

Māori Language (Te Reo Māori) Bill

Government Bill

Explanatory note

General policy statement

Successive Governments have accepted that the Māori language is a taonga guaranteed to iwi and Māori people by the Treaty of Waitangi, and that the Crown has an enduring responsibility to take active steps to support its growth and development (*see* CAB (97) M34/5b).

A range of programmes and services have been developed across Government to support the Māori language. Within the Māori Affairs portfolio, Te Taura Whiri i te Reo Māori was established in 1987 to give effect to the status of Māori as an official language of New Zealand, and, to promote the use of the Māori language (through the Māori Language Act 1987), Te Māngai Pāho was established in 1993 to promote the Māori language and culture through providing funding for Māori radio and television broadcasting (through the Broadcasting Amendment Act 1993), and the Māori Television Service was established in 2003 to promote the Māori language through the provision of a television service (through the Māori Television Service (Te Aratuka Whakaata Irirangi Māori) Act 2003).

The Government's Māori Language Strategy (MLS) was initially developed in 1998 to ensure that Māori language programmes and services were being directed towards agreed outcomes and target populations. It identified the Māori language programmes and services

that were being delivered at that time, and established mechanisms to support co-ordination across budget votes and agencies. The MLS was revised and further updated in 2003.

Recent reviews have highlighted various aspects of the MLS that would benefit from further development. An independent 7-person panel selected by the Minister of Māori Affairs undertook a review of the MLS and Māori language sector and presented its findings in its report *Te Reo Mauriora* in April 2011. Recommendations in the report included—

- that a board known as Te Mātāwai be established to provide direction on all matters pertaining to the Māori language; and
- that re-establishing te reo in homes is the key requirement for Māori language revitalisation; and
- that the future implementation of the revitalisation strategy be led by iwi.

The Waitangi Tribunal considered Māori language issues as part of its WAI 262 (Flora, Fauna, Cultural and Intellectual Property claim) inquiry. It released a provisional chapter in its report *Ko Aotearoa Tēnei* that focused on Crown–Māori relationships in terms of the Māori language, and included an overall assessment of the 2003 MLS in this light. Key themes in the recommendations of this provisional chapter included—

- the development of stronger Crown–Māori relationships (for example, the Waitangi Tribunal recommended that the Māori Language Commission be reconstituted as a Crown–Māori partnership); and
- an enhanced role for iwi in language planning and implementation.

After consideration of these reports, and further consultation with key Māori language stakeholders, the Government has agreed to a number of proposals to revise the MLS, including to—

- affirm that the Māori language is a taonga of iwi and Māori, and that iwi and Māori are the kaitiaki of the Māori language; and
- establish an independent entity, Te Mātāwai, to provide leadership on behalf of iwi and Māori regarding the health of the Māori language; and

- provide for iwi and Māori language stakeholder organisations to appoint 10 members to Te Mātāwai, and for the Crown to appoint 2 members; and
- transfer responsibility and oversight for Te Taura Whiri i te Reo Māori and Te Māngai Pāho from the Crown to Te Mātāwai; and
- disestablish Te Pūtahi Paoho and transfer its functions to Te Mātāwai.

This Bill would give effect to these proposals. Other aspects of the MLS can be implemented without legislative changes.

This Bill repeals the Māori Language Act 1987 and Part 4A of the Broadcasting Act 1989, but strengthens and clarifies provisions from the Māori Language Act 1987 relating to—

- the status of the Māori language as an official language of New Zealand; and
- the right to speak Māori in legal proceedings; and
- the granting of certificates of competency in the Māori language.

This Bill amends the Māori Television Service (Te Aratuka Whakaata Irirangi Māori) Act 2003 to disestablish Te Pūtahi Paoho and to transfer its functions, duties, assets, and liabilities to Te Mātāwai. It also amends the Crown Entities Act 2004 by removing Te Taura Whiri i te Reo Māori (Māori Language Commission) and Te Reo Whaka-puaki Irirangi (Māori Broadcasting Funding Agency) from Part 2 of Schedule 1 of that Act.

Departmental disclosure statement

Te Puni Kōkiri is required to prepare a disclosure statement to assist with the scrutiny of this Bill. The disclosure statement provides access to information about the policy development of the Bill and identifies any significant or unusual legislative features of the Bill.

A copy of the statement can be found at <http://legislation.govt.nz/disclosure.aspx?type=bill&subtype=government&year=2014&no=228&>.

Regulatory impact statement

Te Puni Kōkiri produced a regulatory impact statement on 14 May 2014 to help inform the main policy decisions taken by the Government relating to the contents of this Bill.

A copy of this regulatory impact statement can be found at—

- <http://www.tpk.govt.nz/en/consultation/mls>
- <http://www.treasury.govt.nz/publications/informationreleases/ris>

Clause by clause analysis

Clause 1 is the Title clause, providing for either the English Title or Māori Title to be cited.

Clause 2 provides that the Bill comes into force on the day after the date on which it receives the Royal assent.

Part 1

Preliminary provisions

Clause 3 sets out the purpose of the Bill.

Recognition of Māori language

Clause 4 declares that the Māori language is a taonga of which iwi and Māori are the kaitiaki.

Clause 5 declares that the Māori language continues to be an official language of New Zealand.

Clause 6 provides for the right to speak Māori in legal proceedings. This provision is carried forward from the Māori Language Act 1987.

Clause 7 sets out the principles that are to apply to government departments when exercising functions and powers. These relate to consultation obligations, the use of the Māori language in promoting government services to the public of New Zealand and disseminating information, and making government services and information accessible to iwi and Māori.

Interpretation and other matters

Clause 8 sets out the definitions of terms used in the Bill, *clause 9* provides that the Bill when enacted will bind the Crown, and *clause 10* provides an outline of the Bill and its schedules.

Part 2
Te Mātāwai*Establishment, powers, and purpose*

Clause 11 establishes Te Mātāwai as an independent statutory entity, with the status of a body corporate and the powers necessary to exercise its functions. It is declared to be a public authority for the purpose of the Inland Revenue Acts, unless those Acts provide otherwise.

Clause 12 sets out the purpose of Te Mātāwai, which is to act on behalf of iwi and Māori in respect of the health and well-being of the Māori language, to give leadership through its oversight and direction of Te Taura Whiri, Te Māngai Pāho, and, jointly with the Minister of Māori Affairs and Minister of Finance, the Māori Television Service. A further purpose of Te Mātāwai is to give effect, through its relationship with the Minister of Māori Affairs, to the relationship of the Crown and Māori contemplated by the Treaty of Waitangi in respect of the Māori language.

Functions

Clause 13 sets out the functions of Te Mātāwai. These include its functions in respect of Te Taura Whiri, Te Māngai Pāho, and the Māori Television Service.

Appointments to Te Mātāwai

Clauses 14 to 16 provide for appointments to be made to the membership of Te Mātāwai and for the appointment of a chief executive by Te Mātāwai. Further provisions for these matters are included in *Schedule 4*.

*Requirements for statement of strategic
direction and annual report*

Clause 17 requires Te Mātāwai to prepare and publish a statement of its strategic direction and operating intentions.

Subclause (1) requires the statement to be prepared and published not later than 20 July each year.

Subclause (2) requires that the statement cover the next 3 financial years.

Subclause (3) requires Te Mātāwai to consult the Minister of Māori Affairs before publishing the statement.

Subclause (4) provides for the first statement.

Clause 18 prescribes the contents of a statement of strategic direction, including—

- the objectives, outcomes, and impacts that Te Mātāwai seeks to achieve or contribute to:
- how Te Mātāwai intends to perform its functions and conduct its operations to achieve those objectives, outcomes, and impacts:
- how Te Mātāwai intends to manage the performance and ensure the capability of its organisation:
- the main financial and non-financial measures and standards by which the future performance of Te Mātāwai may be judged.

Clause 19 requires Te Mātāwai to prepare an annual report for each financial year.

Subclause (1) requires annual reports to cover—

- its operations and financial position for that year:
- its oversight of Te Taura Whiri, Te Māngai Pāho, and the board of the Māori Television Service:
- the operations and financial position of Te Taura Whiri and Te Māngai Pāho.

Subclause (2) requires Te Mātāwai to provide its annual report to the Minister as soon as is reasonably practicable after receiving the audit report required by *clause 21*.

Subclause (3) requires the annual reports to be presented to the House of Representatives.

Clause 20 prescribes the contents of Te Mātāwai's annual reports, including—

- the information necessary to enable an informed assessment to be made of the operations and performance of Te Mātāwai, Te Taura Whiri, and Te Māngai Pāho:
- a statement of service performance for Te Mātāwai, Te Taura Whiri, and Te Māngai Pāho:
- the annual financial statements for Te Mātāwai, Te Taura Whiri, and Te Māngai Pāho:
- a statement of responsibility to accompany the financial report.

Clause 21 relates to Te Mātāwai's annual audit report carried out by the Auditor-General.

Part 3

Te Māngai Pāho, Te Taura Whiri, and Māori Television Service

Establishment of Te Taura Whiri and Te Māngai Pāho

Clause 22 continues Te Taura Whiri i te Reo Māori (the Māori Language Commission) as a new entity, Te Taura Whiri, removing its status as a Crown entity, and providing that it is responsible to Te Mātāwai. The assets and liabilities of the former Crown entity continue to be those of the entity created by this clause.

Clause 23 continues Te Reo Whakapuaki Irirangi (the Māori Broadcasting Funding Agency) as a new entity, Te Māngai Pāho, removing its status as a Crown entity and providing that it is responsible to Te Mātāwai. The assets and liabilities of the former Crown entity continue to be those of the entity created by this clause.

Clause 24 disestablishes Te Pūtahi Paoho, the entity established by section 12 of the Māori Television Service (Te Aratuku Whakaata Irirangi Māori) Act 2003. The functions and duties of that entity, and its assets and liabilities, become those of Te Mātāwai. *Subclause (4)* makes provision for the taxation status of those assets and liabilities.

Functions and powers

Clauses 25 and 26 set out the functions and powers of Te Taura Whiri and Te Māngai Pāho. These are essentially carried over from, re-

spectively, the Māori Language Act 1987 and Part 4A of the Broadcasting Act 1989. Te Taura Whiri continues to have its policy and operational roles in relation to the Māori language, including responsibility for certifying translators and interpreters. Te Māngai Pāho continues to have the role of making funding available for broadcasting and related activities.

Appointments

Clause 27 provides for appointments to Te Taura Whiri (5 persons), Te Māngai Pāho (5 persons), and the board of the Māori Television Service (4 persons). *Clause 28* provides for the appointment of a chief executive by each of Te Taura Whiri and Te Māngai Pāho.

Accountability requirements for Te Taura Whiri and Te Māngai Pāho

Clause 29 relates to statements of intent.

Subclause (1) requires Te Taura Whiri and Te Māngai Pāho to prepare and provide a statement of intent for each financial year. The entities must provide their statements to Te Mātāwai.

Subclause (2) provides that the purpose of the statements of intent is to provide information about the entities' operating models for delivery of programmes and services.

Subclause (3) requires Te Mātāwai to publish the approved statements of intent no later than 20 July in the year in which they are received.

Clause 30 relates to quarterly and annual reports.

Subclause (1) requires each entity to prepare and provide to Te Mātāwai quarterly and annual reports in accordance with any direction given by Te Mātāwai.

Subclause (2) requires each annual report to include the relevant audit report.

Subclause (3) provides that the purpose of the quarterly and annual reports is to provide information about the delivery of each entity's programmes and services during the reporting period.

Clause 31 provides for the appointment of up to 2 Crown advisers to each entity.

Subclause (1) describes the circumstances in which the Minister may appoint Crown advisers. The circumstances are—

- the entity not fulfilling, or being unlikely to fulfil, its commitments in its purchase agreement with Te Puni Kōkiri;
- the erosion of public confidence through acts or omissions by or on behalf of the entity;
- the entity's chairperson requesting that a Crown adviser be appointed.

Subclause (2) requires the entities to provide assistance to, and comply with reasonable requests from, the Crown advisers.

Subclause (3) enables the Minister to direct a Crown adviser to investigate and report on matters affecting either entity or both entities.

Clause 32 provides for the Minister to appoint statutory managers in appropriate circumstances.

Subclause (1) enables the Minister to appoint a statutory manager, after consulting Te Mātāwai, to take over the management of Te Taura Whiri or Te Māngai Pāho.

Subclause (2) provides that the circumstances in which a statutory manager can be appointed include the following:

- the entity has failed or is likely to significantly fail to fulfil its commitments in its purchase agreement with Te Puni Kōkiri;
- there are sufficient grounds to investigate whether a criminal offence has been or is being committed by the entity, any member of the entity, or any of the entity's staff;
- the entity has requested that a statutory manager be appointed.

Subclause (3) provides for the entity's functions, powers, and duties to vest in the statutory manager, although the statutory manager can allow the entity to perform or exercise functions, powers, and duties.

Subclauses (4) and (5) require the statutory manager to report to the Minister on the duties undertaken as statutory manager, and the Minister to present the report to the House of Representatives.

Part 4

Miscellaneous matters

Review of this Act

Clause 33 requires the Minister of Māori Affairs to review the Act after the end of the first 3-year period after the commencement of the Bill.

Application of other Acts

Clause 34 applies the Ombudsmen Act 1975 and the Official Information Act 1982 to Te Taura Whiri and Te Māngai Pāho, and *clause 35* applies the Public Audit Act 2001 to those entities.

Transitional, repeal, and amendment provisions

Clauses 36 to 40 provide for the transitional, savings, and related provisions set out in *Schedule 1*, the repeal of the Māori Language Act 1987, the amendment of the Broadcasting Act 1989, the amendment of the Māori Television Service (Te Aratuku Whakaata Irirangi Māori) Act 2003 in the manner set out in *Schedule 7*, and the amendment of other enactments as set out in *Schedule 8*.

Hon Pita Sharples

Māori Language (Te Reo Māori) Bill

Government Bill

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The Parliament of New Zealand enacts as follows:

1 Title

- (1) This Act is the Māori Language (Te Reo Māori) Act **2014**.

- (2) The Act may also be cited as—
- (a) Te Reo Māori Act 2014; or
 - (b) the Māori Language Act 2014.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent. 5

Part 1

Preliminary provisions

3 Purpose of this Act

- (1) This Act— 10
- (a) replaces the Māori Language Act 1987; and
 - (b) amends the Broadcasting Act 1989; and
 - (c) amends the Māori Television Service (Te Aratuku Whakaata Irirangi Māori) Act 2003.
- (2) The purpose of these changes is to affirm the status of the Māori language as a taonga of iwi and Māori and an official language of New Zealand by— 15
- (a) establishing Te Mātāwai as an independent statutory entity to provide leadership on behalf of iwi and Māori in their role as kaitiaki of the Māori language; and 20
 - (b) in support of that role, providing for the roles of Te Taura Whiri i te Reo Māori and Te Māngai Pāho under the leadership of Te Mātāwai.

Recognition of Māori language

4 Recognition of Māori language as taonga 25

- (1) The Māori language is a taonga of iwi and Māori.
- (2) Iwi and Māori are the kaitiaki of the Māori language.

5 Māori language is an official language of New Zealand

The Māori language is, and continues to be, an official language of New Zealand. 30

6 Right to speak Māori in legal proceedings

- (1) In any legal proceedings, the following persons may speak Māori, whether or not they are able to understand or communicate in English or any other language:
- (a) any member of the court, tribunal, or other body before which the proceedings are being conducted: 5
 - (b) any party or witness:
 - (c) any counsel:
 - (d) any other person with leave of the presiding officer.
- (2) The right conferred by **subsection (1)** to speak Māori does not— 10
- (a) entitle any person referred to in that subsection to insist on being addressed or answered in Māori; or
 - (b) entitle any person referred to in that subsection, other than the presiding officer, to require the proceedings or any part of them to be recorded in Māori. 15
- (3) If a person intends to speak Māori in any legal proceedings, the presiding officer must ensure that a competent interpreter is available.
- (4) If, in any proceedings, any question arises as to the accuracy of any interpreting from Māori into English or from English into Māori, the question must be determined by the presiding officer in any manner that the presiding officer thinks fit. 20
- (5) Rules of court or other appropriate rules of procedure may be made requiring any person intending to speak Māori in legal proceedings to give reasonable notice of that intention, and generally regulating the procedure to be followed if Māori is, or is to be, spoken in those proceedings. 25
- (6) Rules of court or other appropriate rules of procedure may make failure to give the required notice a relevant consideration in relation to an award of costs, but no person may be denied the right to speak Māori in any legal proceedings because of that failure. 30

7 Principles

- (1) As far as is reasonably practicable, a government department should, when exercising its functions and powers, be guided by the following principles: 35

- (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: 5
 - (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).
- (2) These principles do not confer on any person any legal right that is enforceable in a court of law. 10
- (3) Consultation by a government department under **subsection (1)(a)** is to be carried out by the chief executive of the government department consulting, to the extent that is reasonably practicable, with the persons or organisations that the chief executive considers to be representative of the interests of iwi and Māori. 15

Interpretation and other matters

8 Interpretation

In this Act, unless the context otherwise requires,— 20

assets and liabilities—

- (a) means the assets and liabilities of Te Taura Whiri, Te Māngai Pāho, or Te Pūtahi Paoho, as the case may be, that the entity owned, controlled, or held, wholly or in part, immediately before the commencement of this Act; and 25
- (b) includes—
 - (i) all assets of any kind, whether in the form of real or personal property, money, shares, securities, rights, or interests; and 30
 - (ii) all liabilities, including debts, charges, duties, contracts, or other obligations (whether present, future, actual, contingent, payable, or to be observed or performed in New Zealand or elsewhere) 35

board means the governing body of the Māori Television Service appointed under section 18 of the Māori Television Service (Te Aratuku Whakaata Irirangi Māori) Act 2003

broadcasting has the meaning given in section 2(1) of the Broadcasting Act 1989

5

certificate of competency and **certificate** mean a certificate of competency in the Māori language issued under this Act by Te Taura Whiri

government department means a government department named in Schedule 1 of the State Sector Act 1988

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Inland Revenue Acts has the meaning given in section 3(1) of the Tax Administration Act 1994

interpretation, in relation to the Māori language, means—

(a) the oral expression in English of words spoken in Māori; and

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(b) the oral expression in Māori of words spoken in English

iwi and Māori means either or both of the following:

(a) 1 or more of the iwi listed in **Schedule 3**:

(b) Māori people generally

kaitiaki means guardian

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legal proceedings means—

(a) proceedings before a court or tribunal named in **Schedule 2**; and

(b) proceedings before a Coroner; and

(c) proceedings to inquire into and report on any matter of particular interest to iwi and Māori before—

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(i) an inquiry to which section 6 of the Inquiries Act 2013 applies; or

(ii) a tribunal or other body that has any of the powers of a commission of inquiry under any other enactment; or

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(iii) a commission of inquiry under the Commissions of Inquiry Act 1908

Māori Language Strategy means a statement prepared and published from time to time by the Government that sets out government objectives, policies, and related matters about the Māori language

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Minister means the Minister of Māori Affairs

presiding officer, in relation to any legal proceedings, means the Judge or other person who is presiding over the proceedings

selection group means a group formed in accordance with **clause 2 of Schedule 4** for the purpose of nominating persons to be members of Te Mātāwai 5

Te Māngai Pāho means the statutory body continued by **section 23**

Te Mātāwai means the entity established by **section 11**

Te Puni Kōkiri means the Ministry of Māori Development 10

Te Reo Tukutuku means the Māori language stakeholder group consisting of the following organisations:

- (a) Te Kōhanga Reo National Trust; and
- (b) Te Rūnanga Nui o Ngā Kura Kaupapa Māori o Aotearoa; and 15
- (c) Te Ringa Raupā o ngā Kura-a-Iwi; and
- (d) Te Tauihu o Ngā Wānanga; and
- (e) Te Ātaarangi; and
- (f) Te Whakaruruhau o ngā Reo Irirangi Māori o Aotearoa; and 20
- (g) Ngā Aho Whakaari; and
- (h) Ngā Kaiwhakapūmau i te Reo Māori; and
- (i) Māori Women's Welfare League Incorporated; and
- (j) Te Huarahi Tika Trust

Te Taura Whiri i te Reo Māori and **Te Taura Whiri** means the statutory body continued by **section 22** 25

translation, in relation to the Māori language, means the written expression in English of words written in Māori and the written expression in Māori of words written in English.

9 Act binds the Crown 30
This Act binds the Crown.

10 Outline of Act

- (1) This section is a guide to the general scheme and effect of this Act, but does not affect its interpretation or application.
- (2) **Part 1** provides for recognition of the Māori language as a taonga of which iwi and Māori are the kaitiaki. It affirms the 35

- status of the Māori language as a taonga of iwi and Māori, states that the Māori language is and continues to be an official language of New Zealand, and confirms that it may be used in legal proceedings. This Part also provides that this Act binds the Crown and sets out the definitions of terms used in this Act. 5
- (3) **Part 2** establishes Te Mātāwai as an independent statutory entity, provides for its functions, and prescribes its reporting obligations.
- (4) **Part 3** provides for the establishment of Te Taura Whiri and Te Māngai Pāho and sets out the functions of each and their accountability to Te Mātāwai. It also provides for the disestablishment of Te Pūtahi Paoho and for Te Mātāwai to assume the functions of Te Pūtahi Paoho. 10
- (5) **Part 4** provides for—
- (a) the review of the Act by the Minister after 3 years, and the repeal of the Māori Language Act 1987 and of Part 4A of the Broadcasting Act 1989; and 15
- (b) the removal of Te Taura Whiri i te Reo Māori (the Māori Language Commission) and Te Reo Whakapuaki Iri-rangi (the Māori Broadcasting Funding Agency) from Part 2 of Schedule 1 of the Crown Entities Act 2004; and 20
- (c) the application of the Ombudsmen Act 1975, the Official Information Act 1982, and the Public Audit Act 2001 and the schedules that set out transitional provisions and consequential amendments. 25
- (6) There are 8 schedules, setting out,—
- (a) in **Schedule 1**, transitional, savings, and related provisions;
- (b) in **Schedule 2**, the courts and tribunals before which Māori may be spoken: 30
- (c) in **Schedule 3**, the 7 regional clusters of iwi;
- (d) in **Schedule 4**, further provisions relating to the entities, their chairpersons, and members or directors;
- (e) in **Schedule 5**, the provisions relating to the issuing of certificates of competency in the Māori language: 35
- (f) in **Schedule 6**, provisions applying to Te Māngai Pāho;
- (g) in **Schedule 7**, amendments to the Māori Television Service (Te Aratuku Whakaata Irirangi) Act 2003:

- (h) in **Schedule 8**, consequential amendments to other Acts.

Part 2 Te Mātāwai

Establishment, powers, and purpose 5

- 11 Te Mātāwai established** 10
- (1) Te Mātāwai is established as an independent statutory entity.
- (2) Te Mātāwai is a body corporate with perpetual succession.
- (3) For the purpose of performing its functions under this Act, Te Mātāwai—
- (a) has full capacity to undertake any business or activity, do any act, or enter into any transaction; and
- (b) for the purposes of **paragraph (a)**, has full rights, powers, and privileges.
- (4) **Subsection (3)** applies subject to the provisions of this Act, any other enactment, and the general law. 15
- (5) Te Mātāwai is a public authority for the purpose of the Inland Revenue Acts, unless either of those Acts or this Act provides otherwise.
- 12 Purpose of Te Mātāwai** 20
- The purpose of Te Mātāwai is to act on behalf of iwi and Māori—
- (a) to provide leadership regarding the health and well-being of the Māori language; and
- (b) to give practical effect to that leadership through its oversight and direction of—
- (i) Te Taura Whiri; and
- (ii) Te Māngai Pāho; and
- (iii) in conjunction with the Minister of Māori Affairs and the Minister of Finance, the Māori Television Service; and 30
- (c) to give effect, through its association with the Minister of Māori Affairs, to the relationship of the Crown with iwi and Māori contemplated by the Treaty of Waitangi in relation to the Māori language. 35

*Functions***13 Functions of Te Mātāwai**

- (1) The functions of Te Mātāwai are,—
- (a) after consulting the Minister and, at its sole discretion, groups that it considers appropriate, to prepare and publish its statement of strategic direction and operating intentions in accordance with **section 17**: 5
 - (b) to provide expert advice to the Minister of Māori Affairs on issues relating to the Māori language, including advice on reviewing and developing the Māori Language Strategy on a 3-yearly cycle: 10
 - (c) to make independent comment, as it sees fit, on Māori language policy:
 - (d) to appoint, reappoint, and remove any or all of the members of Te Taura Whiri or Te Māngai Pāho: 15
 - (e) to give directions to Te Taura Whiri and Te Māngai Pāho on their obligations under this Act:
 - (f) to affirm the services to be delivered by Te Taura Whiri and Te Māngai Pāho (but not in relation to specific funding decisions): 20
 - (g) to negotiate and confirm contracts with the Crown for the purchase and delivery, from Te Māngai Pāho and Te Taura Whiri, of Māori language programmes and services that align with the Māori Language Strategy:
 - (h) to appoint, reappoint, and remove 4 of the 7 directors of the board of the Māori Television Service: 25
 - (i) jointly with the Minister of Finance and the Minister of Māori Affairs,—
 - (i) to exercise leadership and oversight of the Māori Television Service under the Māori Television Service (Te Aratuku Whakaata Irirangi Māori) Act 2003: 30
 - (ii) to confirm the statement of intent of the Māori Television Service:
 - (j) to manage the spectrum management rights under the Māori Television Service (Te Aratuku Whakaata Irirangi Māori) Act 2003: 35

- (k) all other functions undertaken by Te Pūtahi Paoho under the Māori Television Service (Te Aratuku Whakaata Iri-rangi Māori) Act 2003:
- (l) other functions conferred on Te Mātāwai by this Act or any other enactment. 5
- (2) Despite anything in **subsection (1)**, Te Mātāwai must not direct Te Māngai Pāho, the Māori Television Service, or any other broadcaster or programme maker in respect of—
 - (a) a specific programme; or
 - (b) the gathering or presentation of news; or 10
 - (c) the preparation or presentation of current affairs programmes; or
 - (d) any specific funding decisions or contractual arrangements.

Appointments to Te Mātāwai 15

14 Membership of Te Mātāwai

- (1) Te Mātāwai has 12 members, to be appointed as follows:
 - (a) 7 members, 1 by each of the 7 clusters of iwi listed in **Schedule 3**; and
 - (b) 3 members, by Te Reo Tukutuku; and 20
 - (c) 2 members, by the Minister on behalf of the Crown.
- (2) Before appointments are made under **subsection (1)(a) or (b)**, nominations must be made to the selection groups, as required by **clause 2 of Schedule 4**.
- (3) If, for any reason, an appointment cannot be made under **subsection (1)(a) or (b)** within a reasonable period of time, the Minister may make the appointment. 25
- (4) The Minister must, in making appointments under **subsection (1)(c)**, consider the need for Te Mātāwai to have a membership with the appropriate mix of knowledge, skills, and experience to assist Te Mātāwai to achieve its objectives and perform its functions. 30
- (5) Te Mātāwai must determine its own procedure for appointing, and make the appointment of, 1 of its members to be its chairperson and another to be its deputy chairperson. 35
- (6) **Schedule 4** applies to the members appointed under this section.

15 Matters relevant to appointment decisions

In making nominations for membership, and appointing members, of Te Mātāwai, each selection group—

- (a) must consider the purpose and functions of Te Mātāwai; and 5
- (b) must not be directed by any body or group but may seek advice from any person or body that the selection group considers appropriate; and
- (c) must not appoint persons who would be disqualified under section 30 of the Crown Entities Act 2004. 10

16 Appointment of chief executive

- (1) Te Mātāwai must appoint a chief executive.
- (2) The person appointed as the chief executive of Te Mātāwai must not be a member of Te Mātāwai.
- (3) Te Mātāwai— 15
 - (a) must determine the chief executive's terms and conditions of employment, in consultation with the State Services Commission:
 - (b) must operate a good employer personnel policy as provided for in **clause 35 of Schedule 4**. 20

Requirements for statement of strategic direction and annual report

17 Statement of strategic direction

- (1) Te Mātāwai must, not later than 20 July each year, prepare and publish a statement of— 25
 - (a) its strategic direction; and
 - (b) its operating intentions.
- (2) The statements required by **subsection (1)** must relate to the 3 financial years immediately following the date of the statement. 30
- (3) Te Mātāwai must consult the Minister of Māori Affairs about the content of a statement of strategic direction and operating intentions before publishing the statement.
- (4) As soon as practicable after the commencement of this section, Te Mātāwai must comply with **subsections (1) to (3)** as if 35 that date were the start of its first financial year.

18 Contents of strategic direction

The statement of strategic direction and operating intentions to be prepared by Te Mātāwai must contain the following information for the full period to which it relates:

- (a) background information about Te Mātāwai and its operating environment; and 5
- (b) the nature and scope of Te Mātāwai's functions and intended operations; and
- (c) in specific terms, the objectives, outcomes, and impacts that Te Mātāwai seeks to achieve or contribute to; and 10
- (d) how Te Mātāwai intends to perform its functions and conduct its operations to achieve those objectives, outcomes, and impacts; and
- (e) how Te Mātāwai intends to manage the performance and ensure the capability of its organisation; and 15
- (f) the main financial and non-financial measures and standards by which its future performance may be judged.

19 Annual report

- (1) Te Mātāwai must, as soon as practicable after the end of each financial year, prepare a report for that year on— 20
 - (a) its operations and financial position for that year; and
 - (b) its oversight of Te Taura Whiri, Te Māngai Pāho, and the board of the Māori Television Service; and
 - (c) the operations and financial position of Te Taura Whiri and Te Māngai Pāho. 25
- (2) Te Mātāwai must provide its annual report to the Minister as soon as is reasonably practicable after receiving the audit report required by **section 21**.
- (3) The Minister must present the annual report to the House of Representatives as soon as is reasonably practicable after receiving it from Te Mātāwai or, if Parliament is not in session, as soon as possible after the commencement of the next session of Parliament. 30

20 Contents of annual report

35

The annual report prepared by Te Mātāwai must contain the following information in respect of Te Mātāwai, Te Taura

Whiri, and Te Māngai Pāho for the financial year to which the report relates:

- (a) the information necessary to enable an informed assessment to be made of the operations and performance of Te Mātāwai, Te Taura Whiri, and Te Māngai Pāho, including an assessment of the performance of each against the intentions, measures, and standards set out in the statement of strategic direction and operating intentions prepared at the beginning of the financial year; and 5 10
- (b) a statement of service performance for Te Mātāwai, Te Taura Whiri, and Te Māngai Pāho; and
- (c) the annual financial statements for Te Mātāwai, Te Taura Whiri, and Te Māngai Pāho; and
- (d) a statement of responsibility to accompany the financial report; and 15
- (e) the audit reports for Te Mātāwai, Te Taura Whiri, and Te Māngai Pāho; and
- (f) a report on the total value of remuneration and other benefits provided to each member of Te Mātāwai, Te Taura Whiri, and Te Māngai Pāho during the financial year; and 20
- (g) a statement of compliance with the policy of being a good employer; and
- (h) a report on the number of employees of Te Mātāwai, Te Taura Whiri, and Te Māngai Pāho receiving remuneration and other benefits in their capacity as employees the total value of which exceeds \$100,000 per year, and the number of employees in brackets of \$10,000 in remuneration and other benefits. 25 30

21 Audit report

- (1) Te Mātāwai must forward to the Auditor-General,—
 - (a) within 3 months after the end of each financial year, its annual financial statements, statement of service performance, and any other information that the Auditor-General has agreed, or is required, to audit; and 35

- (b) its annual report in a timely manner to enable the Auditor-General to review that report before providing the audit report required under **subsection (2)(b)**.
- (2) The Auditor-General must—
 - (a) audit the statements referred to in **subsection (1)(a)**; 5
and
 - (b) provide an audit report on them to Te Mātāwai within 4 months after the end of each financial year.

Part 3

Te Māngai Pāho, Te Taura Whiri, and Māori Television Service 10

Establishment of Te Taura Whiri and Te Māngai Pāho

- 22 Establishment of Te Taura Whiri 15**
- (1) Te Taura Whiri i te Reo Maori (the Māori Language Commission), established by section 6 of the Māori Language Act 1987, is continued with the name Te Taura Whiri i te Reo Māori by this section, but—
 - (a) ceases to be a Crown entity; and
 - (b) is a statutory entity that is responsible to Te Mātāwai. 20
 - (2) The assets and liabilities of Te Taura Whiri i te Reo Maori (the Māori Language Commission) continue to be the assets and liabilities of Te Taura Whiri, the entity continued by this section.
- 23 Establishment of Te Māngai Pāho 25**
- (1) Te Māngai Pāho, established as Te Reo Whakapuaki Irirangi by section 53A of the Broadcasting Act 1989, is continued by this section under the name Te Māngai Pāho, but—
 - (a) ceases to be a Crown entity; and
 - (b) is a statutory entity that is responsible to Te Mātāwai. 30
 - (2) The assets and liabilities of Te Reo Whakapuaki Irirangi become the assets and liabilities of Te Māngai Pāho, the entity continued by this section.

*Disestablishment of Te Pūtahi Paoho***24 Te Pūtahi Paoho disestablished**

- (1) Te Pūtahi Paoho, established by section 12 of the Māori Television Service (Te Aratuku Whakaata Irirangi Māori) Act 2003, is disestablished. 5
- (2) The functions and duties of Te Pūtahi Paoho under that Act become the functions and duties of Te Mātāwai.
- (3) The assets and liabilities of Te Pūtahi Paoho become the assets and liabilities of Te Mātāwai.
- (4) For the purposes of the Inland Revenue Acts, on and from the date on which the assets and liabilities vest in Te Mātāwai under this section,— 10
- (a) Te Mātāwai is deemed to be the same person as Te Pūtahi Paoho; and
- (b) everything done by Te Pūtahi Paoho before the assets and liabilities become those of Te Mātāwai is deemed to have been done by Te Mātāwai on the date that it was done by Te Pūtahi Paoho. 15

*Functions and powers***25 Functions and powers of Te Taura Whiri**

20

- (1) The functions of Te Taura Whiri are—
- (a) to take such steps as are reasonably necessary in the opinion of Te Taura Whiri to give effect to the status of Māori as an official language of New Zealand; and
- (b) to promote the Māori language— 25
- (i) as a living language; and
- (ii) as an ordinary means of communication; and
- (c) to make provision for, and to grant, certificates in accordance with **Schedule 5**; and
- (d) to prepare, maintain, and publish a register of persons who hold certificates granted under this Act, including any endorsement of a certificate. 30
- (2) Te Taura Whiri has the powers necessary to carry out its functions.

26 Functions and powers of Te Māngai Pāho

- (1) The primary function of Te Māngai Pāho is to promote the Māori language and culture by making funds available, on the terms and conditions it thinks fit,—
- (a) for broadcasting; and 5
 - (b) for the production of programmes to be broadcast.
- (2) Te Māngai Pāho may also make funds available (on the terms and conditions that it thinks fit and, as far as practicable, in a manner consistent with its primary function) for—
- (a) transmitting on demand: 10
 - (b) producing content for transmitting on demand:
 - (c) archiving content.
- (3) In carrying out its functions, Te Māngai Pāho must comply with the requirements of **Schedule 6**.
- (4) Te Māngai Pāho has the powers necessary to carry out its functions. 15
- (5) In this section, **transmit on demand** and **content** have the meanings given in section 2(1) of the Broadcasting Act 1989.

*Appointments***27 Appointments to Te Taura Whiri, Te Māngai Pāho, and board of Māori Television Service** 20

- (1) Te Mātāwai must appoint—
- (a) 5 persons to be members of Te Māngai Pāho, including 1 person to be the chairperson of that entity and 1 person to be the deputy chairperson; and 25
 - (b) 5 persons to be members of Te Taura Whiri, including 1 person to be the chairperson of that entity and 1 person to be the deputy chairperson; and
 - (c) 4 persons to be directors of the board of the Māori Television Service. 30
- (2) **Schedule 4** applies to appointments made under **subsection (1)(a) and (b)**.

28 Appointment of chief executives

- (1) Te Taura Whiri must appoint a chief executive for Te Taura Whiri, and Te Māngai Pāho must appoint a chief executive for Te Māngai Pāho. 35

- (2) The person appointed as the chief executive of an entity must not be—
- (a) a person who would be disqualified under section 30 of the Crown Entities Act 2004; or
 - (b) a member of Te Mātāwai. 5
- (3) Each entity—
- (a) must determine the terms and conditions of employment of its chief executive, in consultation with the State Services Commission;
 - (b) must operate a good employer personnel policy as provided for in **Schedule 4**. 10

*Accountability requirements for Te Taura Whiri
and Te Māngai Pāho*

29 Statements of intent

- (1) At or before the start of each financial year, Te Taura Whiri and Te Māngai Pāho must each prepare and provide to Te Mātāwai for its approval a statement of intent for that financial year in accordance with any direction given by Te Mātāwai. 15
- (2) The purpose of each entity's statement of intent is to provide information about the operating models for the delivery of the entity's programmes and services. 20
- (3) After it approves a statement of intent, Te Mātāwai must publish the statement of intent no later than 20 July in the year in which it received it from the entity.

30 Quarterly and annual reports 25

- (1) Te Taura Whiri and Te Māngai Pāho must each prepare and provide to Te Mātāwai quarterly and annual reports in accordance with any direction given by Te Mātāwai.
- (2) The annual report of Te Taura Whiri and Te Māngai Pāho must include the audit report for the entity. 30
- (3) The purpose of each entity's quarterly and annual reports is to provide information about the delivery of the entity's programmes and services during the reporting period.

31 Crown advisers

- (1) The Minister may, after consulting Te Mātāwai, appoint up to 2 Crown advisers to Te Taura Whiri or Te Māngai Pāho, or to each of them, if—
- (a) in the opinion of the Minister, the entity has not fulfilled, or is not likely to be able to fulfil, its commitments in its purchase agreement with Te Puni Kōkiri.; or 5
 - (b) in the opinion of the Minister, after consulting Te Mātāwai, public confidence in the entity has been eroded through any acts or omissions by or on behalf of the entity; or 10
 - (c) the chairperson of the entity has requested that a Crown adviser be appointed to investigate.
- (2) Te Taura Whiri and Te Māngai Pāho must provide all reasonable assistance to, and comply with all reasonable requests from, a Crown adviser acting under this section. 15
- (3) As directed by the Minister, a Crown adviser may investigate and report on matters affecting either entity or both entities.

32 Statutory managers

- (1) The Minister of Māori Affairs may, after consulting Te Mātāwai, appoint a statutory manager to Te Taura Whiri or Te Māngai Pāho. 20
- (2) The Minister may appoint a statutory manager under this section if he or she is satisfied, after consulting Te Mātāwai, that a statutory manager is required in the circumstances, including (without limitation) any of the following circumstances: 25
- (a) the Minister thinks that the entity has significantly failed, or is likely to significantly fail, to fulfil its commitments in its purchase agreement with Te Puni Kōkiri: 30
 - (b) the Minister thinks that there are sufficient grounds to investigate whether a criminal offence has been or is being committed by the entity, any member of the entity, or any of the entity's staff;
 - (c) the entity has requested Te Mātāwai to appoint a statutory manager for the entity. 35
- (3) On and from the date on which the statutory manager's appointment takes effect,—

- (a) the functions, powers, or duties of the entity vest in the statutory manager:
- (b) the statutory manager may retain or remove all or any of the entity members:
- (c) the entity has only the functions, powers, or duties (if any) determined by the statutory manager, which must not be inconsistent with its functions under this Act. 5
- (4) The statutory manager must, within 6 months of the completion of the period of statutory management, prepare a report for the Minister on the duties undertaken during the course of his or her statutory management of an entity. 10
- (5) The Minister must present the report prepared by the statutory manager under **subsection (4)** to the House of Representatives within 20 working days of receiving that report.

Part 4

15

Miscellaneous matters

Review of this Act

33 Review of Act

- (1) The Minister must, as soon as practicable after the expiry of 3 years from the commencement of this Act,— 20
 - (a) commence a review of the operation and effectiveness of the Act in accordance with the terms of reference set by the Minister and Te Mātāwai; and
 - (b) prepare a report on that review.
- (2) In addition to the requirements of **subsection (1)**, the Minister may, from time to time, review the operation and effectiveness of this Act in accordance with the terms of reference set by the Minister and Te Mātāwai. 25
- (3) Before commencing a review under **subsection (1) or (2)**, the Minister and Te Mātāwai must consult on the terms of reference with— 30
 - (a) Te Taura Whiri; and
 - (b) Te Māngai Pāho; and
 - (c) the board of the Māori Television Service.

Application of other Acts

- 34 Application of Ombudsmen Act 1975 and Official Information Act 1982**
Te Mātāwai, Te Taura Whiri, and Te Māngai Pāho are organisations for the purposes of the Ombudsmen Act 1975 and the Official Information Act 1982. 5
- 35 Application of Public Audit Act 2001**
Te Mātāwai, Te Taura Whiri, and Te Māngai Pāho are public entities as defined in section 5 of the Public Audit Act 2001 and the Auditor-General is their auditor. 10
- Transitional, repeal, and amendment provisions*
- 36 Transitional, savings, and related provisions**
The transitional, savings, and related provisions set out in **Schedule 1** have effect for the purposes of this Act.
- 37 Repeal** 15
The Māori Language Act 1987 (1987 No 176) is repealed.
- 38 Broadcasting Act 1989 amended**
(1) This section amends the Broadcasting Act 1989.
(2) Repeal Part 4A.
- 39 Māori Television Service (Te Aratuku Whakaata Irirangi Māori) Act 2003 amended** 20
The Māori Television Service (Te Aratuku Whakaata Irirangi Māori) Act 2003 is consequentially amended in the manner shown in **Schedule 7**.
- 40 Other amendments** 25
The enactments specified in **Schedule 8** are amended in the manner shown in that Schedule.
-

Schedule 1**s 36****Transitional, savings, and related provisions**

- Transitional provisions relating to Te Taura Whiri and Te Māngai Pāho 5
- 1 Term of office of existing members of entities**
- (1) Every member of Te Taura Whiri and of Te Māngai Pāho in office at the commencement of this clause may continue in office for the remainder of his or her current term of office, and on the same terms and conditions, as if **section 34** had not been enacted. 10
- (2) The chairperson and deputy chairperson of each of those entities in office at the commencement of this clause are not affected by any change in the method of appointment to those positions under this Act. 15
- 2 Continuation of existing committees**
- (1) A committee of Te Taura Whiri or of Te Māngai Pāho that exists at the commencement of this clause may continue in existence until it is disestablished by the relevant entity.
- (2) Every member of a committee in office at the commencement of this clause remains in office until the person is removed by Te Mātāwai under this Act, his or her term of office expires, or the relevant committee is disestablished. 20
- 3 Continuation of existing employment**
- (1) The chief executive and all persons employed by Te Taura Whiri and Te Māngai Pāho at the commencement of this clause— 25
- (a) do not, solely because of the coming into force of this Act, cease to be employees; and
- (b) continue to be employed on terms and conditions no less favourable to each employee than those applying immediately before the commencement of this Act. 30
- (2) **Subclause (1)**—
- (a) continues to apply to the terms and conditions of employment until they are varied by agreement between the employee and the entity concerned; but 35

- (b) does not apply to an employee who receives a subsequent appointment with the entity.
- (3) Despite the coming into force of this Act, for the purpose of an enactment, rule of law, determination, contract, or agreement relating to the employment of persons by or on behalf of an entity,— 5
- (a) the agreement or contract of employment must be treated as having been unbroken; and
- (b) the period of employment with the entity must be treated as an unbroken period of employment. 10
- (4) A person who becomes an employee of an entity under this clause is not entitled to receive any payment or other benefit solely because of the coming into force of this Act.
- 4 Existing entitlements, indemnities, and other rights**
- (1) If a member or an employee of Te Taura Whiri or Te Māngai Pāho is, immediately before the commencement of this clause,— 15
- (a) entitled under any contract or arrangement to compensation or other payment or benefit relating to his or her ceasing to hold office for any reason, the entitlement is not affected by the enactment of this Act: 20
- (b) entitled to be indemnified in respect of any proceedings for any liability or costs arising from any act or omission as a member or employee that occurred before that date, the indemnity is not affected by the enactment of this Act: 25
- (c) covered under an insurance contract in respect of any liability or costs arising from any act or omission as a member or employee, the insurance cover is not affected by the enactment of this Act. 30
- (2) This Act does not affect any entitlement of a member, employee, or office holder of a Crown entity under the Government Superannuation Fund Act 1956.
- 5 Existing delegations and directions to continue**
- A delegation that is in effect at the commencement of this clause in respect of Te Taura Whiri or Te Māngai Pāho under 35

an enactment repealed by this Act continues in effect as if it were a delegation conferred by or under this Act.

6 Existing matters or things protected

- (1) The commencement of this Act does not affect the completion of a matter or thing, or the bringing or completion of proceedings, that relate to an existing right, interest, title, immunity, or duty of an entity. 5
- (2) On and from the commencement of this Act, a matter or thing done, made, or entered into by or on behalf of an entity is treated as if it were made, done, or entered into before the commencement of this Act. 10

7 Status of contracts and other instruments

- (1) In **subclause (2), contracts and other instruments** means contracts, agreements, conveyances, deeds, leases, licences, other instruments, undertakings, and notices entered into by, made with, given to or by, or addressed to Te Pūtahi Paoho (whether alone or with another person) before the commencement of this Act and having effect immediately before that date. 15
- (2) Contracts and other instruments are binding on, and enforceable by, against, or in favour of, Te Mātāwai as if the contracts or other instruments had been entered into by, made with, given to or by, or addressed to or by Te Mātāwai and not Te Pūtahi Paoho. 20

Transitional provision relating to
disestablishment of Te Pūtahi Paoho 25

8 Existing matters or things protected

- (1) The disestablishment of Te Pūtahi Paoho by **section 24** does not affect— 30
- (a) the completion by Te Mātāwai of a matter or thing commenced by or against Te Pūtahi Paoho under the Māori Television Service (Te Aratuku Whakaata Iri-rangi Māori) Act 2003 before the commencement of this clause; or

- (b) the bringing or completion of proceedings by or against Te Mātāwai that relate to a right, interest, title, immunity, or duty that existed immediately before the commencement of this clause; or
 - (c) documents, matters, or things that would have been admissible as evidence for or against Te Pūtahi Paoho. 5
- (2) It is not necessary to amend a pleading, writ, or other document to continue proceedings by or against Te Pūtahi Paoho.
-

Schedule 2 **s 8**
**Courts and tribunals before which Māori
may be spoken**

Part A

Courts

The Supreme Court	
The Court of Appeal	
The High Court	
District Courts	
The Environment Court	10
The Employment Court	
Family Courts	
Children and Young Persons Courts	
Youth Courts	
The Māori Land Court	15
The Māori Appellate Court	

Part B

Tribunals

The Waitangi Tribunal	
The Employment Relations Authority	20
The Equal Opportunities Tribunal	
The Tenancy Tribunal	
Disputes Tribunals	

Schedule 3**ss 8, 14****Regional clusters of iwi**

Te Tai Tokerau (also includes Tāmaki iwi)	
Te Aupōuri	
Ngāti Kahu	5
Ngāti Kuri	
Ngāpuhi	
Ngāpuhi ki Whaingaroa-Ngāti Kahu ki Whaingaroa	
Te Rarawa	
Ngāi Takoto	10
Ngāti Wai	
Ngāti Whātua	
Te Kawerau (o Maki)	
Te Uri-o-Hau	
Ngāti Rehua (Great Barrier Island)	15
Ngāti Manuhiri	
Ngāti Whātua o Kaipara	
Ngāti Whātua o Ōrākei	
Te Roroa	
Tainui (also includes Hauraki iwi)	20
Te Ākitai Waiohua	
Ngāti Tamaoho	
Ngāti Hako	
Ngāti Hei	
Ngāti Maru (Hauraki)	25
Ngāti Paoa	
Patukirikiri	
Ngāti Porou ki Harataunga ki Mataora	
Ngāti Pūkenga ki Waiau	
Ngāti Rāhiri Tumutumu	30
Ngāi Tai (Hauraki)	
Ngāti Tamaterā	
Ngāti Tara Tokanui	

Ngāti Hineuru	
Ngāti Te Ata	
Ngāti Whanaunga	
Ngāti Haua (Waikato)	
Ngāti Maniapoto	5
Ngāti Raukawa (Waikato)	
Pouākani	
Ngāti Koroki Kahukura	
Waikato	
Mataatua	10
Ngāti Pūkenga	
Ngaiterangi	
Ngāti Ranginui	
Ngāti Awa	
Ngāti Manawa	15
Ngāi Tai (Tauranga Moana/Mātaatua)	
Tūhoe	
Whakatōhea	
Te Whānau-a-Apanui	
Ruapani ki Waikareomoana	20
Ngāti Whare	
Te Arawa	
Ngāti Pīkiao (Te Arawa)	
Ngāti Rangiteaorere (Te Arawa)	
Ngāti Rangitihi (Te Arawa)	25
Ngāti Rangiwewehi (Te Arawa)	
Tapuika (Te Arawa)	
Tarāwhai (Te Arawa)	
Tūhorangi (Te Arawa)	
Uenuku-Kōpako (Te Arawa)	30
Waitaha (Te Arawa)	
Ngāti Whakaue (Te Arawa)	
Ngāti Tūwharetoa	

Ngāti Mākino	
Ngāti Tūwharetoa (Bay of Plenty)	
Ngāti Turangitukua	
Ngāti Kearoa/Ngāti Tuara	
Ngāti Rongomai	5
Ngāti Tahu-Ngāti Whaoa (Te Arawa)	
Te Tai Rāwhiti	
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Schedule 4 **ss 8, 14, 16, 27, 28**
**Provisions relating to entities,
chairpersons, and members or directors**

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1 Interpretation

In this schedule, **entity** means 1 or more of the following entities, as the context requires:

- (a) Te Mātāwai:
- (b) Te Taura Whiri: 5
- (c) Te Māngai Pāho.

2 Appointment of members of Te Mātāwai

- (1) This clause applies to the process for nominating persons to be appointed as members of Te Mātāwai.
- (2) For the purposes of **section 14(1)(a) and (b)**, selection groups must be set up, as required by **section 14(2)**. 10
- (3) To form a selection group for the purpose of **section 14(1)(a)** (which relates to the 7 members to be appointed by iwi clusters), each iwi included in an iwi cluster listed in **Schedule 3** must nominate a representative to participate on behalf of that iwi in the selection group. 15
- (4) To form a selection group for the purpose of **section 14(1)(b)** (which relates to the 3 members to be appointed by Te Reo Tūkūtu), each of the organisations that comprise Te Reo

- Tukutuku must nominate a representative to participate on behalf of that organisation in the selection group.
- (5) Each selection group must—
- (a) determine its own procedures for appointing members to Te Mātāwai; and 5
 - (b) meet its own costs of setting up a selection group; and
 - (c) meet the costs of its representative who participates in the group; and
 - (d) not appoint persons to Te Mātāwai who would be disqualified under section 30 of the Crown Entities Act 2004. 10
- (6) Each selection group ceases to exist when it has completed its sole function of appointing the members of Te Mātāwai, though a selection group may be reconvened if required to fill a vacancy in the membership of Te Mātāwai. 15
- 3 Appointment of members of Te Taura Whiri, Te Māngai Pāho, and directors of board of Māori Television Service**
- (1) Te Mātāwai—
- (a) must determine its own procedures for appointing, reappointing, and removing members of Te Taura Whiri, Te Māngai Pāho, and the directors of the board of the Māori Television Service appointed by Te Mātāwai under this Act; and 20
 - (b) must not appoint its own members to one of those entities; and 25
 - (c) must not appoint persons to those entities who would be disqualified under section 30 of the Crown Entities Act 2004; and
 - (d) when making appointments to those entities, must be guided by the purpose and functions of the entity to which the appointments are being made. 30
- (2) Appointments are made by giving written notice to the person concerned.
- (3) A person appointed must agree in writing to the appointment.
- (4) A notice under **subclause (2)** must— 35

- (a) state the date on which the appointment takes effect, which must not be earlier than the date on which the notice is received; and
- (b) state the term of the appointment.
- (5) Te Mātāwai must advise the Minister annually— 5
- (a) about the procedures it has adopted under **subclause (1)(a)**; and
- (b) as to the persons who are currently members or directors of those entities.
- (6) The provisions of the Māori Television Service (Te Aratuku Whakaata Irirangi Māori) Act 2003 apply to the directors appointed under this Act as if those directors were appointed under that Act. 10
- 4 Validity of members' acts**
- The acts of a person as a member or as the chairperson of an entity are valid even though— 15
- (a) a defect existed in the appointment of the person; or
- (b) the occasion for the person acting, or for his or her appointment, had not arisen or had ended.
- 5 Validity of appointments** 20
- (1) The appointment of a person as a member or chairperson of an entity is not invalid only because a defect existed in the appointment of the person.
- (2) This clause does not apply to a defect in the qualifications for appointment of a member. 25
- 6 Term of office**
- (1) A member of an entity holds office for 3 years or any shorter period stated in the notice of appointment.
- (2) A member may be reappointed for a maximum of 2 further terms. 30
- (3) A member continues in office despite the expiry of his or her term of office until—
- (a) the member is reappointed; or
- (b) the member's successor is appointed; or
- (c) the member resigns or dies; or 35

- (d) the member is adjudicated bankrupt; or
- (e) the chairperson of Te Mātāwai informs the member by written notice (with a copy to the entity) that the member is not to be reappointed and no successor is to be appointed at that time. 5

7 Removal of members

- (1) Te Mātāwai may at any time, in accordance with **clause 22(4) or 29(2)** or entirely at its discretion, remove a member of an entity from office.
- (2) The Minister may at any time, and for any reason, remove a member appointed by the Minister under **section 14(1)(c)**, 10
- (3) A removal made under **subclause (1) or (2)** must be made by written notice to the member (with a copy to the entity).
- (4) The notice must state the date on which the removal takes effect, which must not be earlier than the date on which the notice is received. 15
- (5) To avoid doubt, Te Mātāwai may not remove a member unless Te Mātāwai has properly considered the matter and complied with the principles of natural justice.

8 Resignation of member 20

- (1) A member of an entity may resign from office by written notice to Te Mātāwai (with a copy to the entity) signed by the member.
- (2) The resignation is effective on receipt by Te Mātāwai of the notice or at any later time specified in the notice. 25

Chairpersons

9 Term of appointment of chairpersons and deputy chairpersons

- The chairperson of an entity holds that office until—
- (a) he or she resigns that office; or 30
 - (b) he or she is removed from it by Te Mātāwai; or
 - (c) he or she ceases to hold office as a member; or
 - (d) any term of office that was specified on appointment expires, unless the member is reappointed for a further term. 35

- 10 Resignation of chairperson or deputy chairperson**
- (1) The chairperson or deputy chairperson of an entity may, without resigning as a member, resign that office by written notice to Te Mātāwai (with a copy to the entity).
- (2) The notice of resignation must state the date on which the resignation takes effect, which must not be earlier than the date of the notice. 5
- 11 Removal of chairperson or deputy chairperson**
- (1) Te Mātāwai may, after consultation with the person concerned, remove a chairperson or deputy chairperson of an entity from that office with or without also removing that person as a member by written notice to the person (with a copy to the entity). 10
- (2) The notice of removal must state the date on which the removal takes effect.
- (3) To avoid doubt, Te Mātāwai may not remove the chairperson or deputy chairperson unless Te Mātāwai has properly considered the matter and complied with the principles of natural justice. 15
- No compensation for loss of office
- 12 No compensation for loss of office** 20
- A member or chairperson of an entity is not entitled to any compensation or other payment or benefit relating to his or her ceasing, for any reason, to hold office as a member or chairperson, as the case may be.
- Procedures of entity 25
- 13 Procedures**
- An entity may regulate its own procedure.
- 14 Meetings**
- (1) An entity or its chairperson must appoint the times and places of meetings of the entity, and give notice of those meetings to each member not present when the appointment is made. 30

- (2) The chairperson must preside at a meeting if the chairperson is present and not interested (as defined in **clause 28(5)**) in the matter.
- (3) If the chairperson is not present, or is interested in the matter, the deputy chairperson must preside, and has and may exercise all the functions and powers of the chairperson in relation to a matter. 5
- (4) If neither the chairperson nor the deputy chairperson is available to preside, the entity must appoint one of its members to exercise the functions and powers of the chairperson in relation to a matter. 10
- (5) No business may be transacted at a meeting of the entity if a quorum is not present.
- (6) For the purposes of **subclause (5)** and **clause 15**, **quorum** means— 15
- (a) half the number of members (if the entity has an even number of members); or
 - (b) a majority of the members (if the entity has an odd number of members); or
 - (c) both members (if the entity has only 2 members). 20
- (7) Each member has 1 vote and, in addition to his or her general vote, the chairperson has a casting vote in the case of an equality of votes.
- (8) A resolution of the entity is passed if it is agreed to by all members present without dissent or if a majority of the votes cast on it are in favour of it. 25

15 Methods of holding meetings

A meeting of an entity may be held—

- (a) by a quorum of the members, being assembled together at the time and place appointed for the meeting; or 30
- (b) by means of audio, audio and visual, or electronic communication, but only if—
 - (i) all of the members who wish to participate in the meeting have access to the technology needed to participate in the meeting; and 35

- (ii) a quorum of members can simultaneously communicate with each other throughout the meeting.

16 Unanimous written resolutions

- (1) A resolution signed or assented to in writing (whether sent by post, delivery, or electronic communication) by all members is as valid and effectual as if it had been passed at a meeting of the entity duly called and constituted. 5
- (2) The resolution may consist of several documents containing the same resolution, each signed or assented to in writing by 1 or more members. 10

17 Subcommittees

- (1) An entity may, by resolution, appoint subcommittees comprising 1 or more of its members— 15
- (a) to advise it on any matters relating to the entity's functions that the entity refers to the subcommittee; or
- (b) to perform any of the entity's functions that the entity delegates to the subcommittee.
- (2) A subcommittee is subject in all things to the control of the entity that appointed it and must carry out all general or special directions given to it by the entity in relation to it or its affairs. 20
- (3) An entity may, by resolution, discharge or reconstitute any subcommittee appointed by it.
- (4) A subcommittee to which an entity delegates its functions under **subclause (1)(b)** may perform those functions in the same manner and to the same effect as if the entity had performed them. 25

Power to delegate

18 Te Mātāwai and other entities may delegate functions and powers

- (1) Te Mātāwai, Te Taura Whiri, and Te Māngai Pāho may delegate any of their functions and powers generally or specifically, by resolution and with written notice to the delegate,— 30
- (a) in the case of Te Mātāwai, at the discretion of the entity:

- (b) in the case of Te Taura Whiri and Te Māngai Pāho, with the approval of Te Mātāwai.
- (2) Functions may be delegated to—
- (a) a member or members of the relevant entity; or
 - (b) the chief executive of that entity; or 5
 - (c) any other employee or office holder of that entity.
- (3) An entity must not delegate the general power to delegate.
- (4) An entity must not make a delegation under this clause unless the entity is satisfied that,—
- (a) given the nature of the decision to be made by the delegate and the level of funding involved, the delegation will result in a more efficient and effective decision-making process than if the entity had made the decision; and 10
 - (b) conditions are imposed by the delegation that will enable the entity to verify that the delegate has complied with the terms of the delegation. 15
- 19 Power of delegate**
- (1) A delegate to whom a function or power is delegated—
- (a) may, unless directed otherwise, perform the function or exercise the power in the same manner, subject to the same restrictions, and with the same effect as if the delegate were the entity; and
 - (b) may delegate the function or power, but only—
 - (i) with the prior written consent of the relevant entity; and 25
 - (ii) in writing to the subdelegate; and
 - (iii) subject to the same restrictions and with the same effect as if the subdelegate were the delegate; and
 - (c) must act independently and is not responsible to— 30
 - (i) the Minister, in the case of a delegation to the chief executive of Te Mātāwai; or
 - (ii) Te Mātāwai, in the case of a delegation made by the other entities.
- (2) A delegate who purports to perform a function or exercise a power under a delegation— 35

- (a) is, in the absence of proof to the contrary, presumed to do so in accordance with the terms of that delegation; and
- (b) must produce evidence of his or her authority to do so, if reasonably requested to do so. 5

20 Effect of delegation

No delegation made in accordance with this Act—

- (a) affects or prevents the performance of any function or the exercise of any power by the entity; or
- (b) affects the responsibility of the entity for the actions of any delegate acting under the delegation; or 10
- (c) is affected by any change in the membership of the entity, any committee of the entity, or by any change in an office holder, chief executive, or employee.

21 Revocation of delegation 15

- (1) A delegation under **clause 18(1)** may be revoked at will by resolution of the relevant entity and written notice to the delegate.
- (2) A delegation under **clause 19(1)(b)** may be revoked at will by written notice of the delegate to the subdelegate. 20

Collective duties of entity and members

22 Collective duties

- (1) An entity must act in a manner consistent with its objectives, functions, current statement of intent, and purchase agreement (if any). 25
- (2) An entity must perform its functions—
 - (a) efficiently and effectively; and
 - (b) in a manner consistent with the spirit of service to the public; and
 - (c) in collaboration with other public entities (within the meaning of that term under section 5 of the Public Audit Act 2001) where practicable. 30
- (3) An entity must operate in a financially responsible manner and, for this purpose,—
 - (a) prudently manage its assets and liabilities; and 35

- (b) endeavour to ensure—
 - (i) its long-term financial viability; and
 - (ii) that it acts as a successful going concern.
- (4) If the members of an entity do not comply with any duty under **subclauses (1) to (3)**, Te Mātāwai may remove all or any of the members from office. 5
- (5) However, **subclause (4)** does not apply to a member if—
 - (a) he or she did not know and could not reasonably be expected to have known that the duty was to be or was being breached; or 10
 - (b) he or she took all reasonable steps in the circumstances to prevent the duty being breached.
- (6) A member is not liable for a breach of a duty under this clause, except by being removed from office as provided for in **sub-clause (4)**. 15
- (7) This clause does not affect any other ground for removing a member from office.
- (8) The duties of Te Mātāwai and of its members under this clause are owed to iwi and Māori.
- (9) The duties of Te Taura Whiri and Te Māngai Pāho and of the members of those entities under this clause are owed to Te Mātāwai. 20

Individual duties of members

- 23 Duty to comply with this schedule** 25
A member must not contravene, or cause the contravention of, or agree to the entity contravening this schedule.
- 24 Duty to act with honesty and integrity**
A member must, when acting as a member, act with honesty and integrity.
- 25 Duty to act in good faith** 30
A member must, when acting as a member, act in good faith.

- 26 Duty to act with reasonable care, diligence, and skill**
- A member must, when acting as a member, exercise the care, diligence, and skill that a reasonable person would exercise in the same circumstances, taking into account (without limitation)— 5
- (a) the nature of the entity; and
 - (b) the nature of the action; and
 - (c) the position of the member and the nature of the responsibilities undertaken by him or her.
- 27 Duty not to disclose information** 10
- (1) A member who has information in his or her capacity as a member that would not otherwise be available to him or her must not disclose that information to any person, or make use of, or act on, that information, except—
- (a) in the performance of the entity’s functions; or 15
 - (b) as required or permitted by law; or
 - (c) in accordance with **subclause (2)**; or
 - (d) in complying with the requirement for members to disclose interests.
- (2) A member may disclose, make use of, or act on the information if— 20
- (a) the member is first authorised to do so by the entity or by Te Mātāwai; and
 - (b) the disclosure, use, or act in question will not, or is unlikely to, prejudice the entity. 25
- 28 Duty to disclose interest**
- (1) A member who is interested in a matter relating to the entity must disclose details of the nature and extent of the interest (including any monetary value of the interest)—
- (a) to the chairperson of the entity; and 30
 - (b) in an interests register kept by the entity.
- (2) Disclosure under **subclause (1)** must be made as soon as practicable after the member becomes aware that he or she is interested.
- (3) A member who is interested in a matter relating to the entity must not vote or take part in any discussion or decision of the entity relating to the matter. 35

- (4) In this clause, **matter** means the entity’s performance of its functions under this Act.
- (5) For the purposes of this clause, a person is **interested** in a matter if he or she—
- (a) may derive a financial benefit from the matter; or 5
 - (b) is the spouse, civil union partner, de facto partner, child, or parent of a person who may derive a financial benefit from the matter; or
 - (c) may have a financial interest in a person or an entity to whom or to which the matter relates; or 10
 - (d) is a partner, director, officer, board member, or trustee of a person or an entity who may have a financial interest in a person or an entity to whom the matter relates; or
 - (e) is otherwise directly or indirectly interested in the matter. 15
- (6) However, a person is not interested in a matter—
- (a) because he or she receives insurance cover, remuneration, or other benefits authorised under this Act; or
 - (b) if his or her interest is so remote or insignificant that it cannot reasonably be regarded as likely to influence him or her in carrying out his or her responsibilities under this Act. 20

29 Accountability for individual duties

- (1) The duties of the members of an entity under **clauses 23 to 28** (individual duties) are duties owed to Te Mātāwai. 25
- (2) If a member does not comply with his or her individual duties, Te Mātāwai may remove that member from office.
- (3) Except as provided in **subclause (2)**, a member is not liable for a breach of an individual duty under this Act.
- (4) This clause does not affect any other ground for removing a member from office. 30
- (5) **Subclause (3)** does not affect anything else for which the member may be liable under any other Act or rule of law arising from the act or omission that constitutes the breach.

Immunities and insurance

30 Immunity from civil liability

- (1) A member is not liable, in respect of an excluded act or omission,—
- (a) to Te Mātāwai, unless it is also a breach of an individual duty under any of **clauses 23 to 28**: 5
 - (b) to any other person.
- (2) Nothing in this clause affects—
- (a) the liability of any person that is not a civil liability: 10
 - (b) the right of any person to apply, in accordance with the law, for judicial review. 10

31 Insurance for liability of member, office holder, or employee

- An entity may effect insurance cover for a member or an employee in relation to his or her acts or omissions, except an act or omission that is— 15
- (a) in bad faith:
 - (b) not in the performance or intended performance of the entity's functions.

32 Breach of insurance limits 20

- (1) A member who is insured by an entity in breach of this Act must repay to the entity the cost of providing or effecting that insurance cover, to the extent that the insurance cover exceeds that which could have been provided or effected under this Act. 25
- (2) An entity may recover the amount as a debt due in a court of competent jurisdiction.

33 Definitions for protections from liability

- In **clauses 30 to 32**,—
- effect insurance** includes to pay, whether directly or indirectly, the costs of the insurance 30
- excluded act or omission** means an act or omission by the member in good faith and in performance or intended performance of the entity's functions

member includes a person who was a member at any time after the commencement of this Act but who is no longer a member.

Fees

- 34 Fees** 5
- (1) The members of an entity are entitled to be paid, in accordance with the fees framework,—
- (a) fees as determined by Te Mātāwai and the Minister; and
 - (b) reimbursement for actual and reasonable expenses incurred in undertaking the functions and duties of the entity. 10
- (2) In **subclause (1)**, **fees framework** means the framework determined by the Government from time to time for the classification and remuneration of statutory and other bodies in which the Crown has an interest. 15

Employment policy

- 35 Employment policy**
- (1) An entity must, if it employs employees,—
- (a) operate a personnel policy that complies with the principle of being a good employer; and 20
 - (b) make that policy (including the equal employment opportunities programme) available to its employees; and
 - (c) comply with that policy (including its equal employment opportunities programme) and report in its annual report on the extent of its compliance. 25
- (2) An entity must, after consulting with the State Services Commissioner, set the terms and conditions of employment for the chief executive.
- (3) For the purposes of this clause, a **good employer** is an employer who operates a personnel policy containing provisions generally accepted as necessary for the fair and proper treatment of employees in all aspects of their employment, including provisions requiring—
- (a) safe and good working conditions; and 30
 - (b) an equal employment opportunities programme; and 35

-
- (c) the impartial selection of suitably qualified persons for appointment; and
 - (d) recognition of—
 - (i) the aims and aspirations of Māori; and
 - (ii) the need for involvement of Māori as employees of the entity; and
 - (e) recognition of the aims and aspirations and employment requirements, and the cultural differences, of ethnic or minority groups; and
 - (f) opportunities for enhancing the abilities of individual employees; and
 - (g) recognition of the employment requirements of women; and
 - (h) recognition of the employment requirements of persons with disabilities.
- (4) For the purposes of this clause, an equal **employment opportunities programme** means a programme that is aimed at the identification and elimination of all aspects of policies, procedures, and other institutional barriers that cause or perpetuate, or tend to cause or perpetuate, inequality in respect of the employment of any persons or group of persons.
-

Schedule 5

s 25

Certificates of competency in Māori language

1 Te Taura Whiri to grant certificates

- (1) Te Taura Whiri must grant a certificate to any person who applies to it for a certificate and satisfies Te Taura Whiri that he or she is qualified to be the holder of such a certificate. 5
- (2) A certificate must be one of the following:
- (a) a certificate of competency in the interpretation of the Māori language: 10
 - (b) a certificate of competency in the translation of the Māori language:
 - (c) a certificate of competency in the interpretation and translation of the Māori language.

Compare: 1987 No 176 s 15 15

2 Qualifications for certificates

For the purposes of determining whether or not an applicant for a certificate is qualified to hold such a certificate, Te Taura Whiri must prepare and publish, as it thinks fit, criteria by which competence to interpret or translate the Māori language is to be assessed. 20

Compare: 1987 No 176 s 16

3 Te Taura Whiri may delegate power to issue certificates

- (1) Despite **clause 1(1)**, Te Taura Whiri may delegate to any person or body the power— 25
- (a) to assess applicants for certificates; and
 - (b) to grant certificates to those applicants who are found to be qualified to be the holders of such certificates.

- (2) Te Taura Whiri may delegate a power under **subclause (1)** only if the delegation complies with **clause 18 of Schedule 4**. 30

Compare: 1987 No 176 s 17

4 Endorsement for purposes of legal proceedings

- (1) Te Taura Whiri may endorse any certificate to the effect that the holder is competent to interpret or translate the Māori lan- 35

guage or both (as the case may require) for the purposes of any legal proceedings if Te Taura Whiri is satisfied that the holder of the certificate—

- (a) has a sufficient degree of competency in the interpretation or translation of the Māori language or both (as the case may require); and 5
 - (b) has undergone an appropriate course of training or instruction in the duties of an interpreter or translator or both in legal proceedings.
- (2) Every holder of a certificate endorsed under this clause must, on production of the certificate, be recognised as competent to interpret or translate the Māori language or both (as the case may require) for the purposes of any legal proceedings. 10
- (3) However, no holder may insist on acting as an interpreter, translator, or both in any particular proceedings, and no party, witness, or other person may insist on that holder acting as an interpreter, translator, or both. 15
- (4) In any legal proceedings, the presiding officer may report to Te Taura Whiri that he or she considers that the holder of a certificate (whether or not endorsed under this clause)— 20
- (a) has failed to interpret or translate adequately for the purposes of the proceedings; or
 - (b) has acted in a manner that is inconsistent with the duties of an interpreter or a translator in legal proceedings.
- (5) If Te Taura Whiri receives a report under **subclause (4)**, it must deal with it under **clause 5** as if the report were a complaint lodged under that clause. 25

Compare: 1987 No 176 s 18

5 Complaints against holders of certificates

- (1) Any person may lodge with Te Taura Whiri a complaint against the holder of a certificate on the ground that— 30
- (a) the holder has, in the course of interpreting or translating the Māori language, exhibited such incompetence as to call into question the holder's qualification to hold the certificate; or 35
 - (b) the holder has, while acting as an interpreter or a translator of the Māori language in any legal proceedings,

- acted in a manner that is inconsistent with the duties of an interpreter or a translator in legal proceedings.
- (2) Except where Te Taura Whiri is satisfied that the complaint is frivolous or vexatious, Te Taura Whiri must provide a copy of the complaint to the person to whom it relates, giving that person a reasonable opportunity to appear before Te Taura Whiri, or (at that person's option) to make written submissions to Te Taura Whiri, in response to the complaint. 5
- (3) If Te Taura Whiri is satisfied, after investigating a complaint received under **subclause (1)(a)**, that the person complained about is not qualified to hold the certificate that the person is then holding, it may— 10
- (a) cancel the certificate; or
 - (b) suspend the certificate until such time as Te Taura Whiri is satisfied that the person is qualified to hold the certificate. 15
- (4) If Te Taura Whiri is satisfied, after investigating a complaint received under **subclause (1)(b)**, that the person complained about has acted inconsistently with the duties of an interpreter or a translator in legal proceedings, it may— 20
- (a) cancel any endorsement of the certificate made under **clause 4**; or
 - (b) if no endorsement has been made, endorse the certificate to the effect that the holder cannot be recognised as competent to interpret or translate the Māori language or both (as the case may require) for the purposes of any legal proceedings. 25
- (5) Te Taura Whiri must, as soon as practicable after deciding to take action under **subclause (3) or (4)**, give to the person concerned notice in writing of its decision and of the reasons for it. 30
- (6) If Te Taura Whiri cancels, suspends, or endorses a certificate, it must include in that notice a requirement that the holder surrenders the certificate to Te Taura Whiri. 35
- Compare: 1987 No 176 s 19

6 Offence

Every person who fails without reasonable excuse to surrender a certificate when notified under **clause 5(6)** commits an offence and is liable on conviction to a fine not exceeding \$500.

Compare: 1987 No 176 s 21

5

Schedule 6**s 26(3)****Provisions applying to Te Māngai Pāho****1 Consultation**

In carrying out its functions under **section 26**, Te Māngai Pāho must consult—

5

- (a) persons or organisations that represent iwi and Māori interests; and
- (b) broadcasters; and
- (c) persons who transmit on demand; and
- (d) any others who could, in the opinion of Te Māngai Pāho, assist in the development of funding policies by Te Māngai Pāho.

10

Compare: 1989 No 25 s 53C

2 Matters to be taken into account in relation to funding proposals

15

Te Māngai Pāho must have regard to the following matters when it assesses a proposal to fund broadcasting or transmitting on demand, or the production of any programme to be broadcast or content to be transmitted on demand:

- (a) the extent to which the persons seeking the funding for the proposal have sought and secured funding or other resources for the project from sources other than Te Māngai Pāho; and
- (b) the potential size of the audience likely to benefit from the proposal; and
- (c) the extent to which the intended audience has access to services that have as their primary aim the promotion of Māori language and Māori culture; and
- (d) in the case of a proposal for the production of a programme or content, the extent to which the proposed programme or content would contribute to Te Māngai Pāho fulfilling its functions under **section 26**; and
- (e) in the case of a proposal for the production of any programme or content, the likelihood that the proposed programme or content, if produced, would be broadcast or transmitted on demand; and
- (f) the needs and preferences of—

25

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- (i) children participating in te reo Māori immersion education; and
- (ii) all persons learning te reo Māori.

Compare: 1989 No 25 s 53E

- 3 Requirements in relation to standards** 5
- (1) This clause applies to any person or organisation that receives funding from Te Māngai Pāho for the purposes of producing a programme.
- (2) That person or organisation must provide an assurance to Te Māngai Pāho that the programme will be consistent with the standards specified in section 4(1) of the Broadcasting Act 1989. 10
- 4 Contracts in relation to use of funds**
- In making funds available under this Act, Te Māngai Pāho must, as far as it considers practicable,— 15
- (a) invite competitive proposals for the use of funds made available by Te Māngai Pāho; and
 - (b) ensure that all contracts require the recipients of the funds—
 - (i) to attain specified standards of performance; and 20
 - (ii) to account for the use of the funds; and
 - (c) adopt measures to ensure that recipients of funds comply with the terms referred to in **paragraph (b)**.

Compare: 1989 No 25 s 53H

Schedule 7 **s 39**
Amendments to Māori Television Service
(Te Aratuku Whakaata Irirangi Māori)
Act 2003

Part 1 5

Replaced references

In the following provisions of the Māori Television Service (Te Aratuku Whakaata Irirangi Māori) Act 2003, replace “Te Pūtahi Paoho” with “Te Mātāwai” in each place.

Section 3(c)	10
Section 5(3)	
Section 10	
Subpart 3 of Part 1 heading	
Section 15	
Heading to section 16	15
Section 16(2)	
Heading to section 17	
Section 19	
Section 24A, definition of manager	
Section 24E	20
Section 31(3)(b) and (7)	
Section 34(3)	
Section 39(2)(d)	
Section 45(2)	
Section 56	25
Schedule 1, clause 13(2)	
Schedule 2, clause 4(1) and (2)	
Schedule 2, clause 5(2)	
Schedule 2, clause 11	
Schedule 2, clause 12	30
Schedule 2, clause 15	
Schedule 2, clause 26(2)(a)(ii)	

Part 2
Other amendments

Replace the Part 1 heading with:

“Part 1

“Preliminary provisions and provisions
relating to establishment of Māori Television
Service and functions, etc, of Service and
Te Mātāwai”.

5

Replace section 3(a) with:

“(a) the establishment of the Service and the functions, duties, and powers of the Service and Te Mātāwai.”

10

Replace section 5(2)(c) with:

“(c) subpart 3 provides for the joint responsibilities of the chairperson of Te Mātāwai and the responsible Ministers, and for the resolution of disputes between Te Mātāwai and the responsible Ministers.”

15

Replace section 5(5)(a) with:

“(a) Schedule 1 provides procedures for the resolution of disputes between the responsible Ministers and Te Mātāwai.”

20

In section 6, repeal the definition of **Te Pūtahi Paoho**.

In section 6, insert in its appropriate alphabetical order:

“**Te Mātāwai** means the entity established by **section 11 of the Māori Language (Te Reo Māori) Act 2014**”.

Repeal sections 12 to 14.

25

Repeal section 15(c).

In section 16(1), replace “Te Pūtahi Paoho, acting jointly,—” with “Te Mātāwai, on behalf of Te Mātāwai, acting jointly,—”.

In section 17(1), replace “Te Pūtahi Paoho” with “Te Mātāwai, on behalf of Te Mātāwai.”

30

In the heading to Part 2, replace “**UHF right**” with “**spectrum management rights**”.

Repeal the cross-heading above section 24A.

Part 2—*continued*

In section 24A, replace the definition of **spectrum management rights** with:

“**spectrum management rights** means the management right held by Te Mātāwai for the frequency range 606–622 MHz for the period expiring on 30 November 2033”.

5

Replace section 24B with:

“**24B Terms and conditions for exercise of spectrum management rights**

“(1) The terms and conditions under which Te Mātāwai must manage the spectrum management rights must be set out in a deed executed by the responsible Ministers.

10

“(2) The deed may be modified by written agreement between the responsible Ministers, on behalf of the Crown, and Te Mātāwai.

“(3) The responsible Ministers must consult the Minister responsible for the administration of the Radiocommunications Act 1989 before modifying the deed under **subsection (2)**.

15

“(4) The deed may, by agreement, provide that if Te Mātāwai breaches 1 or more specified terms or conditions (a serious breach), the responsible Ministers may require Te Mātāwai to transfer the spectrum management rights to the Crown, and in such case Te Mātāwai must transfer the spectrum management rights as required by the responsible Ministers.”

20

In section 30, replace “Te Pūtahi Paoho” with “Te Mātāwai, on behalf of Te Mātāwai,” in each place.

25

In section 31(1), replace “Te Pūtahi Paoho” with “Te Mātāwai, who receives it on behalf of Te Mātāwai.”

In section 31(2), replace “Te Pūtahi Paoho” with “Te Mātāwai, on behalf of Te Mātāwai.”

In section 31(4), replace “Te Pūtahi Paoho” with “Te Mātāwai, on behalf of Te Mātāwai”.

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In section 31(4)(a), replace “Te Pūtahi Paoho” with “Te Mātāwai, on behalf of Te Mātāwai.”

In section 34(1)(a), replace “Te Pūtahi Paoho” with “Te Mātāwai, on behalf of Te Mātāwai.”

35

Part 2—*continued*

- In section 36(a), replace “Te Pūtahi Paoho,” with “Te Mātāwai, on behalf of Te Mātāwai.”
- In section 36(b), replace “Te Pūtahi Paoho” with “Te Mātāwai, on behalf of Te Mātāwai.”
- In section 39(5)(a), replace “Te Pūtahi Paoho” with “Te Mātāwai, on behalf of Te Mātāwai.” 5
- In section 41(2)(k), replace “Te Pūtahi Paoho” with “Te Mātāwai, on behalf of Te Mātāwai.”
- In section 44(1), replace “Te Pūtahi Paoho” with “Te Mātāwai, who receives the report on behalf of Te Mātāwai.” 10
- In section 45(1), replace “Te Pūtahi Paoho,” with “Te Mātāwai, on behalf of Te Mātāwai.”
- In section 47(1)(a), replace “Te Pūtahi Paoho” with “Te Mātāwai, on behalf of Te Mātāwai.”
- In section 50, replace “Te Pūtahi Paoho” with “Te Mātāwai, who receives the report on behalf of Te Mātāwai.” 15
- In Schedule 1, repeal Part 1.
- In Schedule 1, repeal clauses 2 to 12 and the cross-headings above clauses 3, 4, 11, and 12.
- In Schedule 1, clause 13(1), replace “Te Pūtahi Paoho” with “Te Mātāwai, on behalf of Te Mātāwai.” 20
- In Schedule 2, clause 3(1)(c), replace “Te Pūtahi Paoho” with “Te Mātāwai, on behalf of Te Mātāwai.”
- In Schedule 2, clause 3(2)(c), replace “Te Pūtahi Paoho,” with “Te Mātāwai, on behalf of Te Mātāwai.” 25
- In Schedule 2, clause 4(4)(a), (b), and (c), replace “Te Pūtahi Paoho,” with “Te Mātāwai, on behalf of Te Mātāwai.”
- In Schedule 2, clause 5(1), (3)(b), and (4), replace “Te Pūtahi Paoho” with “Te Mātāwai, on behalf of Te Mātāwai.”
- In Schedule 2, clause 8(1)(a)(ii), replace “Te Pūtahi Paoho” with “Te Mātāwai, on behalf of Te Mātāwai.” 30
- In Schedule 2, clause 10(2)(a), replace “Te Pūtahi Paoho” with “Te Mātāwai, on behalf of Te Mātāwai.”
- In Schedule 2, clause 21(2), replace “Te Pūtahi Paoho” with “Te Mātāwai, on behalf of Te Mātāwai.” 35

Part 2—*continued*

In Schedule 2, clause 26(4)(e), replace “Te Pūtahi Paoho” with “Te Mātāwai, on behalf of Te Mātāwai.”.

In Schedule 2, clause 29, replace “Te Pūtahi Paoho” with “Te Mātāwai, on behalf of Te Mātāwai.”.

In Schedule 2, clause 33, replace “Te Pūtahi Paoho,” with “Te Mātāwai, on behalf of Te Mātāwai,” in each place. 5

In Schedule 2, clause 35(4)(c), replace “Te Pūtahi Paoho” with “Te Mātāwai, on behalf of Te Mātāwai”.

Schedule 8	s 40
Consequential amendments to other enactments	
Part 1	
Amendments to Acts	5
Broadcasting Act 1989 (1989 No 25)	
In section 39A, replace “Te Reo Whakapuaki Irirangi” with “Te Māngai Pāho”.	
Children, Young Persons, and Their Families Act 1989 (1989 No 24)	
In section 9(3), replace “Māori Language Act 1987” with “ Māori Language (Te Reo Māori) Act 2014 ”.	10
Crown Entities Act 2004 (2004 No 115)	
In Schedule 1, Part 2, repeal the item relating to Te Reo Whakapuaki Irirangi (Māori Broadcasting Funding Agency).	15
In Schedule 1, Part 2, repeal the item relating to Te Taura Whiri i Te Reo Māori (Māori Language Commission).	
Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (2012 No 72)	
In section 53(3)(b), replace “Māori Language Act 1987” with “ Māori Language (Te Reo Māori) Act 2014 ”.	20
In the Schedule, clause 2(3)(b), replace “Māori Language Act 1987” with “ Māori Language (Te Reo Māori) Act 2014 ”.	
Judicature Act 1908 (1908 No 89)	
In Schedule 2, rule 1.11(1), replace “section 4(1) of the Māori Language Act 1987” with “ section 6(1) of the Māori Language (Te Reo Māori) Act 2014 ”.	25
In Schedule 2, rule 1.12(3), replace “section 18 of the Māori Language Act 1987” with “ clause 4 of Schedule 5 of the Māori Language (Te Reo Māori) Act 2014 ”.	30

Part 1—*continued***Judicature Act 1908 (1908 No 89)**—*continued*

In Schedule 2, rule 1.13(a), replace “section 15(2)(a) or (c) of the Māori Language Act 1987” with “**clause 1(a) or (c) of Schedule 5 of the Māori Language (Te Reo Māori) Act 2014**”.

In Schedule 2, Schedule 1 of that schedule, form G 12, note 1, replace “Māori Language Act 1987” with “**Māori Language (Te Reo Māori) Act 2014**”.

Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37)

In section 136(3)(c), replace “Māori Language Act 1987” with “**Māori Language (Te Reo Māori) Act 2014**”.

In section 136(3)(c), replace “Schedule 1” with “**Schedule 2**”.

New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008 (2008 No 30)

In section 11(1)(f), delete “(the Māori Language Commission)”.

New Zealand Public Health and Disability Act 2000 (2000 No 91)

In section 77(f), replace “Māori Language Act 1987” with “**Māori Language (Te Reo Māori) Act 2014**”.

Ombudsmen Act 1975 (1975 No 9)

In Schedule 1, Part 2, insert in their appropriate alphabetical order:

“Te Māngai Pāho

“Te Mātāwai”.

In Schedule 1, Part 2, repeal the item relating to Te Reo Whakapuaki Irirangi (Māori Broadcasting Funding Agency).

In Schedule 1, Part 2, replace the item relating to Te Taura Whiri i Te Reo Māori (Māori Language Commission) with:

“Te Taura Whiri i te Reo Māori”.

Public Audit Act 2001 (2001 No 10)

In Schedule 2, insert in their appropriate alphabetical order:

“Te Māngai Pāho

Part 1—*continued***Public Audit Act 2001 (2001 No 10)**—*continued*

“Te Mātāwai

“Te Taura Whiri i te Reo Māori”.

Resource Management Act 1991 (1991 No 69)

In section 39(2)(b), replace “Māori Language Act 1987” with “**Māori Language (Te Reo Māori) Act 2014**”. 5

In section 276(3), replace “Māori Language Act 1987” with “**Māori Language (Te Reo Māori) Act 2014**”.

Te Ture Whenua Maori Act 1993 (1993 No 4)

In section 68, replace “Māori Language Act 1987” with “**Māori Language (Te Reo Māori) Act 2014**”. 10

Part 2

Amendments to legislative instruments

Criminal Procedure Rules 2012 (SR 2012/415)

In rule 1.9(1), replace “section 4(1) of the Māori Language Act 1987” with “**section 6(1) of the Māori Language (Te Reo Māori) Act 2014**”. 15

In rule 1.10(6)(a), replace “section 18 of the Māori Language Act 1987” with “**clause 4 of Schedule 5 of the Māori Language (Te Reo Māori) Act 2014**”.

District Courts Rules 2014 (LI 2014/179) 20

In rule 1.15(1), replace “section 4(1) of the Māori Language Act 1987” with “**section 6(1) of the Māori Language (Te Reo Māori) Act 2014**”.

In rule 1.16(3), replace “section 18 of the Māori Language Act 1987” with “**clause 4 of Schedule 5 of the Māori Language (Te Reo Māori) Act 2014**”. 25

In rule 1.17(a), replace “section 15(2)(a) or (c) of the Māori Language Act 1987” with “**clause 1(a) or (c) of Schedule 5 of the Māori Language (Te Reo Māori) Act 2014**”.

Part 2—*continued*

District Courts Rules 2014 (LI 2014/179)—*continued*

In Schedule 2, form 4, note 1, replace “Māori Language Act 1987” with “**Māori Language (Te Reo Māori) Act 2014**”.