

In Confidence

Office of the Minister of Finance
Office of Te Minita Whanaketanga Māori

Chair, Cabinet Legislation Committee

Government Response to the Report of the Māori Affairs Committee Review briefing on the 2022/23 annual review of Te Aratuku Whakaata Irirangi Māori (Māori Television Service)

Proposal

- 1 This paper seeks approval of the Government's response to the Māori Affairs Committee Report and Review briefing on the 2022/23 annual review of Te Aratuku Whakaata Irirangi Māori (**Māori Television Service**).

Background

- 2 The Māori Affairs Committee (the **Committee**) decided to conduct a review briefing on the annual review of Whakaata Māori for 2022/23. The Committee heard evidence from Whakaata Māori on 15 March and 18 September 2024. The Committee met again on 13 November 2024 to consider the review briefing. The Committee received advice from the Office of the Auditor-General and on 27 November 2024, when it presented its report to the House of Representatives.
- 3 Whakaata Māori is a statutory corporation established under the Māori Television Service (Te Aratuku Whakaata Irirangi Māori) Act 2003 (**the Act**). The principal function of Whakaata Māori is to contribute to the protection and promotion of te reo Māori me ngā tikanga Māori through the provision, in te reo Māori and English, of a high-quality, cost-effective television service that informs, educates, and entertains viewers, and enriches New Zealand's society, culture, and heritage.¹
- 4 Previous reviews have found that the legislation needs updating to enable Whakaata Māori to keep up with the changing media landscape and operate effectively and efficiently across traditional television and digital platforms to deliver content that effectively contributes to te reo revitalisation.
- 5 The proposed response reflects the Government's commitment to the partnership approach to the revitalisation of te reo Māori, which was established by Te Ture mō Te Reo Māori 2016 (**Te Ture**), as it signals a partnership approach with Te Mātāwai.

¹ Māori Television Service (Te Aratuku Whakaata Irirangi Māori) Act 2003, section 8.

The Māori Affairs Committee key points and recommendation

- 6 The Committee report notes that key points raised by Whakaata Māori include:
 - 6.1 largely static core funding since 2008² means that decreases in funding in 2023/24 and 2024/25 present a challenge that has required Whakaata Māori to make changes to its organisation and to continue to review the wider organisation to further reduce costs;
 - 6.2 there will be a significant effect on Whakaata Māori programming as it becomes more selective about the programming it invests in;
 - 6.3 digital innovation is critical, but this is not reflected in legislation or funding for its digital platforms; and
 - 6.4 Whakaata Māori is the only comparable media entity that is required to produce an annual statement of intent covering the next three to five years (other entities are only required to do so every three years), and this requires substantial resources.
- 7 The Committee made one recommendation, that the Government progress a review of the legislation of Whakaata Māori as soon as possible.
- 8 This recommendation was made based on Whakaata Māori raising how its legislation limits it from achieving its purpose to protect and promote te reo Māori me ngā tikanga Māori.
- 9 The Committee considers the legislation of Whakaata Māori requires modernisation to better support its use of digital platforms where it considers that those platforms are the best way to deliver on its purpose.
- 10 The Committee considers the reporting requirements in the legislation should be changed because the requirement for an annual statement of intent is inconsistent with similar entities, is too stringent, and is an inefficient way to use the organisation's limited resources.

Government response to the Māori Affairs Committee recommendation

- 11 We propose that the response states that Government:
 - 11.1 acknowledges the importance of the legislation under which Whakaata Māori operates being fit for purpose given the evolving media landscape;

² The Committee's report states "Whakaata Māori has not had an increase in baseline funding since 2008", however, in Budget 2016, Whakaata Māori received an ongoing operational funding increase of \$2.653m per annum for technology (high-definition upgrade) and operations.

- 11.2 proposes to consider the Committee's recommendation in the context of the policy work currently under way in partnership with Te Mātāwai and with the other Māori language entities. This work is considering the shifts needed in the Māori language sector to achieve high impact outcomes for te reo Māori revitalisation, which is anticipated to be concluded by Te Puni Kōkiri and Te Mātāwai by Hūrae 2025; and
- 11.3 acknowledges that when modernising the legislation, consideration would be given to the impact of digital and emerging technologies, changing audience preferences and the purpose of Whakaata Māori to preserve, protect and promote te reo Māori me ngā tikanga Māori.

Timing and process of the Government response

- 12 The Government response must be presented to the House by 17 March 2025 to ensure compliance with Standing Order 256.
- 13 This response is provided jointly from the Minister for Māori Development and the Minister of Finance, because of our joint responsibilities for Whakaata Māori set out in the Act.

Consultation

- 14 The following departments and agencies have been consulted on the proposed Government response: the Treasury, Te Mātāwai and Whakaata Māori.

Financial implications

- 15 There are no immediate financial implications for the proposals in this paper. Any future funding decisions will need to be considered through future Budget processes and decisions. Costs and resourcing associated with the policy work under way and any related future work will be met from within the baselines of Te Puni Kōkiri.

Treaty of Waitangi implications

- 16 Government commitment to revitalising te reo Māori is a Te Tiriti o Waitangi/the Treaty of Waitangi (**the Treaty**) obligation through te reo Māori being a taonga under Article II, and by way of the principle of active protection.
- 17 Whakaata Māori was established to recognise this obligation of the Crown and Māori to preserve, protect, and promote te reo Māori. Whakaata Māori is therefore located on the Kāwanatanga and Partnership axes of Te Tautuhi-ō-Rongo, as it is a key element of the relationship between the Crown and Māori as citizens who are audiences of Whakaata Māori, and

the relationship between the Crown and Iwi/Hapū (through the role of Te Mātāwai in relation to Whakaata Māori).³

- 18 Considering the Committee's recommendation in the context of the policy work currently under way in the Māori language sector will ensure a consistent approach to achieving high impact outcomes for language revitalisation.
- 19 The proposed response would signal openness to reviewing legislation to ensure that Whakaata Māori can continue to function efficiently and deliver on its purpose to protect and promote te reo Māori me ngā tikanga Māori and support te reo revitalisation for Māori as citizens, through helping to shape high-level public perceptions and reaching into homes and communities.
- 20 The proposed response reflects the Government's commitment to the partnership approach to the revitalisation of te reo Māori, which was established by Te Ture mō Te Reo Māori 2016 (**Te Ture**). It signals that any review would be based on the work being carried out in partnership with Te Mātāwai. Te Mātāwai would need to be consulted before any review, as required by the Act. This is consistent with the relationship between the Crown and Iwi/Hapū signalled in Te Tautuhi-ō-Rongo.

Publicity

- 21 There is no planned publicity for this Cabinet paper or Government response.

Proactive Release

- 22 This paper will be released proactively in whole or part within 30 business days of final decisions being made.

Recommendations

- 23 We recommend that the Cabinet Legislation Committee:
 - 1 note that on 27 November 2024 the Māori Affairs Committee presented its report to the House entitled "Review briefing on the 2022/23 annual review of Te Aratuku Whakaata Irirangi Māori (Māori Television Service)";
 - 2 note that the Māori Affairs Committee recommended that the Government progress a review of the legislation of Whakaata Māori as soon as possible;

³ Te Tautuhi-ō-Rongo is a Māori Public Policy Framework that is underpinned by a positive reading of the Treaty. The Framework assists with a modern application of the Treaty, creating the environment to better understand who will be affected by policy and how to deliver better outcomes.

- 3 note that any review of legislation would best be considered alongside the Minister for Māori Development's work considering the shifts needed to achieve high impact outcomes for language revitalisation in the Māori language sector. This work is being carried out in partnership with Te Mātāwai and with the other Māori language entities;
- 4 approve the Government response, attached to this submission, to the Report of the Māori Affairs Committee entitled "Review briefing on the 2022/23 annual review of Te Aratuku Whakaata Irirangi Māori (Māori Television Service)";
- 5 note that the Government response must be presented to the House of Representatives by 17 March 2025; and
- 6 invite the Minister of Finance and the Minister for Māori Development and to present the Government response to the House of Representatives in accordance with Standing Order 256.

Authorised for lodgement

Hon Nicola Willis
Minister of Finance

Hon Tama Potaka
Te Minita Whanaketanga Māori