releases, 18 March 2024, https://tinyurl.com/3brb6b8v, accessed 25 March 2024.

'Summary of amendments to the Water Services Act and associated legislation in relation to Taumata Arowai's roles and responsibilities' ('the May briefing') to the Minister of Local Government, Simeon Brown. In it, officials explained that Minister Brown had recently agreed to a number of amendments to the Water Services Act 2021. They then requested confirmation of 'two further amendments to related legislation, the Taumata Arowai-the Water Services Regulator Act 2020', and noted that these amendments were 'intended to be made via the Local Government Water Services Bill'.[194]

Below a header entitled 'Change to the legislated name of Taumata Arowai to reflect coalition Government commitments', the May briefing then stated:

> The legislation establishes the name of Taumata Arowai as Taumata Arowai – the Water Services Regulator. Officials understand that as part of fulfilling coalition Government agreements, you would like to amend the name to ensure English is used first when referring to the organisation. This will involve changes to the Taumata Arowai-the Water Services Regulator Act 2020. There will also be consequential amendments to Taumata Arowai's name when it is referred to in other legislation, including the Water Services Act 2021.
>
> Officials consider the name in legislation would therefore be amended to 'The Water Services Regulator-Taumata Arowai'. . . .
>
> Officials will seek legal advice on all amendments to the Water Services Act 2021 and Taumata Arowai-the Water Services Regulator Act 2020, to ensure that all consequential considerations are taken into account. This will also likely include a small number of technical amendments to the Water Services Act.
>
> Once all legal and policy analysis has been undertaken, proposals will be included in the Cabinet paper for the Local Government Water Services Bill (Bill 3) in July.[195]

We note that the May briefing specified that legal advice was needed regarding the amendments. It is unclear whether it was intended to include advice on the compliance with Te Ture mō Te Reo Māori 2016 and te Tiriti/the Treaty on the deprioritisation of the te reo name of Taumata Arowai.

A section on 'name and identity' on the website of Taumata Arowai explains as follows:

> Taumata refers to a summit or gathering of people coming together around an important area of focus. Our focus is on improving the performance of the water services sector over time.
>
> Arowai conveys our focus on wai as a taonga, and our focus to put wai mauri, wai mana, and wai ora at the centre of everything we do.[196]

194. Document A64, p1
195. Document A64, pp3–4; see also doc A63, p16
196. Taumata Arowai, 'Ko Wai Mātau – Who We Are', https://tinyurl.com/3jf3yuk2, accessed 16 September 204

The focus on placing 'wai as a taonga' at the centre of the agency clashes with the proposal to deprioritise its te reo name. Importantly, the phrase 'wai' does not only mean water but is also the te reo word for 'who'. The late Dr Huirangi Waikerepuru explained that 'wai' or 'water' is fundamental to Māori:

> For instance, who's your name? Whose water do you come from? Not, what's your name! So, everything to do with all of life is around water; no water – no life. No *wai*, no *tangata*, no people. And so, for Māori, is to ask the question – *Ko wai tōu ingoa*? Who's your name? Who do you come from? Who's your ancestor? *Ko wai tō tupuna*, your ancestor? *Ko wai tō matua*? Who's your father? *Ko wai tō whaene*? Who's your mother? It's all about water and the connection to every member of the family.[197]

The website also talks about 'wai mauri'. In Māori culture, each body of water has a 'mauri', a life force; water is the essence of all life and integral to Māori cultural identity.[198] We note that Taumata Arowai, its name and what it stands for, is therefore of utmost importance to Māori.

The May briefing showed no evidence of any plan for engagement or consultation with Māori on the impact of the proposed change. The proposal to rename the Water Services Regulator Act 2020 was advanced on 23 July 2024 in a Cabinet Paper to the Cabinet Economic Policy Committee. Consultation on a draft of the paper had occurred internally with several Government agencies, such as Te Arawhiti / The Office for Māori Crown Relations (Te Arawhiti) and Te Puni Kōkiri, but not with Te Taura Whiri. Tamaki Legal considered this to be inappropriate and submitted that 'Te Taura Whiri is unable to effectively carry out its duties if it is excluded from consultation processes concerning te reo Māori'.[199] Counsel for the Crown responded to Tamaki Legal's argument by noting that Cabinet guidance determined that

> agencies with an interest in the subject matter of a policy decision should be consulted on draft Cabinet papers. . . . In this instance the lead department consulted Te Arawhiti and Te Puni Kōkiri as directed by the Cab Guide, noting the primary focus of the paper was not te reo Māori but broader issues of water regulation.[200]

In our view, and quite aside from the fact that there was no external consultation, the Cabinet guidance determination arguably undermines the role and effectiveness of Te Taura Whiri. While the focus of the paper may not have been about te reo, changing the name of the institution from te reo to English is at the forefront of the issue, particularly here, where we are talking about the change of

197. Quoted in Joeliee Seed-Pihama, 'Naming Our Names and Telling our Stories', in *Decolonizing Research: Indigenous Storywork as Methodology*, eds Jo-ann Archibald Q'um Q'um Xiiem, Jenny Bol Jun Lee-Morgan, and Jason De Santolo (London: Zed Books, 2019), p 107

198. Waitangi Tribunal, *Stage 1 Report on the National Freshwater and Geothermal Resources Claim* (Wellington: Legislation Direct, 2012), p 10

199. Memorandum 3.2.18, pp 3–5

200. Memorandum 3.4.1, p 2

a legislated name. Te Taumata Arowai is the name of the entity vested with the responsibility for water regulation and its obligations are sheltered within the prestige of that name. It seems that this position has been overlooked when advice from departments has been sought or in this case not sought.

The Cabinet Economic Policy Committee minute of 19 June 2024 confirmed Cabinet approved an amendment to the Act to prioritise the English name of Taumata Arowai.[201] The Cabinet committee invited the Minister of Local Government to issue drafting instructions to the Parliamentary Counsel Office to prepare the Local Government Water Services Bill. The Bill was introduced on 18 December 2024 and was expected to be enacted in mid-2025.[202]

At the time of writing this report, the logo of Taumata Arowai on its website continued to solely show the te reo Māori name, and content headings on top of the home page prioritised te reo: a bolder font was used, and they were placed above the English titles. Further down the homepage, however, a mix of styles can be found: the English header 'Healthy Water. Healthy people' is set in a larger, bolded above the smaller, non-bolded te reo 'Wai ora. Tangata ora.' Further down the page, some content squares, such as 'Ngā Otinga Pai – Acceptable Solutions' have the te reo caption bolded and placed above the English; the same font-size is used for both. Others, such as 'Standards, Rules, and Aesthetic Values' are solely displayed in English, and yet others show the same description twice in English: once bolded, once not.[203] We surmise the bolded version, placed above, used to be the description in te reo, and that changes to the website – which are in stark contrast to recommendations in the *Te Tohu Reorua* guidelines – continue to be introduced incrementally. We expect that changes will also affect the logo of Taumata Arowai, as it did – for example – in the case of Te Manatū Waka.

The amendments to the Water Services Regulator Act 2020 confirm that actions to deprioritise te reo and undermine its status have continued after our hearing. It shows that the Government is undeterred in its course.

Tamaki Legal submitted that the case of Taumata Arowai is

> yet another example of the Crown giving effect to its overarching te reo Māori policies, contained in the Coalition Agreement. The policy to amend the Act to have its English name first has clearly been given effect to by the Crown. Cabinet has endorsed the amendment to rename the Act to 'deliver on the government's intention that government agencies will have an English name.' In addition, drafting instructions have been sent to the PCO [the Parliamentary Counsel Office].[204]

201. The Minute was received by us on 23 July 2024: doc A62, p 1.

202. Document A62, p 1; New Zealand Parliament – Pāremata Aotearoa, 'Local Government (Water Services) Bill', 27 January 2025, https://tinyurl.com/4juzbx2w, accessed 26 March 2025; doc 6.2.23 [Te Tari Taiwhenua, 'Factsheet: Local Government (Water Services) Bill Overview', December 2024]

203. Taumata Arowai, 'Home/Taumata Arowai', https://www.taumataarowai.govt.nz, accessed 26 March 2025

204. Memorandum 3.2.18, p 4

Counsel for the Crown denied that there was any overarching policy to change agency names. Rather, he reiterated, it remained a matter for individual Ministers.[205] What we perceive, however, is that the commitment made in the coalition agreement and endorsed by Cabinet is being liberally applied by Ministers, with willing assistance from officials. The climate is not one of individual ministerial discretion but a general expectation in many quarters that te reo names must be deprioritised.

The guidance for departments of State contained in Te Ture mō Te Reo Māori 2016 set out clearly in section 9 that, as 'far as is reasonably practicable . . . iwi and Māori should be consulted on matters relating to the Māori language'. We consider that a legislative change specifically concerning the status of a te reo name of a Government agency clearly requires consultation, even though the exact kaitiaki of the Māori name might be difficult to pinpoint. Section 9 also sets out that 'government services and information should be made accessible to iwi and Māori through the use of appropriate means (including the use of the Māori language)'. The relegation of the te reo name here runs entirely counter to this intent.

4.3.6.6 *Whaikaha / Ministry of Disabled People*

Whaikaha, as discussed in section 3.4.4, is the first Government agency to have its name in our country's three official languages, te reo Māori and New Zealand Sign Language (NZSL), as well as in English.[206] The legal name of Whaikaha is the 'Ministry for Disabled People'.[207]

Whaikaha was established in July 2022 after Cabinet agreed in October 2021 to establish a new Ministry for Disabled People, as a departmental agency hosted by Te Manatū Whakahiato Ora / The Ministry of Social Development. The focus of the new Ministry was to give voice to the disabled community, to centralise disability support and to be a single point of contact for disabled people using disability support services. Fundamental to the 'broad direction for change in the disability support system', were the New Zealand Disability Strategy (2016–26); the Disability Action Plan (2019–23); Whāia Te Ao Mārama / The Māori Disability Action Plan (2018–22); Faiva Ora / The National Pasifika Disability Plan (2016–21); and the United Nations Convention on the Rights of Persons with Disabilities (2008).[208]

Another distinct focus behind the establishment of the Ministry was a commitment to involve disabled people and their whānau in the 'governance of the new system' and the embedding of their voices 'at all levels of decision making'.[209] The focal point of the new Ministry was working in partnership 'with tāngata whaikaha Māori and Te Tiriti o Waitangi partners to uphold the principles of Te

205. Memorandum 3.4.1, p 1
206. Document A56, p [1]; appendix 3.2.8(a), p [2]
207. Appendix 3.2.8(a), p [2]
208. Document 6.2.24, p 1 [Office of the Minister for Disability Issues and Office of the Minister of Health, Cabinet paper: 'Disability System Transformation Update', 2022, p 1]
209. Whaikaha, 'Working in Partnership', https://tinyurl.com/3yrewsj5, accessed 18 September 2024

Tiriti o Waitangi in the new Ministry' and to promote 'Te Ao Māori, Pacific, social, cultural and rights-based concepts and models of disability'.[210]

The decision on a name for the Ministry was based on this partnership. As discussed in section 3.4.4, the Ministry's legal name 'Ministry **for** Disabled People' was registered earlier so that key administrative tasks could be undertaken (emphasis in original).[211] Upon establishment of the Ministry, Cabinet gave the Minister for Disability Issues, the Minister for the Public Service, and the Minister of Health the authority to determine the Ministry's final name. The Ministers agreed after discussions with officials and disabled people that the name should include te reo Māori, NZSL, and English.[212]

The Ministry engaged with iwi chairs, 'groups in the disabled community . . . and the wider community' to find the te reo name. It was gifted by Ngāti Porou kaumātua Maaka Tibble, a founding member of the Māori Disability Leadership Group. As discussed in section 3.4.4, the te reo term 'whaikaha' translates as 'having strength' and focuses on the strengths of disabled people, rather than their disability.[213] Mr Tibble explained the meaning behind the name as follows:

> Tāngata Whaikaha means people who are determined to do well, or [that] is certainly a goal that they reach for. It fits nicely with the goals and aims of people with disabilities who are determined in some way to do well and create opportunities for themselves as opposed to being labelled, as in the past.[214]

Mr Tibble gifted the name to the Ministry on the proviso it was prioritised and placed 'at the top of the letterhead'. The Ministry's steering and governance group endorsed Whaikaha as the te reo Māori name and 'strongly agreed that it be the first part of the Ministry's name'. The English part of the name was also developed through engagement with the disability community. This community wanted the name to connote the partnership aspect of the Ministry, recognising disabled people as partners, rather than it being 'for' disabled people. The Ministry's name therefore became Whaikaha – Ministry **of** Disabled People.[215]

The NZSL name was inaugurated in June 2023 and is based on the te reo name. The NZSL expert group who developed and gifted the name included members of the NZSL Board, Te Rōpū Kaitiaki, Deaf Aotearoa, Deaf Action and the Deaf Studies Research Unit at Victoria University of Wellington. At the core of the NZSL name is the following Māori whakataukī:

> Me he aka rātā ka tipu tahi, ka puāwai tahi kia tū kaha i ngā hihi ō Tamanuiterā.

210. Document 6.2.24, p 5 [Office of the Minister for Disability Issues and Office of the Minister of Health, Cabinet paper: 'Disability System Transformation Update', p 5]
211. Document A56, p [1]
212. Whaikaha, 'Finding Our Name', https://tinyurl.com/jsthuwee, accessed 23 July 2024
213. Whaikaha, 'Finding Our Name', https://tinyurl.com/jsthuwee, accessed 23 July 2024
214. Whaikaha, 'Finding Our Name', https://tinyurl.com/jsthuwee, accessed 18 September 2024
215. Whaikaha, 'Finding Our Name', https://tinyurl.com/jsthuwee, accessed 23 July 2024

> Like the rātā vines growing together and flourishing to stand strong in the warmth of the sun.

The NZSL name is comprised of a one-handed movement, the sign 'tree' moving upwards, which symbolises the rātā vine, while mouthing, or silently saying, 'Whaikaha'. The rāta vine is also part of the visual brand of Whaikaha and forms part of the logo.[216]

The term 'whaikaha' or 'tāngata whaikaha' is now widely used and many in the disability community have embraced the enabling term. Its new meaning has also been added to *Te Aka*, the Māori–English dictionary: 'whaikaha: disabled – a usage created within the Māori disabled community'.[217]

The media reported that during her first meeting with the executive leadership team in November 2023, incoming Disability Issues Minister Penny Simmonds brought up the commitment in the coalition agreement to prioritise English agency names and requested the Ministry to do this.[218] Evidence provided to us does not confirm this. Notes taken during the 29 November 2023 meeting were summary notes, which read regarding naming:

> Briefly discussed: . . . The naming of Whaikaha – can we look at using both names?[219]

The author of the question is not named, and the fragment is therefore somewhat ambiguous. It appears from the context that it could have been Minister Simmonds posing the question and requesting to use both the te reo and the English name, instead of solely using the te reo name. Resulting actions from the meeting annotated on the summary notes do not refer to the naming issue.[220] It is therefore unlikely that a directive was given. Due to the ambiguity here, we do not propose to pursue this issue any further.

However, there is no ambiguity concerning Louise Upston's statements regarding the te reo name of Whaikaha after she replaced Simmonds as Disability Issues Minister in April 2024. As discussed at section 3.4.4, Minister Upston gave verbal instructions to the Chief Executive of Whaikaha on 7 May 2024 that 'any material provided to her, in her name . . . [was] to have English first', including:

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216. Whaikaha, 'Finding Our Name', https://tinyurl.com/jsthuwee, accessed 23 July 2024

217. Te Aka/Māori Dictionary, 'whaikaha', https://tinyurl.com/2n5af4vf, accessed 18 September 2024

218. Document A43(a), pp 224–228 [Glenn McConnell, 'Government's English Name Edict Runs into Trouble at Whaikaha', 7 May 2024, pp [1]–[5]]4

219. Document A65, p 40 ['Summary Notes – Meeting with Whaikaha Officials', 29 November 2023, p [1]]. In the weekly staff meeting preceding the inaugural meeting with the incoming Minister, the Chief Executive mentioned that all three names would continue to be used until there was clarification given by the Minister about the implications of the coalition commitment for the Ministry's name. These comments were subsequently included in a staff newsletter: doc A66, p 170 [Whaikaha, Letter: '01A2150', 17 April 2024, p [1]]

220. Document A65, p 40 ['Summary Notes – Meeting with Whaikaha Officials', p [1]]

- Public facing material
- Speeches
- Talking points.[221]

Further key instructions were to

> ensure material for the Minister uses the English name first, followed by the Te Reo Māori name. The general approach to communications with the Minster's name is that the Ministry of Disabled People – Whaikaha is initially used followed by 'the Ministry' in further references. There has not been any brand or collateral changes.[222]

The Crown 'accept[ed] that English has been put first as a result of this verbal instruction'. However, counsel for the Crown submitted that this direction only applied to 'the materials provided to the Minister'.[223] We understand that the lack of a directive on a rebranding of Whaikaha according to the preference of Minister Upston is largely due to financial considerations, similar to the staged rebranding of Te Manatū Waka discussed at section 4.5.2 above. The Ministry's chief executive explained to Ms Baggott on 10 June 2024 that the Minister had 'requested the Ministry did not spend money or time on rebranding due to current priorities the Ministry is addressing'.[224]

That financial problems were plaguing Whaikaha had already come to light in March 2024, when Minister Simmonds announced proposed funding cuts for respite support and equipment services for tāngata whaikaha due to cost pressures. As a result, Cabinet took greater control of the funding of Whaikaha, and Minister Upston replaced Ms Simmonds as Disability Issues Minister.[225]

We surmise that changes to the visual branding and the logo and content on the website will take place in due course, as per the coalition commitment and Ms Upston's clear preference to prioritise the English name. As it stands, the directive to prioritise the English name disregards Te Ture mō Te Reo Māori 2016 and *Te Tohu Reorua*. Furthermore, it completely disregards the position of Mr Tibble, who gifted the te reo name on the proviso that it be prioritised. It also disregards the wishes of the disability community.

Minister Upston's view is that the name Whaikaha 'may be well known within the disability community [but] it does not have the same level of recognition and meaning to other New Zealanders'.[226] Ms Baggott noted that the statement was consistent with a similar statement made by Minister Willis in her 27 May 2024 letter that

221. Document A56, p 2
222. Document A56, p 2
223. Submission 3.3.17, pp 51–52
224. Document A56, p 2
225. 'Cabinet Takes Greater Control Over Ministry for Disabled People After Funding Cuts', Radio New Zealand, 26 March 2024, https://tinyurl.com/y46y2z2k, accessed 18 September 2024
226. Document A56, p [1]

> the Coalition Government believes that the Public Service and [its] information should be made accessible to New Zealanders with communication in language they understand.[227]

However, our view is that the communication method should be focused on those who seek to access the service. The evidence is clear that for those of the disability community, te reo is what has been recognised as the appropriate name for the Ministry of Disabled People.

We agree with the submission of counsel for the Ngāi Te Rangi Settlement Trust that, according to Ms Upston's statement, the community that forms the subject of the Disability Issues portfolio *does* understand the name. The Minister's preference to deprioritise the te reo name was therefore not based on a lack of understanding of the name by the 'affected community'.[228] It is apparent that Minister Upston did not consult with tāngata whaikaha generally, and tāngata whaikaha Māori specifically, and displays a clear misunderstanding of their needs and wishes on this particular issue.

Moreover, the deprioritisation of the te reo name, and its substitution with 'the Ministry' in follow-up communications,[229] also affects its NZSL name. As noted above, mouthing, or silently saying, of 'whaikaha' forms part of its sign name. Two parts of the tripartite name of Whaikaha are thus being deprioritised, which particularly disadvantages tāngata whaikaha Māori. The intent for the Maihi Karauna is that

> the Crown's efforts should be broadly inclusive and not impose any barriers to participation. For example, broadcasting, digital and education initiatives will be relevant in engaging those with disabilities, and could link with community initiatives, such as the Māori Deaf community's development of Māori concepts in New Zealand Sign Language.[230]

It had also been noted in the 2018 'Maihi Karauna Final Strategy and Implementation Approach' that Government officials needed to 'ensure that implementation planning includes consideration of greater access to te reo Māori for the disabled community'.[231] The deprioritisation of the Ministry's te reo name, and thus also its NZSL name, does the opposite.

As outlined above, continuous engagement and consultation with Māori in the establishment of Whaikaha was the norm until the coalition Government came into power. The November 2023 briefing to the Incoming Disability Issues Minister (BIM) states that the disability issues portfolio

227. Transcript 4.1.7, p 217
228. Transcript 4.1.7, pp 217–219
229. Document A56, p 2
230. Document A54, p 222 [Te Puni Kōkiri, 'Maihi Karauna: The Crown's Strategy', p 9]
231. Document A43(a), p 105 [Cabinet paper: 'Maihi Karauna: Final Strategy and Implementation Approach', p 15]

> [s]upports the Crown to meet its Te Tiriti o Waitangi/Treaty of Waitangi obligations through effective partnerships with, and interventions for, tāngata whaikaha Māori and their whānau.[232]

Again, this contrasts with Minister Upston's lack of consultation over the naming change.

Two months after our hearing, in August 2024, Minister Upston announced a Government restructuring and downsizing of Whaikaha to a 'smaller policy advice, advocacy, education and monitoring stand-alone ministry, with disability support service being transferred to the Ministry of Social Development'. The decision 'stunned, outraged and deeply distressed disabled people, families and the support community'.[233] Although outside the scope of our inquiry, we can see that this would have undone the intended consultative, partnering foundations of Whaikaha.

4.3.7 Conclusion

The commitment in the coalition agreement about agency names is that 'public service departments should have their primary name in English, except for those specifically related to Māori'. There is no reference here to Crown entities but, as we have seen, several Crown entities have since made name changes. The first of these was Waka Kotahi, following a direction from the Minister of Transport shortly after the new Government was formed. In briefing the Minister for the Public Service on 5 December 2023 about options for implementing the commitment, Te Kawa Mataaho noted this example and offered the Minister advice on how the commitment could be broadened to include all Crown entities.

The tone of this advice sits uncomfortably alongside the Crown's obligations under Te Ture mō Te Reo Māori 2016 and appears to undermine the suggestion that Ms Baggott made that Te Kawa Mataaho is there to provide independent advice. Te Kawa Mataaho went further still, proposing that the 2016 bilingual signage guidance – *Te Tohu Reorua* – could be revoked. Not only that, but officials suggested that the Minister for Māori Development might wish to consider amending the Crown's Māori language strategy to reflect the new English-first directive. We can see here that officials essentially omitted any strong advice about the Crown's obligations under te Tiriti/the Treaty and relevant legislation. Despite the likely readiness of Te Puni Kōkiri to respond rapidly to any request for comment on this briefing, Te Kawa Mataaho did not consult them.

The 5 December Te Kawa Mataaho briefing did not highlight any particular ambiguity about the word 'primary'. This rather contrasted with the evidence of Te Kawa Mataaho witnesses, who told us that 'primary' could be interpreted in various different ways. The Crown also accepted that, in the case of Whaikaha, it was

232. Document A43(a), p126 [Te Kawa Mataaho, 'Ngā Tohutohu mō te Minita Tomo Mai – Briefing to the Incoming Minister', p6]

233. Robyn Hunt, 'Disabled People Deserve a Meaningful Place of Our Own – Whaikaha Has Been Shafted', *The Spinoff*, 19 August 2024, https://tinyurl.com/pbydxhyc, accessed 18 September 2024

difficult to know how the idea of a 'primary' name applied. Given the agency name changes we received evidence about, we were left to conclude that Mr Apanui-Barr was correct when he summarised that 'primary' simply meant that te reo Māori came second.

Due to the devolved structure of New Zealand's public service – and in the absence of a Cabinet directive – it is a matter of ministerial discretion to change the legal names, the branding, or everyday common usage of agency names. Consequently, ministerial instruction saw an agency with a prioritised te reo legal name, Toka Tū Ake, change its name and branding to English first in common usage, without any amendment to its legal name, at least for now. More recently, the Minister of Local Government decided to change the legal name of the Crown entity Taumata Arowai to display its English name first by changing the Taumata Arowai – the Water Services Regulator Act 2020, in which its name was legally established.

The Minister of Transport – the responsible Minister for both the Crown entity Waka Kotahi and the public service department Te Manatū Waka – directed these agencies to display their English name first. Branding and signage now reflect the reversal of names and disregard the recommendations outlined in *Te Tohu Reorua* regarding the prominence of te reo in location and font. The Minister of Local Government (who is also the Minister of Transport) directed the changes at Taumata Arowai. In the case of Whaikaha, the Minister for Disability Issues decided to prioritise the English part of the tripartite name of the Ministry.

All these changes were undertaken to reflect and implement the commitment in the coalition agreement. Without exception, the reason given for the changes was the commitment. And while counsel for the Crown disputed that Crown entities could be considered the Crown for our purposes, these naming changes by Crown entities were directed by Ministers.

The fact of our inquiry has not hindered the process of deprioritising te reo in agency names. There has been no consultation with Māori at any stage of these changes, be it with iwi, hapū, or the experts who gifted specific names. There has therefore been no consideration of the tikanga associated with the original gifting of the names.

In short, and quite aside from its obligations under te Tiriti/the Treaty, the Crown's actions to give effect to the commitment in the coalition agreement about agency names appear to be well out of alignment with its obligations under Te Ture mō Te Reo Māori 2016. This is particularly the case in regard to section 9(1)(a), which says that iwi and Māori should be consulted on matters relating to te reo, and section 9(1)(b), which states that te reo should be used in the promotion of Government services.

4.4 The Prioritisation of Communication in English in the Public Service

4.4.1 Introduction

The coalition agreement between the National and New Zealand First parties includes the commitment to '[r]equire the public service departments and Crown Entities to communicate primarily in English – except those entities specifically related to Māori'.[234] This appears to have been a softened (and macronised) version of the policy position in the New Zealand First election manifesto:

> All public service departments, Crown Entities and SOEs [State-owned enterprises] will be required to communicate in English except those specifically related to Maori.[235]

On its face, the New Zealand First manifesto indicated an intention to restrain most agencies from using any language other than English, which would appear to be unworkable as Government policy. Te reo Māori is, of course, an official language, and section 9 of Te Ture mō Te Reo Māori 2016 explicitly sets out the ways in which the Government should promote its services and otherwise communicate in Māori. Simply put, the requirement for the Government to communicate in te reo is embedded in legislation.

The question is, therefore, what does the commitment to dilute te reo in the public service mean in practice, and what has it achieved. We consider in turn the questions of:

- what advice Te Kawa Mataaho initially gave Minister Willis on the matter;
- whether any agencies do not communicate primarily in English;
- what actions Ministers and agencies took to limit communication in te reo;
- what other examples of this kind the survey conducted by Te Pūkenga Here Tikanga Mahi / The New Zealand Public Service Association revealed; and
- what communication in te reo was more recently omitted by the Minister for Arts, Culture and Heritage.

4.4.2 What advice did Te Kawa Mataaho initially give Minister Willis?

We note that Te Kawa Mataaho briefed Nicola Willis about the te reo-related aspects of the coalition agreement on 5 December 2023, as we have mentioned at section 4.3.2.1. The reason for this briefing was the Minister's need to report back to Cabinet, as part of the Government's '100-day plan', on 'ensuring public services are available to all New Zealanders and are prioritised on the basis of need not race.'[236]

Te Kawa Mataaho understood that the commitments concerning te reo Māori would form part of this report-back, including the requirement for agencies to

234. Document A65, p 756 ['Coalition Agreement: National & New Zealand First', p 9]

235. New Zealand First Party, 'Let's Take Back Our Country: Election Manifesto 2023', p 4, https://tinyurl.com/44zckvfn

236. Document A43(a), p 1 [Te Kawa Mataaho, 'Delivering Better Public Services', p [1]]

communicate primarily in English.[237] Neither the executive summary nor the section of the paper dealing with communications in te reo mentioned the Crown's obligations under Te Ture mō Te Reo Māori 2016 (although the section on agency names did). The section on communications did mention the undertakings in the Maihi Karauna (although officials did not refer to the strategy by name) but stressed that

> [t]he majority of agencies do not use *only* Māori language in their communications, with most predominantly using English with occasional Māori (and other language) translations [Emphasis in original.][238]

At this point, therefore, Te Kawa Mataaho could conceivably have advised that no action was needed to give effect to this commitment in the coalition agreement. That proposition, however, does not appear to have been entertained. Instead, officials offered ways in which the use of te reo could be limited. They suggested, for example, that its use in ministerial communications could be 'immediately adjusted' through individual Ministers informing officials of their preferences. Alternatively, they noted that Cabinet could issue a broader expectation for the public service that any terms or words in te reo were always to be accompanied by an English translation. If the Minister wished to broaden these directions to Crown entities, Te Kawa Mataaho explained that portfolio Ministers could 'direct specific Crown agents' or the Minister could issue 'an all-of-government direction under section 107 of the Crown Entities Act 2004'. Finally, officials noted that the Maihi Karauna was due for renewal, and the Minister could discuss with the Minister for Māori Development whether the new strategy should 'include the expectation that the use of the Māori language in government communications and written documents does not create a barrier to understanding'.[239]

Ms Cameron explained that the briefing had been 'developed rapidly, over a period of less than two weeks' and that, in the circumstances, there had been no time to consult Te Puni Kōkiri or Te Taura Whiri. She described the report as 'exploratory in nature', and an attempt to 'test the Minister's thinking about the interpretation of the Coalition commitments and potential options available'. Had matters progressed to providing the Minister with advice for a Cabinet paper, she said, full consultation with relevant agencies would have taken place and advice would have been included 'on issues of compliance with the Treaty and with the Māori Language Act and the Maihi Karauna'. Ultimately, however, the Government had decided not to issue any formal direction on communication, with Ministers able to make individual arrangements with their respective agencies.[240]

237. Document A43(a), p 1 [Te Kawa Mataaho, 'Delivering Better Public Services', p [1]]. In due course Te Kawa Mataaho established that these matters were not to be included in the Cabinet paper. See document A43, p 10.

238. Document A43(a), pp 9–10 [Te Kawa Mataaho, 'Delivering Better Public Services', pp [9]–[10]]

239. Document A43(a), p 10 [Te Kawa Mataaho, 'Delivering Better Public Services', p [10]]

240. Document A43, pp 11, 13, 17

Counsel for Ngāti Te Rangiunuora me Ngāti Pikiao was highly critical of the quality of this briefing, putting it to Ms Cameron that, given the status of te reo, it was not 'of a sufficient standard to give full free and frank advice'.[241] As we noted in section 4.2 above, counsel also pointed to the absence of any reference to the 2019 Cabinet Office circular that provides guidance on te Tiriti/the Treaty. This served as a 'checklist', counsel argued.[242] Ms Cameron clearly had some second thoughts herself about the briefing's wording, accepting that the options set out could have been 'clearer', although her reference in this regard was essentially to what it said about agency names.[243]

We consider there were further grounds for regret. The briefing made no attempt to counter Ministers' intentions by highlighting the Crown's existing legal obligations with regard to communicating in te reo. Indeed, as we have seen, Te Kawa Mataaho even suggested that the next iteration of the Maihi Karauna could make clear that te reo should not be used by the Government in a way that limited accessibility to Government information. The irony is that the existing version of the Maihi Karauna lays considerable stress on developing 'more accessible public services in te reo Māori'.[244]

We also consider there was an opportunity to consult Te Puni Kōkiri and Te Taura Whiri. Whereas the text on allowances had had to be added to the briefing on the same day, there had been a longer period of time to prepare the report on agency names and communication. Paula Rawiri, the Deputy Secretary Policy Partnerships at Te Puni Kōkiri, confirmed that Te Puni Kōkiri would have prioritised commenting on the draft if they had received it.[245] Had they done so, we can well imagine that it might have featured different messaging about the next iteration of the Maihi Karauna.

Ms Rawiri explained that the Minister for Māori Development had met and discussed matters with Minister Willis directly.[246] She had no knowledge of their discussion, though, which she agreed left something of a gap in our narrative.[247] That lack of information was filled slightly by a set of notes prepared within Te Kawa Mataaho in mid-January 2024 that were released by the Crown under discovery. This document recorded that '[a] particular note was made by the Minister for Māori Development that he did not agree with the suggestion that Māori language creates a barrier to accessibility of services.'[248] For her part, Ms Rawiri agreed under cross-examination that commitments in the coalition agreement such as English being primarily used in agency communications were at odds with

241. Transcript 4.1.7, p 442
242. Transcript 4.1.7, p 441
243. Transcript 4.1.7, p 448
244. Document A54, p 223 [Te Puni Kōkiri, 'Maihi Karauna: The Crown's Strategy', p 10]
245. Transcript 4.1.7, p 489
246. Transcript 4.1.7, p 466
247. Transcript 4.1.7, pp 467–468
248. Document A53, p 238 [Te Taura Whiri i te Reo Māori, 'Kura Reo Rāngai Tūmatanui: Final Evaluation Report', 1 December 2022, p 7]

the Maihi Karauna. She remarked that '[a]s the principal policy advisor to the Government that would be my advice, yes.'[249]

4.4.3 Are there any agencies that do not communicate primarily in English?

Overall, the commitment that agencies would be required to communicate primarily in English was not a prominent feature of our inquiry. Unlike with the coalition agreement about 'primary' agency names, for example, there was no debate among the parties as to the meaning of 'primarily'. We consider this is because the commitment as stated expresses only the prevailing norm across Government agencies. Te Kawa Mataaho essentially told Minister Willis this on 5 December 2023, although their language was too indirect. As we can see, they vaguely wrote that 'most' or '[t]he majority' of agencies communicated primarily in English.[250] We asked Ms Baggott, as the acting Public Service Commissioner, if she could think of any agencies other than those related specifically to Māori that did not already communicate primarily in English. Ms Baggott said that there had been an 'upsurge' in recent years in the use of te reo in Government communications but she agreed that there were no agencies that communicated 'primarily' in a language other than English.[251]

We put the same question to Ms Rawiri. She also considered that there were no agencies that did not communicate primarily in English. She added that at Te Puni Kōkiri – one of those agencies 'specifically related to Māori' – communication in English was again the overwhelmingly standard practice, even if she felt slightly sobered in the context of our inquiry to reflect upon that.[252] Counsel for the Crown also remarked that there was a 'practical ambiguity' about this aspect of the coalition agreement 'which is that you would be hard pressed to find a Government department that does not communicate primarily in English'. He clarified that 'hard pressed' was 'intended to be understatement rather than equivocation'.[253]

The first impression of one of the three key Government policies or actions that are the focus of our inquiry, therefore, is of a dead letter. However, we do not believe that its impact has been negligible. On the contrary, this aspect of the coalition agreement has clearly been employed to reduce the usage of te reo Māori in Government departments.

4.4.4 What actions did Ministers and agencies take to limit communications in te reo?

If we begin with Manatū Aorere/Ministry of Foreign Affairs and Trade, we have already noted in section 3.4.3 how, during the caretaker period after the last election and in anticipation of the formation of the new Government, Chief Executive Chris Seed removed te reo from the ministerial briefing templates, provoking

249. Transcript 4.1.7, p 473
250. Document A43(a), p 9 [Te Kawa Mataaho, 'Delivering Better Public Services', p [9]]
251. Transcript 4.1.7, pp 267–269
252. Transcript 4.1.7, pp 501–502
253. Transcript 4.1.7, p 705

dismay among Manatū Aorere staff. We accept that these events occurred before the new Government formed and before the time period that is the subject of our inquiry. However, we consider it important context for what took place after the coalition Government took office.

As revealed by the Crown's disclosure, many employees of Manatū Aorere (including representatives of the Māori and Pacific staff networks) wrote impassioned pleas for the chief executive's decision to be reversed. We quote here from one eloquent example, written on 20 October 2023, to illustrate the depth of feeling:

> I understand that SLT [Senior Leadership Team] is working hard to set MFAT up for success with an incoming government and that the transition will need to be delicately handled. However, this decision feels pre-emptive and corrosive. After investing in the Mātauranga Māori work programme as individuals and as an organisation, the decision feels like a symbolic act of backtracking. It infers that one of New Zealand's official languages is controversial and professionally inappropriate at MFAT.
>
> In proactively changing the externally facing document, we have shown a concern for our own optics, over a commitment to basic principles.
>
> I am confident that SLT, and the Ministry, can build a strong and productive relationship with our incoming Minister, and that the wording of a template will not pose a credible risk to this. . . . [A] democratically elected Minister is very welcome to request that MFAT only use English in our submissions and I would understand the need to comply. But to make this decision unprompted is, quite frankly, embarrassing.
>
> Submissions to Ministers are our bread and butter. We care about words and how we frame them. Deciding that te reo isn't part of that, of our own accord, is absolutely not a small decision. We have signalled that te reo is outside our 'norm', our organisational status quo.[254]

The chief executive thanked the staff who made submissions and accepted that it was 'very clear from the extensive correspondence SLT has received that this has had a significant impact'. He undertook to discuss with the new Ministers of Foreign Affairs 'how they would like our policy advice presented'. He added that the staff feedback on the absence of te reo in the submission templates was 'relevant in this context'.[255]

As it transpired, the new Foreign Affairs Minister, Winston Peters, quickly made his feelings known on the use of one Māori term in particular. After the eruption of Mt Ulawun in Papua New Guinea in November 2023, Manatū Aorere wrote a 'situation report' for the Minister (dated 28 November 2023 – the day Cabinet endorsed the coalition agreements as the basis for how the Government would operate). In it, Manatū Aorere twice referred to New Zealand as 'Aotearoa

254. Document A65, pp 467–468 [Email: 'Feedback: new submissions template for incoming Ministers', 20 October 2023, pp [1]–[2]]

255. Document A65, p 430 ['Submission Template: Removal of Te Reo Titles During Caretaker Period', 10 November 2023, p [1]]

New Zealand'. Mr Peters crossed out 'Aotearoa' in each instance and annotated the following comment:

> PN [please note]
> In future, and noting the coalition agreement, please reference that our country is called New Zealand.[256]

As we set out in section 4.2 above, the Minister here effectively cited the existence of the coalition agreement as Crown policy. It seems that Mr Peters was referring to a different aspect of the New Zealand First–National coalition agreement to those subject to this inquiry, namely the commitment that, 'in the absence of a referendum, our Government will not change the official name of New Zealand'.[257] We do see how he could conceivably have been referring to the commitment to require agencies to communicate primarily in English. Nevertheless, the reference by Manatū Aorere to 'Aotearoa' hardly amounted to a change to the country's name in the absence of a referendum, and we think it likely that the Minister's response had also simply to do with the use of the te reo Māori name for the country.[258]

We accept – as the Manatū Aorere staff member we have quoted above did – that individual Ministers can express their preferences about the degree to which officials use te reo Maōri in communications with them. Ms Baggott explained, as previously noted in section 4.3.2.3, that 'it is fairly commonplace in the Public Service, as it has been under any Government, for agencies to adjust the way they communicate to Ministers, the tone, style, language, terms, phrases they prefer, in order to meet that Minister's preferences. That has always been the case.'[259] We recall that in June 2022, for example, the then Minister of Conservation, Kiritapu Allan, tweeted a clarification (in response to what she said were misleading news reports) that she 'encourage[d] te reo use but in no way will I tolerate tokenistic use of reo by govt agencies as an attempt to show govt depts are culturally competent'.[260] To that extent, Mr Peters could simply have informed officials that he preferred the country solely to be referred to as 'New Zealand' without invoking the coalition agreement.

Other limitations placed on communications in te reo include the instruction of the Minister for Courts, Nicole McKee, on 29 November 2023, that salutations from officials in briefings, aide-memoires, and other papers should be in English

256. Document A65, pp 373–374 [Manatū Aorere, 'Situation Report One: Mt Ulawun Eruption', pp [1]–[2]]

257. Document A65, p 756 ['Coalition Agreement: National & New Zealand First', p 9]

258. A point on the election manifesto of the New Zealand First Party had stated that 'New Zealand means New Zealand and not "Aotearoa New Zealand"': New Zealand First Party, *Let's Take Back Our Country*, p 4.

259. Transcript 4.1.7, p 222

260. Karanama Ruru, 'Kiri Allan Says DOC Email Ending Te Reo Māori Use in Materials Doesn't Reflect her View on Language "Tokenism"', *Stuff*, 14 June 2022, https://tinyurl.com/4a6zmsh2, accessed 27 August 2024. As Allan explained to Stuff: 'You want to use te reo, you use it with integrity and use it responsibly. This isn't a "everybody go out and use mahi and kaupapa" and say you have a deep and enduring relationship with te ao Māori'.

rather than in Māori.[261] On 18 December 2023, the Minister for the Community and Voluntary Sector, Louise Upston, asked officials of Te Tari Taiwhenua to have headings in English and to 'ensure English first for Government Agencies'.[262] And on 7 May 2024, as discussed in section 3.4.4, in her capacity as Minister for Disability Issues, Minister Upston also instructed officials that '[a]ny material provided to her, in her name is to have English first including such things as: [p]ublic facing material, [s]peeches, [t]alking points.'[263]

4.4.5 What did the survey by Te Pūkenga Here Tikanga Mahi reveal about departmental communications?

These examples aside, it appears that managers within some agencies have taken active steps to reduce the use of te reo even without ministerial direction (and indeed in their own internal communications rather than just in briefings to Ministers). Evidence of this was included in the responses to a survey of kaimahi Māori members of Te Pūkenga Here Tikanga Mahi that the union conducted in April 2024. In cross-examination of its witness Janice Panoho, counsel for the Crown pointed to a number of difficulties with the survey methodology and presentation of the results, and we accept the validity of his criticisms.[264] However, we consider that pertinent details can still be drawn from the responses that are indicative of changes within agencies with respect to te reo.

In response to a question about whether officials had been instructed to cease or minimise their use of te reo (and from whom any such direction had come), for example, a respondent from Ara Poutama Aotearoa wrote that '[o]ur communications team have significantly changed the department's use of reo Māori in formal and informal documents. The purpose being the current context of the coalition government.'[265] A respondent working at the Ministry for Primary Industries wrote that 'I was not told how far up the line of command the request was made regarding using the word Aotearoa in a specific programme but it was at least at Director level. Told it wasn't from any ministers but was an assumption about the desires of the government of the day.'[266] A respondent from Te Amorangi Mātauranga Matua wrote that the decision to reduce use of te reo had been made by '[m]anagers all the way up to CE. Reasoning to build a relationship with the Minister'.[267] And a respondent from the Ministry of Education wrote that

261. Document A65, p 326 [Email: 'Minister McKee', 29 November 2023, p [1]]
262. Document A65, p 549 [Email: 'FW: Minister Upston – Request to Action Please', 18 December 2023, p [1]]
263. Document A56, p [2]
264. For example, the survey itself was not submitted in evidence; it was sent to kaimahi Māori members employed in roles outside the core public service (such as Te Whatu Ora/Health New Zealand and local authorities); and (from Ms Panoho's summary) the survey's design and the wording of some questions meant that the responses needed to be treated with a degree of caution: see transcript 4.1.7, pp 312–330.
265. Document A13(a), pp 7–8
266. Document A13(a), p 8. We assume this respondent meant *not* using 'Aotearoa'.
267. Document A13(a), p 10

> [w]ord [was] passed on by my tier 3 manager that the tier 2 manager had decided to remove te reo Māori from our work where it was public facing. By word of mouth, the reason given was simply 'the Education and Training Act uses English words'. When I pushed back on this rationale arguing that that hardly sounded like real legal advice, I was advised the tier 2 leader had really decided for political reasons. ie change the kupu Māori to English in the hopes the government won't change the content.[268]

We have not, of course, been able to corroborate these individual, anecdotal accounts. However, they seem credible to us in the context of both the ministerial directions concerning communication and agency names that we are aware of as well as the pre-emptory actions taken by the leadership at Manatū Aorere that we have outlined above. The survey responses tend to reaffirm the Tribunal deputy chairperson's concerns in granting the claims before us urgency in March 2024. As she put it,

> despite there being an established legislative and policy framework to protect and promote te reo, these new policies arguably diminish and threaten the use of te reo in the public sector. This is problematic for several reasons not least the mixed messages being sent by the Crown about whether it values te reo, and the potential chilling effect on the Crown's te reo revitalisation obligations.[269]

4.4.6 What communication in te reo did the Minister of Arts, Culture and Heritage omit?

One ministerial action which lends further credibility to the survey results of Te Pūkenga Here Tikanga Mahi came to light as we were drafting our report, on 6 August 2024. 1News reported that the Minister for Arts, Culture and Heritage, Paul Goldsmith, had instructed officials to remove te reo Māori greetings and the use of the word 'Aotearoa' from an invitation from him to the Australian Minister for the Arts, Tony Burke, to attend the formal celebration of Matariki on 28 June 2024. Minister Goldsmith justified his actions by explaining 'I didn't think he needed a lot of te reo in his invitation, because he's an Australian'. With respect to the deletion of 'Aotearoa' he added that 'our coalition agreement . . . says unless there's been a referendum changing the name of our country, the name is New Zealand, and so I refer to it as New Zealand'.[270]

Again, we doubt that the Minister referring to the country as 'Aotearoa New Zealand' could have breached the coalition agreement between National and New Zealand First. We also think it wholly regrettable and nonsensical for him to have removed te reo Māori words from an invitation concerning Matariki, an event which celebrates te ao Māori. Despite the Minister's assumption that 'Aotearoa' would confuse an Australian, Mr Burke later confirmed that he knew exactly what

268. Document A13(a), p 9
269. Decision 2.5.15, p 12
270. Felix Desmarais, 'Minister Removed Te Reo Greetings from Official Matariki Invitation', *1News*, 6 August 2024, https://tinyurl.com/5ju9m37w, accessed 28 August 2024

it meant.[271] Mr Goldsmith accepted the possibility that the same changes had been made to other invitations, although he added that this was not his instruction.[272]

We do not believe that there was any justification for removing kupu Māori from a Matariki invitation to either an Australian or a New Zealander. The Minister's actions also singularly contradict the thrust of the Maihi Karauna. As the latest version of the strategy sets out, te reo 'is a unique feature of our country that distinguishes us on the world stage' and '[t]he Crown will promote te reo Māori at a national and international level.'[273]

We should add that Mr Goldsmith's actions also stand in contrast to what Ms Rawiri had explained to us as her practice in such situations. As she put it, 'when we host people from international jurisdictions, I might talk about the Ministry of Māori Development as an opener, but then I would move to Te Puni Kōkiri to celebrate and make sure we're respecting and valuing our language'. We asked if she would alternate between English and Māori names so that those in the audience would come to understand what the Māori name was, and she confirmed that to be her method.[274] In this vein, Mr Goldsmith could at the very least have had dual salutations in English and Māori. That would have removed the scope for confusion he imagined, paid appropriate respect to te reo, and complied with the objects of the Maihi Karauna.

4.4.7 Conclusion

In sum, then, the pre-emptory actions of the leadership of Manatū Aorere, the actions by several Ministers, and the anecdotal examples in the responses to the survey undertaken by Te Pūkenga Here Tikanga Mahi all show the chilling effect on the use of te reo Māori of the new Government's direction. Even though the specific aspect of the coalition agreement concerning agencies communicating primarily in English is effectively redundant, its influence has created a context in which Minister Goldsmith can erase Māori words from a Matariki invitation with alacrity and in which managers across a range of Government departments have purposefully reduced the visibility and use of te reo in anticipation of appeasing their Ministers. This has taken place in spite of the Government's obligations under Te Ture mō Te Reo Māori 2016 to 'actively . . . protect and promote' te reo and the public service's duty to support the Crown's relationships with Māori under te Tiriti/the Treaty. We also consider that the initial advice by Te Kawa Mataaho to Minister Willis on 5 December 2023 displayed a striking ignorance about the Crown's obligations under te Tiriti/the Treaty and relevant legislation concerning communications in te reo.

To that extent, we reject the implication in Crown closing submissions that the lack of any Cabinet directive to require agencies to communicate primarily

271. Felix Desmarais, 'Aus Minister: I Know What Aotearoa Is, Learned It From Split Enz', *1News*, 8 August 2024. https://tinyurl.com/msb2nxn3, accessed 28 August 2024
272. Desmarais, 'Minister Removed Te Reo Greetings'
273. Document A54, pp 218, 233 [Te Puni Kōkiri, 'Maihi Karauna: The Crown's Strategy', pp 5, 20]
274. Transcript 4.1.7, p 504

in English means the matter is essentially resolved. Counsel for the Crown said that the overarching policy on communications remained 'unchanged',[275] but we consider that substantial limitations have been imposed to seriously undermine the standing of te reo as a means of communication within the Government. We say this not because of these actions alone, which individually may seem minor, but because awareness of them creates the chilling effect of which we have spoken.

There are certainly exceptions – we heard from Ms Rawiri, for example, that her Minister had urged his officials to speak te reo as much as possible, telling them that '[t]e reo is in our DNA'.[276] We are reminded of the observation in the Tribunal's *Report on the Comprehensive and Progressive Agreement for Trans-Pacific Partnership* (quoted in section 2.3) that there is 'particular sensitivity' over any developments that could threaten the revival of te reo, and the Crown has a correspondingly 'heightened' duty of active protection.[277] In short, the actions we have seen at Manatū Aorere and other agencies take the Crown further away from being the Māori-speaking Government envisioned in the Wai 262 report and legislated for in section 9 of Te Ture mō Te Reo Māori 2016. To that extent we do not consider them consistent with the spirit or word of the legislation.

4.5 The Limitation of Access to Te Reo Māori Allowances in the Public Service

We begin by outlining Minister Willis' initial public comments about te reo allowances, and the ensuing briefings she received from Te Kawa Mataaho.

4.5.1 The Minister's initial remarks and the response of Te Kawa Mataaho

As we know, the payment of te reo Māori allowances was not covered by the coalition agreements. Instead, it arose as an issue for the claimants in this inquiry after Minister Willis made comments to the media that were reported on the morning of 6 December 2023. She declared that her Government did not support these 'bonuses' and she would seek advice on how to stop them in future. Indeed, her office had emailed Te Kawa Mataaho on the morning of 5 December asking for '[a]dvice on how we could stop bonuses for those who choose to learn Te Reo being negotiated into future collective agreements'.[278] The following morning the Minister's office asked for further information on:

- The purpose and nature of these bonuses for those who choose to learn Te Reo and any other public sector bonus payments,
- How many people receive them,

275. Submission 3.3.17, p 56
276. Transcript 4.1.7, p 491
277. Waitangi Tribunal, *The Report on the Comprehensive and Progressive Agreement for Trans-Pacific Partnership* (Lower Hutt: Legislation Direct, 2023), p 177
278. Document A42(a), p 40 [Email 'Māori Language', 5 December 2023, p [1]]

- How they align with our drive toward better delivery in the public service and value for taxpayer dollars.[279]

A response was expected several hours later, at 2pm.

We can see at this stage that the Minister and the new Government were coming to grips with a subject of which they had a limited understanding. The payments are not bonuses (one-off, at-risk payments that are dependent on a certain achievement or level of performance) but allowances, and are paid to those who can demonstrate proficiency in te reo rather than those who are simply learning.

As discussed at section 4.3.2.1, on 5 December, Te Kawa Mataaho already had a briefing in preparation for the Minister on te reo-related aspects of New Zealand First's coalition agreement, so – given the need to provide rapid advice – they added a page about the allowances and provided the 5 December briefing that same day. In it, they noted that '[t]aking steps to encourage Māori language competency is consistent with the previous Government's expectations for employment relations, as expressed in the current Government Workforce Policy Statement' (GWPS), and that both agencies and unions had regarded allowances for competency in te reo where it was not essential for a person's job as 'appropriate in this context'. However, they added that the Minister could include an expectation in the next iteration of the GWPS 'that reflects the Government's intention to stop these allowances being paid in the future'.[280] They suggested that such an expectation could be worded as follows:

> The Government expects that agencies will adequately plan for and recognise specific skills required for the employee to undertake their role within the compensation package for that role. Proposals that would provide financial compensation for the development of skills, such as language, that are not required to perform the role (as recognised by the job description for that role) are not supported.[281]

It is not entirely clear what was meant by 'financial compensation for the development of skills', but we have taken this to mean that agencies should not fund professional development in te reo where the job did not require those language skills. Te Kawa Mataaho also noted that the Minister could issue guidance following the GWPS that 'the introduction of payments for competency or use of Māori language will not be supported'. Te Kawa Mataaho would in turn 'not approve a collective bargaining strategy or settlement that was inconsistent with these expectations'.[282]

279. Document A42(a), p 40 [Email 'Re: Māori Language', 6 December 2023, p [1]]
280. Document A43(a), p 11 [Te Kawa Mataaho, 'Delivering Better Public Services', p [11]]
281. Document A43(a), p 11 [Te Kawa Mataaho, 'Delivering Better Public Services', p [11]]
282. Document A43(a), p 11[Te Kawa Mataaho, 'Delivering Better Public Services', p [11]]

In response to the request from the Minister's office, Te Kawa Mataaho replied separately by the deadline on the afternoon of 6 December, without noting any potential changes to the GWPS.[283]

While the exact timeline is a little difficult to decipher, officials' advice evidently prompted Minister Willis to retreat from her position reported at the start of the day. She told media on the afternoon of 6 December that she only opposed these payments 'in circumstances where they're not relevant'. By contrast, in cases where officials were 'engaging with iwi Māori' or 'working with Māori communities where te reo is used as a primary language', she said 'it would be really relevant to make your public service accessible for that community'.[284]

As we noted in section 3.3.4, on 7 December 2023 Te Kawa Mataaho briefed Minister Willis again, attaching a draft of the new GWPS. They reiterated their previous advice that the Minister could signal that te reo allowances would not be paid in the future except where the skill was required as part of an employee's role. The Minister indicated (by annotating the draft) that she would like to include such an expectation in the GWPS.[285] In the briefing, Te Kawa Mataaho had provided the same draft wording expectation they had included in the 5 December briefing. The Minister struck out the words 'such as language'[286] (in order, it would seem, to make its application more general).

While the draft GWPS put to the Minister provided to us in evidence is heavily redacted, we assume that it also included a reference to te Tiriti/the Treaty and that the Minister removed it. We say this because feedback during the consultation with agencies and unions in January 2024 expressed concern about the omission of any reference to te Tiriti/the Treaty, in contrast to the 2021 GWPS.[287] The reference in the 2021 GWPS had been a general one: the statement listed a number of goals around the public service being 'an exemplar employer for Aotearoa', and went on to say that '[a]chievement of these goals means adopting innovative ways to put into practice the partnership of Te Tiriti o Waitangi and having employment processes and practices that take account of tikanga and different cultures.'[288]

283. Document A42(a), p 36 [Email 'Re: Māori Language – P Request', 6 December 2023, p [1]]

284. Document A42(a), p 156 [Russell Palmer, 'Te Reo Māori Bonuses Acceptable for "Relevant" Roles – Minister Nicola Willis', *Radio New Zealand*, 6 December 2023, p [2]]

285. Document A42(b), p 11; doc A42(a), p 9 [Te Kawa Mataaho Draft: 'Delivering Outcomes Through Effective Employment Relations – Implementing a Government Workforce Policy Statement on Public Sector Employment Relations', 7 December 2023, p [5]]

286. Document A42(a), p 9 [Te Kawa Mataaho, Draft: 'Delivering Outcomes Through Effective Employment Relations', p [5]]

287. See, for example, doc A42(a), p 76 [New Zealand Nurses Organisation, 'Government Workforce Policy Statement – Employment Relations in the Public Sector: NZNO Response', 18 January 2024, p [1]].

288. Document 6.2.25, pp [1]–[2] [Te Kawa Mataaho, 'Government Workforce Policy Statement on the Government's Expectations for Employment Relations in the Public Sector', 2021, pp [1]–[2]]

4.5.2 Consultation on the draft Government Workforce Policy Statement

The consultation with agencies and unions that took place in January 2024 was a statutory requirement.[289] At that time the draft text relating to allowances read as follows:

> Adequately plan for and recognise specific skills required for the employee to undertake their role within the base salary for that specific role. Proposals that would provide financial compensation for the development of skills that are not required to perform the role (as recognised by the job description for that role) are not supported.[290]

Aside from criticism about the lack of any reference to te Tiriti/the Treaty, the feedback from agencies and unions also expressed concern about the absence of mention of section 14 of the Public Service Act 2020, which refers to the public service's role in 'supporting the Crown in its relationships with Māori under the Treaty of Waitangi (te Tiriti o Waitangi)'. On the expectation of not paying for skills deemed inessential to the role, Te Kawa Mataaho was told that further clarification was needed on where this left te reo allowances. If te reo allowances were to be reduced, respondents had concerns about how the Crown would meet its other obligations (such as those expressed by section 14). Te Kawa Mataaho also obtained the opinion of the Crown Law Office but withheld that advice from our inquiry.[291]

On the basis of all the feedback received, Te Kawa Mataaho was prompted to consider what the proposed allowances clause of the draft GWPS meant for its obligations under te Tiriti/the Treaty, under section 14 of the Public Service Act 2020, and under Te Ture mō Te Reo Māori 2016. This reflection was doubtless also stirred by the claimants in this inquiry seeking an urgent Tribunal inquiry on these matters. As a result, according to Ms Chadwick, Te Kawa Mataaho officials made some changes to the draft GWPS, and then specifically reached out to Te Taura Whiri for comment.[292] They told Te Taura Whiri that they now proposed the allowances clause read as follows:

> Adequately plan for and recognise specific skills required for the employee to perform their role within the base salary for that specific role. New policies and employment conditions for the payment of allowances in addition to base salary may be acceptable in some circumstances, for example, where allowances are used to recognise skills or duties which are required in a role, even though the need may be occasional rather than core to the role.[293]

289. Section 96 of the Public Service Act 2020 refers to the need to consult 'affected agencies and other parties that the Commissioner thinks fit'.

290. Document A42(b), p 13

291. Document A42(b), p 15

292. Document A42(b), p 15

293. Document A42(a), p 91 [Email: 'Consultation on Draft Government Workforce Policy Statement', 2 February 2024, p [1]]

Te Kawa Mataaho staff also proposed adding specific reference to supporting Te Maihi Karauna in the section dealing with workplace development.[294]

Te Taura Whiri responded by suggesting that the words 'which are required in a role' be replaced with 'which an employee may undertake', so that allowances not be restricted to role-specific work. Te Taura Whiri also proposed adding references to partnership under te Tiriti/the Treaty, Te Ture mō Te Reo Māori 2016, and section 14 of the Public Service Act 2020 to the text concerning workplace development.[295] These proposals were not inputted directly, because Te Kawa Mataaho was concurrently incorporating other feedback and the text had 'moved on', as Ms Chadwick put it. However, she believed that the changes to the draft did reflect 'the essence' of the feedback by Te Taura Whiri.[296]

We have noted in section 3.3.4, of course, that Mr Apanui-Barr believed that the draft GWPS allowances text Ms Chadwick shared in her brief of evidence

> would allow organisations to pay language proficiency allowances to staff (although they would be encouraged to recognise those skills in role descriptions and base salary) and to invest in developing Te Reo Māori capability in their agencies as part of the Crown's obligations under the Treaty of Waitangi.[297]

4.5.3 Finalisation of the Government Workforce Policy Statement

On 7 February 2024, Te Kawa Mataaho provided Minister Willis with a new draft of the GWPS that incorporated feedback from the consultation. In turn, she annotated changes she wished to make to it (deletions are struck out and additions underlined):

> Adequately plan for and recognise specific skills required for the employee to perform their role within the base salary for that specific role. ~~New policies and employment conditions for the~~ <u>The</u> 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.
>
> . . . . .
>
> Agencies can provide workplace development, where it is needed to deliver on this priority,[298] including to enhance the Public Service's ability to support the Crown in its relationships with Māori ~~under the Treaty of Waitangi (te Tiriti o Waitangi) and~~ to ~~support the Crown's Māori Language Strategy under~~ <u>uphold</u> Te Ture mō Te Reo Māori 2016/the Māori Language Act 2016.[299]

294. Document A42(a), p 92 [Email: 'Consultation on Draft Government Workforce Policy Statement', p [2]]

295. Document A42(a), p 90 [Email: 'Māori Language Commission Feedback – FW: Consultation on Draft Government Workforce Policy Statement', 5 February 2024, p [1]]

296. Transcript 4.1.7, p 367

297. Document A45, p 8

298. Priority 3: 'Have a workforce that is responsive to the needs of all New Zealanders'.

299. Document A42(b), pp 18–19; doc A42(a), p 103 ['2024 Government Workforce Policy Statement – Draft', 7 February 2024, p 2]

Te Kawa Mataaho had also proposed inserting an additional paragraph that drew explicit attention to agencies' responsibilities under section 14 of the Public Service Act 2020 'to support the Crown in its relationships with Māori under the Treaty of Waitangi (te Tiriti o Waitangi)'. However, the Minister crossed this entire paragraph out, commenting 'stated earlier'.[300] Ms Chadwick understood that the Minister was referring here to the general reminder to chief executives to meet their legislative obligations, including those in the Public Service Act 2020.[301] We consider, however, that this reference to the Public Service Act 2020 was an oblique means of referring to agencies' duties under te Tiriti/the Treaty, especially while the Minister was simultaneously deleting the other direct reference to te Tiriti/the Treaty that Te Kawa Mataaho had reinserted following consultation.

Again, as set out in section 3.3.4, on 10 May 2024 Minister Willis took further advice on the text of the draft GWPS, including from the Crown Law Office, and as a result instructed the reintroduction of a reference to te Tiriti/the Treaty in specific connection to the provision for te reo allowances. This then led to the allowance text in the draft GWPS that Ms Chadwick shared with us at our June 2024 hearing. On 27 May 2024, Minister Willis wrote to Ms Baggott to set out, in advance of our hearing, 'an overview of my position and the steps that I have taken in relation to relevant issues that have arisen in my portfolio as Minister for the Public Service'.[302] Interestingly, the date of this letter coincides with the timing of advice being sought from Te Mātāwai.[303]

This letter contained a lengthy section on the issue of allowances. The Minister recalled the advice she had sought in December 2023 from Te Kawa Mataaho on the payment of the allowances and the comments her office made to the media. She added that she had quickly clarified that 'those comments were not intended to detract from the Crown's commitment to te reo Māori'. She related how she had continued to receive advice from officials and, from December 2023 to May 2024, had 'considered a number of versions of the draft GWPS'. She noted that Te Taura Whiri had been consulted, and that her officials had had regard to the Crown's obligations under te Tiriti/the Treaty. She then explained where this all had left her:

> Through this policy development process, I have been able to clarify my views that departments must ensure that the remuneration paid to public servants is appropriate but also reflects their valuable skills and contributions. My general view is that

300. Document A42(a), p 98 [Report 'Government Workforce Policy Statement on Public Sector Employment Relations', p [3]]; doc A42(a), p 104 [Te Kawa Mataaho, '2024 Government Workforce Policy Statement – Draft', p 3]

301. Transcript 4.1.7, p 370. In her written evidence, Ms Chadwick stated that the Minister had deleted 'some of the repetitive supporting statements regarding the Crown's obligations under Te Tiriti': doc A42(b), p 19.

302. Document A66, pp 79–81 [Letter: Minister Willis to Heather Baggott, pp [1]–[3]]; doc A46, p 30

303. Document A46(a), p 28 [Email: 'Thanks for Discussion on Friday . . .', 28 May 2024, p [1]]

agencies should adequately plan for and recognise specific skills – including te reo Māori – within their base salary, and that allowances in addition to base salary should be used in limited circumstances.

I have also asked officials to ensure that the wording of the draft GWPS affirms our expectation that the Public Service be able to continue to support the Crown in its relationships with Māori and to uphold Te Ture mō Te Reo Māori 2016/the Māori Language Act 2016. I note that a focus on agencies ensuring that remuneration for employees (whether as an allowance, or otherwise) reflects the skills brought to any role where the staff member is asked to use te reo Māori elevates the importance of the language in the workplace.

The GWPS remains under consideration. As part of that consideration, I am aware that officials are consulting with Te Taura Whiri i te Reo Māori and Te Mātāwai on the use of allowances in relation to te reo Māori. I expect to take that advice into account when reaching a final decision on the GWPS. Any such decision will also reflect the Crown's commitment to protect and promote te reo Māori.[304]

In closing submissions (dated 5 July 2024), counsel for the Crown told us that a week of ministerial consultation on the draft GWPS began on 24 June. He also said that, on 24 June, the allowances text was updated to read as follows:

> 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 obligations including under Te Ture mō Te Reo Māori 2016/the Māori language Act 2016 or any other Act or obligations.[305]

In other words, the reference to te Tiriti/the Treaty included at Minister Willis' instruction on 15 May had now been removed. While in November 2024 the Crown filed further discovery documents concerning the finalisation of the GWPS, these did not shed any particular light on how and when this change occurred. Officials advised Minister Willis on 16 July 2024 that the only feedback received during ministerial consultation had been from Ngā Pirihimana o Aotearoa/New Zealand Police, and that no changes to the draft GWPS were recommended as a result.[306] It seems likely, therefore, that Minister Willis had once again chosen to remove the reference to te Tiriti/the Treaty. As we set out in section 3.3.4, she released the new GWPS on 7 August 2024 with identical wording on te reo allowances to that provided by counsel for the Crown above.

304. Document A66, pp 80–81 [Letter: Minister Willis to Heather Baggott, pp [2]–[3]]
305. Submission 3.3.17, pp 35–36
306. Document 6.2.9 [Te Kawa Mataaho, 'Agreement to Lodge the 2024 Government Workforce Policy Statement on Public Sector Employment Relations Cabinet Paper', 16 July 2024]

4.5.4 Why is there no reference to te Tiriti/the Treaty in the final GWPS?

It is worth recapping the fate of reference to te Tiriti/the Treaty in the GWPS. The pre-existing GWPS, issued in 2021, mentioned te Tiriti/the Treaty in broad terms. We assume that officials retained that reference in the draft of the new GWPS they put to Minister Willis in December 2023, although the heavy redactions make it impossible to be certain. After the Minister's feedback, the draft went out for consultation in January 2024 without mention of te Tiriti/the Treaty. After multiple parties remarked upon its absence, officials reinserted it into the next iteration they put to the Minister in early February, in two separate places. The Minister then again promptly removed both these references. However, after receiving further advice, including from the Crown Law Office, the Minister instructed officials to reinsert a reference to te Tiriti/the Treaty in the context of allowances at a meeting on 15 May 2024.[307] This reference to Te Tiriti/the Treaty was then removed on the first day of the period of ministerial consultation, and the GWPS was released without reference to te Tiriti/the Treaty on 7 August. In other words, over the nine months the new GWPS was under development, reference to te Tiriti/the Treaty appears to have been included three times and then removed three times.

As we have seen, the removal of reference to te Tiriti/the Treaty was one of the criticisms claimant counsel made of the process to develop the draft GWPS. This focused on the Minister's removal of references to te Tiriti/the Treaty in February 2024 rather than her re-insertion of a reference in May, but as we have seen her re-inserted mention was eventually omitted in any event. Counsel for the Crown argued that the amended text of the GWPS (that is, after the 24 June change) 'is compliant with the Crown's obligations under the Treaty and relevant legislation'. In this regard he cited the approval of the text from both claimant Dr Hope Tupara and Mr Apanui-Barr.[308] But of course the version that Mr Apanui-Barr regarded as allowing agencies 'to pay allowances to staff . . . and to invest in developing te reo Māori capability in their agencies as part of the Crown's obligations under the Treaty of Waitangi' included a reference to te Tiriti/the Treaty.[309] It is a moot point whether Mr Apanui-Barr would have expressed himself in quite the same way about the final version of the GWPS, especially since Te Taura Whiri advised Te Kawa Mataaho in February 2024 to include a reference to te Tiriti/the Treaty in the text about workforce development. Te Tiriti/the Treaty is theoretically covered by the words 'any other . . . obligations',[310] but its influence is clearly downplayed by the lack of direct reference.

We do not think a reference to te Tiriti/the Treaty is any guarantee, on its own, of compliance with te Tiriti/the Treaty. The Wai 262 Tribunal enumerated the shortcomings in the Crown's compliance with te Tiriti/the Treaty over management of the conservation estate, for example, despite the strength of the Treaty clause in the Conservation Act. Nor did that Tribunal think that decision-makers could be

307. Document A42(b), pp 19–20
308. Submission 3.3.17, p 37
309. Document A45, p 8
310. Appendix 3.3.17(a), p 2

compelled towards compliance with te Tiriti/the Treaty through a stronger Treaty clause in the Resource Management Act. Rather, the Tribunal considered that structures and provisions compliant with te Tiriti/the Treaty needed to be woven throughout the conservation and environmental management systems.[311] For its part, the 2024 GWPS makes two specific references to matters Māori: allowances can be paid if they help the Crown fulfil its obligations under Te Ture mō Te Reo Māori 2016 or otherwise, and workplace development can be provided both to uphold that Act and 'to support the Crown in its relationships with Māori'. This is arguably a narrowed vision from the 2021 GWPS, which referred to 'adopting innovative ways to put into practice the partnership of Te Tiriti o Waitangi' (as noted above) and '[s]upporting Māori Crown relations through workforce and workplace practices that recognise Te Ao Māori'.[312]

We believe that the ultimate omission of any reference to te Tiriti/the Treaty in the GWPS is in keeping with the coalition Government's handling of other matters that have come before the Tribunal since the end of 2023, such as the repeal of section 7AA of the Oranga Tamariki Act and the review of Treaty clauses in legislation. It appears to be part of a pattern to minimise mention of te Tiriti/the Treaty and thus downgrade its constitutional importance. That the process to finalise the GWPS saw references to te Tiriti/the Treaty bounce in and out of the draft statement speaks of the tensions within the Crown between established norms and the thrust of the coalition agreements.

4.5.5 Did the Crown follow an adequate process in developing advice on the new allowances policy?

Aside from the lack of mention of te Tiriti/the Treaty, we need to consider whether the process the Crown followed to develop its advice on the allowances policy was sound. We can see that the GWPS text essentially sets out an expectation that te reo allowances should only be paid in limited circumstances, and thus attempts to narrow their availability. The corollary is that agencies will recognise those skills within baseline, but this is only where they are core to the position. The GWPS adds that payment of allowances can be justified as a means of upholding an agency's obligations under Te Ture mō Te Reo Māori 2016, but it is not clear whether this means they can be paid (as hitherto) for simply having skills in te reo. If occasional use of the skills is a prerequisite, then the GWPS effectively discounts the value of employees being able to converse casually with their colleagues in te reo or even merely being capable of unblemished Māori pronunciation. How the GWPS is interpreted and applied in practice will thus be crucial. Our expectation is that, where skills in te reo have not been factored into baseline salary, allowances for having them should continue to be paid.

311. Waitangi Tribunal, *Ko Aotearoa Tēnei: A Report into Claims concerning New Zealand Law and Policy Affecting Māori Culture and Identity, Te Taumata Tuatahi* (Wellington: Legislation Direct, 2011), pp 116, 146–147

312. Document 6.2.25 [Te Kawa Mataaho, 'Government Workforce Policy Statement on the Government's Expectations for Employment Relations in the Public Sector']

The GWPS text also sits within a particular context of Government actions and messaging. As we have seen, Minister Willis made comments to the media in early December 2023 that questioned the allowances' value and signalled her intention to end them. Within a day she had softened her stance, but her clarification still narrowed the circumstances in which she thought allowances should be payable to, first, relevancy to the position and, secondly, 'working with Māori communities where te reo Māori is used as a primary language'. She also mischaracterised the allowances as 'bonuses'.

We believe that this series of statements caused prejudice to existing recipients of te reo allowances and undermined the system of allowance payments that had evolved since the Maori Language Act was passed in 1987. Over time, the Minister (and Te Kawa Mataaho officials) pivoted towards a concern that baseline salaries should reflect needed skills such as proficiency in te reo Māori, rather than those skills being remunerated through the payment of allowances. That should not obscure the fact, though, that the starting position concerned finding a justification to stop paying the allowances given the Government's drive to deliver 'value for taxpayer dollars'.[313]

Ms Baggott argued that value for money was a valid consideration, since if – hypothetically – one-third of all 60,000 public servants received a te reo allowance at an average of $2,000 each, that amounted to $40 million annually. She questioned whether that would be 'the best way to honour the Crown's responsibilities to promote and actively protect te reo'. Counsel for the Ngāi Te Rangi Settlement Trust suggested in response that this was a false comparison, because there was no guarantee that any savings on allowances would be passed on to other te reo-related initiatives, which Ms Baggott accepted as accurate. Counsel observed – correctly in our view – that the Government had become 'unhappy with the practice that has developed about providing allowances and is looking to constrain that activity . . . There isn't a broader motivation around potential re-investment of funds in other areas in order to meet the te reo obligations.'[314]

In any event, we consider that Ms Baggott's prospect of 20,000 public servants achieving on average between level 3 and level 4 proficiency on the Te Taura Whiri scale[315] to be quite sensational. As far as we have been able to ascertain, the Government currently pays no more than $1 million annually for te reo allowances. In December 2023, for example, it was reported that ACT Party leader David Seymour had compiled figures from 12 Government departments showing that 547 public servants received a total of nearly $800,000.[316] Other figures we have seen for individual agencies confirm that the numbers of recipients are so few and the sums concerned are so modest compared to Ms Baggott's scenario that the

313. Document A42(a), p 40 [Email: 'Re: Māori Language', p [5]]

314. Transcript 4.1.7, pp 228–231

315. In 2023, for example, the Department of Conservation was offering allowances of $1,800 for level 3, $2,500 for level 4, and $3,500 for level 5 proficiency: doc A42, p 7.

316. Lloyd Burr, 'Nearly $800,000 Paid to Public Servants Fluent in Te Reo Māori as Government Considers Cutting Bonus', *Newshub*, 6 December 2023, https://tinyurl.com/4hsnf2be, accessed 22 August 2024

mere notion of expenditure she suggests is misleading.[317] If one-third of public servants were to reach that level of fluency in te reo we could only imagine that Maihi Karauna had succeeded beyond all realistic expectation.

In her 27 May 2024 letter to Ms Baggott, Minister Willis explained (as noted) that, through the 'policy development process', she had 'been able to clarify my view that departments must ensure that the remuneration paid to public servants is appropriate but also reflects their valuable skills and contributions'. She also reiterated her support for 'the promotion and protection of te reo Māori'.[318] We consider it would have been better for the Minister to take advice and then consider the issue internally first rather than provoke angst among te reo advocates by commencing the discussion via the media.

Turning to the role of officials, we can see that Te Kawa Mataaho staff endeavoured to draw the Minister's attention to the Crown's obligations under the Public Service Act 2020, Te Ture mō Te Reo Māori 2016, and te Tiriti/the Treaty. They played a key role in assisting the Minister to reach an evolved understanding. Nonetheless, we have the impression that some aspects of the work undertaken by Te Kawa Mataaho could have better aligned with its obligations under section 14 of the Public Service Act 2020. As counsel for Ngāti Te Rangiunuora me Ngāti Pikiao pointed out,[319] when officials first briefed Minister Willis they could have drawn her attention to the 2019 Cabinet Office circular that sets out guidelines for the consideration of te Tiriti/the Treaty in policy development and implementation, as mentioned at section 4.2 above. The focus of the 5 December 2023 briefing was also not on the Crown's obligations under te Tiriti/the Treaty or Te Ture mō Te Reo Māori 2016 but on the means by which effect could be given to Minister Willis' intentions. Consulting Te Mātāwai also came late in the piece, on 24 May 2024. As Ms Baggott noted, this had not yielded any written feedback by the time she gave her evidence.[320]

Needless to say, the Māori language advocacy community was not consulted, unless one considers Te Mātāwai sufficiently representative of them. Counsel for Ngāti Te Rangiunuora me Ngāti Pikiao denied the mandate of Te Mātāwai was broad enough to represent Māori opinion, and Ms Baggott had to agree.[321] Ms Baggott maintained that agencies like Te Taura Whiri and Te Puni Kōkiri brought a valuable perspective, even if she accepted this amounted to internal Crown

317. In response to a July 2023 OIA request, the Ministry for the Environment reported that 21 employees were paid te reo allowances amounting to $15,448.33 over the previous fiscal year: doc 6.2.27 [Letter: Manatū Mō Te Taiao, 'OIAD-721']; as at January 2024, 15 employees of Te Tāhū o te Ture/Ministry of Justice were receiving te reo allowances at an annual cost of $31,300.00 (doc A65, pp 369–370 ['Background Information: Te Reo Māori Allowance', not dated, pp [1]–[2]]); and as of 1 December 2023, 117 Te Puni Kōkiri employees were receiving te reo allowances at an annual cost of $89,127.20: doc 6.2.6 ['Status of Te Reo Allowance and its Application – Proposed Talking Points'].

318. Document A66, pp 79–81 [Letter: Minister Willis to Heather Baggott, pp [1]–[3]]

319. Transcript 4.1.7, pp 441–442

320. Document A46, p 29

321. Transcript 4.1.7, p 383

consultation.[322] She added that the GWPS sets out the Government's bargaining position for pay and terms and conditions, so consultation on it is generally quite limited. That may be so, but this is the first GWPS that has dealt specifically with te reo allowances. We put it to Ms Baggott that section 9(1)(a) of Te Ture mō Te Reo Māori 2016 appeared to envisage that this might be the very kind of issue on which the Crown might be obliged to consult iwi and Māori, but she explained that Te Kawa Mataaho had a limited ability to do so.[323] Whereas the timeframe for finalising the new GWPS was in theory tight before new collective bargaining was due to begin in early 2024, we can see its release was in any event delayed till August. We consider that there was scope for some further targeted consultation with Māori language advocates on the issue of te reo allowances specifically.

4.5.6 Do Crown actions comply with the law?

We stated in section 2.5.5 that the principle of good government requires the Crown at the very least to comply with its own laws. In Te Ture mō Te Reo Māori 2016, the Crown has committed to work in partnership with iwi and Māori to protect te reo (section 6(2)) and to consult iwi and Māori on matters relating to the language, such as its promotion and use (section 9(1)(a)). It is difficult to see how the Crown has fulfilled these obligations. The announcement by a senior Minister that te reo allowances were not supported and should be stopped, without first taking advice about their origins and the circumstances in which they are paid (including that they are not 'bonuses' and depend on demonstrated competency, not a willingness to learn), does not appear to have been in harmony with the provisions in the Act. The almost complete failure to obtain any independent Māori feedback on the question is also hard to reconcile with the Act's commitments.

Counsel for the Crown submitted that the allowances had developed in an ad hoc manner, and pointed to Mr Apanui-Barr's remark that they were a 'piecemeal approach to recognising Māori language proficiency in the Public Sector.'[324] However, as counsel for the Crown acknowledged, Mr Apanui-Barr also said that 'Te Taura Whiri encourages the provision of a reo Māori allowance and acknowledges the important role of speakers of te reo Māori, especially those who carry out vital roles such as kaikōrero, kaikaranga, and those who lead mihi whakatau.'[325] Moreover, Mr Apanui-Barr also said that politicians' statements about the allowances and other reo-related matters had created 'fear among Māori public service staff that te reo Māori and Māori-focused roles will be the first to go as agencies look to cut costs'.[326] Again, this seems entirely counter to the Crown's obligations under the Act.

As for the Public Service Act 2020, section 14(1) of course sets out that the public service's role includes 'supporting the Crown in its relationships with Māori

322. Transcript 4.1.7, p 271. Counsel for Ngāti Te Rangiunuora me Ngāti Pikiao referred to this as 'the kāwanatanga sphere . . . consulting within its own sphere': transcript 4.1.7, p 383.
323. Transcript 4.1.7, pp 270–271
324. Submission 3.3.17, p 28; transcript 4.1.7, p 551
325. Submission 3.3.17, p 28; doc A45, p 7
326. Document A45, pp 13–14

under the Treaty of Waitangi (te Tiriti o Waitangi)'. An aspect of this is articulated in section 73(3)(d), under which chief executives must act as good employers by recognising (i) the aims and aspirations of Māori; (ii) the employment requirements of Māori; and (iii) the need for greater involvement of Māori in the public service. We did not hear any direct argument on whether Te Kawa Mataaho had adequately canvassed Māori aims and aspirations in its briefings to its Minister on te reo allowances, so we hesitate to comment further. But there were examples of these aspirations in the claimants' evidence. For instance, Haami Piripi – a former chief executive of Te Taura Whiri – explained that he had routinely received te reo allowances during his career as a public servant. He felt the sums involved were small – 'tokenistic' in fact – but what had really mattered was 'the status of the allowance' and the 'recognition'.[327] For her part, Margaret Mutu agreed with counsel for the Crown that, ideally, all public servants should be equally versed in Pākehā and Māori culture. That, however, was 'a long way away', and in the meantime there needed to be proper compensation for those needed 'to do the job properly'.[328]

4.6 Conclusion

We have jurisdiction to consider commitments in the coalition agreements. They became intended Crown policy when Cabinet accepted them as the basis on which the Government would operate on 28 November 2023. The other basis was the *Cabinet Manual*, but as we have seen in other Tribunal inquiries this has not acted as the kind of moderating influence on the coalition agreement commitments that counsel for the Crown suggested it would.

One of the commitments was that the primary names of government departments (except those specifically related to Māori) should be in English. It transpired that no Cabinet directive to this effect was made, leaving the issue up to individual ministerial discretion. This has led to a number of agency name changes, including at several Crown entities, even though the commitment in the coalition agreement was restricted to departments. These changes have been made in spite of the Government's 2016 bilingual signage guidance, *Te Tohu Reorua*, and regardless of the Crown's commitments under Te Ture mō Te Reo Māori 2016. There has been no consultation with Māori about them.

The other commitment we have focused on is that both departments and Crown entities (except those specifically related to Māori) be required to communicate primarily in English. Once more, this has been left to ministerial discretion. While it is at one level a redundant commitment, as it merely describes the status quo, it has nonetheless had a chilling effect on the degree to which te reo is used in communications in certain public agencies. Again, this has occurred despite the Crown's effective commitment in Te Ture mō Te Reo Māori 2016 to be more Māori-speaking.

327. Transcript 4.1.7, p 67
328. Transcript 4.1.7, pp 125–126

The third proposed Crown policy we have addressed in this inquiry is Minister Willis' stated intention to stop future te reo allowances for public servants, or at least reduce their availability. The development of policy on this matter was played out in the wording changes in the draft Government Workforce Policy Statement. Reference to te Tiriti/the Treaty went in and out of the draft repeatedly and was eventually removed from the final version, in keeping with the pattern set by the coalition Government in other matters. Overall – given the angst caused by the Minister's initial public comments and the lack of any targeted consultation with Māori – the process does not appear to have met the standards set out in either Te Ture mō Te Reo Māori 2016 or the Public Service Act 2020. Much now depends on how the GWPS is interpretated and applied by chief executives in practice.

All three of these matters were dealt with by Te Kawa Mataaho in its 5 December 2023 briefing to Minister Willis. Officials had less than two weeks to prepare advice on agency names and communication, and a few hours only on allowances. It is worth reiterating common features of this critical early advice across the three issues. First of all, the briefing did not mention te Tiriti/the Treaty, and it referred to Te Ture mō Te Reo Māori 2016 relatively briefly. Its focus was not on stressing the existing obligations of the Crown that would make fulfilment of the commitments in the coalition agreement (as well as Minister Willis' plans for te reo allowances) difficult or unwise. Rather, it went to some lengths to offer options to give these intentions effect. These options included:

- Orders in council changing the legal names of the two Crown agencies that have their Māori name first;
- a Cabinet directive that agencies always use their legal (English) name, and never use their Māori name in branding or signage without also using the English name;
- the revision or revocation of the bilingual signage guidelines;
- the extension of the naming changes to Crown entities through (for example) a direction issued under section 107 of the Crown Entities Act 2004;
- a Cabinet directive that agencies communicate primarily in English and never use a Māori word without an English translation;
- a review of the Crown's strategy for revitalisation of te reo to include an expectation that the use of te reo in Government communications does not create a barrier to understanding; and
- the inclusion of an expectation in the GWPS that te reo allowances no longer be offered in future, with Te Kawa Mataaho refusing to approve bargaining strategies or settlements that were inconsistent with this.

Te Kawa Mataaho witnesses considered that this advice was the best they could provide in the limited time available, and contended that they would have made more of the Crown's existing obligations if the matter had proceeded to Cabinet. We find this difficult to accept. We consider that there was adequate time to seek input on the paper from Te Puni Kōkiri and Te Taura Whiri, and clear grounds to offer the Minister free and frank advice about how the Crown would need to meet its obligations under both te Tiriti/the Treaty and Te Ture mō Te Reo Māori 2016.

UPOKO 5

NGĀ WHAKAKITENGA ME NGĀ WHAKAHAU

5.1 Kupu Whakataki

I tēnei upoko whakamutunga ka whakatakoto mātau i a mātau whakakitenga i ngā hapa o te Tiriti/the Treaty me ōna mātāpono, mehemea i pā he mate tāmi ki ngā kaikerēme, tae noa ki ā mātau whakataunga.

5.2 Ngā Whakakitenga o ngā Hapa o te Tiriti/the Treaty

I tēnei tekihana ka whakatakoto mātau i ngā whakakitenga o ngā hapa o te Tiriti/the Treaty me ōna mātāpono e pā ana ki ngā tino kaupapa e toru i puta ake i ā mātau tūhuratanga.

- Te whakamātāmuritanga, te whakakorenga rānei o ngā ingoa kārangaranga Māori i te ratonga tūmatanui me ngā tari minita, tae noa ki ngā whare Karaun.
- Te whakamanatanga o te reo Ingarihi hei reo whakawhitiwhiti i roto i te ratonga tūmatanui.
- Te whakakūititanga i ngā ara ki ngā utu mō te reo Māori i te ratonga tūmatanui.

5.2.1 Te whakamātāmuritanga, te whakakorenga rānei o ngā ingoa Māori i ngā tari ratonga tūmatanui me ngā whare Karauna

Ki tā te rōia mō ngā kaikerēme ko ngā ingoa kua whakarerekētia mohoa nei te tohu kua mana kē ngā kaupapahere i kōrerotia i roto i ngā whakatau a te kāwanatanga haumi.[1] Kei te tekihana 4.3.5 nā ngā Minita ngā whakahau i roto i ngā tuku kōrero ki a mātau. Ko te tuku i te mana ki ngā Minita me ngā whare whakahaere te mutunga mai o te kore o te Karauna e tika hei pou whakatairanga i ana āheinga i raro i te Tiriti/the Treaty me ōna herenga ā-ture e pā ana ki te reo.[2] Me te kī tonu a te rōia ko te whakamātāmuritanga i te mana o ngā ingoa Māori mō ngā pokapū Kāwanatanga he rite ki te whakahorotanga o te reo Māori, ā, ka noho teina te reo Māori ki te reo Ingarihi.[3] Ka kī rātau, koinei te tīmatanga o te whakakāhoretanga i te ahurea Māori, ā, ko te hua ko te whakamana me te whakatinana i te nui o te mana o tētahi me te iti o te mana o tētahi o ngā kaihaina i te Tiriti/the Treaty.[4]

1. Tāpaetanga 3.3.21, wh 14
2. Tāpaetanga 3.3.18, wh 35
3. Tāpaetanga 3.3.20, wh 39 (nō te tuhinga A21, wh 10)
4. Tāpaetanga 3.3.20, wh 39 (nō te tuhinga A21, wh 10)

Ahakoa te kī a te rōia mō te Karauna kua whakakorea ngā ingoa Māori 'paerewa hāhaka', engari kāore he kaupapahere whānui mō te whakarerekē i ngā ingoa o ngā pokapū.[5] Ko te kōrero a te rōia Karauna, kei ia Minita te tikanga ki te whakarerekē i ēnei momo ingoa.[6] Me te whakamōhio mai anō a te rōia ka hia nei ngā ingoa kua whakarerekētia e ngā kaupapa karauna engari ehara aua kaupapa i te kaupapa Karauna ake nei, ā nā rātau anō i whakarerekē ngā ingoa, ehara nā te Karauna.[7]

Katoa ngā rōpū i kī ko te noho rangapū – mē ōna tikanga ki te kōrero tahi me te mahi tahi i raro i te whakaaro rangatira – me te tāwharau tonu, koia nei ngā tino mātāpono e whai wāhi ana ki tā mātau uiui. Ka kī hoki ngā rōia o ngā kaikerēme ko te kāwanatanga pai, ko te mana ōrite me te tino rangatiratanga ētahi atu mātāpono e whai tikanga ana. Ko te kōrero a te rōia mō Ngāti Hine 'he tika nui whakaharahara te āhei o te Māori ki te tino rangatiratanga mō te reo'.[8]

Kua kōrerohia i te upoko 2, i roto i ngā rīpoata maha a te Taraipiunara mai i te tau 1986, tāna kupu mana ki te kaha o te Māori ki te whakaū i tō rātau tino rangatiratanga ki runga i te reo Māori, ko tōna rite ko te taonga kura nui. Ko te whakamahi tonu me te tāwharau i te reo Māori hei taonga, he wāhanga nō te tino rangatiratanga o ngā hapū me ngā whānau Māori. I a rātau ka whakamahi i tō rātau tino rangatiratanga ki te reo, he kaha te Māori ki te toha i tō rātau reo ki ētahi atu iwi, tuatahi ki te whakawhiti kōrero ki ngā iwi e whakaākau ana i te rautau 19, a, mohoa nei, ki te whakaora i te reo Māori i roto i ngā tau e maha i aukatitia ai. Ko Te Ture mō Te Reo Māori, 2016, i ārahitia ai e ngā tauira ārahi o te Maihi Karauna me te Maihi Māori e whakaae ana ko te ratonga tūmatanui (ko tāna mahi he āwhina i ngā iwi katoa tae atu ki te iwi Māori) me ētahi atu rawa Karauna me ana pūtea e hāngai pū ana ki te ora o te reo Māori, i tua atu i ngā āwhina a ngā iwi, hapū me ngā whānau Māori. Otirā i te mea nā te Karauna i tāmate haere ai te reo, e tika ana kei a ia te mahi ki te whakarauora i te reo.

Ko te whakawhiwhi a te Māori i ngā ingoa Māori hei takoha ki te Karauna he nui ake i te toha i te reo hei tohu rangatiratanga. I te upoko 4 i tikina atu e mātau ngā tauira pērā i a Oranga Tamariki/Ministry of Children, Te Kawa Mataaho/Public Service Commission, (Te Kawa Mataaho), Te Whatu Ora/Health New Zealand me Te Aka Whai Ora/Māori Health Authority (me ētahi atu) hei tauira ki te taumata, me te mātau ā-tikanga o te Māori i a rātau ka takoha i tētahi pokapū Karauna ki te ingoa Māori. He pānga nui o ēnei ingoa ki ngā iwi, hapū me ngā kōrero tawhito o ia takiwā, e ai ki ngā kōrero a Kipa Munro i te tekihana 4.3.5.[9] Ae rā kei te whakapūmau te Māori i te tino rangatiratanga i a ia ka takoha i tētahi ingoa, ā, kei te whakatinana i te tikanga whai hua tahi i raro i te Tiriti/the Treaty, āpiti atu ki ngā tūmanako ko te mahi tahi ka whai hua ki a rāua tahi. Ki te tukuna ā kohatia tētahi ingoa e ai ki a Rahui Papa, 'ka whai kanohi ngā wāhanga Maaori

5. Tāpaetanga 3.3.17, wh 56
6. Tāpaetanga 3.4.1, wh 1
7. Tāpaetanga 3.3.17, wh 11
8. Tāpaetanga 3.3.19, wh 4–5
9. Tuhinga A7(a), wh 12

o aua tari';[10] Ka mutu, mā te ingoa e whakahau te mea i whakawhiwhia ki taua takoha, ki te whakatinana i te tikanga o taua ingoa.

I roto i ngā whakarāpopoto o Kāinga Kore (2023) i te upoko 2, ka puta ngā kupu a te Taraipiunara mō ngā āwangawanga o ngā kaikerēme e mea ana he whakapai kanohi noa ngā whakamahinga a ngā pokapū Kāwanatanga i ngā ingoa, he whakatairanga teka noa rānei i te tō rātau mana.[11] Otirā, ko te whakatakoto kōrero e whakaāhei ana i te whakamātāmuri a ngā tari i te reo, ko ēnei āwangawanga he mataku kē koi kore te takoha e whakamahia tikatia. Ko tā te Kāwanatanga whakamahi i ngā ingoa i takohatia, e ai ki a Kipa Munro he 'takahi tikanga'. E kī ana mātau, i te mea kua kauparea ake te wairua takoha o te ingoa, kei te whakaatu tēnei Kāwanatanga i tōna whakaiti i te rangatiratanga o te mea nāna te ingoa i tuku me ngā tikanga o te takoha. Ko tā Kipa Munro ki a mātau me āta whakatū he tikanga ki te whakamoe i ngā ingoa takoha.[12] Kei ngā tuku korero kei mua i a mātau, e mārama ana te kitea kāore te Karauna i whai i tētahi tikanga – ko ngā whakataunga mō ngā ingoa o ngā pokapū me te kore e whai wāhi mai o ngā tikanga Māori, i mahia i raro i te whakahau a ngā minita i uru atu ki ngā whakatau a te Kāwanatanga haumi. Ko ēnei whakataunga ka tuki ki te pūtake o ngā mahi ratonga tūmatanui me ngā hinonga Karauna.

Ko te tuku takoha i te ingoa he rapu ki te whakakaha ake i te noho rangapū o te Māori rāua ko te Karauna i raro i te Tiriti/the Treaty. Ko tēnei rangapū i tipu ake mā roto mai i te takoha: arā, ko te tuku i te kāwanatanga ki te Karauna i raro i te mana rangatiratanga o te Māori, e ai ki ngā whakatakotoranga a ngā Taraipiunara o mua atu.[13] Ko tēnei noho tahi e mea ana kia rangatira ngā mahi a te Karauna me te Māori, kia pai tētahi ki tētahi, kia mahi tahi rāua i runga i te pono, i tua atu i tō rāua whakawhitiwhiti whakaaro i waenganui i a rāua. He iti tā mātau i kite ai i te whakatinanatanga o ēnei mātāpono e te Kāwanatanga haumi e pā ana ki te reo i te rāngai tūmatanui mai ka noho rātau hei Kawanatanga.

Ko ngā tuku kōrero ki a mātau e tohu ana i te whakatakototanga a Te Kawa Mataaho i ngā kōrero e pā ana ki ngā ingoa Māori, ka mutu, kāore rātau i kōrero ki Te Puni Kōkiri/Ministry of Māori Development (Te Puni Kōkiri), kāore hoki i kōrero ki Te Taura Whiri i te Reo Māori/The Māori Language Commission (Te Taura Whiri), ko rāua nei ngā tari matatau ki te reo kei roto i te Karauna – ā, kāore hoki i kōrero ki tētahi Māori kotahi, ki tētahi rōpū rānei kei waho i te Karauna.[14] He pono, ko te kōrero a te taituarā mō te Karauna, a Ngahiwi Apanui-Barr ki a mātau, 'mai i te tūnga o te Kāwanatanga haumi me te tūnga o te Minita hou Mō

10. Tuhinga A4(a), wh 20

11. Te Rōpū Whakamana i te Tiriti o Waitangi, *Kāinga Kore: The Stage One Report of the Housing Policy and Services Kaupapa Inquiry on Māori Homelessness* (Te Awakairangi: Legislation Direct, 2024), wh 152 (i tīkina atu i a Wai 2750 ROI, tāpaetanga 3.3.51, wh 14–15)

12. Tuhinga A4(a), wh 20–21

13. Hei tauira, 'in the Treaty the gift of kawanatanga was in exchange for protection and the guarantee of rangatiratanga in all its forms': Te Rōpū Whakamana i te Tiriti o Waitangi, *Te Whanau o Waipareira Report* (Te Whanganui-a-Tara: GP Publications, 1998), wh 27.

14. Tuhinga A43, wh 13

Ngā Take Māori, kāore anō kia tae atu he tono ōkawa ki Te Taura Whiri mō tētahi āwhina e pā ana ki te reo Māori.[15] Kei te whakatakotoranga a Te Kawa Mataaho ngā tohutohu me pēhea te whakatinana i te mahere hou a te Kāwanatanga, ā, ko tētahi o ngā take, ko te whakakore atu i ngā ingoa tuhi reo rua, arā, Te Tohu Reorua nā Te Puni Kōkiri i hanga hei whakatairanga, hei whakarauora hoki i te reo Māori. Ki te takoto i te Kahui Minita āna paerewa, e ai ki tā Te Kawa Mataaho, ka tirohia anō te mahere reo Māori a te Karauna. I ngā pātaitai whakamātau, ka whakaae a Hannah Cameron o Te Kawa Mataaho, he takahi i te Tiriti/the Treaty te whakakore i Te Tohu Reorua, ka mutu, kāore he kaupapa whakakīkī whāruarua.

I a ia ka whakatinana kāwanatanga, ko tā te Karauna he mahi kia eke ki te taumata hōnore, kia tika, kia pono, i tua atu i te whakamahi i te mātāpono o te kāwanatanga pai. Arā, me mahi i raro i te ture, me whai i tētahi kaupapahere e māneanea ai te whakawhitiwhiti, te kōrero tahi me ngā mea ka tutea e te kaupapa, me te whai i ōna tikanga here i raro i te Tirirti/the Treaty. Ahakoa ēnei mātāpono kore rawa he tohu ki te here i te Kāwanatanga ki ana tikanga here i raro i te Tiriti/the Treaty.[16]

Hei āpiti, i kōrerotia i te tekihana 4.3.2.1, ko Te Ture Ratonga Tūmatanui 2020 i whakahuaina noa i tēnei tuku kōrero e pā ana i tāna rārangi ingoa ture mō ngā whare ratonga tūmatanui, kāore mō te ratonga tūmatanui ki te tautoko i te Karauna ki te whanake i tōna whanaungatanga ki te Māori. Kāore hoki te tuku kōrero nei i whakamārama me pēhea tēnei kaupapahere e whai wāhi ai ki te tekihana 9(1)(a)–(b) o te Ture mō te Reo Māori 2016 e kī ana me mātua whakapā rawa ki ngā iwi me te Māori mō ngā take o te reo Māori, ā, kia whakamahia te reo ki te whakatairanga ki ngā tāngata katoa, i ngā mahi kāwanatanga me ngā tuku kōrero ki te marea tūmatanui. E ai ki te kōrero a te rōia mō Te Tarahiti Whakatau o Ngāi Rangi, kāore te tuku kōrero a Te Kawa Mataaho i whakahua mēnā e hāngai ana ngā kaupapahere me ngā tikanga here a Te Karaunga i raro i te Tiriti/the Treaty.[17]

Ko te wāhi e pā ana ki te whakawhitiwhiti whakaaro me ngā Māori mō ngā ingoa o ngā pokapū, e tika ana kia whakahuatia, kua kite mātau i ētahi tauira e hāngai ana ki te Tiriti/the Treaty i te wā i hangaia ai te ingoa mō te pokapū. Te whakaaratanga o Whaikaha/Ministry of Disabled People (Whaikaha) i te tau 2022, hei tauira, tae noa ki tōna whakaingoatanga, i tutuki i runga i te kōrero tahi me ngā tāngata whaikaha Māori. Ko te whakatau a te Minita ki te whakakore i te ingoa Whaikaha i te tau 2024, ka whakatū mai i te ingoa ā-ture, kāore i whai i ngā huarahi ōrite. He pērā anō hoki ngā whakatau ki te whakaheke, ki te whakakore rānei i ngā ingoa o ētahi atu pokapū i kōrerohia ai i te tekihana 4.3.6.

Ko te rangapū i raro i te Tiriti/the Treaty he hīpoki ki runga i te Karauna i te herenga pūmau me te whakamahi ā-ture i te matapopore moroki. I runga i te whakaae ngātahi o ngā rōpū e rua ki tēnei uiuitanga, ko tēnei take kāore i pā noa ki te reo anake, engari ki te āhei o te Māori ki te whakamahi i te tino rangatiratanga

15. Tuhinga A45, wh 9
16. Tuhinga 4.1.7, wh 425
17. Tāpaetanga 3.3.21, wh 21

ki runga i tō rātau reo. I ā mātau whakatau i runga ake nei, ko te mahi ā-ture a te Karauna i raro i te matapopore moroki, e tika ana kia whakaaro nui ia ki te āhei o te Māori ki tō rātau rangatiratanga – ā, i tēnei take, ko tāna mahi he whakaāhei i te Māori kia whai wāhi ki te whakaingoa i ngā pokapū Kāwanatanga e hāngai ana ki te tikanga tika (he mahi kāore e eke mēnā ka kōrero noa ki ngā kaimahi Māori a te Karauna). Ko ētahi ka kite ko te uta ingoa Māori ki runga i tētahi pokapū Kāwanatanga he mahi whakamihi noa ki te Karauna kōrero i te reo Māori i whakaaritia ai i te rīpoata a te Taraipunara *Report on Te Reo Māori Claim* i te tau 1986, ā, i whakawhānuitia ai i roto i a *Ko Aotearoa Tēnei* i te tau 2011. Ahakoa rā, he kaupapa nui tēnei. Kua whakamārama mātau ehara te tuku i te ingoa reo Māori i te mahi tohu noa iho.

Ko te mahi ā-ture a te Karauna ki te matapopore moroki i te reo, ki tā ngā rōpū titiro, he āta hīkoi ki te whakarauora i tōna mauri. Ko *Te Tohu Reorua* te tauira o tēnei hīkoi ā, e hāngai ana ki te Tiriti/the Treaty. Ahakoa te ngana o ngā māngai o Te Kawa Mataaho ki te kī he tauira noa tēnei, ehara i te kaupapa mana – ka mutu nā rātau i tohutohu te Minita ka taea e te Kāhui Minita te whakakore mēnā koirā te hiahia – he tohu tēnei ki te kore e ōrite o te mana o te reo Māori me te reo Ingarihi, tae atu ki te kore huarahi hei whakatika, ahakoa e pā ana ki tētahi wāhanga iti noa. Kua puta te kōrero a Ms Cameron, te māngai mō te Karauna, ki te unuhia Te Tohu Reorua me te kore o tētahi whakakikīnga whārurua, kāti he takahi tēnei i te Tiriti/the Treaty.[18]

E whakaae ana mātau ki te āheinga o te Karauna ki te whakaingoa i ōna ake pokapū mahi, engari ko te pokapū e nanao atu ana ki te takoha o te reo Māori, te tohu ki tōna pūmau ki te rangapū i raro i te Tiriti/the Treaty. Pērā anō te whakatairanga i te reo i runga i te tuhinga ingoa, koia nei te tohutohu a *Te Tohu Reorua*. Ko te tauaro o tēnei, ki te whakamātāmuritia, ki te whakakorea rānei te ingoa i roto i te reo kia kore e whakamahia tonutia i ngā tuhinga ingoa, koia te tohu o te whakaiti a te Karauna i ana mahi i raro i te Tiriti/the Treaty. Otirā, e tino tohu ana te Karauna i ōna whakaaro ki te mahi pērā, i runga ake i te kaupapa o tēnei rīpoata, i whakatinanatia ai e te nui o ngā uiui whawhati tata a te Taraipiunara mai i te wā i mana ai tēnei Kāwanatanga .

Ahakoa kāore anō te Minita kia tono ki te Kāhui Minita kia whakakorea Te Tohu Reorua, e kī ana mātau ko tā te Karauna mahi ki te whakatawhiti i a ia mai i tēnei rārangi tohu, he pānui hua kore ki ngā rōpū puta noa i te motu. He mea hanga te rārangi tohu, hei whakanui i ngā tikanga pai e tairanga ai te whakarauora i te reo i raro i te Kāwanatanga Nahinara o mua, i te tau 2016; ko te Kāwanatanga hoki te kaiwhakaara i ngā tuhinga ingoa i ngā wāhi tūmatanui, e pai ana tōna noho mai hei ārahi i ngā rōpū iti, iti noa nei a rātau rauemi. Ko te huri tuarā mai ki tana mahere tikanga pai, te tohu o te whakaaro iti ki ana mahi i noho ai ko ia hei taumata whāinga e āhei ai ngā rōpū maha ki te whakarauora i te reo. Kāore mātau e whakaae koinei ngā mahi a tētahi kāwanatanga e whakaaro nui ana ki te whakatairanga i ana tikanga mō te reo Māori i raro i te Tiriti/the Treaty.

18. Tuhituhinga 4.1.7, wh 425

Kāore he huarahi mā mātau i tua atu i te tautoko i ngā whakataunga a Ngahiwi Apanui-Barr i a ia ka kī ko tā te Karauna kōkiri kia whakaingoatia tētahi pokapū ki te ingoa Ingarihi e tohu ana i te noho tuarua o te reo Māori.[19] Ko te tino o tēnei, kua noho iti iho te reo Māori i te reo Ingarihi. Ki a mātau, ko tēnei whakahau e tohu ana arā noa atu te whakaaro i tua atu i te reo Māori: i a ia ka pēnei te whakamahi i tōna mana, e tohu ana te Karauna ko tēhea o te rangapū i raro i te Tiriti/the Treaty te taniwha – te mea kei a ia te mana ki te whakaingoa. I a ia ka whakapūmau i tōna taniwhatanga, ehara i te mea e whakamana ana tēnei i te mana o te reo Ingarihi i runga ake i te reo Māori, engari kē, e whakatō ana i te mana o te Karauna i runga ake i tō te Māori. E whakaatu ana hoki i te kore e whakaaetia o te rangatiratanga o te Māori i ōatitia ai i roto i te Tiriti/the Treaty. Kua oti te kōrero kei te whakamahi te Karauna i tōna mana ki te whakaingoa i ōna pokapū. Engari ko te nanao atu ki ngā takoha ingoa i roto i te reo i roto i tētahi whāinga i raro i te tikanga, koinei te ara tika mō te Karauna ki te tohu i tōna ngākaunui ki te reo me tōna herenga pūmau ki te Tiriti/the Treaty kua oti nei te tā ki ngā ture me ngā rārangi tohu.

5.2.2 Te whakamātāmua i ngā kōrero i te reo Ingarihi i roto i te ratonga tūmatanui

I konei, ka whiriwhiri mātau i te whai wāhi o ngā mātāpono Tiriti ki ngā whakahau ki ngā pokaū ki te whakamātāmua i te reo Ingarihi i roto i a rātau whakawhitiwhiti kōrero. Ko te nuinga o ā mātau kōrero i whakatatakoto ai i te tekihana āpiti 5.2.1 e pā ana ki ngā ingoa o ngā pokapū matua i meinga ki te reo Ingarihi e whai wāhi ana ki tēnei kaupapa. I konei anō hoki, e mārama ana te here kei runga i te Karauna ki te matapopore moroki me te whakatairanga i te reo Māori. Ā, ko ngā āpititanga e whakamana ana i te Māori ki te kōrero i te reo i ngā wāhi tūmatanui, ko tōna mutunga atu ko te whakahau a te Karauna i ōna pokapū me ana āpiha ki te kōrero i te reo.

I te tau 1986, ka tuhia e te Taraipiunara e whakarongo ana ki te kerēme Wai 11, ko te whakamana ōkawa i te reo te āheinga mō ngā mea e hiahia ana ki te whakamahi i te reo i ngā 'huihuinga tūmatanui, i ngā wā rānei e tū ihu ki te ihu ana ki ngā mana tūmatanui, e tika ana kia āhei rātau', ka mutu, ko te 'matatau o te arero ki te reo' te āheinga i ētahi tūranga i te ratonga tūmatanui.[20] Kāore i rato i Te Ture mō Te Reo Māori 1987, ēnei whāinga, hāunga te āhei ki te whakamahi i te reo i ngā kōti, engari me mātua takoto rawa he 'whakamōhiotanga e tika ana'. I te tau 2011, ka whakamōhiotia te Karauna e te Taraipiunara Wai 262, ki te whakarauora nuitia te reo i ngā hapori Māori, me tū rawa he mahere e whakatakoto ana i te ara e 'āhei ai ēnei iwi ki te whakawhiti kōrero me te Mana o te Whenua i roto i te reo,

19. Tuhituhinga 4.1.7, wh 523

20. Te Rōpū Whakamana i te Tiriti o Waitangi, *Report of the Waitangi Tribunal on the Te Reo Maori Claim*, putanga 2 (Te Whanganui-a-Tara: Te Rōpū Whakamana i te Tiriti o Waitangi, 1989), wh 47, 49

ā, kāore e kore ka hiahia rātau ki tērā āheinga.'[21] Ko Te Ture mō Te Reo Māori 2016, he hua nui rawa e pā ana ki te wāhanga ki ngā tari kāwanatanga e tuari ana i ngā tohutohu me ngā āwhina ki te marea i roto i te reo. Ka whakarangiahotia tēnei e te Maihi Māori 2019, ki te kōrero ā tauira nei, ko tētahi o ngā tino huarahi e taea ana e ngā tari kāwanatanga te whakatūturu, ko te whakaōrite māori i te whakamahi i te reo e āhei ai te iwi whānui ki te whai wāhi ki ngā mahinga Kāwanatanga i roto i te reo Māori.[22] Ka whakaae te Maihi Karauna kia noho ko ngā tari Kāwanatanga – ko tēnei rōpū nei te kanohi o te 18 paiheneti o ngā kaimahi katoa o te motu – tētahi o ngā rōpū mātāmua o tana kaupapa whakarauora.[23]

Nō reira, mai i te tīmatanga, ko te whakatau i whakaae katoa ai te Kāwanatanga haumi kia whakawhitiwhiti whakaaro ngā tari me ngā hinonga Karauna i roto i te reo Ingarihi i te nuinga o te wā, koia te whakahāweatanga i te kōrero o te Maihi Karauna me Te Ture mō Te Reo Māori. Ko ēnei kōkiritanga e anga ana ki te whakawhānui ake i te rere me te whai wāhi o te reo ki ngā rauemi mō te reo. Ko te tauaro o tēnei ko te anga nui kē o te Kāwanatanga haumi, i raro i Whakakaha Popōti me te Wātea-herekore, e kī ana he nui rawa te reo Māori i roto i te Ratonga Tūmatanui, ā, me whakatū he kaupapa e iti iho ai te whakamahi i te reo.

Ae rā, ko te whakaurunga o tēnei kaupapa ki roto i ngā whakatau a te Kāwanatanga haumi e mea ana tērā ētahi tari e whakamahi ana i te reo, ka mutu, kei te tāmia ngā kainoho kāore e mōhio ana ki te kōrero Māori. Kāore mātau i whakawhiwhia ki ngā kōrero e taea ai te tautoko i tērā whakaaro. E mārama kehokeho ana kāore tētahi tari kotahi i te kōrero i tētahi atu reo tēnā i te reo Ingarihi, ā, kotahi anō te tari e whakapae ana mātau kāore i roto i tēnei tātai, arā, ko Te Tauri Whiri, he tari ko tōna ao katoa ko te reo Māori. Ko te kawe a te Kāhui Minita i tēnei take hei whakamahi mā te Kāwanatanga, kāore he kiko, kāore hoki i hāngai ki te ngā tūre me ngā kaupapa ture.

Ko te tohe a te rōia mō te Karauna, kāore he whakahau a te Kāhui Minita mō tēnei kaupapa, nō reira kāore he kaupapahere a Te Karauna. Ka noho te mana e ai ki te Karauna, ki ngā Minita, pērā i te wā o mua. Ko tā mātau kōrero kua takoto, e whakakāhore ana mātau i te kī, kāore te Karauna i whai wāhi ki te whakatakoto kaupapahere mō te take, – ko te tautoko a te Kāhui Minita i ngā whakataunga a te Kāwanatanga haumi, hei punga mō te Kāwanatanga me āna mahi, koirā te whakaaetanga. Otirā, ko te tohe a te Karauna e whakakāhore ana i te tāmate o te reo Māori (i whakaae hoki te Karauna kei te tika te kōrero). Ko tēnei tāmate haere o te reo, e tika ana kia anga nui te Karauna ki te tāwharau i te reo. Ko te tauaro, ko te noho ngoikore o te Karauna mai i te tūnga o te Kāwanatanga haumi.

21. Te Rōpū Whakamana i te Tiriti o Waitangi, *Ko Aotearoa Tēnei: A Report into Claims concerning New Zealand Law and Policy Affecting Māori Culture and Identity*, *Te Taumata Tuarua*, e 2 ngā huānga (Te Whanganui-a-Tara: Legislation Direct, 2011), hūanga 2, wh 457

22. Tuhinga A54, wh 248 [Te Puni Kōkiri, *Maihi Karauna: The Crown's Strategy for Māori Language Revitalisation 2019–2023*, Huitanguru 2019, wh 35]

23. Tuhinga A54, wh 232 [Te Puni Kōkiri, *Maihi Karauna*, wh 19]

Ahakoa he whakahau ōkawa, kāore rānei, ko te whakataunga a te Kāwanatanga haumi e 'tohu ana i te huarahi' hei whai mā te Kāwanatanga e āhei ai ngā Minita ki te whakamahi i ā rātau i pai ai. Ko ā rātau i pai ai kei runga i ō rātau hiahia pērā i ngā kōrero a te Minita mō ngā Take o Tāwāhi. I roto i ngā tuku whakamārama poto.[24] Ahakoa pēhea, ko te waiho i te reo kia riro mā ngā Minita e kī me pēhea te whakamana me te whakamahi, he mate kei roto i tēnei i te mea ka whakakorea te mana o te Kāwanatanga ki te hanga mahere whakaāhei i te whakarauoratanga o te reo. Ehara tēnei i te mahi rangatira a te Kāwanatanga ki te whakatinana i ana whāinga mō te reo Māori. Kāore hoki i hāngai ki te mātāpono ā-ture e kī ana ka whakaae te Karauna ki te uara o te reo Māori ki ngā tāngata katoa o Aotearoa.[25]

Kia hoki anō tātau ki te Kawa Mataaho me ana whakamārama poto o te 5 o Tihema 2023. Kei konei e whakahua ana ko ngā pokapū ka whakamahi i te kupu Māori i etahi wā, ā, kīhai he whakapākehātanga, mēnā kei te whānui te mōhiotoa o te kupu (pērā i te kupu 'whānau'), mō ētahi kupu rānei kāore he whakapākehātanga (pērā i te 'rangatiratanga). Me te kī anō a Te Kawa Mataaho mā te Kahui Minita e whakatakoto he tikanga whakahau kia noho tahi ngā kupu Māori me ngā hōtaka Māori i te taha i ngā whakapākehātanga, ā, mā te tino mōhiotia o te kupu e kore ai he whakapākehātanga, engari me noho he whakapākehātanga mō ngā hōtaka pērā i a 'Whanau Ora'.[26] Ka kī hoki a Te Kawa Mataaho kia kōrero tahi a Minita Willis ki te Minita mō Ngā Take Māori ki te wānanga mēnā mā te Maihi Karauna hou e mārama ai te ratonga tūmatanui, ehara te whakamahi i te reo Māori i te taiepa ki te māramatanga.[27] Ko ngā tohutohu o tēnei whakamārama poto kāore i ōrite ki ngā wawata o te Kāwanatanga ki te whakaōrite māori i te reo, ko tā Te Kawa Mataaho he whakatū i te reo hei kōhatu tūtukinga waewae mō te hunga kore reo Māori, kāore hoki he whakahuanga i te noho o te reo hei taonga tōhao nui – me te whakahaere ōrite – mō Aotearoa katoa.

Ko te whāinga a Te Kawa Mataaho i te whakamārama poto o te 5 o Tihema 2023 he tohutohu i a Minita Willis ki ngā huarahi e wātea ana ki a ia ki te whakamana i te whakaititanga o te reo tuhi Māori, ka mutu, ko te tikanga kē he kōrero atu ki te Minita kāore he raru nui hei whakatika māna. I whakamōmona anō te whakamārama poto i te whakamahinga o te reo ki ngā whakawhitiwhiti a te Kāwanatanga. Kei te whakarāpopototanga e kī ana 'ko te nuinga o ngā tari, kāore e whakamahi i te reo Māori *anake* i roto i ā rātau parani me ā rātau whakawhitiwhiti kōrero' (kei te mea taketake e miramira ana).[28] Nā ēnei kupu ka taea te kī i whakamahi te nuinga o ngā tari i te reo Māori anake i ngā wā torutoru noa iho nei, ka taea rānei te kī ko te tokoiti o rātau i whakamahi i te reo anake. Kāore mātau i te whakaae me hua ake aua āhuatanga e rua. Waihoki, kua kī kē mātau, kīhai Te Kawa Mataaho i kimi whakaaro i Te Puni Kōkiri, i Te Taura Whiri rānei, ā, kāore te whakamārama poto i kōrero mō te Tiriti/the Treaty.

24. Tuhinga A65, wh 373–374 [Manatū Aorere, 'Situation Report One: Mt Ulawun Eruption (Tūrei 28 o Whiringa-ā-rangi 28)', wh [1]–[2]]
25. Te Ture mō Te Reo Māori 2016, s8(2)(h)
26. Tuhinga A43(a), wh 10 [Te Kawa Mataaho, 'Delivering better public services', wh [10]]
27. Tuhinga A43(a), wh 10 ['Delivering better public services', wh [10]]
28. Tuhinga A43(a), wh 1 ['Delivering better public services', wh [1]]

Kei roto i ngā tuku kōrero ka kitea te āta manawa mōrearea o te Karauna ki te whakakore i te anga whakamua o te whakamahi i te reo Māori i ngā kōrero Kāwanatanga. Nā tēnei āhua o te Karauna, ka taikaha ētahi o ngā kaiwhakahaere o te Ratonga Tūmatanui, ki te tope i te reo i runga i te whakahākoakoa i tētahi Minita, i runga rānei i te tino kore e hiahia ki te whakamahi i te reo. Ki tā mātau i kite ai, e takahi ana ēnei mahi i Te Ture mō Te Reo Māori 2016 me Te Ture Ratonga Tūmatanui, 2020.

Ākene hoki nā ēnei mahi ka whakatōngātia te whakamahi i ngā mahere reo Māori (he tikanga tēnei i raro i te Maihi Māori), ā, ka aukatia te whanake o ngā whakaaro hou. Arā te kōrero a Mr Apanui-Barr, e whakahoutia ana Te Maihi Karauna i te tau 2024.[29] I te wā i a mātau e tuhi ana, i te tau 2025, kāore anō kia puta ngā kōiriiri hou o te rautaki. Ko ēnei

āpititanga katoa tae atu ki ngā mahi i oti me ngā mea kāore i oti, te whakatinanatanga o te hua ngaro ki te whakawhānui atu i te reo Māori i te Ratonga Tūmatanui.

Ko te tuatahi nā ngā mahi a Te Karauna i heke ai te ora o te reo Māori, e tika ana kia piki ana tikanga tāwharau i te reo ināianei tonu. Kei ngā kupu o te tekihana 6 o Te Ture mō Te Reo Māori 2016, te tohu e ngana ana Te Karauna ki te whakarauora i ngā mate o te reo. I a ia ka mahi ki te whakarauora i te reo, e whakawhanake ana Te Karauna i ana kupu tuku ki ngā hapū me ngā iwi i roto i ā rātau whakataunga kerēme i raro i Te Tiriti. Ko aua kupu tuku a Te Karauna e kī ana 'ka pakanga rātau ki te . . . tāwharau me te whakanui i tēnei taonga mā ngā whakatipuranga whakaheke', koia tētahi wāhanga o te utu mō te pēhi i te reo. I a ia ka whakaiti i te whakamahi i te reo i roto i te Ratonga Tūmatanui, kua takahia e Te Karauna te mātāpono o te whakatika.

I te wā e tāmate tonu nei te reo, ka noho ēnei mahi a Te Karauna hei whakakaha kē atu i te mate, e nui kē atu ai te tāheke poupou o te reo inā whakaritea ki te ora o te reo Ingarihi. Ehara ēnei i te 'pae hāhaka' ki tā Te Karauna i kī ai.[30]

Āpiti atu, ko te mātāpono o te ōritenga, e whakahau ana i Te Karauna ki te āta mahi tōtika ki te whakapai ake i te noho o te reo, ki te āta kimi huarahi hoki ki te aukati i te tāmate haere o te reo, ehara ia ki te whai wāhi ki te auheke o te reo.

Ko ngā mahi a Te Karauna kāore i hāngai ki ngā wawata o te Maihi Karauna. Uaua ana ki a mātau te whakaae nā te nui ake o te whakamahia o te reo i ngā tari Kawanatanga mai i te wā i mana ai Te Ture mō Te Reo Māori 2016, i mate ai te reo Ingarihi, ā, me whakawhiwhi te reo Ingarihi ki tētahi mana nui (he whakaaetanga i waenganui i a Nāhinara me Aotearoa Tuatahi) e whai mana ai te reo Ingarihi i roto i te ture o te whenua. Arā tā mātau kōrero, kāore Te Karauna i pono ki Te Ture mō Te Reo Māori 2016. Kīhai hoki e ai ki ngā mahi takarure a ngā tari Kāwanatanga, i whai wāhi te kōrero tohutohu a Te Kawa Mataaho i eke ki te pae rewa kei roto i te tekihana 14 o Te Ture Ratonga Tūmatanui 2020. Ko te tino o tēnei tauira ko tōna ngoikore ki te tohutohu tika i Te Karauna ki ngā mahi e tika ana mā Te Karauna. I raro i te Tiriti/the Treaty kitea ana te rerekē ki ngā tuku kōrero ki Te Taraipiunara

29. Tuhinga A45, wh 13
30. Tāpaetanga 3.3.17, wh 56

i ētahi atu uiui whawhati tata i te wā o te pōti o te 2023, i kōrero ai ngā āpiha ki ngā Minita, e takahi ana rātau i aua whakataunga.[31]

Ki tā mātau i kite ai i runga ake nei ko te mātāpono o te kāwanatanga pai e mea ana kia whai te Karauna i tētahi kaupapahere kaha e whai wāhi ana ki te whakawhitiwhiti kōrero me tōna whai tikanga i raro i te Tiriti/the Treaty, ā, me whai hoki i ngā ture nāna i hanga, kia kaua e iti iho i tērā. Ko te tino pūtake ko ngā ture he mea hanga ki te tautoko i te Tiriti/the Treaty. Kāore i te kitea ngā mahi tautoko e āhei ai te kī kei te whakatinanatia e te Kāwanatanga te reo, ā, i te horopaki o tēnei uiui, he nui ngā tuku kōrero e kī ana kāore i te whakatinanatia e te Kāwanatanga.

5.2.3 Te kūititanga o te ara ki ngā utu mō te reo Māori i te ratonga tūmatanui

I tēnei wāhanga o te tekihana ka whakatakoto mātau i ngā huarahi e whai wāhi ai ngā mātāpono o te Tiriti/the Treaty ki te take o te kūititanga o te ara ki ngā pūtea e utua ana mō te mōhio ki te reo. He take nui tēnei ki ngā kaikerēme me ngā rōpū e ngākaunui ana ki te kaupapa nā te mea e mārama ana ki a rāua tahi ko ngā pukenga reo o ngā kaimahi i te ratonga tūmatanui, te mea hiki i te whanake o te reo i te ratonga tūmatanui whānui.[32]

Ko te āhua nei ko ngā utu reo e hāngai ana mō ngā kaimahi e mōhio ana ki te reo, ka mutu, e tāea te kitea koinei tētahi o ngā kaupapa tautoko i te Karauna ki te whakatutuki i ana herenga o te tekihana 14 o te Ture Ratonga Tūmatanui 2020, a te wā e whakamanatia ai taua ture. I te Kāwana ka tohu i tōna whakaaro ki te whakakūiti i te ara ki ēnei utu, ka tau te anipā me te whakaaro uara kore ki ngā kaimahi.[33]

I muri mai i ngā kōrero mō te tikanga kore o ēnei momo utu i roto i ngā kirimana mahi, ka whakawhāititia e te rōia mō te Karauna te whānui o te kaupapa ki te huarahi whakawhanake Kupu Tauāki Kaupapahere o te Rāngaimahi Kāwanatanga (TKRK) anake. E whakaae ana tēnei huarahi mahi e ai ki te rōia – ahakoa te kaikā, ki te Tiriti/the Treaty.[34]

E whakahē ana mātau ki te whakaaro ko ngā utu reo e whai take noa ana ki te TKRK. Engari ko ngā kai o te GWPS, te hāngaitanga o tā te Karauna titiro i muri mai i ngā kōrero whānui a Minita Willis mō tēnei take ki te hunga pāpāho i te Tihema 2023. Inā whakaritea ki ngā ingoa tāri me ngā whakawhitiwhiti kōrero, ko te take o ngā utu reo ehara noa i te kaupapa nui ki ngā haumi takitoru. Nā tērā, kua kore he

31. Hei tauira, tirohia, Te Rōpū Whakamana i te Tiriti o Waitangi, *The Māori Wards and Constituencies Urgent Inquiry Report – Pre-publication Version* (Te Whanganui-a-Tara: Te Rōpū Whakamana i te Tiriti o Waitangi, 2024), wh 24; Te Rōpū Whakamana i te Tiriti o Waitangi, *The Oranga Tamariki* (*Section 7AA*) *Urgent Inquiry 10 May 2024 Report* (Pito-one: Blue Star Group (NZ) Ltd, 2024), wh 10–11; me Te Rōpū Whakamana i te Tiriti o Waitangi, *Ngā Mātāpono/The Principles: The Interim Report of the Tomokia Ngā Tatau o Matangireia – the Constitutional Kaupapa Inquiry Panel on the Crown's Treaty Principles Bill and Treaty Clause Review Policies – Pre-publication Version* (Te Whanganui-a-Tara: Te Rōpū Whakamana i te Tiriti o Waitangi, 2024), wh 83–88.

32. Tāpaetanga 3.3.20, wh 41

33. Tāpaetanga 3.3.20, wh 4

34. Tāpaetanga 3.3.17, wh 41

herenga tōrangapū hei whakahau i a Minita Willis ki te whakapāho i tana hiahia ki te kati i ngā utu reo o anamata i te tīmatanga o Tihema 2023. Ahakoa ko te hiahia e hāngai ana ki ngā herenga e pā ana ki ngā ingoa pokapū me ngā whakawhitiwhiti kōrero, ko te āhua nei ko tā te Minita he hoatu 'uara mō ngā tāra utu tāke' tēnā i te tapahi haere i te tautoko mō te reo i te ratonga tūmatanui. Ahakoa, e tukituki ana āna kōrero ki te here i runga i te Karauna mō re reo i roto i Te Ture mō Te Reo Māori 2016, ā, tere tonu te Minita ki te tuku kōrero whakatika.

Te āhua nei ko te take i hoki whakamuri ai āna kōrero nā ngā tohutoho i ahu mai i ngā āpiha ki a ia. Ko aua tohutohu i ahu mai i te pepa tohutohu o te 5 o Tihema kua oti nei te kōrero mō ngā ingoa pokapū me ngā whakawhitiwhiti kōrero Kāwanatanga.

Mō te take e pā ana ki ngā utu-tāpiri, e rua ngā wāhi e taupatupatu ana: ko tētahi taupatupatu motuhake e pā ana ki ngā utu i panoni ai ngā mahara o te Minita; ko tētahi o ngā taupatupatu e mau tonu ana ki te tauira o ētahi atu wāhi o te pepa tohutohu. Arā, kāore ngā āpiha i mau tonu ki ngā here kei runga i te Kawanatanga mō te reo (kāore i whakahuatia te utu-tāpiri i roto i te tekihana o Te Ture mō Te Reo Māori 2016) engari i whakaatu kē me pēhea te whakatinana i ngā tūmanako o te Minita. Mō te wāhi e pā ana ki ngā utu-tāpiri, ko tā rātau i whakatakoto ai kia whakaurua he whāinga ki roto i te whakatikatikatanga o te TKRK e haere mai ana, kia kaua e whakaaetia te utu-tāpiri mō te reo. Ko tā Te Kawa Mataaho he āwhina ki te whakakāhore i ngā rautaki me ngā whakatau a te rāngai tūmatanui ki ngā iuniana kāore e hāngai ana. Nā ngā tohutohu a Te Kawa Mataaho i neke ai te tirohanga mō ngā utu-tāpiri ki te TKRK, ā, i kore ai e hāngai ki ngā here kei runga i te Kāwanatanga i raro i te Tiriti/the Treaty, me ōna here ā ture, i tua atu i ōna here mō te kaituku mahi pai.

Koirā pea i kōre ai tātau e tumeke ki ngā pātai tuatahi mō te mahere a te Minita kāore kē i ahu mai i Te Kawa Mataaho engari i ahu kē mai i ngā rōpū me ngā iuniana i kōrero tahitia i runga i te TKRK i a Hānuere 2024. Ko tā rātau i kite ai kua kore he whakahuanga mō te Tiriti/the Treaty mai i te TKRK o mua atu, kua kore hoki he tohu mō te tekihana 14 o Te Ture Ratonga Tūmatanui 2020. Ka pātai hoki rātau me pēhea ngā panonitanga e hāngai ana ki ngā utu-tāpiri e taea ai e te Kāwanatanga te whakatutuki i ēnei me ētahi atu o ngā herenga. I kīia mai mātau nā te Tari Ture Karauna ngā tohutohu, engari i puritia tūmataititia nā ngā here ture, koia mātau i kore ai e mōhio ki ngā kai o roto. Kāore hoki te Taura Whiri i whai wāhi atu kia ahiahi rawa te kaupapa, he pērā anō Te Mātāwai. Ahakoa Te Mātāwai, kāore Te Kawa Mataaho i kōrero hāngai, i whakapā rānei ki ngā tohunga me ngā mātanga reo, ahakoa te tekihana 9 o Te Ture mō Te Reo Māori 2016, me te mana o te iwi me ngā Māori ki te kaitiakitanga o te reo i tāia ai ki ngā tekihana 4 me te 8. Nā ēnei hapa ki te whakawhitiwhiti ka ngaro kī te Karauna ko ngā huarahi whanake i te TKRK e hāngai ana ki te Tiriti/the Treaty.

Huri atu, huri mai te rere o ngā utu-tāpiri i waenganui i te Minita me ngā āpiha, i a rātau e ngana ana ki ngā kupu o te TKRK. I runga i ngā arotake a te pokapū me ngā iuniana, nō te tau 2024 i a Pēpuere, ka whakaurua e Te Kawa Mataaho he whakahuanga i te Tiriti/the Treaty me te tekihana 14 o Te Ture Ratonga Tūmatanui 2020 ki roto i te tarāwhe TKRK. Nā Minita Willis tonu i āta whakakore

aua wāhanga e rua. I waiho e ia te panonitanga a Te Kawa Mataaho e mea ana, inā kore e whakamanaia ngā pukenga i ngā utu taketake, ka ahei pea te utu i ngā utu-tāpiri i ngā wāhi iti noa nei, mō ngā pukenga e kitea ana i tēnā wā, i tēnā wā, kaua e motuhake ki te mahi. I a Mei 2024, i muri iho i ngā tohutohu a Te Tari Karauna ka whakahokia e te Minita te wāhanga ki te Tiriti/the Treaty. He roa tāna haere, mai i ana kōrero ki te hunga pāpāho i te 5 o Tihema 2023 ki te wāhi i tuhia ai e ia he kōrero ki Te Kawa Mataaho i te 10 o Mei, 2024. I roto i taua reta ka whakatakoto ia i tōna tapatahi ki te whakaū i Te Ture mō Te Reo Māori 2016 me te tautoko i te rāngai tūmatanui ki te whanake i ngā here whanaungatanga me te Māori. Tōna tikanga me whai herenga ture kē te Minita me ngā tohutohu ā ture i te tuatahi. Ko ngā whakataunga i mahia i runga i te tohutohu kounga te tino pūtake o te mātāpono o te kāwanatanga pai me te mahi ā ture i raro i te Tiriti/the Treaty ki te mahi tika me te mahi pono.

I te mutunga atu, ko ngā kupu hou o te TKRK e whakakūiti ana i ngā huarahi e āhei ai te utu i ngā utu-tāpiri. Ko tā Heather Baggott ki a mātau, me whakauru atu ngā pukenga

ki roto i ngā utu taketake, ā, ko aua utu-tāpiri hei utu i ngā kaimahi mō te whakamahi i te reo i ētahi wā noa iho. E āhei ana tētahi pokapū ki te utu i ēnei momo utu-tāpiri hei pupuri i te herenga whānui i raro i Te Ture mō Te Reo Māori 2016, 'i raro rānei i tētahi Ture, i tētahi herenga rānei' (me tō mātau whakaaro ka taka ki raro i Te Tiriti/the Treaty, engari kaōre he kōrero whakaū i ō mātau whakaaro), otirā, kāore i te mārama mēnā e hāngai ana tēnei ki te utu mō ētahi wā noa iho, mēnā rānei e utua ana i runga i ngā whāinga o mua. Kei te mārama kei runga ēnei āheinga utu i tā ngā kaiwhakahaere matua i whakatau ai mō te TKRK hei rākau tohe mā rātau i roto i ngā whakawhitiwhitinga.

Ko tā mātau whakataunga nui e mea ana ko te huarahi whakaū i ngā utu-tāpiri me te TKRK – mai i ngā kupu hanganoa a te Minita ki te hunga pāpāho, ki ngā whāinga whakawhitiwhiti kōrero, tae noa ki te whakatakotoranga whakamutunga, i whakawāteatia ai ngā pānga atu ki te Tiriti/the Treaty – kore rawa i hāngai ki ngā taumata i roto i Te Ture mō Te Reo Māori 2016. Ko tēnei hangana mahi kāore i whai wāhi ki te rangapū mahi tahi i raro i te Tiriti/the Treaty. Kāore hoki te whakapānga atu ki ngā iwi me ngā Māori i raro i te mana kaitiaki i tua atu i te haere tōmuri rawa ki Te Mātāwai. Ko te wāhi e pā ana ki Te Kawa Mataaho, kei te tohutohu tōmua rawa, i kāpō ki wāhanga kaituku mahi pai i roto i Te Ture Ratonga Tūmatanui 2020, kai roto i taua ture 'whāinga, me ngā tūmanako' tae noa ki ngā 'herenga kaituku mahi, mō ngā Māori i te rāngai tūmatanui. Kia tōwaitia, ko te mātāpono o te kāwanatanga pai e mea ana kia whai wāhi nui ake te Karauna ki te ture tēnā i tā rātau e whakatutuki ana i te wā nei.

5.2.4 Ngā kitenga a te Taraipiunara i ngā hapa e pā ana ki te Tiriti/the Treaty

Mō ngā take kua oti i a mātau te hora i runga ake nei, ko tā mātau i kite ai, mō ngā wāhi o te Karauna e pā ana:

- ki tāna whakatau, 'ko ngā tari katoa kei raro i te Ratonga Tūmatanui me mātua tuhi ngā ingoa i roto i te reo Ingarihi, i tua atu i ngā tari e pā nui ana ki te Māori';

- ki tōna hiahia ko ngā 'tari katoa kei raro i te Ratonga Tūmatanui me ngā Hinonga Karauna . . . me kōrero i roto i te reo Ingarihi, i tua atu i ngā hinonga e pā nui ana ki te Māori'; ā
- ki tōna hiahia ki te whakaiti i ngā huarahi e āhei ai ngā kaimahi ki ngā utu-tāpiri,

kua takahia e te Karauna ngā mātāpono o te Tiriti/the Treaty e pā ana ki te tino rangatiratanga, te rangapū mahi tahi (kei roto i tēnei ngā mahi ā ture ki te mahi tika i roto i te pono, me te whakapā), te matapopore moroki, te kāwanatanga pai, te ōritenga me te huarahi whakaora.

Kua kitea nei te takahitanga a te Karauna i ngā mātāpono o te Tiriti/the Treaty, kua huri mātau ki te wānanga i te whānuitanga o te whakatoihara i pā ki ngā kaikerēme.

5.3 Whakatoihara

I raro i Te Ture mō Te Tiriti o Waitangi 1975, e whai take ai tētahi kerēme, me mātua whakaatu ngā kaikerēme i te pākaha o te whakatoihara o ngā mahi a te Karauna, mō ōna ngoikoretanga rānei. I runga tonu i tērā whakaaro, ahakoa he aha te whakatau a te Taraipiunara, ko tāna he 'whakatau utu mō te whakatoihara, he whakakore rānei i te whakatoihara'. I roto i tēnei uiui, ko ngā kaikerēme e whakapae ana i te Karauna, mō tāna kī kāore he whakatoihara i hua ake i āna mahi. Ko te wero a te rōia mō te Tarahiti Whakatau Kerēme o Ngāi Te Rangi ki a Ms Cameron mō tāna kī kia kaua e whāiti noa te titiro ki ngā mahi a ngā Minita, a ngā āpiha rānei e pā ana ki te reo, i te mea 'kua kēhi tēnei i a mātau, e pai ana ngā mea katoa, kei a mātau ngā tauira kaupapahere, kei a mātau ngā huarahi e taea ai te whai wāhi ki ngā tohutohu e tika ana'. Ki te rōia, ko tā te Karauna he whakakārarerare whakaaro: e whakahē ana i tā ngā kaikerēme e whakatoiharatia ana rātau, ko te 'huarahi nui e whāia ana' kia iti ake te whakamahi i te reo, kaua e nui ake.[35]

Ka whakahē te rōia mō te Karauna i te whakapae koinei te tūranga mataaho o te Karauna, me tana kī, kāore he hua tika i puta mēnā i kī te Karauna, 'kāore he aha e kitea i konei'. Me te whakamārama anō a te rōia, 'kei te whakatautia ēnei momo whakatau i roto i tētahi taiao mutunga mai o te uaua, ā, kāore hoki he kaupapahere whānui. Otirā he nui ngā 'take rerekē' engari ko te mahi he wetewete i ia take i roto i tōna ake horopaki.[36] Ka kati ngā tuku kōrero a te rōia mō te Karauna i runga i ēnei kaupapa whakapapa nui uaua. Ko tā te rōia ko te nuinga o ngā kaupapahere o mohoa nei, kāore he raruraru; ko ngā whakatau a te kāwanatanga haumi 'kei waho i te mana ā ture o te Taraipiunara'; ā, i te tohutohutia te Karauna' mō ngā kaupapa e pā ana ki ngā utu-tāpiri, ngā ingoa pokapū me ngā whakawhiti kōrero, ā, ko te hua kua whakamāramatia tōnā wahi me te anga whakamua o āna mahi. Ahakoa ngā wāhi 'kua rerekē i ngā taumata o raro', ko ngā kaupapahere whānui kāore i rerekē. O ngā panonitanga kua oti, ko te whakatūpato a te rōia ko ētahi kāore i tika

35. Tuhituhinga 4.1.7, wh 430–432
36. Tuhituhinga 4.1.7, wh 686–687

kia kīia he mahi Karauna, ko ētahi kei te tirohia tonutia, a, kei te mahia tonutia.[37] Engari ki a mātau, ko te mahi whakawhāiti i ngā mahi a ngā Minita me ngā āpiha ki roto i ngā pouaka, me te kī kāore he mate nui, kāore rānei e whai wāhi nui ki te kaupapahere whānui, ehara rānei i te mahi Karauna, kāore mātau e whakapono.

5.3.1 Te whiu a ngā whakatau a te Kāwanatanga haumi me ngā kupu a Minita Willis

Kua oti tā mātau whakatau ko ngā whakaaetanga a te kāwanatanga haumi, ka noho hei kaupapahere mā te Karauna i te wā i tautokotia ai e te Kahui Minita i te 28 o Noema, te tau 2023, ā, koinei te ara ka whāia e te Kāwanatanga. I te kitea o te tāmate o te reo, ko tā mātau, ko tēnei tautoko a te Kāhui Minita te mahi whakatoihara tuatahi a te Kāwanatanga hou ki te kaupapa o te reo. Ko te whakamahukitanga o tēnei whakaaro, ko ngā whakatau a te haumi-taki-toru i waenganui i a Nahinara me New Zealand First mō te reo, ko te kōrero kei roto e kite ai te marea, kāore te Kāwanatanga i te tautoko nui i te reo, pērā i te tautoko a ngā Kāwanatanga o mua kia ora tonu te reo. Kei ēnei whakatau ka kitea te nui o te nekehanga o te tautoko a te Karauna, i muri mai i ngā hia tekau tau e whakapāho tautoko ana te Kāwanatanga. I kitea te whakatoihara i roto i tēnei, ā, kei te whakatoihara tonu i tēnei rā.

I roto i tēnei tūāhua kua oti tā mātau kōrero mō ngā kupu a Minita Willis i rīpoatatia ai e te hunga pāpāho i te Tihema 2023, e hiahia ana ia ki te tope i 'ngā utu whakamihi' mō te reo i ngā rā kei mua, ā, i tōna wa e heke mai ana, ākene pea ka pai te utu anō i ngā wāhi e hāngai ana ki te tūranga, e kitea ana te whakatoihara ki ngā kaimahi e whakawhiwhia ana. E hia a mātau whakatakotoranga i ō mātau whakaaro, ko te mōioio o te reo – he taonga kura nui – te kaiwhakaoho i te mahi ā ture mō te Karauna. Ko tēnei mahi ā ture e awhi ana i te matapopore moroki. Ko te tautoko nui a te Kāhui Minita ki te whakamātāmua i te reo Ingarihi i ngā ingoa pokapū me ngā whakawhitiwhiti kōrero, me te kupu hanganoa a te Minita Willis mō te anamata o ngā utu-tāpiri mō teo reo Māori, kāore i eke ki ngā herenga a te Karauna.

5.3.2 Te whiu o te whakanui ake i te reo Ingarihi i runga ake o te reo Māori

Ko te kōrero a te rōia mō Ngāti Rangiunuroa rāua ko Ngāti Pikiao i tipu ake te whakatoihara mai i te 'whakamārōtanga i te reo Ingarihi i runga ake i ngā herenga ahurea mō te reo Māori, Arā, ko ngā kaupapahere a te Kāwanatanga he mahi e whakatairanga ana i te ahurea whakamanamana, 'kaikiri rānei', e whakatairanga ana i te mana nui o te ahurea nui me tōna reo.[38] Ko ngā tuku kōrero a ngā taituarā e tautoko ana i tēnei whakatau. Hei tauira, ko Waihoroi Shortland o Ngāti Hine e tohe ana 'ko te whakanoho i tētahi reo i muri i tētahi he tohu nō te whakanoho i tētahi iwi i muri i tētahi . . . Ehara i te kaupapa reo, engari he mea momo iwi'.[39] Ko tā Ahorangi Margaret Mutu kōrero mō te mahi a te Kāwanatanga, he

37. Tāpaetanga 3.3.17, wh 56
38. Tuhituhinga 4.1.7, wh 665
39. Tuhinga A35, wh 2–3

'whakataipūwhenuatanga momo reo,[40] ā, hei tā Ahonuku Mere Skerrett i tuhi ai ko te momo reo e tautoko nui ana i te reo Ingarihi tētahi o ngā hangana o te taipūwhenuatanga.[41]

E kore mātau e hono atu i ngā whakaaro momo-ā-iwi ki ngā mahi katoa a te Karauna kua whakahuatia e mātau. Hei tauira, ko ētahi i puta i roto i ngā whakamātāmua pūtea. Engari, e tautoko katoa ana mātau ko te waka kei muri i ngā whakaaetanga a te haumi-taki-toru mō te reo, i ahu mai i runga i te huneinei me te noho tītengi mō te piki haere o te ahurea Māori. He uaua te kimi i tētahi atu whakamārama mō te tapatahi ki te whakamana ture e noho ai te reo Ingarihi hei reo ture. Ko te kōrero a te rōia mō te Karauna, mō tēnei kaupapa, 'kāore anō kia ahatia tēnei take, ā, 'kei te noho i tētahi tuawhenua moemoeā i mua i te whakamanatanga hei kaupapahere.'[42] Otirā, ko te tautoko a te Kāhui Minita e kī mai ana ki a mātau ko te kaiwhakakorikori i te Kāwanatanga ko te whakaaro kua noho matua te reo. Ko te kōrero tika ko te reo Ingarihi e noho mātāmua ana i ngā whaitua katoa o te ao tūmatanui, ā, kei te pakanga nui te reo mō tōna oranga.

5.3.3 Te whiu ki ngā Māori, ngā kaiwhakamahi i te ratonga tūmatanui

Ko ngā whakaratonga i te whakaaetanga a te haumi-taki-toru e pā ana ki ngā ingoa pokapū me ngā whakawhitiwhiti kōrero e mea ana e rua ngā momo pokapū: ko ngā mea e hāngai pū ana ki ngā Māori, me ngā mea kāore e hāngai pū ana ki a rātau. Mō ngā kaikerēme i roto i a mātau kōrero i te tekihana 4.3.3, ko te take o ngā kōrero a Tākuta Hope Tupara e kī ana me whakauru ngā Māori ki ngā momo whaitua katoa o te ratonga tūmatanui, mai i te whānautanga, haere ake nei. Ko ngā pokapū katoa e whai wāhi ana ngā Māori.[43] He pērā anō ngā kōrero a Hami Piripi. I mahi ia i 'ngā peka katoa o te ratonga tūmatanui' kāore ia e mōhio ko tēhea pokapū rā, e kore ai te reo Māori e whai tūranga.[44] E tautoko ana mātau, me tō mātau āwangawanga anō ko ngā kupu o aua whakaratonga e āhei ai ngā pokapū nui ki te whakangāwari i ā rātau whakaratonga ki te reo. Mēnā e whai tikanga ana te reo ki ngā tari pērā i Te Puni Kōkiri, e tika ana kia pērā anō hoki ētahi atu Pokapū Kāwanatanga e whakawhenumi ana me te iwi Māori. Ko ngā rerekētanga kei ngā whakaratonga e whakakāpō ana i te noho o ngā rōpū mō ngā Māori anake i roto i ngā pokapū maha. Mātau katoa e kī ana ko te whakawhāiti i te reo ki ngā pokapū e hāngai pū ana mō te Māori, e noho whakatoihara ana ki ngā Māori e whai wāhi ana ki ngā hua i te whānuitanga o te ratonga tūmatanui.

5.3.4 Te whiu ki ngā mahi kaupapa Māori me ngā whakaputanga

Ko te āwangawanga o Mr Piripi ko ngā whakatenetenetanga ki te whakamahi me te kōrero i te reo ka puta te whiu ki ngā mahi e whai wāhi nui ana te reo. Ko tāna,

40. Tuhinga A21, wh 12
41. Tuhinga A39, wh 3
42. Tuhituhinga 4.1.7, wh 703
43. Tuhituhinga 4.1.7, wh 163; tuhinga A6, wh 13
44. Tuhinga A29, wh 10

> Ko te mate, mēnā ka whakamōreareatia te reo, ka pērātia anō hoki ngā mea katoa e whai wāhi ana te reo tae noa ki ngā kaupapa Māori. Hei tauira, e maumahara ana ahau i a au i te tari Herehere, i hangaia e mātau ngā kaupapa mahi i ngā whare herehere me ngā whare poropeihana e whakamahi ana i ngā tikanga Māori, ngā tohu whakarite, ngā whakaaro, hei whakapai ake i ngā whakaputanga. Ki te kore te reo i roto i aua whakatakotoranga, e kore e tutuki a mātau e tūmanako ai. Kei te kitea ināianei te whanaketanga o ngā mahi kaupapa Māori i te whānuitanga o te rāngai tūmatanui. Mā te reo Māori anake e taea ai aua whakaaro rautaki. Ehara te reo Māori i te reo kōrero anake engari he whakatinanatanga nō te ao Māori e āwhina ana i te ratonga tūmatanui ki te whakaora i ētahi o ngā whakapātaritari nui e whakawhiu ana i a tātau ia rā i tēnei whenua. – he mea pai mō te Māori me te tangata ehara i te Māori.[45]

Ko Roimata Kaweroa-Stanley e mea ana ko ētahi kaupapa Māori kua topea kētia.[46] He Mātanga Reo a Rapata Wiri. Ko tāna kōrero, mai ka tū te Kāwanatanga hou, kua kore ana kānataraka me ngā pokapū Kāwanatanga.[47] Ko tā Ngāwaiata Evans, he kaimahi i roto i ngā kaupapa Māori ako, whakawhanake, mai i te wā o te pōti kua heke te maha o ngā kaimahi i tōna wāhi mahi mā te 50 paiheneti i te mea kāore i whakahoutia ngā kānataraka i roto i Te Tāhūhū o te Mātauranga/Ministry of Education.[48] Ko tā Mr Apanui-Barr kōrero e kī ana he maha ngā tamōtanga mai i ngā ākonga kua rēhita kē mō ngā kura reo mō ngā taumata o waenganui, mai i te ratonga tūmatanui. Kua taka hoki te maha o ngā rōpū wānanga mahere e whakahaeretia ana e Te Taura Whiri mai i te wā o te pōti.[49]

Ka whakapātari te rōia mō te Karauna i tētahi o ngā tauira a Ms Stanley-Kaweroa e mea ana ehara ia i te tangata reo, engari kāore ana kōrero mō ētahi atu o ngā tauira.[50] I whakaaro hoki te rōia mō ngā kōrero a Mr Apanui-Barr mō te kore pūtake tika o ngā kura reo me ngā rōpū wānanga i tamō, i te mea ākene nā ngā here pūtea i pērā ai.[51] Kāore mātau i āhei ki te whakatau i ngā hua, hua kore rānei mō te topenga o ngā mahi kaupapa Māori i roto i ngā whakatiotanga e ai ki tā Mr Piripi (mehe rānei kei te whai wāhi tērā whakatiotanga ki te heke o ngā tamōtanga i Te Taura Whiri). Engari e tautoko ana mātau i ngā āwangawanga o Mr Piripi mō te huarahi kua takoto i te haumi-taki-toru, ākene koinei kei te patu

45. Tuhinga A29, wh 10
46. Tuhinga A28, wh 9
47. Tuhinga A41, wh 2–3
48. Tuhinga A11, wh 6–7
49. Tuhinga A45, wh 10–12
50. E whai ake nei ngā take e whā i kōrerohia e Stanley-Kaweroa: 'Kua poroa te tūranga tūhono hapori o Te Manatū Whakahiato Ora; he iti iho te pūtea a Te Tāhuhu o te Mātauranga e wātea ana mō ngā mea pēnei i te kāhui Mātauranga Reo; kua mimiti te pūtea mō te marau o Ngāi Te Rangi, ā, kua hāwhehia te pūtea mō hautū waka – kia whai wāhi tonu ngā kura ki ngā tamariki.': tuhinga A28, wh 9. I tautohe te rōia mō te Karauna e mātua pā ana te tauira o te kaitūhono hapori ki te KŌWHEORI-19. Kīhai a Stanley-Kaweroa i whakaae he kāore he pānga o te tauira, ā, kīhai hoki te rōia i whakaara i ērā atu take e toru: tuhituhinga 4.1.7, wh 41–43.
51. Tāpaetanga 3.3.17, wh 8

i te hīkaka o ngā tāngata, Māori mai, Māori kore mai, ki te whakamahi i te reo.[52] Mēnā kei te ora tērā huarere, he whakatoihara tēnei mō te reo.

5.3.5 Te mamae i pā i ngā mahi a te Karauna

Ka kitea te whakatoihara o ngā mahi a te Karauna i roto i ngā mamae o ngā kaikerēme mai i te wā i tīmata ai ngā pokapū me ngā Minita ki te whakamātāmuri i te ora o te reo. E ai ki a Te Ao Marama Maaka o Ngāti Hauā, i te wā i tīmata ai ia ki te haere ki te kura, ka whakatau te tumuaki he uaua rāwa tōna ingoa ki te whakahua, ka whakatika atu tana pāpā ka whakaingoatia ia ki a 'Maureen', he ingoa i mau ki a ia mō tōna roanga ki te kura, engari he ingoa kāore ia e whakautuināianei. Ko ngā mahi a te Kāwanatanga i tēnei wā tonu, rite tonu ki te wā o tana rā tuatahi ki te kura, i tangohia ai tōna ingoa i te mea kāore te Pākehā i hiahia ki te ako, ki te whakahua tikan rānei, ā, kāore he uara i utaina ki te reo me te Māori.[53] E āwangawanga ana a Ngawaiata Evans mō te hunga e ako ana i te reo kāore he manawa kaha, he manawa hīkaka rānei, ki tō rātau taha Māori. Ko tāna kī, ka pakanga te tokomaha mō te reo, engari 'ko ngā whānau kāore i whai wāhi ki ngā painga, kore rawa e pakanga.[54] E kī ana a Ms Stanley-Kaweroa kei te tōia whakamuritia tātau e te Karauna mō ngā tau e maha ki te whakatō i te wehi, i te whakamā me te āwangawanga ki te whakamahi i te reo Māori[55]

Ko te mamae o te kaupapa i kitea i ngā roimata o tētahi o ngā taituarā o te hunga matapopore, o tētahi taituarā Karauna me tētahi rōia kaikerēme. Engari i reira anō hoki tētahi wairua whakatumatuma. Hei tā Rangiamohia Dansey-White, o Ngāti Te Rangiunuora me Ngāti Pikiao, mārō tana tū, i te mea nō te whakatipuranga Kohanga Reo au, 'kore rawa ahau e whakaae ki ngā tikanga tōrangapū hanganoa e whakaiti nei i tō tātau iwi'.[56] Hei tā Rukuwai Allen o Ngāti Rēhia, 'ko ia tētahi o te whakatipuranga kōrero Māori kore e wehi, 'e tū teitei ana i runga i ngā pakihiwi o te hunga o mua atu i a mātau'. E kore ia e whakaāe kia riro mā ngā hau pūkerikeri o te ao tōrangapū, e whakakore te huarahi whakaora kua oti i a mātau te whakahoki mai me te whakarauora mō te reo Māori.[57] He pērā anō te āhua tū mārō o te rōia mō Ngāti Te Rangiunuora me Ngāti Pikiao, kua hia tekau tau nei ia e pakanga ana mō te reo:

> E kore e taea e koe te kī mai ki a au mā tētahi Kāwanatanga e whakaae ngā pātī iti kia uru mai ki te turaki i te kaupapa whakahou kua roa nei e noho ana hei tikanga ki tēnei whenua i te 40 tau ka huri. He whakakāhore tērā i tō mātau mana motuhake Māori, he whakakāhore tērā i tō mātau tino rangatiratanga. He whānanga tawhiti rawa tērā mō te mana kāwanatanga. He rite tonu te kino ki te karanga pakanga o ngā tau 1860 kia patua taku iwi o Ngāti Pikiao, I tērā wā ko ō mātau whenua i tāhaetia. I tēnei wā kei te kawea atu e rātau tō mātau mana, te mana o tō mātau reo. E kore mātau

52. Tuhinga A29, wh 10
53. Tuhinga A37, wh 3, 6
54. Tuhinga A11, wh 8
55. Tuhinga A28, wh 8
56. Tuhinga A32(a), wh 6
57. Tuhinga A34, wh 2

> e whakaae ki terā. Ka pakanga mātau mō te hemo tonu atu. Kua ākona mātau ki te tohungatanga o ngā tikanga kōkiri Pākehā i ngā tau e maha ki muri. Kua ākona mātau ki te tāpae atu i tō mana ki te whakaiti i ngā kawenga i pakangatia ai e ō mātau kuia kōeke, ā, koirā te mahi a tēnei kaupapahere.[58]

Ko ēnei mamae, pono, pono rawa. Ko tā mātau i kī ai i te 2.3, ko te whakaititanga a te Karauna (ko te kore tautoko rānei) i te reo, ko te hua e ai ki te Taraipiunara o Wai 262, he rite tonu ki ngā mamae mō ngā whenua, ki te whakakotahi me te whakamārō i te kiri, mō ngā whakatumatuma i ngā tau tata ka hipa. I roto i tērā whakaaro, ko te ōritenga i waenganui i te ngaro o te whenua me te ngaro o te reo ehara i te mea kia tumeke tātau.

5.3.6 Ngā whakatau a te Taraipiunara mō te whakatoihara

Ko te kōrero poto e whakatau ana mātau ko ngā mahi a te Karauna mai i te 28 o Noema e whakatoihara ana i ngā kaikerēme. Kāore mātau e whakaāe ki te kī a te Karauna ko ngā whakaratonga i roto i te haumi-taki-toru e mea ana kāore he panonitanga i te kaupapahere whānui engari tērā ētahi panonitanga i te taumata o raro iho. Ko tēnei whakaititanga e kāpō ana ki te horopaki o te mate haere o te reo Māori me te whiu kino o te mahi iti a te Kāwanatanga. E kāpō ana hoki ki tā Mr Piripi i kī ai ko te pūtaiao o te whakarauora reo, ko ōna kaiwhakaora ko te whakapiki i te mana o te reo, me te whakahihiri i tōna akoranga, ā, ko te mutunga atu kua noho māoriori. Inā kore e aro mai te Karauna ki ēnei whāinga, kua taka ki te mate. Ki tā Mr Piripi anō, 'ko te āronga ki whakamātāmua i te reo Ingarihi i te rāngai tūmatanui te mutunga mai o te rorirori.[59] Ki a Takuta Wayne Ngata, he heamana o mua nō te Taura Whiri, kāore i rerekē āna kōrero ki ā Mr Piripi: me noho ngā wāhanga katoa e ora ai te reo e angitu ai.[60] Ko te whakatinana me te whakamahi e kore e angitu ki te kore he mana, ki te kore hoki e whakaaro nui. Ko ngā mahi Karauna e whakataha ana i tētahi wāhanga o te whakarauora, pērā i te mana, koia ngā whakatoihara ki te whānuitanga o te whakaraora i te reo.

5.4 Kupu Whakakapi

Mai i te tīmatanga o tā mātau uiui, ka tīmata hoki te Karauna ki te whakaiti haere i te aronga o ngā take i mua i a mātau, me te whakapātaritari i tō mātau mana-ā-ture, me te whakateitei i ngā Hinonga Karauna, tē whakahua ai i ngā mahi a te Karauna ake. Ahakoa te tautoko kaha he taonga te reo Māori, ka ngana te Karauna ki te tohe kaha, kāore he raruraru, ā, kei te mahi ngā āpiha Karauna ki te 'whakamārama' i o rātau Minita ki te whakaiti haere i te whiu o ēnei mahi taumata ki te whakarauora i te reo.[61]

58. Tuhituhinga 4.1.7, wh 666
59. Tuhinga A29, wh 10
60. Tuhinga A40, wh 2
61. Tuhinga kōrero 4.1.7, wh 445

Ko te tauaro o te Karauna, ko ngā kaikerēme e pakanga ana ki te whakaatu i ngā whiu whānui o ēnei whakahaere hangaiti a te Karauna. Ko ā rātau kōrero me ō rātau ngākau mamae e kōrero ana ki te uara o te reo hei taonga kura, he taonga e tāmate ana tōna ora. Ko tā rātau i kite ai mō ngā mahi hangaiti noa, he whakatōmuri, he tāmi hoki i ngā tau e maha o te whakarauora i te reo, he mahere whānui atu hoki ki te taukaikai i te Māori.

Ko tā te rōia mō te Karauna i kite ai i te Privy Council i te kēhi o te Broadcasting Assets (1994) ko te kī a te Privy Council i ngā wā e heke ana te ohanga o te whenua, he hanga tika tonu pea kia kaua te Karauna e whakapau nui i te tahua, ki te whakatinana i ana herenga ki te Tiriti/the Treaty. E whakaāe ana mātau, kāore te tahua i pērā rawa te nui, engari kāore mātau i te kite i ngā taunakitanga e mea ana kei te uaua ā-hereni ki te Karauna te whakatutuki i ana herenga ki te reo, te haere tonu rānei o ngā tikanga whakarauora i te reo i ngā wā o mua atu. Ko te āhua ki a mātau, he mea iti noa te reo i roto i ngā whiringa a tēnei Kāwanatanga, ehara i te mea kāore e taea e rātau te tautoko. Ko te kupu huna e ahu mai ana i te Karauna, kua kore e whai wāhi te reo ki ngā taumata āwhina o mua atu, he mea tino whakararuraru whakaaro. Kāore he wāhi takamuritanga ki te whakarauora i te reo.

Ko tō mātau whakaaro whānui e ririka ana te Kāwanatanga ki te whakaū i ngā mahi e pā ana ki te reo, kia rite ki ētahi atu o ana kaupapahere e takahi ana i ngā mōtika o te Māori, kua kitea i roto i ētahi o ngā uiui Taraipiuna me ngā rīpoata o aua Taraipiunara. Arā, ko te whai ki te whakaiti i aua mōtika, hei aha ake mēnā me whai whakapaunga moni nui, kāore rānei. Inā tirohia i tōna horopaki whānui, he ōrite ki ō ngā kaikerēme tō mātau kore e kite i ngā mahi mō te reo, e mea ana 'he taumata iti noa' kāore he mate nui e puta. Otirā, ko ēnei mahi e tohu ana i ngā whakaaro o tēnei Kāwanatanga mō te noho a te Karauna me te Māori, e kitea ai te kore o te Karauna e whakaaro nui ki tōna hoa rangapū mō ngā take nui, e kimi ana hoki ki te whakakore i ngā mahi pai kua oti kē, i ngā tau e maha. Ehara tēnei i te mahi pono, i te kāwanatanga pai rānei, ehara hoki i te mahi tika a te hoa rangapū i raro i te Tiriti/the Treaty.

Ka whakatepe mātau ki ngā kōrero o te kupu takamua a te Minita mō Ngā Take Māori o taua wā, ā Te Ururoa Flavell, i roto i *Te Tohu Reorua* i te tau 2016. Ko te ngako, ko te awhi i te whakamahi o te reo Māori i te ratonga tūmatanui e whakanuitia ana e tētahi Minita i roto i te Kāwanatanga ko te Pāti Nāhinara te upoko i roto noa i ngā tau iti ka hipa. E whakamana ana mātau o ngā whakaaro o Minita Flavell, me te whakamahara i te tēnei Kāwanatanga mō tēnei ratonga tōmua ki te whakaū i te whakamahi me te kitea o te reo Māori:

> Kei a tātou te tikanga ki te whakapiki i tō tātou motu, i te rāngai tūmatanui hoki ki taumata kē atu mā te manaaki i te reo Māori e mātua whai nei kia tautokona e tō tātou motu, e te tūmatanui me te tūmataiti, e ora tonu ai ia hei ngā whakareanga ā haere ake nei.
>
> I ia rā, toro ai te hapori tūmatanui i ō koutou tari. E mātakina ana, e rangona ana koutou e te tokomaha. I nāia tonu nei, he mana whakaawe ō koutou e huri ai te reo Māori. Kia kitea ai. Kia māori ai.

He mea whakamōhio tēnei tuhinga kupu ārahi e ngā wheako o ngā whenua e whai wāhi ai hoki te tohu reorua ki te whakarauora reo hei whakatenatena i te kawenga o ngā tikanga pai.

E whakatenatena ana au i te rāngai tūmatanui, mō te hemo tonu atu, kia tīmata i tōna haerenga i te huarahi o te tohu reorua. Waihoki, e mihi ana au ki ērā o koutou kua tīmata kē.

Mā roto i te Ture hou mō te reo Māori, mā te whakatūnga hoki o te Maihi Karauna, e ū nei te kāwanatanga ki tāna whai kia kaha ake te tautokona o te whakarauoratanga o te reo Māori e ngā pokapū kāwanatanga katoa hei wāhanga māori noa i roto i ā tātou mahi.

Ko tētahi huarahi mā reira e taea ai e tātou tērā te whakatutuki, ko te whakaū kia nui ake te kitea o te reo Māori i ngā hapori kei reira tātou e mahi ana.

Āe rā, he reo whai mana ā-ture te reo Māori ki Aotearoa, engari he nui noa ake i tērā, nā te mea ehara ia i te reo nō whenua kē atu i tō tātou. He reo ātaahua. Tōu reo. Tō tātou reo.

We can be an even better nation, and an even better public sector, by embracing te reo Māori which needs the support of our entire nation, public and private, to ensure it is here for future generations.

Every day, the public visit your offices. You have the eyes and ears of many on you. Right now, you are in a position of influence to make a difference for te reo Māori. To make it visible. To make it normal.

This guide was informed by the experiences of countries where bilingual signage is also part of language revitalisation to encourage good practice. I cannot encourage the public sector enough to start their te reo Māori bilingual signage journey. And I thank those of you who have already begun.

Through the new Māori Language Act and the development of the Maihi Karauna, the government is committed to enhancing the support for te reo Māori revitalisation by all government agencies as a normal part of the way we do business.

One way in which we will achieve this is to ensure te reo Māori is more visible to the communities we work in. Yes te reo Māori is an official language of New Zealand but it is more than that because it belongs to no other country but ours. A beautiful language. Your language. Our language.[62]

5.5 Ngā Whakahau

I ngā whakahuanga i te tekiha 5.2 me te 5.3 i runga ake nei, ko tā mātau whakatau, ko ngā mahi a te Karauna kāore i hāngai ki ngā mātāpono o Tiriti e pā ana ki te tino rangatiratanga, te rangapū mahi tahi (me ngā herenga ture ki te mahi tika i roto i te pono, me te whakapā), te matapopore moroki, kāwanatanga pai, ōritenga me te whakatika, ā, i whakatoiharatia te Māori.

62. Tuhinga A65, wh 698 [Te Puni Kōkiri, *Te Tohu Reorua i te Reo Māori me te Reo Pākehā: He kupu ārahi e kairangi ai ngā tikanga. Māori–English Bilingual Signage: A Guide for Best Practice*, wh 2]

Ko ngā taunakitanga i roto i te uiuinga e tohu ana i te tāmate o te reo. E taea te kī nā ngā mahi hūneinei a te Karauna o mua me mohoa i pēnei ai, me tōna kore e aro tika ki ana herenga mō te matapopore moroki o tēnei taonga i raro i te Tiriti/the Treaty me ōna mātāpono. E herea-ā-turetia ana te Karauna ki tētahi whāinga nui ki te tino tautoko i te whakarauoratanga o te reo, ā, kei roto ēnei kōrero i ā mātau whakahau i raro ake nei.

Ehara i te mea mē āta wānanga rawa, kia kawea ake ā mātau whakahau e tēnei Kāwanatanga me ngā mea ka whai muri. Ko te Kāwanatanga o nāianei te kaikawe i ngā herenga kei runga i te Karauna mai i te tau 1840. Kei te whakatakoto mātau i tēnei tirohanga nā te mea nā ngā Kāwanatanga o mua i pāhi ngā ture, i whakatau rānei i te tēpu o te Kāhui Minita, ā, kāore he herenga i runga i te Kāwanatanga o nāianei ki te whai muri.

Anei ā mātau whakahau e whai ake nei:

- **Mahia ināianei tonu, te panoni kia hoki ki ngā wā o mua, i ngā mahi me ngā kaupapahere e pā ana ki te reo i roto i ngā pokapū me ngā whakawhiti-whitinga kōrero a te Kāwanatanga:**
  - E whakahau ana mātau i te Karauna kia panonitia ana kaupapahere kia kitea ai te hua o tana mahi tahi me te Māori mō ngā ingoa o ngā pokapū Kāwanatanga me ngā whakawhitiwhitinga kōrero, kia hāngai ai ana mahi ki te Tiriti/the Treaty, me ōna mātāpono, me Te Ture mō Te Reo Māori 2016.
- **Te āta whakapūmau kia whai wāhi ngā Kāwanatanga hou ki ngā herenga kei runga i te Karauna ki te reo Māori i raro i ngā ture o mohoa me te Tiriti/the Treaty me ōna mātāpono:**
  - Inā whakaaratia he Kāwanatanga hou, e whakahau ana mātau mā Te Puni Kōkiri (i roto i ana kupu tohutohu ki te Minita mō Ngā Take Māori e uru mai ana) e āta tohutohu te Minita ki ngā herenga kei runga i te Karauna mō te reo Māori i raro i ngā ture o mohoa me te Tirti/the Treaty me ōna mātāpono, ā, ki te whakatūpato i a ia ki ngā whakaratonga e ara ake ana i ngā whakaaetanga a te haumi-taki-toru me ngā tukitanga ki aua herenga.
- **Te whakakaha ake i ngā kupu o Te Ture mō Te Reo Māori 2016:**
  - E kī ana mātau ko ngā kupu Māori o Te Ture mō Te Reo Māori 2016 e whakaatu kaha ana i ngā herenga tēnā i ngā kupu Ingarihi. Ki tā mātau pānui ko te kupu 'me' i te reo Māori o te tekihana 9(1) e whakahau hāngai ake ana tēnā i te 'should' i roto i te reo Ingarihi. Ko te whakapākehātanga o te kupu 'me' ko te 'must' i roto i te tekihana 10(1) o te Ture, i tua atu i wāhanga kōrero 23 o te Maihi Karauna. E kī ana hoki mātau ko te kupu 'whakapuaki . . . i tōna ū' i te tekihana 6(2) he kaha ake tēna i te 'express its commitment' i te reo Ingarihi. I roto i te tekihana 12(2) e kī ana 'ko te wāhanga Māori me te wāhanga Ingarihi o tēnei Ture ōrite te mana, engari mēnā ka tū he taukumekume i waenganui i ngā wāhanga e rua, ko te mea Māori anō ka toa', ka whakatakoto mātau i ēnei tūtohutanga:
  - E tohu ana mātau ko ngā kupu i te tekihana 6(2) me whakatika hei kawe i te whakaratonga kaha ake pērā i te wāhanga reo, kia pēnei tōna takoto:

> The Crown *will* work in partnership with iwi and Māori to continue to actively protect and promote this taonga, the Māori language, for future generations.

- Hei tāpiri, ā, kia kore ai e noho mārama-kore, e whakahau ana mātau kia whakatikahia te wāhanga reo 6(2) kia pēnei tōna takoto:

> Me mahi tahi te Karauna me ngā iwi me ngāi Māori, ki te āta whai tonu kia tiakina, kia whakatairangatia hoki tēnei taonga, te reo Māori, mō ngā whakatipuranga e haere ake nei.

- E tohu ana mātau kia whakatikahia te tekihana 9(1) kia pēnei tōna takoto:

> A department of State shall conduct itself in accordance with the following principles when exercising its powers and performing its functions:
> (a) iwi and Māori *must* be consulted on matters relating to the Māori language (including, for example, the promotion of the use of the language):
> (b) the Māori language *must* be used in the promotion to the public of government services and in the provision of information to the public:
> (c) government services and information *must* be made accessible to iwi and Māori through the use of appropriate means (including the use of the Māori language).

- E whakahau ana mātau kia whakatikahia te whakatakotoranga tuatahi o te wāhanga Māori 9(1), kia pēnei tōna takoto:

> Me noho ko ngā mātāpono e whai ake nei hei ārahi i tētahi tari Kāwanatanga, inā whakamahi ia i ōna mana me ōna āheinga mahi.

- E whakahau ana mātau ko te tekihana 9(2) e kī ana "[k]āore tēnei ārahitanga e tuku atu ki te tangata i tētahi mana ā-ture', '[t]his guidance does not confer on any person any legal right that is enforceable in a court of law', me whakakore-ā-ture.

› **Ko te *Tohu Reorua i te Reo Māori me te Reo Pākehā/Māori–English Bilingual Signage 2016* rārangi ārahi, me whakature:**

- E whakahau ana mātau ko ngā rārangi-tohu me whakature ā, me noho hei ture whāinga mā ngā pokapū Karauna katoa.
- E whakahau ana mātau ko ngā ture kia whakahōutia kia uru atu ai ngā whakahau e pā ana ki ngā ingoa pokapū Kāwanatanga me ngā whāranga ipuranga Kāwanatanga.

- E whakahau ana mātau kia noho te Karauna ki te mātirotiro kei te whakamahia tikatia ngā ture. Kāore mātau e tohutohu me pēhea te mātirotiro i ngā ture.

› **Whakatika i te 2024 Government Workforce Policy Statement:**
  - E whakahau ana mātau ko te wāhanga i ngā herenga Karauna i raro i te Tirti/the Treaty, me whakahoki mai.
  - Ko tētahi wāhanga o ngā here me ngā utu whakatau a ngā kaituku mahi e kī ana:

> 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.[63]

  - E whakahau ana mātau kia whakahōutia tēnei wāhanga kia haere tonu ai ngā utu-tāpiri mō te reo ahakoa ko te reo e whai wāhi ana ki te mahi, kāore rānei. Ko te mātau ki te korero i te reo ehara i te mea hanganoa e whakamahia ana i ētahi wā noa iho. He mea tēnei kei roto i te ngākau o te kaimahi ā, e āhei ana te whakamahi ahakoa he aha te wā, i te nuinga o te wā, ehara i te te mea e whai mahi ai te tangata. E whakaae ana mātau ki te hiahia o te Karauna ki te whakauru i ngā pukenga reo ki roto i ngā utu pūtake, engari kia tae rawa ki taua wa, ko te utu i ngā utu-tāpiri mō te reo te whakatinanatanga o te whakanui i te mōhio ki te reo i te ratoinga tūmatanui.

› **Whakanui ake i te ako ngākau māori i te reoruatanga i te ratonga tūmatanui:**
  - Ahakoa kua puta te karanga i ngā taraipiunara e maha kia nui ake te reoruatanga i te ratonga tūmatanui, he nui ngā mahi hei whakaoti. E tohu ana mātau kia tahuri te Karauna ki te whakapiki i te matatau ki te reo Māori i te ratonga tūmatanui.[64] E whakaae ana mātau ki te rōia o ngā kaikerēme[65] ko te pūtea mō ngā kaupapa reo mō te ratonga tūmatanui

63. Tuhinga 3.4.2(a), wh 2 [Te Kawa Mataaho, 'Appendix A: 2024 Government Workforce Policy Statement', wh 2]

64. E mōhio ana mātau i tohu kē te mahere 'Māori Crown Relations Individual Capability' i whakaputaina e Te Arawhiti i te hunga i whai wāhi atu 'ki ngā akoranga reo Māori' hei huarahi whakamana i ngā kaimahi kāwanatanga ki te whakapāpā atu ki te Māori: tuhinga A52, wh 46 [Te Arawhiti, 'Māori Crown Relations Capability', wh 10]; tuhinga A52, wh 31 [Te Arawhiti, 'Māori Crown Relations Capability Framework for the Public Service – Why Māori Crown Relations Capability is Important', wh 1. Heoi anō, nō te whakawhitinga o ngā mahi ki te whakatinana i ngā whakataunga me ngā mahi hāpai i ngā tūhononga i muri mai i ngā whakataunga mai i Te Arawhiti ki Te Puni Kōkiri i te mutunga o te tau 2024, ā, me te panonitanga o te ingoa o Te Arawhiti ki Te Tari Whakatau i te 2025, kāore i te wātea ki te marea ngā tuhinga e whakarārangi ana i te anga āheinga o te ratonga tūmatanui, ā, kāore i te mārama kei te pēhea.

65. Tuhinga 4.1.7, wh 663

kia kaua e noho hei patu i te pūtea whakatrauora i te reo i roto i ngā hapori Māori. Me kimi te ihonui e tika ana.

- Hei whakakapi, pērā i te 2024 ***Ngā Mātāpono / The Principles*** interim report, e whakahau ana mātau

> Kia whai whakaaro te Karauna ki tētahi tikanga rangapū whakakotahi me te Māori ki te tāpae i ngā mate i ara i waenganui i te Karauna me te Māori, me te whakahoki mai i te tapatahi ki te hōnore o te Karauna. Ahakoa i whānui atu tēnei kaupapa i ngā . . . Kaupapa-here i mua i a mātau i tēnei uiui whawhati tata, e whakatakoto ana mātau i tēnei tūtohunga i runga i ngā whakataunga kua takoto i a mātau, me te ara whakaora e tika ana kia mahia, ki te whakawātea i te whakatoihara, me te aukati i tēnei momo whakatoihara i ngā rā kei mua.[66]

66. Te Rōpū Whakamana i te Tiriti o Waitangi, *Ngā Mātāpono / The Principles: The Interim Report of the Tomokia Ngā Tatau o Matangireia – the Constitutional Kaupapa Inquiry Panel on the Crown's Treaty Principles Bill and Treaty Clause Review Policies – Pre-publication Version* (Te Whanganui-a-Tara: Te Rōpū Whakamana i te Tiriti o Waitangi, 2024), wh188

CHAPTER 5

FINDINGS AND RECOMMENDATIONS

5.1 Introduction

In this final chapter, we set out our findings on breaches of te Tiriti/the Treaty and its principles, whether the Crown's actions have caused the claimants prejudice, and our recommendations.

5.2 Findings of Tiriti/Treaty Breaches

In this section, we set out our findings of breaches of te Tiriti/the Treaty and its principles in relation to three specific issues emerging from our inquiry:

- the deprioritisation or removal from common usage of te reo names from public service departments and Crown entities;
- the prioritisation of communications in English in the public service; and
- the limitation of access to te reo Māori allowances in the public service.

5.2.1 The deprioritisation or removal from common usage of te reo names from public service departments and Crown entities

Claimant counsel submitted that the examples of agency names changed to date were proof that the policies articulated in the coalition agreements had already been implemented.[1] As discussed in section 4.3.5, Ministers directed all the changes we received evidence about. The 'devolution' of such decisions to individual Ministers and agencies 'substantially compromised' the Crown's ability to uphold both its obligations under te Tiriti/the Treaty and its legislative obligations in respect of te reo.[2] Counsel further stated that the deprioritisation of te reo names for Government agencies was an 'erosion' of the language, and made te reo subordinate to English.[3] They submitted that this amounted to a form of 'cultural erasure', both preserving and perpetuating the unequal power relationship between the partners to te Tiriti/the Treaty.[4]

While counsel for the Crown acknowledged 'lower level' changes to agency names, they denied that there was any overarching policy to change agency names.[5] Rather, Crown counsel said, it remained a matter for individual Ministers.[6]

1. Submission 3.3.21, p 14
2. Submission 3.3.18, p 35
3. Submission 3.3.20, p 39, quoting doc A21, p 10
4. Submission 3.3.20, p 39, quoting doc A21, p 10
5. Submission 3.3.17, p 56
6. Submission 3.4.1, p 1

Counsel also observed that several changes were made by Crown entities, which were 'not part of the Crown' and, therefore, their decisions did not qualify as Crown action.[7]

All parties identified partnership – with its duties to consult and to act reasonably and in good faith – and active protection as the Treaty principles most relevant to our inquiry. Claimant counsel further identified the principles of good government, equity, and tino rangatiratanga. In the words of counsel for Ngāti Hine, it is 'a paramount right of Māori to have tino rangatiratanga over te reo'.[8] As outlined in chapter 2, the Tribunal, in multiple reports since 1986, has emphasised how Māori have asserted tino rangatiratanga over te reo Māori as a taonga of the highest importance. The ongoing use and protection of te reo Māori as a taonga is part of the exercise of tino rangatiratanga by iwi, hapū, and whānau Māori. In exercising their tino rangatiratanga regarding te reo, Māori have shared their language with non-Māori, first to communicate with new arrivals in the nineteenth century, and, more recently, to ensure the survival of te reo Māori after decades of its suppression. Te Ture mō Te Reo Māori Act 2016, underpinned by the complementary Maihi Karauna and Maihi Māori strategies, recognised that the public service (whose job it is to serve all New Zealanders, including Māori) and other Crown resources and funding are fundamental to ensuring the survival of te reo Māori alongside the efforts of iwi, hapū and whānau Māori. Indeed, the Crown is obligated, having actively facilitated and encouraged the decline of te reo Māori, to pro-actively strengthen its revitalisation.

Māori gifting names for Crown agencies to use reflects more than simply sharing te reo as an exercise of rangatiratanga. In chapter 4, we drew on examples including Oranga Tamariki/Ministry for Children, Te Kawa Mataaho/Public Service Commission (Te Kawa Mataaho), Te Whatu Ora/Health New Zealand and Te Aka Whai Ora/Māori Health Authority (among others) to illustrate the level of effort, expertise and cultural knowledge Māori exercise when developing and gifting a Crown agency a te reo name. These names often have deep connections to iwi, hapū and regional histories, as the evidence of claimant Kipa Munro in section 4.3.5 illustrates.[9] Again, Māori are exercising rangatiratanga when gifting a name and are reinforcing the reciprocal obligations inherent in the relationship under te Tiriti/the Treaty, including the continued aspiration that the relationship will be a mutually beneficial one. To koha a name, in the words of Rahui Papa, gives a 'face to the Maaori dimensions of those departments';[10] it also creates an expectation that the recipient of the gift will live up to its meaning.

In *Kāinga Kore* (2023), summarised in chapter 2, the Tribunal described claimants' concerns that Government agencies' use of te reo names was tokenistic or

7. Submission 3.3.17, p 11
8. Submission 3.3.19, pp 4–5
9. Document A7(a), p 12
10. Document A4(a), p 20

signified 'empty grandiose sentiments'.[11] However, rather than providing a rationale for deprioritising or removing te reo names from common usage within and by agencies, these concerns should be interpreted as fears that the kaupapa of the gift will not be sufficiently upheld. In relation to the way the current Government has treated several gifted names, Mr Munro described the impact of the Government's actions as 'trampling' tikanga. We consider that in casting aside the koha of a te reo name in this way, the current Government is sending a message of disrespect for the rangatiratanga of the provider of the name and the tikanga surrounding the gift. As Mr Munro expressed to us, there must be a tikanga process to respectfully set aside and discontinue the use of gifted names.[12] From the evidence before us, it is clear the Crown has followed no such process – rather, decisions regarding agency names have been made unilaterally without regard to tikanga Māori, at the behest of individual Ministers concerned principally with effecting the commitment in the coalition agreement. These decisions have impacted both core public service agencies and Crown entities.

The act of gifting a name seeks to reinforce the partnership created under te Tiriti / the Treaty between Māori and the Crown. This partnership was itself created by a gift: that of kāwanatanga to the Crown from Māori exercising their rangatiratanga, as previous Tribunals have detailed.[13] Partnership confers on the Crown and Māori the duties to act honourably, reasonably and in good faith, as well as to meaningfully engage and consult with each other. We have seen little evidence of this conduct from the coalition Government in their approach towards te reo Māori in the public sector since being sworn in.

The evidence presented to us showed that Te Kawa Mataaho developed the 5 December 2023 briefing concerning agency names without consulting Te Puni Kōkiri / Ministry of Māori Development (Te Puni Kōkiri) or Te Taura Whiri i te Reo Māori / Māori Language Commission (Te Taura Whiri) – agencies with te reo expertise within the Crown – nor any Māori individuals or organisations outside the Crown.[14] In fact, Crown witness Ngahiwi Apanui-Barr explained to us that '[s]ince the formation of the Coalition Government and appointment of the new Minister for Māori Development, Te Taura Whiri have not received any requests for official advice.'[15] The briefing contained advice on how to give effect to the Government's new agenda, including revoking the bilingual signage guidance, *Te Tohu Reorua*, which Te Puni Kōkiri developed to promote te reo Māori and support its revitalisation. If Cabinet set new expectations, the briefing added that the Crown's Māori language strategy could then be reviewed. Under

11. Waitangi Tribunal, *Kāinga Kore: The Stage One Report of the Housing Policy and Services Kaupapa Inquiry on Māori Homelessness* (Lower Hutt: Legislation Direct, 2024), p 152, quoting Wai 2750 ROI, submission 3.3.51, p 14

12. Document A4(a), pp 20–21

13. For example, 'in the Treaty the gift of kawanatanga was in exchange for protection and the guarantee of rangatiratanga in all its forms': Waitangi Tribunal, *Te Whanau o Waipareira Report* (Wellington: GP Publications, 1998), p 27.

14. Document A43, p 13

15. Document A45, p 9

cross-examination, Hannah Cameron of Te Kawa Mataaho accepted that the revocation of *Te Tohu Reorua* without the provision of an adequate replacement would likely be a breach of te Tiriti/the Treaty.[16]

In exercising kāwanatanga, the Crown has a responsibility to act honourably, reasonably and in good faith, as well as to observe the principle of good government. That is, it must act in accordance with the law, follow a policy process ensuring meaningful engagement and consultation with those affected, and observe its obligations under te Tiriti/the Treaty. Despite this, there was no reference to the Government needing to adhere to its obligations under te Tiriti/the Treaty in the 5 December briefing.

In addition, as discussed in section 4.3.2.1, the Public Service Act 2020 was only mentioned in this briefing in reference to its listing of the legal names of public service agencies, not its requirements for the public service to support the Crown in its relationship with Māori. The briefing also did not discuss how the proposed policy might comply with sections 9(1)(a)-(b) of Te Ture mō Te Reo Māori 2016, which established that 'iwi and Māori should be consulted on matters relating to the Māori language' and that te reo 'should be used in the promotion to the public of government services and in the provision of information to the public'. As counsel for the Ngāi Te Rangi Settlement Trust emphasised, the Te Kawa Mataaho briefing did 'not provide any detailed analysis on whether the policies are themselves consistent with the Crown's obligations under the Treaty'.[17]

In respect of consultation with Māori on agency names, it is worth noting that we have seen some examples of consultation consistent with te Tiriti/the Treaty in the initial establishment of an agency's te reo name. The formation of Whaikaha/Ministry of Disabled People (Whaikaha) in 2022, for example, including its naming, was the result of ongoing engagement and consultation with tāngata whaikaha Māori. The Minister's 2024 decision to rescind the name Whaikaha in favour of the agency's legal name involved no equivalent process. Neither did the decision to deprioritise or remove from common usage the names from the other agencies discussed in section 4.3.6.

The partnership under te Tiriti/the Treaty confers on the Crown an obligation and a duty of active protection. As both parties to this inquiry made clear, this relates not only to te reo Māori itself but also to the ability of Māori to exercise tino rangatiratanga over their language. As we have outlined above, the Crown's duty of active protection means it must have due regard for the exercise by Māori of their rangatiratanga – in this case by ensuring Māori involvement in the naming of Government agencies via a process that is compliant with tikanga (a duty which is not satisfied by simply engaging with Māori employees within Government). Some may view bestowing a te reo name on a Government agency as a merely symbolic step towards the Māori-speaking Crown first envisaged in the Tribunal's *Report on the Te Reo Maori Claim* in 1986 and given fuller expression in *Ko*

16. Transcript 4.1.7, p 425
17. Submission 3.3.21, p 21

Aotearoa Tēnei in 2011. Nonetheless, it is an important one. Bestowing a te reo name is much more than symbolic, as we have explained.

The Crown's duty to 'actively protect' te reo requires, as the parties have observed, the Crown to take active steps to ensure its revitalisation. *Te Tohu Reorua* is an example of such a step consistent with te Tiriti/the Treaty. While Te Kawa Mataaho witnesses were at pains to point out that it was 'only' guidance and was not mandatory – and, indeed, advised the Minister that Cabinet could revoke it, if desired – it is nonetheless an acknowledgement of the power imbalance between English and te reo Māori and a means to address that, in part at least. As noted above, Crown witness Ms Cameron accepted that revoking *Te Tohu Reorua* without the provision of an adequate replacement would likely be a breach of te Tiriti/the Treaty.[18]

We acknowledge that the Crown has the right to name its own agencies, but an agency accepting the gift of a te reo Māori name demonstrates its commitment to the partnership under te Tiriti/the Treaty. So too does positioning its te reo name more prominently in signage, as *Te Tohu Reorua* recommends. Conversely, deprioritising or removing a te reo name from common usage signals a downgrading of the Crown's responsibilities under te Tiriti/the Treaty. Indeed, the Crown is demonstrating its efforts to do so beyond the subject matter of this report, as attested to by the spate of urgent inquiries the Tribunal has held since this Government was sworn in.

While the Minister has not yet requested Cabinet revoke *Te Tohu Reorua*, we consider that the Crown's current efforts to distance itself from this guidance sends an unhelpful message to organisations throughout the country. The guidance was put together as best practice advice to promote revitalisation under the last National-led Government in 2016; as the Government is responsible for so much signage in public spaces it is well-positioned to lead the way for smaller, less well-resourced organisations. Resiling from its own best practice advice in such a public way represents a dereliction of the Crown's function to role model ways in which 'mainstream' organisations can support te reo revitalisation. We do not consider that this amounts to the action of a Government serious about upholding its obligations towards te reo Māori under te Tiriti/the Treaty.

We agree with Mr Apanui-Barr's assessment that the Crown's insistence that an agency's 'primary' name be in English means te reo Māori comes second.[19] In other words, te reo is subordinate to English. In our view, this instruction sends a message about much more than the Māori language: by exercising its power in this way, the Crown is asserting which of the partners under te Tiriti/the Treaty is the dominant one – the one with the power to name. In doing so, it reinforces the current inequity not only between the status of te reo Māori and the English language but also between Māori and the Crown. It also reflects a failure to recognise and provide for rangatiratanga as promised in te Tiriti. As noted above, the Crown reserves the right to name its agencies. However, accepting gifts of te reo names

18. Transcript 4.1.7, p 425
19. Transcript 4.1.7, p 523

within a process that is compliant with tikanga provides a prime opportunity for the Crown to demonstrate its commitment te reo and to its obligations under te Tiriti/the Treaty as already set out in legislation and guidelines.

5.2.2 The prioritisation of communications in English in the public service

Here we consider how Treaty principles relate to the requirement for agencies to prioritise English in their communications. Much of what we have set out in subsection 5.2.1 with regard to primary agency names being in English applies also to this requirement. Here too the obligation on the Crown to actively protect and promote te reo is clear. Moreover, the corollary of enabling Māori to use and foster te reo in public domains means the Crown must require its agencies and officials to speak te reo as well.

In 1986 the Wai 11 Tribunal wrote that official recognition of te reo should mean those who want to use it 'on any public occasion or when dealing with any public authority ought to be able to do so', and that 'fluency in Maori' should be a requirement in certain positions in the public service.[20] The Maori Language Act 1987 only went a short way towards these goals, allowing for te reo to be used in the courts, albeit upon the provision of 'reasonable notice'. In 2011 the Wai 262 Tribunal reminded the Crown that, if te reo use was to be significantly revived within the Māori community, it needed a plan 'for how these people will be able to engage with the State in te reo, which they will surely want to do'.[21] Te Ture mō Te Reo Māori 2016 was a significant advance, with its reference to public service departments providing information and services to the public in Māori. This was reinforced in the 2019 Maihi Karauna, which stated, for example, that one 'of the important steps that government agencies can take to normalise the use of te reo Māori is to provide more opportunities for people to access Government services in te reo Māori'.[22] The Maihi Karauna therefore recognised the public sector – representing 18 per cent of the total national workforce – as one of three priority groups to target as part of its revitalisation efforts.[23]

From the outset, therefore, the commitment in the coalition agreement that departments and Crown entities should communicate primarily in English contradicted the messaging of the Maihi Karauna and Te Ture mō Te Reo Māori. These initiatives had focused on growing the reach and availability of te reo and making services in te reo more accessible. Conversely, the commitment in the coalition agreement, under the guise of 'Strengthening Democracy and Freedoms', suggested there was too much te reo in the public service, and limits should be placed on its use.

20. Waitangi Tribunal, *Report of the Waitangi Tribunal on the Te Reo Maori Claim*, 2nd ed (Wellington: Waitangi Tribunal, 1989), pp 47, 49

21. Waitangi Tribunal, *Ko Aotearoa Tēnei: A Report into Claims Concerning New Zealand Law and Policy Affecting Māori Culture and Identity*, *Te Taumata Tuarua*, 2 vols (Wellington: Legislation Direct, 2011), vol 2, p 457

22. Document A54, p 248 [Te Puni Kōkiri, 'Maihi Karauna: The Crown's Strategy for Māori Language Revitalisation 2019–2023', February 2019, p 35]

23. Document A54, p 232 [Te Puni Kōkiri, 'Maihi Karauna: The Crown's Strategy', p 19]

Indeed, the very inclusion of this issue in the coalition agreement implied that there were agencies using te reo to the detriment of citizens who can only understand or use English. We were not presented with any evidence that could substantiate such a notion. It is clear that no agencies are communicating primarily in any language other than English, with the one possible exception (we assume) of Te Taura Whiri, an agency whose entire existence is focussed upon te reo Māori. Cabinet's adoption of this commitment as part of the basis on which the Government would operate therefore lacked any obvious rationale, let alone any alignment with existing legislation and policy.

Counsel for the Crown argued that there was no Cabinet directive on the matter and therefore no formal Crown policy. Ministerial discretion remained, said the Crown, as it had before. As we have set out, we reject the notion that the Crown had not taken a policy position on the matter – Cabinet's endorsement of the coalition agreements as the basis for the Government's operations did precisely that. In any event, the Crown's argument overlooks the vulnerable state of te reo (a matter the Crown accepted as fact). This vulnerability means the Crown should continue to take vigorous action to protect it. On the contrary, the Crown's approach since the coalition Government was formed has displayed no such vigour.

Whether the subject of a subsequent formal directive or not, the coalition agreement signals a 'direction of travel' on the part of the Government that is likely to inform how individual Ministers exercise their discretion. The extent of such discretion is also informed by individual preferences, such as those expressed by the Minister of Foreign Affairs in comments on early briefings.[24] In any case, leaving the matter of how te reo should be recognised and practised across the public service to ministerial discretion risks an unsatisfactory, ad hoc approach with the potential to undermine the point of having a Government-wide strategy and language plans to coordinate revitalisation efforts. Again, this is not the action of a Government serious about upholding its obligations towards te reo Māori. Nor does it align with the legislative principle that the Crown recognises the value of the Māori language for the people of New Zealand.[25]

We return once more to the Te Kawa Mataaho briefing of 5 December 2023. It mentioned that agencies occasionally used te reo words without an English translation where the word or phrase was commonly understood (like 'whānau') or where there was no English equivalent (such as 'rangatiratanga'). Te Kawa Mataaho suggested that Cabinet could set a directive that Māori words or names of programmes be always used alongside an English translation unless they were so widely understood it was unnecessary, but a translation would be needed for programmes like 'Whānau Ora'.[26] Te Kawa Mataaho also suggested that Minister Willis might discuss with the Minister for Māori Development whether the new

24. Document A65, pp 373–374 [Manatū Aorere, 'Situation Report One: Mt Ulawun Eruption (Tuesday 28 November)', pp [1]–[2]]

25. Te Ture mō Te Reo Māori 2016, s 8(2)(h)

26. Document A43(a), p 10 [Te Kawa Mataaho, 'Delivering Better Public Services and Strengthening Democracy: Use of the Māori Language by Public Sector Agencies', 5 December 2023, p [10]]

Maihi Karauna should make clear that the use of te reo in public service communications should not create 'a barrier to understanding'.[27] The briefing's advice on these matters ran entirely counter to the Government's objective of normalising te reo, positioning te reo Māori as an obstacle for non-speakers rather than a shared taonga – and responsibility – for all New Zealanders.

The approach taken by Te Kawa Mataaho in the 5 December 2023 briefing was to advise Minister Willis of the options available to her to enforce some kind of limitation on the written use of te reo as opposed to reassuring the Minister that there was no genuine problem to address. The wording of the briefing also subtly overstated the use of te reo in Government communications. The executive summary noted that '[t]he majority of agencies almost never use *only* Māori language in their branding or communications' (emphasis in original).[28] This phrasing can be interpreted to suggest either that the majority of agencies on a few occasions only used te reo Māori or as suggesting that a minority of them more regularly only used te reo. We do not accept that either scenario should have been insinuated. Furthermore, as we have already noted, Te Kawa Mataaho did not seek any input from Te Puni Kōkiri or Te Taura Whiri and the briefing made no mention of te Tiriti/the Treaty.

The evidence shows that the Crown's position has had a chilling effect on what had otherwise been the growing use of te reo in Government communications. It has clearly emboldened some public service managers to arbitrarily take direct action to limit the use of te reo, whether it be for reasons of appeasing Ministers or because of some genuine opposition to its use. In our view, those actions contravene provisions of Te Ture mō Te Reo Māori 2016 and the Public Service Act 2020.

Also, it is likely to have discouraged the progressive implementation of existing agency Māori language plans (the plans are a requirement under the Maihi Karauna) and almost certainly delayed the development of new initiatives. As Mr Apanui-Barr pointed out, the Maihi Karauna was due to be renewed in 2024.[29] At the time of our writing, in 2025, the new iteration of the strategy has still not been released. The combination of these actions and omissions represents lost opportunities to grow further the use of te reo by the public service.

The fact that Crown actions damaged the health of te reo in the first place heightens the Crown's protective obligations with regard to te reo today. The wording of section 6 of Te Ture mō Te Reo Māori 2016 indicates that the Crown has taken responsibility and committed to repairing the damage to te reo. In doing so, the Crown had built on the acknowledgements concerning te reo it had made to individual hapū and iwi in Treaty settlements. Such acknowledgements, which pledge to 'actively . . . protect and promote this taonga . . . for future generations', form part of the Crown's redress for supressing te reo. By minimising the use of te reo within the public service, despite its legislative commitments, the Crown is in breach of the principle of redress.

27. Document A43(a), p 10 [Te Kawa Mataaho, 'Delivering Better Public Services', p [10]]
28. Document A43(a), p 1 [Te Kawa Mataaho, 'Delivering Better Public Services', p [1]]
29. Document A45, p 13

As te reo remains in such a precarious state, these actions will have an extensive negative impact, exacerbating the disadvantage that te reo continues to experience in relation to English. They are not 'low level', as the Crown submitted.[30] Moreover, the principle of equity requires that the Crown take active steps to redress the vulnerable state of te reo and to progressively seek to overcome its disadvantage, not to contribute to its decline.

The Crown's actions represent a retreat from the aspirations of the Maihi Karauna. It is difficult for us to accept that an increase in engagement with te reo across Government agencies since the passage of Te Ture mō Te Reo Māori 2016 threatens the English language to the extent that it must itself (as per another commitment in the National–New Zealand First coalition agreement) be given official status. As we have said, the Crown has not acted in accordance with Te Ture mō Te Reo Māori Act 2016. Nor, as with the arbitrary actions by agencies, did the 5 December 2023 briefing from Te Kawa Mataaho meet the standard expected by section 14 of the Public Service Act 2020. This was particularly so in its abject failure to provide advice concerning the Crown's obligations under te Tiriti/the Treaty. This contrasts with the evidence presented to the Tribunal in other urgent inquiries since the 2023 election where officials clearly advised Ministers they would be acting in breach of these obligations.[31]

As we have noted above, the principle of good government means that the Crown should pursue a robust policy process informed by consultation and its obligations under te Tiriti/the Treaty and, at the very least, comply with its own laws. This is especially the case with laws that are specifically designed to effect compliance with te Tiriti/the Treaty. There is little evidence that the Government has done this with respect to te reo and, in the context of this inquiry, considerable evidence that it has not.

5.2.3 The limitation of access to te reo Māori allowances in the public service

In this subsection, we set out how te Tiriti/the Treaty principles relate to the issue of the limitation or reduction of access to allowances for te reo competency. The claimants and interested parties considered this a significant issue because allowances both recognised the existing te reo skills of public service employees and provided an incentive for capability-building in te reo across the public service.[32]

It appears te reo allowances were intended to remunerate those proficient in te reo and could well have been seen as supporting the Crown to fulfil its obligations under te Tiriti/the Treaty. They may also have gone some way to the Crown

30. Submission 3.3.17, p 56

31. See, for example, Waitangi Tribunal, *The Māori Wards and Constituencies Urgent Inquiry Report: Pre-publication Version* (Wellington: Waitangi Tribunal, 2024), p 24; Waitangi Tribunal, *The Oranga Tamariki (Section 7AA) Urgent Inquiry 10 May 2024 Report* (Petone: Blue Star Group (NZ) Ltd, 2024), pp 10–11; Waitangi Tribunal, *Ngā Mātāpono/The Principles: The Interim Report of the Tomokia Ngā Tatau o Matangireia – the Constitutional Kaupapa Inquiry Panel on the Crown's Treaty Principles Bill and Treaty Clause Review Policies, Pre-publication Version* (Wellington: Waitangi Tribunal, 2024), pp 83–88

32. Submission 3.3.20, p 41

meeting the requirements of section 14 of the Public Service Act 2020, once that law was enacted. The Government signalling an intent to reduce or limit access to these allowances has left kaimahi skilled in this area feeling vulnerable and undervalued.[33]

After commenting on the ad hoc approach to allowances in employment agreements, counsel for the Crown narrowed the scope of this issue to the process of developing the Government Workforce Policy Statement (GWPS) only. This process, counsel argued, was – despite its speed – compliant with te Tiriti/the Treaty.[34]

We disagree that allowances solely became an issue in respect of the GWPS. Rather, the content of the GWPS became the Crown's focus after Minister Willis' broader comments on the issue to the media in December 2023. In contrast to agency names and communications, the issue of te reo allowances was not a feature of either of the coalition agreements. There was therefore no political obligation for Minister Willis to announce her intention to stop the future payment of te reo allowances in early December 2023. Whereas the intention seemed to align closely with the commitments concerning agency names and communications, it appears that the Minister's motivation is more likely to have stemmed from extracting 'value for taxpayer dollars' than from trimming the level of support for te reo in the public service. Either way, her comments immediately contradicted the Crown's commitments to te reo in Te Ture mō Te Reo Māori 2016, and the Minister subsequently issued a hasty clarification.

It seems that part of the reason for walking back some of her remarks was the advice she had received from officials. This advice largely came in the same 5 December 2023 briefing paper that we have already discussed with regard to both agency names and Government communications.

On the issue of allowances, the briefing had two apparently contradictory effects: on the one hand, the specific advice about allowances may have prompted the Minister's change of position; on the other, however, we can see that it still conformed to the pattern of the other parts of the briefing paper. That is, officials did not dwell on the Government's existing obligations to te reo (Te Ture mō Te Reo Māori 2016 was not mentioned in the section on allowances) but rather proposed how the Minister's intention could be given effect. With respect to allowances, therefore, they suggested that an expectation could be included in the next iteration of the GWPS that te reo allowances no longer be offered. Te Kawa Mataaho would assist by refusing to approve public sector bargaining strategies or settlements negotiated with unions that were inconsistent with this. It was the advice of Te Kawa Mataaho that shifted the focus of the allowance issue onto the GWPS and away from both the Crown's obligations under te Tiriti/the Treaty and its legislative obligations, including its obligations as a good employer.

It is perhaps not surprising then that the key early questioning of the Minister's plans did not come from Te Kawa Mataaho but from the agencies and unions consulted on the GWPS in January 2024. They observed that reference to te Tiriti/the

33. Submission 3.3.20, p 4
34. Submission 3.3.17, p 41

Treaty had disappeared from the previous GWPS and that there was no mention of section 14 of the Public Service Act 2020. They further questioned how the changes aimed at allowances meant the Crown would still meet these other obligations. We were told that the Crown Law Office had provided advice, although, as it has been withheld due to legal privilege, we do not know what it said. Te Taura Whiri was not directly consulted until late in this process, and Te Mātāwai not until much later still. Te Mātāwai aside, Te Kawa Mataaho undertook no direct engagement or consultation with Māori language exponents or advocates, despite the provision for consultation in section 9 of Te Ture mō Te Reo Māori 2016 and the recognition of iwi and Māori as the kaitiaki of te reo in sections 4 and 8. The absence of such consultation alone undermines the Crown's assertion that the process for developing the GWPS was compliant with te Tiriti/the Treaty.

The fate of te reo allowances then went back and forth between the Minister and officials as they grappled with the wording of the GWPS. On the basis of the agency and union feedback, in February 2024 Te Kawa Mataaho included a reference to te Tiriti/the Treaty and a mention of section 14 of the Public Service Act 2020 in the draft GWPS. Minister Willis personally removed both. She did allow the change made by Te Kawa Mataaho to the effect that, where skills were not recognised within base salary, the payment of allowances might be acceptable in limited circumstances for skills that were occasional rather than core to the role. In May 2024, and only after further Crown Law Office advice, the Minister directed that reference to te Tiriti/the Treaty be reinserted. She had completed a journey from her initial media comments on 5 December 2023 to the position she outlined in writing to Te Kawa Mataaho on 10 May 2024. In that letter she expressed her commitment to both upholding Te Ture mō Te Reo Māori 2016 and supporting the public service's ability to support the Crown in its relationships with Māori. The Minister should have sought and considered policy and legal advice in the first place. Informed decision-making is a core component of the principle of good government and the duty under te Tiriti/the Treaty to act reasonably and in good faith.

Ultimately, the new GWPS wording narrows the circumstances in which te reo allowances can be paid. We were told by Heather Baggott that specific skills should be factored into base salaries and that the payment of allowances on top is to compensate those whose use of te reo in their work is occasional. An agency can allow payments as a means of upholding general obligations under Te Ture mō Te Reo Māori 2016 'or any other Act or obligations' (which we assume includes te Tiriti/the Treaty but there is no confirmation of that), but it is unclear whether this refers to the allowances paid for occasional use or whether it allows for payments on much the same terms as had previously been the case. No doubt much depends on how chief executives interpret the GWPS and apply it in bargaining.

Our overall conclusion is that the process around allowances and the GWPS – from the Minister's initial remarks to the media, to the targeted consultation process, to the final iteration, in which reference to te Tiriti/the Treaty was removed – was considerably out of alignment with the standards in Te Ture mō Te Reo Māori 2016. The process did not involve partnership under te Tiriti/the Treaty.

There was no consultation with iwi and Māori as kaitiaki beyond – at a stretch – a belated approach to Te Mātāwai. In the case of Te Kawa Mataaho, the initial advice in particular also seemed to overlook the good employer provisions of the Public Service Act 2020, which include recognising the 'aims and aspirations' and 'employment requirements' of Māori in the public service. Again, the principle of good government requires the Crown to act in much greater concert with the law than this.

5.2.4 Tribunal findings on breaches of te Tiriti / the Treaty

For the reasons we have outlined above, we find that, in respect of the Crown's:

- stance that 'all public service departments have their primary name in English, except for those specifically related to Māori';
- expectation that 'public service departments and Crown Entities . . . communicate primarily in English, except for those entities specifically related to Māori'; and
- intention to limit or reduce access by public servants to te reo allowances,

the Crown has breached the Tiriti / treaty principles of tino rangatiratanga, partnership (including the duties to act reasonably and in good faith, and to consult), active protection, good government, equity, and redress.

Having found the Crown to have breached the principles of te Tiriti / the Treaty, we now turn to a consideration of the extent to which the claimants have consequently experienced prejudice.

5.3 Prejudice

Under the Treaty of Waitangi Act 1975, for a claim to be well founded the claimants must demonstrate the prejudicial impact of Crown actions or omissions. Similarly, any recommendations the Tribunal makes are 'to compensate for or remove the prejudice'. In our inquiry, the claimants accused the Crown of denying that any prejudice resulted from its actions. Counsel for the Ngāi Te Rangi Settlement Trust put it to Ms Cameron that her position was that we should not focus on any individual actions taken by Ministers or officials concerning te reo because 'we've got this, it's all good, we have these policy frameworks, there's a process by which advice needs to be obtained'. Counsel described the Crown stance as 'gaslighting': that is, it was denying the claimants were being prejudiced when the entire 'direction of travel' was for te reo to become less rather than more prominent.[35]

Counsel for the Crown denied this was the Crown's position, submitting that there was 'no sense in which the Crown is saying "nothing to see here"'. Counsel explained that 'these particular decisions are taking place in a complex policy environment' in which there was no 'overarching policy'. Instead, there were many 'different points', but 'you have to consider each of them in their own context'.[36] The Crown's closing submissions elaborated on this 'multi-layered and complex'

35. Transcript 4.1.7, pp 430–432
36. Transcript 4.1.7, pp 686–687

situation. Counsel submitted that: the 'great majority of the current policy settings remain unaffected'; the coalition agreements 'sit outside the Tribunal's jurisdiction'; and the Crown had been 'taking advice' on allowances, agency names, and communications, and consequently its position had been 'clarified and evolved'. While there had been 'some changes in approach' at 'a lower level', the 'overarching policies' remained unchanged. Of the changes that had been made, counsel for the Crown cautioned that 'some do not qualify as Crown action, and others remain under review and in process'.[37] However, in our view, the attempt to compartmentalise the actions that were taken by Ministers or officials and to suggest that they will have minimal or little effect on the overarching policy, or that they do not qualify as Crown action, is unpersuasive.

5.3.1 The impact of the coalition agreements and Minister Willis' comments

We have already concluded that the coalition agreements became Crown policy when they were endorsed by Cabinet on 28 November 2023 as the basis on which the Government would operate. Given the fragile health of te reo Māori, we consider that this Cabinet decision was the first prejudicial action taken by the new Government with regard to te reo. Simply put, the commitments in the coalition agreement between National and New Zealand First concerning te reo would have conveyed to most observers that the Government would somehow be less committed than previous Governments to the survival of te reo Māori. The commitments indicated a marked shift in the Crown's level of support, after decades in which the Government's primary messaging on te reo had been much more positive. This had and continues to have a prejudicial impact.

In this regard, we have already remarked that Minister Willis' comments reported in the media in early December 2023 that, initially, she intended to stop te reo 'bonuses' from being paid in future and, in due course, that their payment might be acceptable where 'relevant' to positions, were also prejudicial to allowance recipients. As we have set out repeatedly, the fragility of te reo – a taonga of the highest importance – creates a heightened duty on the Crown. That duty includes active protection. Both the very endorsement by Cabinet of commitments to prioritise English in agency names and communications and Minister Willis' casual commentary on the future of te reo allowances did not meet the Crown's obligations.

5.3.2 The impact of privileging English over te reo Māori

Counsel for Ngāti Te Rangiunuora me Ngāti Pikiao submitted that prejudice arose from the reinforcement of the 'language domination of English against the cultural obligations to te reo Māori'. That is, the Government's policies were an act of 'cultural supremacy' or 'racism', elevating the standing of the majority culture and its language.[38] Witness statements supported this assessment. Waihoroi Shortland of Ngāti Hine, for example, argued that '[p]utting one language behind the other

37. Submission 3.3.17, p 56
38. Transcript 4.1.7, p 665

is really just symbolic for putting one race behind the other. . . . It is not a language thing, it is a racial thing'.[39] Professor Margaret Mutu referred to the Government's actions as 'linguistic colonisation',[40] while Associate Professor Mere Skerrett wrote that 'linguicism' favouring English was one of 'the structures of colonialism'.[41]

We cannot ascribe racial motivations to all the Government actions we have outlined. Some, for example, appear to have had been driven in part by fiscal priorities. However, we agree that much of the impetus behind the commitments in the coalition agreement concerning te reo stems from resentment or insecurity about Māori cultural reassertion. It is difficult to see how else to interpret the commitment to pass legislation making English an official language. Counsel for the Crown remarked, with respect to this particular undertaking, that 'nothing has happened with it' and 'it sits in that kind of . . . platonic hinterland before it becomes policy'.[42] However, Cabinet's endorsement suggests to us that the Government is motivated by the idea that te reo has some kind of unfair advantage. The reality is that English is predominant in every area of public life and te reo continues to struggle to survive.

5.3.3 The impact on Māori as users of public services

The commitments in the coalition agreement concerning agency names and communication both assume that there are two types of agencies: those that are specifically focused on Māori, and those that are not. For the claimants, as we discussed in section 4.3.3, Dr Hope Tupara made the point that Māori must engage with all manner of public services, from birth onwards. All agencies are therefore relevant to Māori.[43] Haami Piripi made the same argument. He had worked 'right across the public service' and could 'not think of an agency where te reo Māori would not be relevant'.[44] We agree, and are concerned that the wording of these commitments will see so-called 'mainstream' agencies relax their commitments to te reo. If te reo Māori is appropriate and worthwhile at, say, Te Puni Kōkiri, it certainly is at other Government agencies that interact extensively with Māori communities as well. The differentiation in the commitments also rather overlooks the existence of Māori-specific teams or units within many agencies. Altogether, we conclude that the implicit confinement of te reo to the (unnamed) agencies 'specifically focused on Māori' is prejudicial to Māori users of services across the broader public service.

5.3.4 The impact on kaupapa Māori services and initiatives

Mr Piripi was concerned that any reticence to use or encourage te reo would have a resultant impact on services that have an inextricable link to te reo. As he put it,

39. Document A35, pp 2–3
40. Document A21, p 12
41. Document A39, p 3
42. Transcript 4.1.7, p 703
43. Transcript 4.1.7, p 163; doc A6, p 13
44. Document A29, p 10

> there is a real risk that if we are chilling te reo then we also chill everything that goes with te reo Māori, including kaupapa Māori initiatives. For example, I recall during my time at Corrections that we established specific operational initiatives within prisons and probation that used Māori paradigms, symbolism, whakaaro and people to improve outcomes. Without te reo Māori in those initiatives, we could not achieve what we set out to do. We can now see the development of kaupapa Māori initiatives right across the public sector. Te reo Māori is necessary to articulate those strategic concepts. Te reo Māori is not just a language, it represents a Māori world view that is helping the public service every day to solve some of the complex challenges we face as a country – it is good for Māori and non-Māori.[45]

Roimata Kaweroa-Stanley of Ngāi Te Rangi said that some kaupapa Māori initiatives had already been cut.[46] Reo consultant Rāpata Wiri explained that, since the coalition Government came to power, he had lost contracts with Government agencies.[47] Ngawaiata Evans, who works in kaupapa Māori professional learning and development, said that, since the election, staffing numbers at her organisation had nearly halved as contracts were not being renewed, particularly by Te Tāhuhu o te Mātauranga/Ministry of Education.[48] Mr Apanui-Barr also reported that Te Taura Whiri had recently seen a spate of cancellations from registered participants for its kura reo for intermediate speakers of te reo from the public service. The number of attendees at language-planning workshops run by Te Taura Whiri had also fallen since the election.[49]

Counsel for the Crown challenged one of Ms Stanley-Kaweroa's examples that he said was not te reo-specific, but did not address the others.[50] Counsel also considered Mr Apanui-Barr's evidence about kura reo and workshop attendance to be 'inconclusive', as general 'fiscal restraint' may have been a factor.[51] We are unable to assess the extent to which kaupapa Māori services have been cut through the general 'chilling' Mr Piripi referred to (nor indeed whether this chilling is at work in reduced attendances at Te Taura Whiri events). However, we share Mr Piripi's concern that the direction set by the commitments in the coalition agreement might serve to 'dampen the enthusiasm of people, Māori and non-Māori, to use te reo Māori'.[52] The existence of such a climate is prejudicial to te reo.

45. Document A29, p 10
46. Document A28, p 9
47. Document A41, pp 2–3
48. Document A11, pp 6–7
49. Document A45, pp 10–12
50. The four matters Ms Stanley-Kaweroa mentioned were as follows: 'The Ministry of Social Development community connector role has been cut; the Ministry of Education has less funding available for things like our Matauranga Reo unit; Ngāi Te Rangi curriculum funding has dried up, and hautu waka – keeping schools engaged with kids – funding has been halved.': doc A28, p 9. Counsel for the Crown contended that the example of the community connector was primarily COVID-19-related. Ms Stanley-Kaweroa did not agree that it was an irrelevant example, and counsel did not raise the three other matters: transcript 4.1.7, pp 41–43.
51. Submission 3.3.17, p 8
52. Document A29, p 10

5.3.5 The distress caused by the Crown's actions

The prejudice caused by the Crown's actions was apparent in the distress the claimants had expressed since agencies and Ministers took steps to deprioritise the use or prominence of te reo. Te Ao Marama Maaka of Ngāti Hauā recalled how, when she started school, the headmaster had declared her name too difficult and so her father had chosen 'Maureen', a name she had had to live with throughout her schooling but to which she now refused to answer. The current Government's actions, she said, felt like 'the modern day reincarnation of my first day at school, where my name was taken away from me because the Pākehā did not want to learn to pronounce it, and did not place any value in our reo and in Māori'.[53] Ngawaiata Evans was concerned for learners of reo who were not strong and confident in their taha Māori. As she put it, many would continue to fight for reo but 'those of our whānau who have not had positive experiences [of] being Māori will not'.[54] Ms Stanley-Kaweroa said the Crown was taking 'us back decades to reinstate fear, shame and doubt about utilising te reo Māori'.[55]

The emotional nature of the subject was evident in the tears shed by one interested party witness, one Crown witness, and one claimant counsel. But there was also a sense of defiance. Rangiamohia Dansey-White, of Ngāti Te Rangiunuora me Ngāti Pikiao, for example, was adamant that, as 'part of the Kōhanga Reo generation, I will no longer accept the political whims that continue to marginalise our people'.[56] Similarly, Rukuwai Allen of Ngāti Rēhia explained that she was 'part of a fearless generation of reo Māori speakers, standing tall on the shoulders of those who came before us'. She would 'not allow the winds of politics to erase the progress we've made in the reclamation, revitalisation and restoration of te reo Māori'.[57] And counsel for Ngāti Te Rangiunuora me Ngāti Pikiao, whose advocacy for te reo has spanned decades, was similarly defiant:

> [Y]ou cannot tell me that any government should condone small minor parties coming in to dismantle the apparatus of transformation that has occurred in this country in the last 40 years. That is a denial of our mana Māori motuhake, that is a denial of our tino rangatiratanga. That is an overstep by a power of kāwanatanga. It is as confronting as a declaration of war to my people in Ngāti Pikiao was in the 1860s. That time it was stealing our land. This time, they are taking away the mana, the mana of our reo. We will not tolerate that. We will fight it with every means that we have. We have been trained in the art of the Pākehā advocacy to do that. We have been trained to ensure that you will not diminish in our lifetimes the things that our grandparents fought for, and that is what this policy is doing.[58]

53. Document A37, pp 3, 6
54. Document A11, p 8
55. Document A28, p 8
56. Document A32(a), p 6
57. Document A34, p 2
58. Transcript 4.1.7, p 666

These emotions are real. As we noted in 2.3, the Crown's marginalisation of (or lack of support for) te reo has, according to the Wai 262 Tribunal, matched land grievances as a galvanising force for Māori protest in recent decades. In that sense the parallel counsel drew between land loss and language loss was no coincidence.

5.3.6 Tribunal findings on prejudice

In short, we find that Crown actions since 28 November 2023 have caused prejudice to the claimants. We do not accept the Crown's position that the commitments in the coalition agreement have essentially meant no change in overarching policy but some changes at 'a lower level'. This minimisation ignores the context of the ongoing fragility of te reo Māori and the harmful impact of the Government's seemingly small but potently symbolic actions. It also ignores what Mr Piripi called the 'science' of language revitalisation, which requires the status of te reo to be bolstered and its use encouraged and, as a result, normalised. When Crown actions detract from these goals then damage is done. As Mr Piripi put it, 'the direction to prioritise English in the public sector is totally irrational'.[59] Dr Wayne Ngata, a former chairman of Te Taura Whiri, told us much the same: all the key components of language revival must be present for success.[60] Acquisition and use cannot be successful on their own without status and critical awareness. Crown actions that detract from one element of revitalisation, such as status, are, therefore, prejudicial to revival efforts overall.

5.4 Conclusion

Throughout our inquiry, the Crown has attempted to narrow the focus of the issues before us, questioning the extent of our jurisdiction, and emphasising the actions of Crown entities rather than the actions of the Crown itself. While vigorously agreeing that te reo Māori is a taonga, the Crown has also sought to emphasise that there is in fact little to worry about and that Crown officials are able to 'educate' their Ministers to minimise any negative impact of these initiatives on te reo revitalisation efforts.[61]

The claimants by contrast sought to show the wider impacts of these allegedly minor operational changes. Their evidence and emotion spoke to the value of te reo as a taonga of the highest importance, a taonga that remains in a precarious state. They saw these apparently small actions both as regressive, threatening decades of hard work to revitalise te reo, and part of a wider agenda attacking Māori.

Counsel for the Crown observed that the Privy Council in the *Broadcasting Assets* case (1994) stated that in times of recession it may be reasonable for the Crown not to engage in 'heavy expenditure' to fulfil its obligations under te Tiriti/the Treaty. We accept that the Crown's financial resources are not unlimited, but we have no evidence that the Crown is somehow fiscally restrained from meeting

59. Document A29, p 10
60. Document A40, p 2
61. Transcript 4.1.7, p 445

its obligations under te Tiriti/the Treaty in respect of te reo or continuing its previous outlay on te reo and its revitalisation. It appears to us that te reo is simply a lower priority for this Government, not something it cannot afford to support. The Crown's implication that te reo may no longer need its previous levels of support is highly concerning. There remains no margin for complacency in the revitalisation of te reo.

Our overall impression is that the Government has been willing to take similar action with te reo as it has on other matters of law and policy detrimentally affecting Māori rights and interests, as shown in several recent Tribunal inquiries and reports. That is, it has generally sought to diminish those rights, irrespective of whether they require significant levels of expenditure or not. We agree with the claimants that the actions taken in respect of te reo are not simply 'low level', the impacts are not minor and those actions cause prejudice. They represent the current Government's approach to the Māori–Crown relationship, in which the Crown often has both acted without reference to its partner on matters as important as the use of te reo Māori in government and sought to undo some of the advances developed in the usage of te reo Māori achieved in recent decades. This is neither good faith nor good government, let alone the actions of a good partner under te Tiriti/the Treaty.

We conclude by quoting from the foreword written by the then Minister for Māori Development, Te Ururoa Flavell, in *Te Tohu Reorua* in 2016. It demonstrates the embrace of the use of te reo in the public service promoted by a Minister in a National Party-led Government only a few short years ago. We endorse the sentiments Minister Flavell expressed, and remind the current Government of this prior sense of commitment to the use and visibility of te reo Māori:

> Kei a tātou te tikanga ki te whakapiki i tō tātou motu, i te rāngai tūmatanui hoki ki taumata kē atu mā te manaaki i te reo Māori e mātua whai nei kia tautokona e tō tātou motu, e te tūmatanui me te tūmataiti, e ora tonu ai ia hei ngā whakareanga ā haere ake nei.
>
> I ia rā, toro ai te hapori tūmatanui i ō koutou tari. E mātakina ana, e rangona ana koutou e te tokomaha. I nāia tonu nei, he mana whakaawe ō koutou e huri ai te reo Māori. Kia kitea ai. Kia māori ai.
>
> He mea whakamōhio tēnei tuhinga kupu ārahi e ngā wheako o ngā whenua e whai wāhi ai hoki te tohu reorua ki te whakarauora reo hei whakatenatena i te kawenga o ngā tikanga pai.
>
> E whakatenatena ana au i te rāngai tūmatanui, mō te hemo tonu atu, kia tīmata i tōna haerenga i te huarahi o te tohu reorua. Waihoki, e mihi ana au ki ērā o koutou kua tīmata kē.
>
> Mā roto i te Ture hou mō te reo Māori, mā te whakatūnga hoki o te Maihi Karauna, e ū nei te kāwanatanga ki tāna whai kia kaha ake te tautokona o te whakarauoratanga o te reo Māori e ngā pokapū kāwanatanga katoa hei wāhanga māori noa i roto i ā tātou mahi.
>
> Ko tētahi huarahi mā reira e taea ai e tātou tērā te whakatutuki, ko te whakaū kia nui ake te kitea o te reo Māori i ngā hapori kei reira tātou e mahi ana.

Āe rā, he reo whai mana ā-ture te reo Māori ki Aotearoa, engari he nui noa ake i tērā, nā te mea ehara ia i te reo nō whenua kē atu i tō tātou. He reo ātaahua. Tōu reo. Tō tātou reo.

We can be an even better nation, and an even better public sector, by embracing te reo Māori which needs the support of our entire nation, public and private, to ensure it is here for future generations.

Every day, the public visit your offices. You have the eyes and ears of many on you. Right now, you are in a position of influence to make a difference for te reo Māori. To make it visible. To make it normal.

This guide was informed by the experiences of countries where bilingual signage is also part of language revitalisation to encourage good practice. I cannot encourage the public sector enough to start their te reo Māori bilingual signage journey. And I thank those of you who have already begun.

Through the new Māori Language Act and the development of the Maihi Karauna, the government is committed to enhancing the support for te reo Māori revitalisation by all government agencies as a normal part of the way we do business.

One way in which we will achieve this is to ensure te reo Māori is more visible to the communities we work in. Yes te reo Māori is an official language of New Zealand but it is more than that because it belongs to no other country but ours. A beautiful language. Your language. Our language.[62]

5.5 Recommendations

As stated in section 5.2. and 5.3. above, we have determined that the Crown has acted inconsistently with the Treaty principles of tino rangatiratanga, partnership (including the duties to act reasonably and in good faith, and to consult), active protection, good government, equity, and redress, and prejudicially affected Māori.

Evidence provided in this inquiry has shown that te reo Māori remains in a vulnerable state. This can be attributed to past and present breaches by the Crown, and its neglect of its obligation of active protection of this taonga under te Tiriti/the Treaty and its principles. The Crown is duty-bound in a significant way to proactively support the revitalisation of te reo, which is reflected in our recommendations below.

It hardly needs to be stated that our recommendations should be adopted by this and all successive Governments. The current Government is the inheritor of the obligations the Crown took on in 1840. We make this self-evident observation principally because previous Governments have passed laws and made decisions at the Cabinet table that the current Government appears not to have felt obliged to follow.

62. Document A54, p171 [Te Puni Kōkiri, *Te Tohu Reorua i te Reo Māori me te Reo Pākehā: He Kupu Ārahi e Kairangi ai ngā Tikanga/Māori–English Bilingual Signage: A Guide for Best Practice*, p2]

Our recommendations are as follows:

- **Take immediate steps to reverse actions and policy concerning the use of te reo in agency names and Government communications:**
  - We recommend that the Crown amend its current policies to ensure that it meaningfully engages with Māori about Government agency names and communications so that its actions are consistent with te Tiriti/the Treaty and its principles and Te Ture mō Te Reo Māori 2016.
- **Ensure new Governments comply with the Crown's obligations to te reo Māori under both existing legislation and te Tiriti/the Treaty and its principles:**
  - When a new Government is formed, we recommend that Te Puni Kōkiri (in its briefing to the incoming Minister for Māori Development) clearly advise the Minister of the Crown's obligations to te reo Māori under both existing legislation and te Tiriti/the Treaty and its principles, and whether any commitments arising from coalition agreements contravene these obligations.
- **Strengthen the wording of Te Ture mō Te Reo Māori 2016:**
  - We consider the te reo version of Te Ture mō Te Reo Māori 2016 expresses a stronger obligation than the English. We read the particle 'me' in the te reo version of section 9(1) as indicating a more direct instruction than 'should' does in the English. The particle 'me' is translated as 'must' in section 10(1) of the Act, as well as in paragraph 23 of the Maihi Karauna. Similarly, we consider that 'whakapuaki . . . i tōna ū' in section 6(2) is stronger than 'expresses its commitment' in the English. While section 12(2) states that the 'Māori and English versions of this Act are of equal authority, but in the event of a conflict in meaning between the two versions, the Māori version prevails', we nonetheless make the following recommendations:
  - We recommend that the wording in section 6(2) be amended to convey the stronger sense of commitment expressed in the te reo version as follows:

    > The Crown *will* work in partnership with iwi and Māori to continue to actively protect and promote this taonga, the Māori language, for future generations.

  - In addition, and in order to avoid any ambiguity, we also recommend that the te reo version of 6(2) be amended to read as follows:

    > Me mahi tahi te Karauna me ngā iwi me ngāi Māori, ki te āta whai tonu kia tiakina, kia whakatairangatia hoki tēnei taonga, te reo Māori, mō ngā whakatipuranga e haere ake nei.

  - We recommend that the English version of section 9(1) be amended as follows:

> A department of State shall conduct itself in accordance with the following principles when exercising its powers and performing its functions:
>
> (a) iwi and Māori *must* be consulted on matters relating to the Māori language (including, for example, the promotion of the use of the language):
>
> (b) the Māori language *must* be used in the promotion to the public of government services and in the provision of information to the public:
>
> (c) government services and information *must* be made accessible to iwi and Māori through the use of appropriate means (including the use of the Māori language).

- Once again, and in order to avoid ambiguity, we also recommend that the te reo version of the first sentence of 9(1) be amended as follows:

> Me noho ko ngā mātāpono e whai ake nei hei ārahi i tētahi tari Kāwanatanga, inā whakamahi ia i ōna mana me ōna āheinga mahi.

- We recommend that section 9(2), stating that '[k]āore tēnei ārahitanga e tuku atu ki te tangata i tētahi mana ā-ture e whai niho ai i roto i tētahi kōti ā-ture', '[t]his guidance does not confer on any person any legal right that is enforceable in a court of law', be repealed. Our recommended elevation of section 9(1) to an obligation renders this provision inapplicable.

› **Make *Te Tohu Reorua i te Reo Māori me te Reo Pākehā – Māori–English Bilingual Signage 2016* guidelines compulsory:**
- We recommend that the guidelines should instead be rules that all Crown agencies must folllow.
- We recommend that the rules are updated to include instruction concerning Government agency names and Government websites.
- We recommend that the Crown monitor the correct application of the rules. We do not think it necessary here to define the ways in which this monitoring function should be performed.

› **Amend the 2024 Government Workforce Policy Statement:**
- We recommend that a reference to the Crown's obligations under te Tiriti/the Treaty be reinstated.
- Part of the clause on employment conditions and remuneration settings currently reads:

> 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.[63]

- We recommend that the clause be modified, so that the payment of te reo allowances to Government officials continues regardless of whether te reo skills are a requirement to perform their role or not. Fluency or capability in te reo is not an occasional skill. It is something which the individual holds and is available for use at any time, often when it is not a prerequisite for holding a particular role. We acknowledge that the Crown would ultimately prefer to factor te reo skills into base salaries, but until such time as this has been achieved the ongoing payment of te reo allowances is the most appropriate form of recognising te reo competence in the public service.

- **Increase the bilingual aptitude of the public service:**
  - While previous Tribunal reports have called for greater bilingualism in the public service, much remains to be achieved. We therefore recommend that the Crown do more to upskill the public service in te reo Māori.[64] We agree with claimant counsel,[65] however, that funding for te reo initiatives for the public service must not come at the expense of funding for te reo revitalisation in Māori communities. An appropriate balance must be found.
- Lastly, as in the 2024 *Ngā Mātāpono/The Principles* interim report, we recommend that

> the Crown consider a process in partnership with Māori to undo the damage to the Māori–Crown relationship and restore confidence in the honour of the Crown. While the issue is wider than the . . . specific policies before us in this urgent inquiry, we make this recommendation based on the findings we have made and the redress that is necessary to remove the prejudice and prevent similar prejudice in the future.[66]

63. Document 3.4.2(a), p 2 [Te Kawa Mataaho, 'Appendix A: 2024 Government Workforce Policy Statement', p 2]

64. We are aware that the 'Māori Crown Relations Individual Capability' plan published by Te Arawhiti already identified participation 'in te reo Māori lessons' as one means of enabling public servants to meaningfully engage with Māori: doc A52, p 46 [Te Arawhiti, 'Māori Crown Relations Capability Framework for the Public Service – Individual Capability Component: Māori Crown Relations Individual Capability', p 10]; doc A52, p 31 [Te Arawhiti, 'Māori Crown Relations Capability Framework for the Public Service – Why Māori Crown Relations Capability is Important', p 1, However, since the transferral of the settlement implementation and post-settlement relationships functions from Te Arawhiti to Te Puni Kōkiri in late 2024, and the renaming of Te Arawhiti to Te Tari Whakatau in 2025, the documents outlining the public service capability framework are no longer publicly accessible and their status is unclear.

65. Transcript 4.1.7, p 663

66. Waitangi Tribunal, *Ngā Mātāpono/The Principles: The Interim Report of the Tomokia Ngā Tatau o Matangireia – the Constitutional Kaupapa Inquiry Panel on the Crown's Treaty Principles Bill and Treaty Clause Review Policies, Pre-publication Version* (Wellington: Waitangi Tribunal, 2024), p 188

Whakapūmautia ki Te Whanganui-ā-Tara i te 23 o te Whiringa-ā-nuku 20 25

Kaiwhakawā Te Kani Williams, mana whakahaere

Ahorangi Susy Frankel FRSNZ, mema paewhiri

Dr Paul Hamer, mema paewhiri

Tākuta Ruakere Hond, mema paewhiri

Ahorangi Tā Pou Temara, mema paewhiri

THE SEAL OF THE WAITANGI TRIBUNAL

ĀPITIHANGA I

TE RĀRANGI O NGĀ HUNGA E WHAI TAKE ANA

- Geneva Hakaraia-Tino e tū ana mōna anō, mō ngā tāngata whaikaha Māori kore-kōrero hoki
- Druis Barrett me Te Rōpū Wāhine Toko i te Ora e tū ana mō ō rātou mema, me ngā wāhine Māori katoa o Aotearoa
- Margaret Mutu e tū ana mō Te Rūnanga a Iwi o Ngāti Kahu me te Iwi o Ngāti Kahu
- Tākuta Rapata Wiri e tū ana mō ōna whānau, hapū, iwi, whānau whānui, whāngai hoki
- Te Riwihi Whao Reti rātou ko Hau Hereora, ko Romana Tarau, ko Karen Herbert, ko Edward Cook, ko Pearly Reti mō Te Kapotai (Wai 1464 me Wai 1546)
- Te Rūnanga Nui o te Taratī o Te Aupōuri (Wai 2831)
- Stephanie August, e tū ana mō Robert Charles William James Farrar (kua mate) me tōna whānau (Wai 3096)
- Jasmine Cotter-Williams, e tū ana mō tōna whānau me te iwi o Ngāti Taimanawawhiti (Wai 2063)
- Rereti (Robert) Gabel e tū ana mō Ngāti Tara (Wai 1886)
- April Grace, e tū ana mō tōna whānau, mō Ngā Wahapū o Te Rarawa, mō Ngāti Whātua me Ngāpuhi Nui Tonu (Wai 2206)
- Annette Hale, e tū ana mō te whānau Wikotu o Te Upokorehe (Wai 2743)
- Te Enga Harris rāua ko Lee Harris, e tū ana mō Wiremu Harris me te whānau o Meri Ōtene, ā, mō ngā uri hoki o Ngāti Rangi, Ngāti Here, Ngāi Tūpoto, Ngāti Hōhaitoko, Ngāti Kōpuru, Te Rarawa me Ngāti Uenuku (Wai 1531)
- David Hawea, e tū ana mō te whānau Hawea me te iwi o Te Whānau a Kai (Wai 892)
- Tasilofa Huirama, e tū ana mō te whānau Huirama me ngā uri o Ngāti Ueoneone me Ngāti Tautahi o Ngāpuhi (Wai 2890)
- Te Urunga Evelyn Aroha Kereopa, e tū ana mō te whānau Kereopa me ngā uri o Te Ihingārangi, hapū o Ngāti Maniapoto (Wai 762)
- Richard Nathan, e tū ana mō te Kāhui Kokoraho o ngā Hapū o Mangakahia (Wai 861)
- Diane Marie Paekau e tū ana mō tōna whānau me ngā uri o Ngāti Hounuku, Ngāti Houa, Ngāti Poua, Ngāti Mahuta, Ngāti Te Ata me Ngāti Whātua (Wai 3131)
- John Pikari, e tū ana mō ngā uri o Hone Karahina me ngā uri o te hapū o Te Uri o Hau me Ngāti Torehina (Wai 2394)
- Rueben Taipari Porter, e tū ana mō ngā hapū o Ahipara (Wai 1968)
- Audrey Okeroa Rogers, e tū ana mō tōna whānau me ngā uri o Ngāti Koheriki (Wai 2869)
- Jane Stevens, e tū ana mō tōna whānau me te iwi o Ngāi Tahu (Wai 2671) (Wai 3308, 3.1.13, 3.1.21)
- Violet Eva Walker, e tū ana mō tōna whānau me ngā uri o Ngāti Rangi o Waiapu ki Tawhiti me Ngāti Kahu ki Whangaroa (Wai 2382)

- Kahura James Watene rāua ko Elizabeth Watene, e tū ana mō Ngāi Tukōkō me Ngāti Moe o Rangitāne me Ngāti Kahungunu (Wai 2778)
- Michael Williams rāua ko Jessica Williams, e tū ana mō ō rāua whānau, me ngā uri o Ngaitūpango, hapū o Ngāpuhi (Wai 2838)
- Janice Panoho (Kaihautū) rāua ko Georgina Kerr (Kuia, Māngai hoki) e tū ana mō ngā kaimahi Māori o Te Pūkenga Here Tikanga Mahi
- Merepeka Raukawa-Tait e tū ana mō tōna whānau, me ōna hapū, iwi, whānau whānui, whāngai hoki
- Umuhuri Matehaere rātou ko Kataraina Putiputi Rihara Nuku Keepa, ko Nepia Hona Ranapia e tū ana mō rātou anō, ā, e tū ana hei kaitiaki o Te Taratī o Te Haupapa Kōhatu mō te painga o ngā karanga hapū o Ngāi Te Hapū
- Te Whakakitenga e tū ana mō ngā uri, ngā marae, me ngā hapū o Waikato-Tainui
- Doreen Puru rātou ko Anna Kahukura Hotere, ko Louie Katene (kua mate), ko Emma Torckler me William Puru (ngā kaikerēme o te kerēme a te whānau Puru, Torckler, Katene hoki (Wai 1684)), e tū ana mō rātou anō, mō Te Hoia, Ngāti Rangimatamomoe me Ngāti Rangimatakaka

APPENDIX I

LIST OF INTERESTED PARTIES

- Geneva Hakaraia-Tino on behalf of herself and non-speaking tāngata whaikaha Māori (non-speaking disabled Māori)
- Druis Barrett and Te Ropu Wahine Maori Toko i te Ora/the Maori Women's Welfare Inc (the League) on behalf of its members, and all wāhine Māori of Aotearoa
- Margaret Mutu on behalf of Te Rūnanga a Iwi o Ngāti Kahu and Ngāti Kahu Iwi
- Dr Rapata Wiri on the behalf of his whānau, hapū, iwi, whānau whānui and whāngai
- Te Riwhi Whao Reti, Hau Hereora, Romana Tarau, Karen Herbert, Edward Cook and Pearly Reti on behalf of Te Kapotai (Wai 1464 and Wai 1546)
- Te Rūnanga Nui o Te Aupōuri Trust (Wai 2831)
- Stephanie August, for and on behalf of the late Robert Charles William James Farrar and her whānau (Wai 3096)
- Jasmine Cotter-Williams, for and on behalf of her whānau and Ngāti Taimanawaiti iwi (Wai 2063)
- Rereti (Robert) Gabel for and on behalf of Ngāti Tara (Wai 1886)
- April Grace, for and on behalf of her whānau, Ngā Wahapū o Te Rarawa, Ngāti Whātua and Ngāpuhi Nui Tonu (Wai 2206)
- Annette Hale, for and on behalf of the Wikotu whānau of Te Upokorehe (Wai 2743)
- 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 Rangi, Ngāti Here, Ngāi Tūpoto, Ngāti Hōhaitoko, Ngāti Kōpuru, Te Rarawa and Ngāti Uenuku (Wai 1531)
- David Hawea, for and on behalf of the Hawea whānau and Te Whānau a Kai iwi (Wai 892)
- Tasilofa Huirama, for and on behalf of the Huirama whānau and members of Ngāti Ueoneone and Ngāti Tautahi of Ngapuhi (Wai 2890)
- Te Urunga Evelyn Aroha Kereopa, for and on behalf of the Kereopa whānau and members of Te Ihingārangi, hapū of Ngāti Maniapoto (Wai 762)
- Richard Nathan, for and on behalf of the Mangakahia Hapū Claims Collective (Wai 861)
- Diane Marie Paekau for and on behalf of her whanau and members of Ngāti Hounuku, Ngāti Houa, Ngāti Poua, Ngāti Mahuta, Ngāti Te Ata and Ngāti Whātua (Wai 3131)
- 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)
- Rueben Taipari Porter, for and on behalf of the hapū of Ahipara (Wai 1968)
- Audrey Okeroa Rogers, for and on behalf of her whānau and members of Ngāti Koheriki (Wai 2869)
- Jane Stevens, for and on behalf of her whānau and Ngāi Tahu iwi (Wai 2671) (Wai 3308, 3.1.13, 3.1.21)
- 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)

- Kahura James Watene and Elizabeth Watene, for and on behalf of Ngāi Tukōkō and Ngāti Moe of Rangitāne me Ngāti Kahungunu (Wai 2778)
- Michael Williams and Jessica Williams, for and on behalf of their whānau, and members of Ngaitūpango, hapū of Ngāpuhi (Wai 2838)
- Janice Panoho (Kaihatū) and Georgina Kerr (Kuia and Māngai) on behalf of kaimahi Māori members of Te Pūkenga Here Tikanga Mahi (the New Zealand Public Service Association)
- Merepeka Raukawa-Tait on the behalf of her whānau, hapū, iwi, whānau whānui and whāngai
- Umuhuri Matehaere, Kataraina Putiputi Rihara Nuku Keepa, and Nepia Hona Ranapia on behalf of themselves and as trustees of Te Haupapa Kohatu Trust for the benefit of ngā karanga hapū o Ngāi Te Hapū
- Te Whakakitenga o Waikato Incorporated (Te Whakakitenga) on behalf of the members, maraem hapū, and iwi of Waikato-Tainui
- Doreen Puru, Anna Kahukura Hotere, the late Louie Katene, Emma Torckler and William Puru (claimants of the Puru, Torckler and Katene whānau (Wai 1684) claim), on behalf of themselves, Te Hoia, Ngāti Rangimatamoemoe and Ngāti Rangimatakaka

ĀPITIHANGA II

KUPUTOHU O TE PŪRANGA TUHINGA MŌ TE RUKU TĀTARI

1 Te Pūranga Tuhinga o ngā Whakahaerenga ā-Ture

1.1 Ngā tauākī whakaraupapa nawe

1.1.1 Charles Tawhiao e tū ana mō te Taratī Whakataunga o Ngāi Te Rangi, panonitanga o te tauākī whakaraupapa nawe mō Wai 3308, 7 o Poutūterangi 2024 (i tuhia anōtia ko te Wai 3308, 1.1.1(a))

1.1.2 Rewiti Paraone, Erima Henare, Pita Tipene and Waihoroi Shortland e tū ana mō Te Rūnanga o Ngāti Hine me ngā uri o Torongare, o Hauhaua hoki, panonitanga o te tauākī whakaraupapa nawe mō Wai 682, 21 o Hakihea 2023 (i tuhia anōtia ko Wai 682, 1.1(v))

1.1.3 Nora Rameka rāua ko William Skipper (Kipa) Munro e tū ana mō Te Rūnanga o Ngāti Rēhia, panonitanga o te tauākī whakaraupapa nawe mō Wai 3077 (te reo Māori), 3 o Kohitātea 2024 (i tuhia anōtia ko Wai 3077, 1.1.1(b))
(a) Nora Rameka rāua ko William Skipper (Kipa) Munro e tū ana mō Te Rūnanga o Ngāti Rēhia, panonitanga o te tauākī whakaraupapa nawe mō Wai 3077 (te reo Pākehā), 12 o Hakihea 2024 (i tuhia anōtia ko Wai 3077 1.1.1(c))

1.1.4 Colleen Skerrett-White rātou ko Timitepo Hohepa me Te Ariki Derek Morehu e tū ana mō Ngāti Te Rangiunuora e tautokohia ana e Ngāti Pikiao, panonitanga o te tauākī whakaraupapa nawe mō Wai 1194 me Wai 1212, 23 o Paengawhāwhā 2024 (i tuhia anōtia ko Wai 1194, 1.1(d) me Wai 1212, 1.1(d))

1.4 Ngā tauākī whakaraupapa take

1.4.1 Sebastian Bisley (rōia Karauna), he tauākī whakaraupapa take hukihuki, 5 o Paengawhāwhā 2024

1.4.2 Ihipera Peters rātou ko Aroha Herewini, ko Amber Evans (ngā rōia ruruku o ngā kaikerēme), he tauākī whakaraupapa take hukihuki, 26 o Paengwhāwhā 2024

1.4.3 Te Rōpū Whakamana i te Tiriti o Waitangi Tribunal, te tauākī whakaraupapa take o Te Rōpū Whakamana mō Wai 3327, 7 o Haratua 2024
(a) Ihipera Peters rātou ko Aroha Herewini, ko Amber Evans (ngā rōia ruruku o ngā kaikerēme), te tauākī whakaraupapa take o Te Rōpū Whakamana Tribunal (te reo), 9 o Haratua 2024

1.4.4 T N Hauraki (e tū ana mō ngā rōia o ngā kaikerēme), he tauākī whakaraupapa take hukihuki, 2 o Haratua 2024

2 Ngā Manatu, ngā Tohutohu me ngā Whakatau a te Rōpū Whakamana

2.5 Te wāhanga i mua i ngā nohoanga

2.5.1 Kaiwhakawā Matua Tākuta Caren Fox, ngā tohutohu-manatu o te Hea e kopou ana i te Mana Whakahaere me te paewhiri, 5 o Poutūterangi 2024

2.5.3 Kaiwhakawā Te Kani Williams, ngā tohutohu-manatu o Kaiwhakawā Williams e pā ana ki tētahi hui whakawā, 15 o Poutūterangi 2024

2.5.4 Kaiwhakawā Te Kani Williams, ngā tohutohu-manatu o te Mana Whakahaere e pā ana ki te tūnga o ngā hunga e whai take ana, 15 o Poutūterangi 2024

2.5.5 Kaiwhakawā Te Kani Williams, ngā tohutohu-manatu o te Mana Whakahaere e pā ana ki te tūnga o ngā hunga e whai take ana, 2 o Paengawhāwhā 2024

2.5.6 Kaiwhakawā Te Kani Williams, ngā tohutohu-manatu o te Mana Whakahaere mō te huarahi whakamua o te ruku tātari, 18 o Paengawhāwhā 2024

2.5.8 Judge Te Kani Williams, ngā tohutohu-manatu o Kaiwhakawā Williams e pā ana ki te wātaka nohoanga, te tūhuratanga, me te tauākī whakaraupapa take o Te Rōpū Whakamana, 7 o Haratua 2024

2.5.9 Kaiwhakawā Matua Tākuta Caren Fox, ngā tohutohu-manatu o te Hea e kopou ana i te mema o te paewhiri a Tākuta Ruakere Hond, 7 o Haratua 2024

2.5.11 Kaiwhakawā Te Kani Williams, ngā tohutohu-manatu o Kaiwhakawā Williams e pā ana ki te tauākī whakaraupapa take o Te Rōpū Whakamana, 14 o Haratua 2024

2.5.15 Kaiwhakawā Sarah Reeves, te whakatau o te Hea Tuarua e pā ana ki ngā puka tono mō te ruku tātari ohotata, 1 o Poutūterangi 2024 (i tuhia anōtia ko Wai 3308 2.5.10)
(a) Ngā ripanga o ngā hunga i whiwhi, kāore hoki i whiwhi i te tūnga hunga e whai take ana (i tuhia anōtia ko Wai 3308 2.5.10(a))

2.5.16 Kaiwhakawā Te Kani Williams, ngā tohutohu-manatu o Kaiwhakawā Williams, 7 o Pipiri 2024

2.6 Te wāhanga o te nohoanga

2.6.3 Kaiwhakawā Te Kani Williams, ngā tohutohu-manatu o Kaiwhakawā Williams e pā ana ki ngā tūhuratanga anō o te Karauna, 21 Hereturikōkā 2024

2.6.5 Kaiwhakawā Te Kani Williams, ngā tohutohu-manatu o Kaiwhakawā Williams e pā ana ki nga tono mō ngā tūhuratanga anō o te Karauna, 1 o Whiringa-ā-rangi 2024

2.7 Te wāhanga whai muri i te nohoanga

2.7.1 Kaiwhakawā Te Kani Williams, ngā tohutohu-manatu o Kaiwhakawā Williams e pā ana ki te whai whakaaro ki ngā take utu tāpui mō te reo, 27 o Whiringa-ā-rangi 2024

3 Ngā Tāpaetanga me ngā Manatu a ngā Hunga

3.1 Te wāhanga i mua i te nohoanga

3.1.1 M M E Wikaira rāua ko R K Douglas (ngā rōia mō Te Whakakitenga o Waikato), manatu rōia e kimi ana i te tūnga hunga e whai take ana, 8 o Poutūterangi 2024

3.1.6 Darrell Naden rātou ko Victoria Tumai, ko Ashley Johns me Rebecca Wihongi (ngā rōia mō Wai 892, Wai 2063, Wai 3096, Wai 1886, Wai 2206, Wai 2743, Wai 1531, Wai 2890, Wai 762, Wai 861, Wai 3104, Wai 2394, Wai 1968, Wai 2869, Wai 2671, Wai 2382, Wai 2778, me Wai 2838), manatu rōia e urupare ana ki ngā tohutohu-manatu, 28 o Poutūterangi 2024

3.1.12 Mai Chen rāua ko Caleb Saunders (Te Rūnanga o Ngāti Whātua), manatu rōia e whakamutu ana hei hunga e whai take ana, 28 o Poutūterangi 2024

3.1.16 Ihipera Peters rātou ko Aroha Herewini me Amber Evans (ngā rōia ruruku mō ngā kaikerēme), he manatu e whakarato ana i ngā kōrero hou mō te tauākī whakaraupapa take me te tūhuratanga, 26 o Paengawhāwhā 2024

3.1.18 T N Hauraki (e tū ana mō ngā rōia kaikerēme), manatu rōia tuku tahi e pā ana ki te tauākī whakaraupapa take, 2 o Haratua 2024

3.1.22 Ihipera Peters rātou ko Aroha Herewini me Amber Evans (rōia ruruku mō ngā kaikerēme), manatu e pā ana ki te tauākī whakaraupapa take me te tāmana o Ngahiwi Apanui, 9 o Haratua 2024

3.1.24 Sebastian Bisley (rōia mō te Karauna), manatu e urupare ana ki ngā tohutohu-manatu nō te 18 o Paengawhāwhā 2024, 13 o Haratua 2024

3.1.39 Sebastian Bisley (rōia mō te Karauna), manatu e tono ana mō te noho matatapu, 13 o Haratua 2024
(a) He reta nā Kaupare Law ki Te Tari Ture o te Karauna e pā ana ki te tūhura i ngā tuhinga, nō te 3 o Haratua 2024 (nā Sebastian Bisley, rōia mō te Karauna i whakatakoto)

3.1.48 Sebastian Bisley (rōia mō te Karauna), manatu rōia e whakatakoto ana i ngā kōrero taunaki, 28 o Haratua 2024

3.1.59 Ihipera Peters rātou ko Aroha Herewini me Amber Evans (ngā rōia ruruku mō ngā kaikerēme), manatu rōia tuku tahi e pā ana ki ngā puka tono o te Karauna mō ngā ōta noho matatapu, 4 o Pipiri 2024

3.2 Te wāhanga o te nohoanga

3.2.8
(a) Ngā pārongo a te Karauna i whakatakotohia hei urupare ki ngā tohutohu-manatu nō te 21 o Pipiri 2024, 26 o Pipiri 2024 (nā Sebastian Bisley, te rōia mō te Karauna i whakatakoto)

3.2.18 Darrell Naden rātou ko Victoria Tumai, ko Sally Rickard, ko Tui Henry me Ashley Johns (rōia mō Wai 892, Wai 2063, Wai 3096, Wai 1886, Wai 2206, Wai 2743, Wai 1531, Wai 2890, Wai 762, Wai 861, Wai 3104, Wai 2394, Wai 1968, Wai 2869, Wai 2671, Wai 2382,

Wai 2778, me Wai 2838), manatu hei urupare ki ngā tūhuratanga anō a te Karauna, 9 o Hereturikōkā 2024

3.3 Ngā tāpaetanga whakataki, whakakapi, urupare hoki

3.3.3 Annette Sykes rātou ko Kalei Delamere Ririnui me Maia Te Hira (rōia mō Wai 1994 me Wai 1212), ngā tāpaetanga whakataki (te reo Māori), 5 o Pipiri 2024
(a) Annette Sykes rātou ko Kalei Delamere Ririnui me Maia Te Hira (rōia mō Wai 1994 me Wai 1212), ngā tāpaetanga whakataki (te reo Pākehā), 5 o Pipiri 2024

3.3.4 Season-Mary Downs rātou ko Chelsea Terei-Tipene me Majka Cherrington (ngā rōia mō Wai 682, Wai 1464, Wai 1546 me Wai 2831), ngā tāpaetanga whakataki, 6 o Pipiri 2024
(a) Anga o Te Tiriti o Waitangi, 6 o Pipiri 2024 (nā Season-Mary Downs rātou ko Chelsea Terei-Tipene me Majka Cherrington i whakatakoto, ngā rōia mō Wai 682, Wai 1464, Wai 1546 me Wai 2831)

3.3.5 Sebastian Bisley (rōia mō te Karauna), ngā tāpaetanga whakataki, 6 o Pipiri 2024

3.3.9
(a) Ihipera Peters rātou ko Aroha Herewini me Amber Evans (ngā rōia mō Wai 3077), ngā tāpaetanga whakataki (reo Pākehā), 6 o Pipiri 2024

3.3.15 T Te Whenua (rōia mō Wai 3349), ngā tāpaetanga whakakapi, 8 o Hōngongoi 2024

3.3.16 B D Gilling rātou ko R M A Soriano me H T G Foubister (ngā rōia mō Wai 1684), ngā tāpaetanga whakakapi, 8 o Hōngongoi 2024

3.3.17 Sebastian Bisley (rōia mō te Karauna), ngā tāpaetanga whakakapi, 8 o Hōngongoi 2024
(a) Tauākī Kaupapahere Rāngaimahi Kāwanatanga 2024 Hukihuki, 8 o Hōngongoi 2024 (nā Sebastian Bisley, rōia mō te Karauna i whakatakoto)

3.3.18 Darrell Naden rātou ko Victoria Tumai, ko Ashley Joohns, ko Rebecca Wihongi, ko Sally Rickard, ko Tui Henry, ko William McMaster (ngā rōia mō Wai 892, Wai 2063, Wai 3096, Wai 1886, Wai 2206, Wai 2743, Wai 1531, Wai 2890, Wai 762, Wai 861, Wai 3131, Wai 2394, Wai 1968, Wai 2869, Wai 2671, Wai 2382, Wai 2778, me Wai 2838), ngā tāpaetanga whakakapi tuku tahi, 8 o Hōngongoi 2024

3.3.19 Season-Mary Downs rātou ko Chelsea Terei-Tipene me Majka Cherrington (ngā rōia mō Wai 682, Wai 1464, Wai 1546 me Wai 2831), ngā tāpaetanga whakakapi, 5 o Hōngongoi 2024

3.3.20 Annette Sykes rātou ko Kalei Delamere-Ririnui, ko Maia Te Hira me Te Maiora Rurehe (ngā rōia mō Wai 1212 me Wai 1194), ngā tāpaetanga whakakapi, 9 o Hōngongoi 2024
(a)
(i) Te anga ture – Te Tiriti o Waitangi, 5 o Hōngongoi 2024 (nā Annette Sykes rātou ko Kalei Delamere-Ririnui, ko Maia Te Hira me Te Maiora Rurehe, ngā rōia mō Wai 1212 me Wai 1194 i whakatakoto)

3.3.21 M K Mahuika rāua ko T N Hauraki (ngā rōia mō Wai 3308), ngā tāpaetanga whakakapi, 9 o Hōngongoi 2024

3.3.22 Ihipera Peters rātou ko Aroha Herewini me Amber Evans (ngā rōia mō Wai 3077), ngā tāpaetanga whakakapi (te reo Māori), 11 o Hōngongoi 2024
(a) Ihipera Peters rātou ko Aroha Herewini me Amber Evans (ngā rōia mō Wai 3077), ngā tāpaetanga whakakapi (reo Pākehā), 11 o Hōngongoi 2024

3.3.24 Darrell Naden rātou ko Victoria Tumai, ko Ashley Johns me William McMaster (ngā rōia mō Wai 2063, Wai 3096, Wai 1886, Wai 2206, Wai 2743, Wai 1531, Wai 2890, Wai 762, Wai 861, Wai 3104, Wai 2384, Wai 1968, Wai 2869, Wai 2671, Wai 2382, Wai 2778 me Wai 2838), ngā tāpaetanga tāpiri mō ngā hunga e whai take ana, 13 o Whiringa-ā-rangi 2024

3.4 Te wāhanga i muri i te nohoanga
3.4.1 Sebastian Bisley (rōia mō te Karauna), manatu hei urupare ki ngā tāpaetanga e pā ana ki ngā kōrero taunaki āpiti, 16 o Mahuru 2024

3.4.2 Sebastian Bisley (rōia mō te Karauna), Manatu rōia mō te Karauna e pā ana ki ngā tāpaetanga mō te TKRK whakamutunga, 21 o Hereturikōkā 2024
(a) Te Kawa Mataaho, '2024 Government Workforce Policy Statement' (nā Sebastian Bisley, rōia mō te Karauna i whakatakoto)

3.4.3 Victoria Tumai rāua ko William McMaster (ngā rōia mō Wai 892, Wai 2063, Wai 3096, Wai 1886, Wai 2206, Wai 2743, Wai 1531, Wai 2890, Wai 762, Wai 861, Wai 3104, Wai 2394, Wai 1968, Wai 2869, Wai 2671, Wai 2382, Wai 2778 me Wai 2838), manatu whakatakoto tāpaetanga hei urupare ki te manatu Karauna, 3 o Whiringa-ā-nuku 2024

3.4.4 Sebastian Bisley (rōia mō te Karauna), manatu hei urupare ki ngā tāpaetanga a Tāmaki Legal, 15 o Whiringa-ā-nuku 2024

3.4.7 Victoria Tumai rāua ko William McMaster (Wai 2063, Wai 3096, Wai 1886, Wai 2206, Wai 2743, Wai 1531, Wai 2890, Wai 762, Wai 861, Wai 3104, Wai 2394, Wai 1968, Wai 2869, Wai 2671, Wai 2382, Wai 2778 me Wai 2838), manatu hei urupare ki te manatu Karauna nō te 15 o Whiringa-ā-nuku, 18 o Whiringa-ā-nuku 2024

3.4.13 Arnu Turvey (rōia mō te Karauna), manatu e whakarato ana i ngā tuhinga tūhuratanga anō, 7 o Whiringa-ā-rangi 2024

4 Ngā Tauwhaituhi me ngā Whakamāoritanga

4.1 Ngā tauwhaituhi

4.1.3 Te Ratonga Tauwhaituhi ā Motu, te tauwhaituhi o te ruku tātari ohotata (te tari o Te Rōpū Whakamana i te Tiriti o Waitangi, Te Whanganui-a-Tara, 11 o Pipiri 2024)

4.1.7 Te Ratonga Tauwhaituhi ā Motu, te tauwhaituhi o te ruku tātari ohotata (te tari o Te Rōpū Whakamana i te Tiriti o Waitangi, Te Whanganui-a-Tara, 10–14 o Pipiri 2024)

6 Ētahi Atu Pepa i ngā Whakahaerenga ā-Ture

6.2 Ētahi atu tuhinga

6.2.1 Īmēra: 'FW: Te Reo Māori i ngā tuhinga Manatū: Tāpaetanga Whakahoki Kōrero', 5 o Hakihea 2023

6.2.2 Īmēra: 'whakahoki kōrero a Te Taura Whiri i te Reo Māori – FW: Whiriwhiri kōrero mō te Tauākī Kaupapahere Rāngaimahi Kāwanatanga Hukihuki', 5 o Huitanguru 2024

6.2.3 Īmēra: 'Re: Te Reo Māori – Tono P', 6 o Hakihea 2023

6.2.6 'Te tūnga o te utu tāpui mō Te Reo me tōna whakatinanatanga – Ngā Kaupapa Kōrero'

6.2.7 Toka Tū Ake, 'Kupu Ārahi mō Toka Tū Ake EQC: Ngā Ture Panoni Ingoa', 17 o Kohitātea 2024

6.2.8 Toka Tū Ake, 'Kupu Ārahi mō Toka Tū Ake EQC: Ngā Ture Panoni Ingoa', 1 o Huitanguru 2024

6.2.9 Te Kawa Mataaho, 'Whakaaetanga ki te whakatakoto i te 2024 Tauākī Kaupapahere Rāngaimahi Kāwanatanga mō te Pepa Kapenata e pā ana ki ngā Āhuatanga Whiwhi Mahi o te Rāngai Tūmatanui', 16 o Hōngongoi 2024

6.2.10 Te Arawhiti, 'Aratohu mō te Whai Wāhi ki te Māori', [2018]

6.2.11 Te Paepae Motuhake, 'Te Reo Mauriora: Te Arotakenga o Te Rāngai Reo Māori me Te Rautaki Reo Māori: Review of the Māori Language Sector and the Māori Language Strategy', Paengawhāwhā 2011

6.2.12 Te Puni Kōkiri, 'Te Rautaki Reo Māori/Māori Language Strategy 2014'

6.2.13 Te Mātāwai, 'Maihi Māori 2017–2040'

6.2.16 Waka Kotahi, Letter: 'REF: OIA-12853', 5 July 2023

6.2.17 Waka Kotahi, 'Bilingual Traffic Signage – A Research Note: International Experiences and Outcomes', Whiringa-ā-nuku 2021

6.2.18 Waka Kotahi, Reta: 'OIA-14235', 9 o Kohitātea 2024

6.2.19 Waka Kotahi, paihere tuhinga i tukuna i raro i te Ture Official Information 1982
pp [50]–[51]: Waka Kotahi, 'For Noting – Implementing a Change to English-First Version of Our Name and Logo', 30 o Whiringa-ā-rangi 2023

6.2.20 Waka Kotahi, Reta: 'OIA-14259', 13 o Huitanguru 2024

6.2.21 Waka Kotahi, Ngā Urupare Ture Official Information, 'ELT paper: Implications of New Government Commitments (In-Confidence), Meeting Date: 30/11/2023', Huitanguru 2024

6.2.22 Te Manatū Waka, Reta: 'Te Manatū Waka Name – OC220497', 7 o Hōngongoi 2022

6.2.23 Te Tari Taiwhenua, 'Factsheet: Local Government (Water Services) Bill Overview', Hakihea 2024

6.2.24 Tari o te Minita mō ngā Take Whaikaha me te Tari o te Minita Hauora, pepa Kapenata: 'Disability System Transformation Update', 2022

6.2.25 Te Kawa Mataaho, 'Government Workforce Policy Statement on the Government's Expectations for Employment Relations in the Public Sector', 2021

6.2.27 Reta: Manatū Mō Te Taiao, 'OIAD-721'

PŪRANGA TUHINGA

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A2 Eru Kapa-Kingi, kōrero taunaki, 13 o Haratua 2024

A4 Stanley Rahui Papa, kōrero taunaki (te reo Māori), 14 o Haratua 2024
(a) Stanley Rahui Papa, kōrero taunaki (te reo Pākehā), 14 o Haratua 2024

A6 Dr Hope Tupara (Wai 2959), kōrero taunaki, 14 o Haratua 2024

A7 William Skipper (Kipa) Munro rāua ko Nora Tawhi Rameka, kōrero taunaki tuku tahi (te reo Māori), 17 o Haratua 2024
(a) William Skipper (Kipa) Munro rāua ko Nora Tawhi Rameka, kōrero taunaki tuku tahi (te reo Pākehā), 28 o Haratua 2024

A11 Ngawaiata Evans, kōrero taunaki, 20 o Haratua 2024

A13
(a) Te Pūkenga Here Tikanga Mahi, Ngā Hua o te Tirohanga Whānui o Ngā Mema Kaimahi Māori o Te Pūkenga Here Tikanga Mahi, Paengawhāwhā 2024

A21 Margaret Shirley Mutu, kōrero taunaki, 15 o Haratua 2024

A28 Coley Roimata Stanley-Kaweroa, kōrero taunaki, 16 o Haratua 2024

A29 Haami Piripi, kōrero taunaki, 16 o Haratua 2024

A32
(a) Rangiamohia Dansey-White, kōrero taunaki (te reo Pākehā), 20 o Haratua 2024

A33 Timi Te Po Hohepa, kōrero taunaki (te reo Māori), 15 o Haratua 2024
(a) Timi Te Po Hohepa, kōrero taunaki (te reo Pākehā), 22 o Haratua 2024

A34 Rukuwai Allen, kōrero taunaki, 22 o Haratua 2024

A35 Waihoroi Paraone Shortland, kōrero taunaki, 21 o Hakihea 2023

A37 Te Ao Marama Maaka, kōrero taunaki, 14 o Haratua 2024

A39 Mere Skerrett, kōrero taunaki, 15 o Haratua 2024

A40 Wayne Ngata, kōrero taunaki, 16 o Haratua 2024

A41 Rāpata Wiri, kōrero taunaki, 10 o Haratua 2024

A42 Alexandra Patricia Ann Chadwick, kōrero taunaki, 28 o Haratua 2024
(a) Paihere tuhinga tautoko i te kōrero taunaki o Alexandra Patricia Ann Chadwick, 7 o Pipiri 2024
(b) Alexandra Patricia Ann Chadwick, kōrero taunaki, 28 o Haratua 2024

A43 Hannah Mary Cameron, kōrero taunaki, 28 o Haratua 2024
(a) Paihere tuhinga tautoko i te kōrero taunaki o Hannah Mary Cameron, 7 o Pipiri 2024

A44 Paula Huia Rawiri, kōrero taunaki, 28 o Haratua 2024

A45 Ngahiwi Apanui-Barr, kōrero taunaki, 28 o Haratua 2024

A46 Heather Jane Baggott, kōrero taunaki, 30 o Haratua 2024
(a) Paihere tuhinga tautoko i te kōrero taunaki o Heather Jane Baggot, 7 o Pipiri 2024

A48 Anne Hancock, kōrero taunaki urupare, 6 o Pipiri 2024

A52 Paihere tuhinga whai kōrero taunaki o Te Arawhiti, 7 o Pipiri 2024

A53 Paihere tuhinga whai kōrero taunaki o Te Taura Whiri i te Reo Māori, 7 o Pipiri 2024

A54 Paihere tuhinga whai kōrero taunaki o Te Puni Kōkiri, 7 o Pipiri 2024

A56 Whaikaha, 'Briefing: Public Service Agency Names', 10 o Pipiri 2024

A58 Te Manatū Waka, 'File Note: Use of Te Reo and/or English for Government Departments', 6 o Pipiri 2024

A62 Komiti Kaupapahere Ōhanga Kapeneta, meneti o te whakatau: 'Local Water Done Well Stage 3: Water Services Regulatory System', 19 o Pipiri 2024

A63 Tari o te Minita mō te Mana Kāwanatanga ā-Rohe me te Tari o te Minita mō te Tauhokohoko me Ngā Take Kiritaki, pepa Kapenata: 'Local Water Done Well stage 3: water services regulatory system', 23 o Hōngongoi 2024

A64 Te Tari Taiwhenua, 'Local Government briefing: Summary of amendments to the Water Services Act and associated legislation in relation to Taumata Arowai's roles and responsibilities', 23 o Haratua 2024

A65 Paihere tuhinga uiui kōkirikiri i whakatakotohia e ngā rōia kaikerēme, 10 o Pipiri 2024

A66 Paihere tuhinga uiui kōkirikiri i whakatakotohia e ngā rōia Karauna, 10 o Pipiri 2024

NGĀ TUHINGA I TĪKINA I ĒTAHI ATU PŪRANGA TUHINGA RUKU TĀTARI

Wai 26 Pūranga Tuhinga mō te Ruku Tātari (Pire Reo Maōri me te Kerēme Kaporeihana Pāpāho)
Huirangi Waikerepuru e tū ana mō Nga Kaiwhakapumau I Te Reo (Inc), tauākī whakaraupapa nawe mō Wai 26, 12 o Pipiri 1986

Wai 1194 Pūranga Tuhinga mō te Ruku Tātari (Kerēme Whenua Taumanu)
1.1
(c) Colleen Skerrett-White, Te Ariki Morehu me Timitepo Hohepa e tū ana mō Ngāti Te Rangiunuroa e tautokona ana e Ngāti Pikiao, panonitanga o te tauākī whakaraupapa nawe, 26 o Kohitātea 2024 (i tuhia anōtia ko Wai 2575, 1.1.51 me Wai 1212, 1.1(c))

Wai 2750 Pūranga Tuhinga mō te Ruku Tātari (Ruku Tātari ā-Kaupapa ki ngā Kerēme e Pā Ana ki ngā Kaupapahere me ngā Ratonga Kāinga)
3.3.51 Cameron Hockly (rōia mō Wai 2716), ngā tāpaetanga whakakapi, 13 o Whiringa-ā-nuku 2021

Wai 3077 Pūranga Tuhinga mō te Ruku Tātari (Te Kerēme (Rameka) mō te Reo Māori me te Pūnaha Tika)
3.1.2
(a) Ihipera Peters rātou ko Aroha Herewini, ko Amber Evans me Te Hau Ariki Gardiner-Toi (rōia mō Wai 3077), manatu i whakatakotohia hei tautoko i te puka tono ohotata, 10 o Kohitātea 2024

Wai 3308 Pūranga Tuhinga mō te Ruku Tātarim (Kerēme Ohotata o Ngāi Te Rangi mō te Kāwanatanga Haumi)
1.1.1 Charles Tawhiao e tū ana mō te Taratī Whakataunga o Ngāi Te Rangi, ōna kaiwhiwhi painga, me te iwi o Ngāi Te Rangi, tauākī whakaraupapa nawe, 11 o Hakihea 2023

2.5.5 Tohutohu-manatu o te Hea Tuarua e whakaatu ana i ngā rā whakatakoto ai i ngā urupare, 14 o Hakihea 2023

2.5.8 Kaiwhakawā Matua Tākuta Caren Fox, ngā tohutohu-manatu o te Mana Whakahaere e pā ana ki te tukanga mō te whakatau i te puka tono ohotata, 15 o Huitanguru 2024

3.1.1 Mai Chen rāua ko Caleb Saunders (ngā rōia mō Wai 3308), puka tono mō te ohotata, 11 o Hakihea 2023

Wai 3349 Pūranga Tuhinga mō te Ruku Tātari (Te Kerēme (Panoho me Kerr) Turepapa)

1.1.1 Janice Panoho rāua ko Georgina Kerr e tū ana mō ngā mema kaimahi Māori o Te Pūkenga Here Tikanga Mahi, tauākī whakaraupapa nawe, 24 o Paengawhāwhā 2024

APPENDIX II

SELECT INDEX TO THE RECORD OF INQUIRY

SELECT RECORD OF PROCEEDINGS

1 Statements

1.1 Statements of claim

1.1.1 Charles Tawhiao on behalf of the Ngāi Te Rangi Settlement Trust, amended statement of claim for Wai 3308, 7 March 2024 (also recorded as Wai 3308, 1.1.1(a))

1.1.2 Rewiti Paraone, Erima Henare, Pita Tipene and Waihoroi Shortland on behalf of Te Rūnanga o Ngāti Hine and the descendants of Torongare and Hauhaua, amended statement of claim for Wai 682, 21 December 2023 (also recorded as Wai 682, 1.1(v))

1.1.3 Nora Rameka and William Skipper (Kipa) Munro on behalf of Te Rūnanga o Ngāti Rēhia, amended statement of claim for Wai 3077 (te reo Māori), 3 January 2024 (also recorded as Wai 3077, 1.1.1(b))
(a) Nora Rameka and William Skipper (Kipa) Munro on behalf of Te Rūnanga o Ngāti Rēhia, amended statement of claim for Wai 3077 (English), 12 January 2024 (also recorded as Wai 3077 1.1.1(c))

1.1.4 Colleen Skerrett-White, Timitepo Hohepa and Te Ariki Derek Morehu on behalf of Ngāti Te Rangiunuora who are supported by Ngāti Pikiao, amended statement of claim for Wai 1194 and Wai 1212, 23 April 2024 (also recorded as Wai 1194, 1.1(d) and Wai 1212, 1.1(d))

1.4 Statements of issues

1.4.1 Sebastian Bisley (Crown counsel), draft statement of issues, 5 April 2024

1.4.2 Ihipera Peters, Aroha Herewini, and Amber Evans (claimant co-ordinating counsel), draft statement of issues, 26 April 2024

1.4.3 Waitangi Tribunal, Tribunal statement of issues for Wai 3327, 7 May 2024
(a) Ihipera Peters, Aroha Herewini, and Amber Evans (claimant co-ordinating counsel), Tribunal statement of issues (te reo), 9 May 2024

1.4.4 T N Hauraki (on behalf of claimant counsel), draft statement of issues, 2 May 2024

2 Tribunal Memoranda, Directions and Decisions

2.5 Pre-hearing stage

2.5.1 Chief Judge Dr Caren Fox, memorandum of the Chairperson appointing Presiding Officer and panel, 5 March 2024

2.5.3 Judge Te Kani Williams, memorandum of Judge Williams regarding a judicial conference, 15 March 2024

2.5.4 Judge Te Kani Williams, memorandum of the Presiding Officer regarding interested party status, 15 March 2024

2.5.5 Judge Te Kani Williams, memorandum of the Presiding Officer regarding interested party status, 2 April 2024

2.5.6 Judge Te Kani Williams, memorandum of Judge Williams concerning next steps in the inquiry, 18 April 2024

2.5.8 Judge Te Kani Williams, memorandum of Judge Williams regarding hearing timetable, discovery, and Tribunal statement of issues, 7 May 2024

2.5.9 Chief Judge Dr Caren Fox, memorandum of the Chairperson appointing panel member Dr Ruakere Hond, 7 May 2024

2.5.11 Judge Te Kani Williams, memorandum of Judge Williams regarding the Tribunal's statement of issues, 14 May 2024

2.5.15 Judge Sarah Reeves, decision of the Deputy Chairperson concerning the applications for urgency, 1 March 2024 (also recorded as Wai 3308 2.5.10)
(a) Tables of parties granted and declined interested party status (also recorded as Wai 3308 2.5.10(a))

2.5.16 Judge Te Kani Williams, memorandum of Judge Williams, 7 June 2024

2.6 Hearing stage

2.6.3 Judge Te Kani Williams, memorandum of Judge Williams concerning additional Crown disclosure, 21 August 2024

2.6.5 Judge Te Kani Williams, memorandum of Judge Williams regarding requests for further Crown discovery, 1 November 2024

2.7 Post-hearing stage

2.7.1 Judge Te Kani Williams, memorandum of Judge Williams regarding future consideration of te reo allowance issues, 27 November 2024

3 Submissions and Memoranda of Parties

3.1 Pre-hearing stage

3.1.1 M M E Wikaira and R K Douglas (counsel for Te Whakakitenga o Waikato), memorandum of counsel seeking interested party status, 8 March 2024

3.1.6 Darrell Naden, Victoria Tumai, Ashley Johns and Rebecca Wihongi (counsel for Wai 892, Wai 2063, Wai 3096, Wai 1886, Wai 2206, Wai 2743, Wai 1531, Wai 2890, Wai 762, Wai 861, Wai 3104, Wai 2394, Wai 1968, Wai 2869, Wai 2671, Wai 2382, Wai 2778, and Wai 2838), memorandum of counsel responding to memorandum, 28 March 2024

3.1.12 Mai Chen and Caleb Saunders (Te Rūnanga o Ngāti Whātua), memorandum of counsel withdrawing as an interested party, 28 March 2024

3.1.16 Ihipera Peters, Aroha Herewini, and Amber Evans (claimant co-ordinating counsel), memorandum providing update on statement of issues and discovery, 26 Aprril 2024

3.1.18 T N Hauraki (on behalf of claimant counsel), joint memorandum of counsel regarding statement of issues, 2 May 2024

3.1.22 Ihipera Peters, Aroha Herewini, and Amber Evans (claimant co-ordinating counsel), memorandum regarding the statement of issues and the summons of Ngahiwi Apanui, 9 May 2024

3.1.24 Sebastian Bisley (Crown counsel), memorandum responding to memorandum-directions dated 18 April 2024, 13 May 2024

3.1.39 Sebastian Bisley (Crown counsel), memorandum applying for confidentiality, 13 May 2024
(a) Letter from Kaupare Law to Crown Law regarding disclosure of documents, dated 3 May 2024 (filed by Sebastian Bisley, Crown counsel)

3.1.48 Sebastian Bisley (Crown counsel), memorandum of counsel filing briefs of evidence, 28 May 2024

3.1.59 Ihipera Peters, Aroha Herewini, and Amber Evans (claimant co-ordinating counsel), joint memorandum of counsel regarding the Crown's applications for confidentiality orders, 4 June 2024

3.2 Hearing stage

3.2.8
(a) Crown information filed in response to memorandum dated 21 June 2024, 26 June 2024 (filed by Sebastian Bisley, Crown counsel)

3.2.18 Darrell Naden, Victoria Tumai, Sally Rickard, Tui Henry, and Ashley Johns (counsel for Wai 892, Wai 2063, Wai 3096, Wai 1886, Wai 2206, Wai 2743, Wai 1531, Wai 2890, Wai 762, Wai 861, Wai 3104, Wai 2394, Wai 1968, Wai 2869, Wai 2671, Wai 2382, Wai 2778, and Wai 2838), memorandum in response to additional Crown disclosure, 9 August 2024

3.3 Opening, closing and in reply

3.3.3 Annette Sykes, Kalei Delamere Ririnui and Maia Te Hira (counsel for Wai 1994 and Wai 1212), opening submissions (te reo Māori), 5 June 2024
(a) Annette Sykes, Kalei Delamere Ririnui and Maia Te Hira (counsel for Wai 1994 and Wai 1212), opening submissions (English), 5 June 2024

3.3.4 Season-Mary Downs, Chelsea Terei-Tipene and Majka Cherrington (counsel for Wai 682, Wai 1464, Wai 1546 and Wai 2831), opening submissions, 6 June 2024
(a) Te Tiriti o Waitangi framework, 6 June 2024 (filed by Season-Mary Downs, Chelsea Terei-Tipene and Majka Cherrington, counsel for Wai 682, Wai 1464, Wai 1546 and Wai 2831)

3.3.5 Sebastian Bisley (Crown counsel), opening submissions, 6 June 2024

3.3.9
(a) Ihipera Peters, Aroha Herewini and Amber Evans (counsel for Wai 3077), opening submissions (English), 6 June 2024

3.3.15 T Te Whenua (counsel for Wai 3349), closing submissions, 8 July 2024

3.3.16 B D Gilling, R M A Soriano and H T G Foubister (counsel for Wai 1684), closing submissions, 8 July 2024

3.3.17 Sebastian Bisley (Crown counsel), closing submissions, 8 July 2024
(a) Draft 2024 Government Workforce Policy Statement, 8 July 2024 (filed by Sebastian Bisley, Crown counsel)

3.3.18 Darrell Naden, Victoria Tumai, Ashley Joohns, Rebecca Wihongi, Sally Rickard, Tui Henry, William McMaster (counsel for Wai 892, Wai 2063, Wai 3096, Wai 1886, Wai 2206, Wai 2743, Wai 1531, Wai 2890, Wai 762, Wai 861, Wai 3131, Wai 2394, Wai 1968, Wai 2869, Wai 2671, Wai 2382, Wai 2778, and Wai 2838), joint closing submissions, 8 July 2024

3.3.19 Season-Mary Downs, Chelsea Terei-Tipene, and Majka Cherrington (counsel for Wai 682, Wai 1464, Wai 1546 and Wai 2831), closing submissions, 5 July 2024

3.3.20 Annette Sykes, Kalei Delamere-Ririnui, Maia Te Hira, and Te Maiora Rurehe (counsel for Wai 1212 and Wai 1194), closing submissions, 9 July 2024
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3.3.21 M K Mahuika and T N Hauraki (counsel for Wai 3308), closing submissions, 9 July 2024

3.3.22 Ihipera Peters, Aroha Herewini and Amber Evans (counsel for Wai 3077), closing submissions (te reo Māori), 11 July 2024
(a) Ihipera Peters, Aroha Herewini and Amber Evans (counsel for Wai 3077), closing submissions (English), 11 July 2024

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3.4 Post-hearing stage

3.4.1 Sebastian Bisley (Crown counsel), memorandum responding to submissions regarding additional evidence, 16 September 2024

3.4.2 Sebastian Bisley (Crown counsel), Memorandum of counsel for the Crown regarding submissions on the final GWPS, 21 August 2024
(a) Te Kawa Mataaho, '2024 Government Workforce Policy Statement' (filed by Sebastian Bisley, Crown counsel)

3.4.3 Victoria Tumai and William McMaster (counsel for Wai 892, Wai 2063, Wai 3096, Wai 1886, Wai 2206, Wai 2743, Wai 1531, Wai 2890, Wai 762, Wai 861, Wai 3104, Wai 2394, Wai 1968, Wai 2869, Wai 2671, Wai 2382, Wai 2778 and Wai 2838), memorandum of filing submissions in reply to Crown memorandum, 3 October 2024

3.4.4 Sebastian Bisley (Crown counsel), memorandum in response to submissions by Tāmaki Legal, 15 October 2024

3.4.7 Victoria Tumai and William McMaster (Wai 2063, Wai 3096, Wai 1886, Wai 2206, Wai 2743, Wai 1531, Wai 2890, Wai 762, Wai 861, Wai 3104, Wai 2394, Wai 1968, Wai 2869, Wai 2671, Wai 2382, Wai 2778 and Wai 2838), memorandum in response to Crown memorandum dated 15 October, 18 October 2024

3.4.13 Arnu Turvey (Crown counsel), memorandum providing further discovery documents, 7 November 2024

4 Transcripts and Translations

4.1 Transcripts

4.1.3 National Transcription Service, transcript of urgent hearing (Waitangi Tribunal offices, Wellington, 11 June 2024)

4.1.7 National Transcription Service, transcript of urgent hearing (Waitangi Tribunal offices, Wellington, 10–14 June 2024)

6 Other Papers in Proceedings

6.2 Other documents

6.2.1 'FW: Reo Māori in Ministry Documents: Feedback Submission', email, 5 December 2023

6.2.2 Email: 'Māori Language Commission feedback – FW: Consultation on Draft Government Workforce Policy Statement', 5 February 2024

6.2.3 Email: 'Re: Māori Language – P Request', 6 December 2023

6.2.6 'Status of Te Reo Allowance and its Application – Proposed Talking Points'

6.2.7 Toka Tū Ake, 'Toka Tū Ake EQC Briefing: Name Change Conventions', 17 January 2024

6.2.8 Toka Tū Ake, 'Toka Tū Ake EQC Briefing: Name Change conventions', 1 February 2024

6.2.9 Te Kawa Mataaho, 'Agreement to Lodge the 2024 Government Workforce Policy Statement on Public Sector Employment Relations Cabinet Paper', 16 July 2024

6.2.10 Te Arawhiti, 'Guidelines for Engagement with Māori', [2018]

6.2.11 Te Paepae Motuhake, 'Te Reo Mauriora: Te Arotakenga o Te Rāngai Reo Māori me Te Rautaki Reo Māori: Review of the Māori Language Sector and the Māori Language Strategy', April 2011

6.2.12 Te Puni Kōkiri, 'Te Rautaki Reo Māori/Māori Language Strategy 2014'

6.2.13 Te Mātāwai, 'Maihi Māori 2017–2040'

6.2.16 Waka Kotahi, Letter: 'REF: OIA-12853', 5 July 2023

6.2.17 Waka Kotahi, 'Bilingual Traffic Signage – A Research Note: International Experiences and Outcomes', October 2021

6.2.18 Waka Kotahi, Letter: 'OIA-14235', 9 January 2024

6.2.19 Waka Kotahi, bundle of documents released under the Official Information Act 1982

pp [50]–[51]: Waka Kotahi, 'For Noting – Implementing a Change to English-First Version of Our Name and Logo', 30 November 2023

6.2.20 Waka Kotahi, Letter: 'OIA-14259', 13 February 2024

6.2.21 Waka Kotahi, Official Information Act Responses, 'ELT paper: Implications of New Government Commitments (In-Confidence), Meeting Date: 30/11/2023', February 2024

6.2.22 Te Manatū Waka, Letter: 'Te Manatū Waka Name – OC220497', 7 July 2022

6.2.23 Te Tari Taiwhenua, 'Factsheet: Local Government (Water Services) Bill Overview', December 2024

6.2.24 Office of the Minister for Disability Issues and Office of the Minister of Health, Cabinet paper: 'Disability System Transformation Update', 2022

6.2.25 Te Kawa Mataaho, 'Government Workforce Policy Statement on the Government's Expectations for Employment Relations in the Public Sector', 2021

6.2.27 Letter: Manatū Mō Te Taiao, 'OIAD-721'

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A Documents

A2 Eru Kapa-Kingi, brief of evidence, 13 May 2024

A4 Stanley Rauhui Papa, brief of evidence (te reo Māori), 14 May 2024
(a) Stanley Rauhui Papa, brief of evidence (English), 14 May 2024

A6 Dr Hope Tupara (Wai 2959), brief of evidence, 14 May 2024

A7 William Skipper (Kipa) Munro and Nora Tawhi Rameka, joint brief of evidence (te reo Māori), 17 May 2024
(a) William Skipper (Kipa) Munro and Nora Tawhi Rameka, joint brief of evidence (English), 28 May 2024

A11 Ngawaiata Evans, brief of evidence, 20 May 2024

A13
(a) New Zealand Public Service Association, Results of Survey of Kaimahi Māori Members of Te Pūkenga Here Tikanga Mahi, April 2024

A21 Margaret Shirley Mutu, brief of evidence, 15 May 2024

A28 Coley Roimata Stanley-Kaweroa, brief of evidence, 16 May 2024

A29 Haami Piripi, brief of evidence, 16 May 2024

A32
(a) Rangiamohia Dansey-White, brief of evidence (English), 20 May 2024

A33 Timi Te Po Hohepa, brief of evidence (te reo Māori), 15 May 2024
(a) Timi Te Po Hohepa, brief of evidence (English), 22 May 2024

A34 Rukuwai Allen, brief of evidence, 22 May 2024

A35 Waihoroi Paraone Shortland, brief of evidence, 21 December 2023

A37 Te Ao Marama Maaka, brief of evidence, 14 May 2024

A39 Mere Skerrett, brief of evidence, 15 May 2024

A40 Wayne Ngata, brief of evidence, 16 May 2024

A41 Rāpata Wiri, brief of evidence, 10 May 2024

A42 Alexandra Patricia Ann Chadwick, brief of evidence, 28 May 2024
(a) Bundle of supporting documents to brief of evidence of Alexandra Patricia Ann Chadwick, 7 June 2024
(b) Alexandra Patricia Ann Chadwick, brief of evidence, 28 May 2024

A43 Hannah Mary Cameron, brief of evidence, 28 May 2024
(a) Bundle of supporting documents to brief of evidence of Hannah Mary Cameron, 7 June 2024

A44 Paula Huia Rawiri, brief of evidence, 28 May 2024

A45 Ngahiwi Apanui-Barr, brief of evidence, 28 May 2024

A46 Heather Jane Baggott, brief of evidence, 30 May 2024
(a) Bundle of supporting documents to brief of evidence of Heather Jane Baggot, 7 June 2024

A48 Anne Hancock, brief of evidence in reply, 6 June 2024

A52 Bundle of documents containing Te Arawhiti evidence, 7 June 2024

A53 Bundle of documents containing Te Taura Whiri i te Reo Māori evidence, 7 June 2024

A54 Bundle of documents containing Te Puni Kōkiri evidence, 7 June 2024

A56 Whaikaha, 'Briefing: Public Service Agency Names', 10 June 2024

A58 Te Manatū Waka, 'File Note: Use of Te Reo and/or English for Government Departments', 6 June 2024

A62 Cabinet Economic Policy Committee, minute of decision: 'Local Water Done Well Stage 3: Water Services Regulatory System', 19 June 2024

A63 Office of the Minister of Local Government and Office of the Minister of Commerce and Consumer Affairs, Cabinet paper: 'Local Water Done Well stage 3: water services regulatory system', 23 July 2024

A64 Te Tari Taiwhenua, 'Local Government briefing: Summary of amendments to the Water Services Act and associated legislation in relation to Taumata Arowai's roles and responsibilities', 23 May 2024

A65 Cross-examination bundle of documents filed by claimant counsel, 10 June 2024

A66 Cross-examination bundle of documents filed by Crown counsel, 10 June 2024

DOCUMENTS CITED FROM OTHER RECORDS OF INQUIRY

Wai 26 Record of Inquiry (Māori Language Bill and Broadcasting Corporation Claim)

Huirangi Waikerepuru on behalf of Nga Kaiwhakapumau I Te Reo (Inc), statement of claim for Wai 26, 12 June 1986

Wai 1194 Record of Inuiry (Taumanu Land Claim)

1.1

(c) Colleen Skerrett-White, Te Ariki Morehu and Timitepo Hohepa on behald of Ngāti Te Rangiunuroa who are supported by Ngāti Pikiao, amended statement of claim, 26 January 2024 (also recorded as Wai 2575, 1.1.51 and Wai 1212, 1.1(c))

Wai 2750 Record of Inquiry (Kaupapa Inquiry into Claims concerning Housing Policy and Services)

3.3.51 Cameron Hockly (counsel for Wai 2716), closing submissions, 13 October 2021

Wai 3077 Record of Inquiry (The Te Reo Māori and the Justice System (Rameka) Claim)

3.1.2

(a) Ihipera Peters, Aroha Herewini, Amber Evans and Te Hau Ariki Gardiner-Toi (counsel for Wai 3077), memorandum filed in support of urgency application, 10 January 2024

Wai 3308 Record of Inquiry (Ngāi Te Rangi Coalition Government Urgent Claim)

1.1.1 Charles Tawhiao on behalf of the Ngāi Te Rangi Settlement Trust, its beneficiaries, and the iwi of Ngāi Te Rangi, statement of claim, 11 December 2023

2.5.5 Memorandum-directions of the Deputy Chairperson outlining response and reply filing dates, 14 December 2023

2.5.8 Chief Judge Dr Caren Fox, memorandum-directions of the Presiding Officer concerning process for determining urgency application, 15 February 2024

3.1.1 Mai Chen and Caleb Saunders (counsel for Wai 3308), application for urgency, 11 December 2023

Wai 3349 Record of Inquiry (The Constitutional (Panoho and Kerr) Claim)

1.1.1 Janice Panoho and Georgina Kerr on behalf of kaimahi Māori members of Te Pukenga Here Tikanga Mahi, the New Zealand Public Service Assoication, statement of claim, 24 April 2024