

**KI MUA I TE ROOPU WHAKAMANA I TE TIRITI O WAITANGI**

**WAI.....**

**IN THE MATTER OF**

**the Treaty of Waitangi Act 1975**

**AND**

**IN THE MATTER OF**

**a claim by DR. TIMOTI KARETU, TINA  
OLSEN-RATANA and DAME IRITANA  
TE RANGI TAWHIWHIRANGI on behalf  
of TE KÖHANGA REO NATIONAL  
TRUST BOARD**

---

**BRIEF OF EVIDENCE OF DAME IRITANA TE RANGI TAWHIWHIRANGI  
IN SUPPORT OF APPLICATION FOR URGENCY**

**Dated 25 JULY 2011**

---

---

**CHEN PALMER PUBLIC AND EMPLOYMENT LAW SPECIALISTS  
BARRISTERS AND SOLICITORS  
WELLINGTON**

**MAI CHEN  
TELEPHONE: 04 499 8990  
FACSIMILE: 04 499 8992  
P O BOX 2160  
DX SP26503  
WELLINGTON**

**BRIEF OF EVIDENCE OF DAME IRITANA TE RANGI TAWHIWHIRANGI  
IN SUPPORT OF APPLICATION FOR URGENCY**

Dated 25 July 2011

1. My name is Dame Iritana Te Rangi Tawhiwhirangi. My iwi affiliations are Ngāti Porou, Kahungunu, Nga Puhi, England and Canada.
2. I am a claimant in this matter and a Trustee of Te Kōhanga Reo National Trust Board (“**the Trust Board**”). I am authorised by the Trust Board to give this brief of evidence.
3. I have been a Trustee of the Trust Board since its establishment in 1982 to the present. From 1990 to 2002 I was also the Chief Executive of the Trust Board.
4. In my brief of evidence I explain the conception of Te Kōhanga Reo and the steady decline of the movement since being classed as an early childhood education service. I also explain why this claim should be heard urgently.

**Background**

5. From 1950 to 1963 I worked as a school teacher. In 1963, I was approached by Ngāti Porou elders to take on a position as the Māori Welfare Officer for Ngāti Porou, a role I held from 1963 to 1972.
6. In 1972 I was called to Wellington to work for the Department of Māori Affairs where I worked until 1989, eventually rising to the role of Assistant Secretary for Community Development.

**Conception of Te Kōhanga Reo**

7. Kōhanga Reo were originally established as a response by Māori to the decline in Te Reo Māori. By the early 1980s it had become clear that Te Reo Māori

was in crisis and that the Department of Education (as it then was) was not satisfactorily addressing that crisis in the eyes of Māoridom. Thus, Te Reo Māori became a top priority in the Department of Māori Affairs.

8. In the early 1980's it was decided by the Department of Māori Affairs that any initiative to address the decline in Te Reo Māori needed to start with young children within the embrace of their whānau.
9. Dr. Tamati Reedy, Deputy Secretary at the time, then came up with the idea of full immersion. The idea was that the language should be learned in the same way a child learns a language, in the context of a home environment. Thus the concept that developed was that language should be "caught" rather than "taught" in those early years.
10. There was no template for Kōhanga Reo. It was driven by the recognition that something needed to be done about the state of Te Reo Māori and that this could form the basis for wider whānau development. The initiative came from Māori communities themselves, using the resources they already had in order to place emphasis on the significant importance of a cultural approach to learning, rather than from the Crown. Kōhanga Reo therefore developed using the resources already available to those communities. In particular, they used their kuia and kaumatua (who were fundamental in the vision of Kōhanga Reo), who had been raised with Te Reo Māori, and their marae as premises. The kaupapa involved learning in an environment which was natural for young children and their whānau, rather than a formal education environment. Kōhanga Reo were never intended to have a narrow focus on education for school, as is the focus of an early childhood education service. Rather, the focus was on learning for life.
11. Recognising that responsibility lay with all whānau and that whānau had responsibility for implementation of the kaupapa was a key to the success of Kōhanga Reo. Many parents at the time did not know Te Reo Māori. They had grown up during a period when the emphasis had been on speaking English. Accordingly, making people realise that they were important and capitalising on the different skills they each had to offer, despite not having qualifications,

was very important not only for the development of the children, but also the parents and whānau.

12. Thus the kaupapa of Kōhanga Reo related to:
  - (a) The entire well being of the whānau;
  - (b) Full immersion in Te Reo Māori;
  - (c) Whānau decision making;
  - (d) Learning and training;
  - (e) Wider matters, such as health, employment and economics.
13. In those early years, I worked with this movement and travelled around the country numerous times speaking to the people about Kōhanga Reo. What arose was an overwhelming enthusiasm for the movement. Kōhanga began to pop up all over the place.
14. Kōhanga Reo were also cost effective. Initially they were each given \$5,000 seeding grants from the Department of Māori Affairs. No other funding was provided at that stage, which again made it necessary for Kōhanga Reo to rely on the existing resources of their communities. This lack of resources caused many difficulties, but it also meant that Kōhanga Reo evolved as a Māori solution to the problems facing Māori communities. They were not initially dependent on support from the Crown, either for their running costs or for their kaupapa.
15. In 1986-1987, the government through the Department of Māori Affairs made a grant of about \$9.1 million to the Trust Board to fund the development of Kōhanga Reo. In 1987-1988 another grant of \$11.1 million was made and the same again in 1988-1989. That funding was provided on the basis that the Trust Board would determine how to distribute the money amongst Kōhanga Reo – in other words it was bulk funding. The Department did not give the Trust Board instructions as to how the money should be distributed, or how individual Kōhanga Reo should spend it. That was left to the Trust Board and

whānau to decide. We ultimately decided to make a grant of \$18,000 to each Kōhanga Reo (which was much less than required to run Kōhanga Reo).

16. In 1982, as National Manager for Community Affairs, I ran a team of three administrators that was established to work with Kōhanga Reo.
17. However, the true impetus for Kōhanga Reo came from the Māori people themselves with the support of the Department of Māori Affairs. During this time, the Department of Māori Affairs recognised the Trust Board's Katiaki role for Kōhanga Reo and worked together with the Trust Board and Kōhanga Reo. The Department of Māori Affairs did not assume "responsibility" for Kōhanga Reo. Rather, they were essentially a conduit. The Department of Māori Affairs had respect for and understood the kaupapa of Kōhanga Reo.

#### **Disestablishment of the Department of Māori Affairs and transfer to Ministry of Education**

18. In 1989, the Department of Māori Affairs was disestablished. At that time I retired from the Department, however I remained a Trustee and Chief Executive of the Trust Board.
19. The government decided, without consulting the Trust Board or Kōhanga Reo, that the Ministry of Education would take over from the Department of Māori Affairs. Thus, from 1990 to the present the Trust Board's relationship with the Crown has mainly been through the Ministry of Education.
20. The Trust Board and I were shocked that no one had talked to us previously to discuss the move to the Ministry of Education.
21. At that stage, we all assumed that the Ministry of Education would continue in the same role as the Department of Māori Affairs, i.e. acknowledging the kaupapa of Kōhanga Reo and supporting and fostering the movement, while allowing the Trust Board and Kōhanga Reo to make their own decisions in terms of the kaupapa of Kōhanga Reo, funding and so on.

22. Between 1990 and 1991 the realisation of the impact of the move to the Ministry of Education on Kōhanga Reo began to sink in. Around that time the Ministry of Education met with me (on behalf of the Trust Board) to discuss the Early Childhood Education Regulations and the implications they would have for Kōhanga. It was then that I was told by the Ministry that Kōhanga Reo would need to meet certain requirements, for example operate in buildings that had been approved by the Ministry of Education. However, many Kōhanga Reo were operating out of buildings on marae that did not meet the Ministry's criteria.
23. Another example of an outcome of the move to the Ministry was that kaumatua, who had previously volunteered their time at Kōhanga Reo, were no longer acknowledged because they lacked formal qualifications in early childhood education. Rather, Kōhanga Reo were required to have 'teachers' with recognised training qualifications. This alienated kaumatua who had previously been a vital component of the Kōhanga Reo movement and were able to pass down history, custom and tikanga as well as their knowledge of Te Reo. It also operated as a denial of the kaupapa of Kōhanga Reo. Instead of being natural, whānau and marae-based institutions, they were forced to become formal early childhood education centres.
24. Initially, the Trust Board put all of its efforts into trying to work with the Ministry of Education to get them to try and understand the kaupapa of Kōhanga Reo. We felt we had no alternative. By this time (the early 1990's) there were around 800 Kōhanga Reo which had around 14,000 to 15,000 children in attendance. The Trust Board could not support such a large number without funding from the Crown. Nor could individual communities afford to fund them. We were therefore dependent on the ongoing financial support of the Ministry of Education, and had to meet its requirements if Kōhanga Reo were to survive.
25. From this point (early 1990s) onwards, there was a steady decline in the number of Kōhanga Reo and children attending. That trend has continued and

there are now 471 Kōhanga Reo chartered to the Trust Board representing 9,364 children.

### **Tripartite relationship**

26. In 1999, after several years of discontent, Kōhanga Reo whānau demanded that the Trust Board take action to protect them and the kaupapa of Kōhanga Reo.
27. Accordingly, in 2000, the Trust Board decided to approach the Crown in order to establish a direct relationship. This led to an approach being made to the Hon Trevor Mallard and the Hon Parekura Horomia as the responsible Ministers.
28. Arising out of that meeting, the Ministry of Education then established a working group consisting of members from the Trust Board, the Crown, and an independent Chair, the Hon Sir Rodney Gallen QC, a retired High Court judge. Both Te Puni Kōkiri and the Ministry serviced the working group.
29. This resulted in the Gallen Report being produced in 2001. The Gallen Report recommended that the Trust Board's relationship with the Crown be enhanced through a formal tripartite relationship with the Ministry of Education and Te Puni Kōkiri. However, the Trust Board preferred a direct relationship with the Crown.
30. Following the recommendation made in the Gallen Report, a tripartite relationship agreement was signed on 27 March 2003 (**“the Tripartite Agreement”**) (Appendix 1).
31. The Tripartite Agreement's stated aims were to:
  - (a) Foster the participation of children and adults in quality early learning within a whānau and Māori cultural environment;
  - (b) Ensure the survival of te reo Māori and its use within whānau and early childhood education; and

(c) Foster the participation of Māori children and adults in quality early learning within a whānau and Māori cultural environment.

32. While the initial intentions of the parties to the Tripartite Agreement appeared to be good, the reality was in fact not so good. The relationship did not work towards those aims and failed to stop the decline of Kōhanga Reo or Te Reo Māori. Kōhanga Reo became further locked into early childhood education regulation.
33. I have read the brief of Tina Olsen-Ratana. I believe that her evidence in relation to the tripartite relationship is accurate.

### Urgency

34. Again, I refer to the brief of Tina Olsen-Ratana and her comments in relation to the ECE Task Force Report (“**the Report**”).
35. The Report makes recommendations that essentially view Kōhanga Reo through an early childhood lens, which is the view we have continued to battle over the years since the transfer to the Ministry of Education. The Report has failed to engage with Kōhanga Reo on its own terms or according to its kaupapa and the process was not carried out in the spirit of the Tripartite Agreement.
36. Kōhanga Reo and its kaupapa are taonga. I witnessed the birth of this great movement in the early 1980’s and how the Department of Māori Affairs worked together with the Trust Board to ensure that the momentum of the whānau behind it and the principles at the heart of Kōhanga Reo were fostered and watched over. From 1982 to 1989, I saw what this movement could achieve.
37. It is with great sadness that I have watched the steady decline of this Māori initiative since 1990. Despite the Trust Board trying to engage in partnership with the Crown, the Crown has failed to protect that taonga. In fact, its actions have actually worked directly against Kōhanga Reo. The Crown has

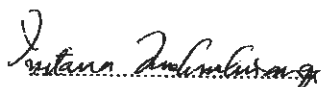


implemented policies which have denied the kaupapa of Kōhanga Reo, forced them out of marae and alienated kaumatua.

38. The Trust has acted as Kaitiaki for Kōhanga Reo since its inception in the early 1980s. The Trust Board has been performing that role in seeking to engage with the Crown since the move to the Ministry of Education in 1990 in order to make it understand the kaupapa of Kōhanga Reo. So far, despite the Tripartite Agreement, and despite our attempts to engage the Crown, the Crown has failed to listen to or understand that kaupapa i.e. that it is not just about early childhood education but about wider whānau development, culture, custom and Te Reo Māori. The Crown has essentially undermined a development initiative by Māori people for Māori people.
39. I have spent decades trying to work with the Crown, seeking to find a way to sustain Kōhanga Reo and to ensure that the vision that the kaumatua and leaders had to retain our language, our customs and our culture could survive. To do less would be in breach of the kaupapa that was left to us by kaumatua and leaders.
40. The Trust Board has sought to engage with the Crown on a number of occasions to find a way forward to resolve the issues facing Kōhanga Reo. We have had a number of meetings with officials and have also sought a meeting with the Minister of Māori Affairs, but to date we have been unable to reach any resolution which addresses the Kōhanga Reo whānau and Trust Board's concerns. The Trust Board's concerns have been treated as a matter of process rather than substance.
41. There has not been any commitment to address fundamental concerns about the way Kōhanga Reo have been treated or to move Kōhanga Reo out of the early childhood regulatory framework. Rather, it has been proposed that there is a return to the Tripartite arrangement. I have concerns that this will not be adequate as the Tripartite arrangement has not resulted in any progress in the past. The Trust Board has therefore concluded that it has no option but to bring this claim to the Tribunal as the last resort for addressing its concerns in

relation to the well-being and tino rangatiratanga of Kōhanga Reo, which will be further threatened by the ECE Taskforce Report.

42. I believe that the recommendations, as set out in the Report, will spell the end for the kaupapa of Kōhanga Reo if they are adopted. Kōhanga Reo will continue to decline, as it has since the transfer to the Ministry of Education, to the point where the kaupapa is completely ignored. This will have long-term and irreversible consequences for Te Reo Māori, as the numbers of kaumatua who were raised in Te Reo Māori dwindle. It is on that basis that I ask the Tribunal to deal with this matter urgently before the recommendations made in the Report can begin to be implemented from 8 August 2011.



---

**Dame Iritana Te Rangi  
Tawhiwhirangi**