



## Education Report: Network management – advice on kōhanga reo proposal

<b>To:</b>	Hon Chris Hipkins, Minister of Education		
<b>Cc:</b>	Hon Kelvin Davis, Minister for Māori-Crown Relations Associate Minister of Education (Māori Education)		
<b>Date:</b>	2 December 2021	<b>Priority:</b>	High
<b>Security Level:</b>	In Confidence	<b>METIS No:</b>	1278579
<b>Drafter:</b>	Siobhan Murray	<b>DDI:</b>	9(2)(a)
<b>Key Contact:</b>	John Brooker	<b>DDI:</b>	
<b>Messaging seen by Communications team:</b>	No	<b>Round Robin:</b>	Yes

### Purpose of Report

This paper seeks your agreement in principle to a preferred option in response to the request from Te Kōhanga Reo National Trust that kōhanga reo be exempt from network management or an alternative process be provided. Following your in principle decision, we propose discussing this matter further with Te Kōhanga Reo National Trust and other Māori immersion services (if relevant).

### Summary

- 1 In October 2021 we advised you that we would provide you with further advice on the request from Te Kōhanga Reo National Trust that kōhanga reo be exempt from network management or an alternative process be provided [METIS 1273665 refers].
- 2 The Treaty principles of partnership and active protection are particularly relevant to the Trust's request that kōhanga reo be exempt from network management or an alternative process be provided. This is because the kōhanga reo movement is a key contributor to the revitalisation and protection of te reo Maori in early childhood education.
- 3 We have developed six options to respond to the request from Te Kōhanga Reo National Trust:
  - i. Status quo – no change
  - ii. Removal of all new kōhanga reo, including teacher-led kōhanga reo, from network management
  - iii. Creation of an alternative pathway for new kōhanga reo
  - iv. Removal of all new Māori immersion services from network management (including kōhanga reo)
  - v. Creation of an alternative pathway for all new Māori immersion services (including kōhanga reo)

- vi. General exemption power of the Minister.
- 4 We consider the status quo may not give specific effect to the Crown's Treaty obligations and may not specifically support the Crown's goal to grow the Māori medium pathway. A separate exemption or separate process just for kōhanga is unlikely to be consistent with Te Tiriti, because it privileges new kōhanga above other potential Māori immersion services. We consider a general exemption power would be too broad – the risk is that a large number of potential services would seek an exemption, undermining the intent of network management.
- 5 Our preferred option is option (v), the creation of an alternative pathway for all new Māori immersion services (including kōhanga reo). This option best balances the Crown's interests with Māori rights for rangatiratanga over the taonga of te reo Māori. The intention is to have as few barriers as possible to opening for these services while still providing oversight of the network for the Crown. The alternative pathway would need to be designed with Māori immersion services (including kōhanga reo).
- 6 Alternatively, all Māori immersion services could be exempted from network management. We do not prefer this option as it provides less oversight of the entire network by the Minister.
- 7 Following your in principle decision, we propose to discuss this matter further with Te Kōhanga Reo National Trust. If you prefer either options (iv) or (v) we will need to discuss with Māori immersion services in addition to the Trust.

## Recommended Actions

We recommend that you:

- a **note** this briefing note responds to a recent request from Te Kōhanga Reo National Trust that kōhanga reo be exempt from network management or an alternative process be provided
- b **agree** in principle to:
- EITHER**
1. Status quo
- Agree / Disagree
- OR**
2. removal of all new Māori immersion services from network management (including kōhanga reo)
- Agree / ~~Disagree~~
- OR**
3. creation of an alternative pathway for all Māori immersion services (including kōhanga reo) – *Preferred option*
- ~~Agree~~ / Disagree
- c **note** the above options (except status quo) could be broadened to include Iwi-led early learning services which may not teach in te reo Māori the majority of the time
- d **discuss** this matter with the Minister for Māori-Crown Relations
- Agree / Disagree

- e **note** we propose to discuss your preferred option with Te Kōhanga Reo National Trust to seek their views, as well as with Te Kāhui o Te Puna Reo
- f **note** we will come back to you with a report on progress and next steps following our engagement
- g **agree** that the Ministry of Education release this education report once Cabinet has considered the proposals with any information that may need to be withheld done so in accordance with the Official Information Act 1989.

Release / Not release



John Brooker  
**Group Manager**  
**Te Puna Kaupapahere**

02/12/2021



Hon Chris Hipkins  
**Minister of Education**

5 / 12 / 21

## Background

- 1 The Education and Training Act 2020 introduced a new function, network management for early childhood services. Under network management, potential new early childhood services must first apply for network management approval to the Minister of Education before they can apply for a licence. Network management is a lever to manage new supply. The network approval process will look at the need for an early childhood service as well as the suitability of the proposed new provider. Table One below outlines how network management will work alongside licensing:

**Table One: how network management will work**

Stage		Details	Status
1	Network management application	A provider must meet the new network management requirements as set out in Sections 17 and 18 of the Education and Training Act 2020. Approval enables the service to apply for stage 2 below.	This is a new requirement
2	Licensing application	A provider must meet the requirements set out in the Education (Early Childhood Services) Regulations 2008.	This is a current requirement

- 2 To support network management, Cabinet recently agreed to the introduction of National and Regional Statements [SWC-21-MIN-0179 refers]. The statements will outline the Government's priorities for network management and provide data and information on supply and forecast growth, demand and need for licensed early childhood services. It is proposed that the statements would include:
  - a. a Government priority on Māori immersion services
  - b. specific information on te reo Māori pathways in early learning and where potential gaps in provision are located.

### Network management applies to all licensed services

- 3 The current policy intent is that all licensed services would be subject to network management. The Cabinet paper said that kōhanga reo would be subject to network management (see below for the relevant section in the original Cabinet approval). The advice implies that the intent of network management was not to discourage the establishment of new kōhanga reo and the Act would make specific provision for the establishment of te reo Māori services.

#### *Application of new licensing framework to kōhanga reo*

Under the proposed settings, all early learning services that fit the definition of an early childhood service under section 10 of the Act will be subject to this licensing process, including kōhanga reo. This new regime will need to ensure that there is scope for applications for new kōhanga reo to be considered fairly. Any [licence]<sup>1</sup> applications will be considered in the context of the applicant meeting the needs of their community which includes the ability of whānau to access provision and educational pathways in te reo Māori. Without this, there is a risk of further Waitangi Tribunal claims if the Crown were to block an application by Te Kōhanga Reo National Trust (the Trust) to establish a new kōhanga reo.

<sup>1</sup> The reference to the work 'licence' in this cabinet paper was incorrect as it referred to network management, not licensing.

- 4 In response to the above advice, specific reference was put in the legislation to recognise access to te reo Māori early learning services. Section 17(2)(a) provides that before the Minister may give network management approval in respect of an early childhood education and care centre,<sup>2</sup> the Minister must take into account the availability of services in the area with different offerings, for example, the provision of te reo Māori.

### **We recently consulted with the early learning sector on changes to network management**

- 5 The current Education and Training Act 2020 provisions do not enable the implementation of the network management function in the most effective and efficient way. During September – October 2021 we consulted with the early learning sector on some detailed proposals that will require changes to the Act, introduce National and Regional Statements and the creation of new regulations (planned for 2022).
- 6 On 13 October 2021, Te Kōhanga Reo National Trust requested exempting kōhanga reo from network management or an alternative process be provided. In their view, they already complete a chartering process akin to network management and do not see any major differences in their approach compared to the network management proposals.
- 7 On 20 October 2021, we advised the Minister of Education that we would provide advice on this proposal from Te Kōhanga Reo National Trust in November 2021 [METIS 1273665 refers].

### **Other relevant context**

- 8 It is also relevant that the Associate Minister of Education (Māori Education) has recent Cabinet approval to develop a work programme to grow Māori Medium education, particularly services that are 80% immersion or higher (Level 1). This programme will be developed in conjunction with an Oversight Group which Te Kōhanga Reo National Trust has been invited to join.

### **Te Kōhanga Reo National Trust has requested an exemption from network management or an alternative process be provided**

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#### **What is the rationale for an exemption or an alternative process for kōhanga?**

- 9 We understand from the Trust that the proposal (to exempt kōhanga reo from network management or an alternative process be provided) is based on several reasons:
- a. The network management function duplicates the Tūtohunga/Chartering process of kōhanga reo.
  - b. The Crown has Treaty of Waitangi obligations to actively protect the right of kōhanga reo to self-determine their own affairs.
  - c. The network management application fee proposed is prohibitive.
- 10 Below we set out our assessment of the reasons provided by the Trust.

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<sup>2</sup> Note education and care centre in the legislative context includes kōhanga reo.

**The Trust considers the network management function may duplicate their Tūtohunga/ Chartering process**

- 11 We were advised that for each new kōhanga reo, the Trust undertakes a detailed chartering process which includes the following steps (simplified version):
- a. Identify potential need for a new kōhanga reo
  - b. Complete the preliminary assessment with interested parties
  - c. Whānau – consult and decide if further consultation will go ahead
  - d. Review interested party decision
  - e. Create kōhanga reo record
  - f. Create property case
  - g. Whānau request to create tūtohunga (charter)
  - h. Provide whānau support
  - i. Finalise tūtohunga
  - j. Question and answer hui
  - k. Tūtohunga presentation hui
  - l. Introduction hui.
- 12 It is our assessment that the tūtohunga process has similar intent to network management. The Trust takes a managed approach to growing the kōhanga network, and their process focuses on community need and whānau engagement (a-d above) ahead of property matters. The Crown's process also focuses first on community need and the needs of children – the intent of network management is to ensure that the service is needed in the network.
- 13 Due to the similar intent of the two processes, there is the potential for duplication of activities and effort. For example, under the proposed settings:
- a. prospective kōhanga reo would likely have to complete Ministry of Education information requirements for network management as well as the Trust's forms and processes
  - b. some of the network management aspects may require the Trust to revise their longstanding tūtohunga process, or repeat aspects to align with the network management assessment by the Minister.
- 14 Some aspects of network management would be different for kōhanga reo such as the requirement to demonstrate alignment with National and Regional Statements. However, kōhanga reo are likely to easily meet this requirement as they will provide a Māori immersion service (a proposed priority of the statements).

**The Trust has indicated that the Crown has Treaty of Waitangi obligations**

- 15 The Trust has indicated that the Crown has Treaty obligations to recognise the right of kōhanga reo to self-determine their own affairs.

The Crown's Treaty of Waitangi obligations

- 16 The Crown is expected to act consistently with the Treaty of Waitangi and its principles. There are two significant Treaty principles applicable to this proposal: partnership and active protection.

### *The partnership principle*

- 17 The partnership principle requires both the Crown and Māori to act in good faith, fairly, reasonably, and honourably towards each other.<sup>3</sup> It requires a context-specific balance to be struck between the Crown's exercise of kāwanatanga and the exercise of rangatiratanga by Māori.
- 18 Flowing from the principle of partnership, and inherent in the Crown's duty to act in good faith, the Crown must take reasonable steps to make informed decisions on matters that affect Māori interests.<sup>4</sup> How the Crown will fulfil this duty to make informed decisions will necessarily depend on the circumstances of each case.
- 19 The Crown is entitled to make decisions that are reasonable: that is, within the bounds of its own broad responsibilities and authority but considering all the circumstances and based on sound procedure and consideration of relevant material.<sup>5</sup>
- 20 Although there is no specific obligation of consultation, often responsibility to make informed decisions will require consultation. Good faith may require consultation "on truly major issues".<sup>6</sup> Consultation is a two-way process, placing obligations on both Māori and the Crown: both must actively participate in consultation in good faith.<sup>7</sup>

### *Active protection principle*

- 21 In exchange for the right to govern, the Crown guaranteed to protect Māori interests including tino rangatiratanga and taonga. The Crown has an obligation to actively protect Māori interests. The principle extends to the equality rights protected in article three of the Treaty.
- 22 The duty of active protection is not absolute and unqualified. The Crown, in carrying out its obligations, is not required to go beyond what is reasonable in the prevailing circumstances.<sup>8</sup> However, where a taonga is in a vulnerable state, it may require "especially vigorous action" on the part of the Crown.<sup>9</sup> If the vulnerable state is the result of any default or breaches of the Crown, this might increase the Crown's responsibility.<sup>10</sup> The taonga in relation to this matter is te reo Māori.
- 23 Importantly, the Crown may decide from a number of possible policy options how to give effect to its Treaty obligations, provided it elects between the available options reasonably and in good faith.<sup>11</sup> As noted above, good faith would require a properly informed decision, including consultation where appropriate in the circumstances.

9(2)(h)

<sup>3</sup> *New Zealand Māori Council v Attorney-General* (the *Lands* case) [1987] 1 NZLR 641 at 644 per Cooke P.

<sup>4</sup> The *Lands* case at 683 per Richardson J.

<sup>5</sup> *New Zealand Māori Council v Attorney-General* (the *Broadcasting Assets* case) [1994] 1 NZLR 513 at 517 (PC).

<sup>6</sup> *New Zealand Māori Council v Attorney-General* (the *Forests* case) [1989] 2 NZLR 142 at 152.

<sup>7</sup> *Greenpeace of New Zealand Incorporated v Minister of Energy and Resources* [2012] NZHC 1422 at [133], [136] and [140].

<sup>8</sup> The *Broadcasting Assets* case at 517.

<sup>9</sup> The *Broadcasting Assets* case at 517.

<sup>10</sup> The *Broadcasting Assets* case at 517.

<sup>11</sup> *Attorney-General v New Zealand Māori Council* [1991] 2 NZLR 129 at 135.

Is there a special relationship with Te Kōhanga Reo National Trust?

- 25 In addition to the broad Treaty obligations, it is also important to consider if there is a special relationship with the Trust that should guide or inform our advice. It is our assessment that there is a special relationship between Te Kōhanga Reo National Trust and the Minister and Ministry of Education that goes beyond its non-tribal status. This is indicated by:
- a. The Tripartite Relationship Agreement between Te Kōhanga Reo National Trust, and the Ministers of Education and Māori Affairs (2003).
  - b. The Funding Agreement for Delivery of Services to Kōhanga Reo (of \$6 million per annum). No other early learning umbrella organisation has an agreement of this nature.
  - c. Kōhanga reo have a separate curriculum framework and licensing criteria.

*Wai 2336 Matua Rautia: report on the Kōhanga Reo Claim*

- 26 On 18 October 2012, the Waitangi Tribunal released its report on the Kōhanga Reo Claim filed by claimants on behalf of the Trust. The Tribunal heard the claim under urgency. Key findings from the report, included:
- a. The kōhanga reo movement is a Treaty partner.
  - b. The Crown should not design policy in a way that undermines the rangatiratanga rights of Māori and their institutions.
  - c. The kōhanga reo movement is a key contributor to the protection of te reo Maori.
  - d. The Crown should actively support Māori led te reo initiatives in a vigorous manner given the continued vulnerable state of te reo.
- 27 An extract of the Treaty principles considered relevant by the Tribunal is provided as Annex 1.
- 28 While the government has not yet formally responded to the Wai 2336 report it has provided funding in Budgets 2019 and 2020 in response to some of the recommendations of the report. Budget 2019 provided \$32 million to lift wages, allow volunteers to be paid, update ICT capacity, and fund a stocktake and repairs of their buildings. Budget 2020 provided \$196 million, largely to improve pay in kōhanga reo. As part of the Budget 2021 pay parity initiative, \$12 million has been set aside for kōhanga reo.

*The fee proposed is prohibitive*

- 29 We have proposed a \$500 (plus GST) application fee for network management. This fee is a minimal fee compared to the cost of implementing it. We have proposed a part charge as there are both public and private benefits in new early learning services being established. Public benefits include access to early childhood education to support labour market participation and provision of education to the 0-5 population.
- 30 This fee was supported by the early learning sector (73% agreed or strongly agreed). The fee is low relatively to the licensing fee of \$2,817.50 (including GST).



- 31 We consider that the network management fee is very low and is unlikely to be a significant cost for the Trust as the umbrella organisation. Further, given the low numbers of new kōhanga reo being established each year (see table overleaf), the overall cost to the Trust is not likely to be significant. However, we understand the Trust has an interest in growing its network.

**Table Two: Number of new licensed kōhanga reo between 2016-2020**

Year	2016	2017	2018	2019	2020
No. of new licensed kōhanga reo	1	4	1	1	3

### Our advice on exemption or an alternative process

- 32 The Treaty principles of partnership and active protection are particularly relevant to the Trust's request that kōhanga reo be exempt from network management or an alternative process be provided. The kōhanga reo movement is a key contributor to the revitalisation and protection of te reo Māori in early childhood education. Accordingly, we are providing this advice on how the options give effect to the Treaty and its principles to inform your decision.
- 33 We agree in principle with the Trust's view that aspects of the network management function may duplicate the Tūtohunga/Chartering process of kōhanga reo. We also agree that the Crown has Treaty of Waitangi obligations to reasonably consider the request from the kōhanga reo movement given our overall treaty obligations and the special relationship we have with the Trust through various arrangements. We do not agree the proposed application fee is prohibitive. The fee is low relative to the licensing fee of \$2,817.50 (including GST).
- 34 The Crown's Treaty obligations mean the Crown may decide from a number of possible policy options how to give effect to its Treaty obligations, provided it elects between the available options reasonably and in good faith.
- 35 On this basis we consider that it is appropriate to reconsider if network management should apply in the same way to Māori immersion services (including kōhanga reo), as other early childhood services. This has necessitated an examination of whether options exist or can be generated to meet the concerns. We have developed six possible options:
- 1 Status quo – no change
  - 2 Removal of all new kōhanga reo, including teacher-led kōhanga reo from network management
  - 3 Creation of an alternative pathway for kōhanga reo
  - 4 Removal of all new Māori immersion services from network management (including kōhanga reo)
  - 5 Creation of an alternative pathway for all Māori immersion services (including kōhanga reo)
  - 6 General exemption power of the Minister
- 36 For the purposes of our analysis we have defined Māori immersion service as a service operating in te reo Māori for the majority of the time (above 50%).
- 37 The following table provides a description of each option.

**Table Three: Description of each option**

#	Option	Description
1	Status quo – no change	Kōhanga reo are subject to network management
2	Removal of all new kōhanga reo, including teacher-led kōhanga reo from network management	Kōhanga reo are not subject to network management. New kōhanga reo may apply for licensing at any time.
3	Creation of an alternative pathway for kōhanga reo	Kōhanga reo are subject to network management but there is an alternative process which would be designed to work for kōhanga reo and the Trust's processes.
4	Removal of all new Māori immersion services from network management (including kōhanga reo)	Māori immersion services are not subject to network management. New Māori immersion services reo may apply for licensing at any time.
5	Creation of an alternative pathway for all Māori immersion services (including kōhanga reo)	Māori immersion services are subject to network management but there is an alternative process which would be designed to work for Māori immersion service processes.
6	General exemption power of the Minister	Kōhanga reo and other Māori immersion services are subject to network management but may apply to the Minister for an exemption. If an exemption is provided, new kōhanga reo or other new Māori immersion services would apply for licensing at any time.

38 The separate pathways for kōhanga reo (Option 3) and Māori immersion services (including kōhanga reo) (Option 5) would require detailed design. In particular:

- a. There may be elements of the current network management process that could be removed. For example the community need test may be removed as this is less relevant for kōhanga reo being established by the whānau and community that will attend.
- b. There may be new elements added to better suit kōhanga reo and Māori immersion services.
- c. We would need to work in partnership with Māori immersion services (including Te Kōhanga Reo National Trust) on which parts of the process can be modified or removed to meet their concerns and avoid unnecessary duplication.
- d. Meeting an alternative pathway might guarantee network approval.

39 Options 4 and 5 focus on Māori immersion services (including kōhanga reo) because all of these services engage the Crown's Treaty obligations, particularly the principle of active protection of taonga (te reo Māori). Options 4 and 5 could be broadened to include Iwi-led services which may not teach in te reo Māori the majority of the time.

40 The following table considers each option against the three key considerations we think are most relevant:

- a. Recognises and respects the Crown's responsibilities to give effect to the principles of the Treaty of Waitangi by acknowledging and working in with existing processes, or allowing those processes to continue uninterrupted.
- b. Supports the priority of growing the Māori medium education sector by removing compliance or providing a more tailored pathway.

- c. Enables an active role for the Minister in the network of licensed early childhood services by allowing the Minister to approve all decisions.

**Table Four: Assessment of each option**

#	Option	Gives effect to Treaty of Waitangi obligations specifically	Supports the priority of growing the Māori medium education sector	Enables an active role for the Minister in the early learning network
1	Status quo – no change			✓
2	Removal of all new kōhanga reo, including teacher-led kōhanga reo from network management	✓ But only for kōhanga reo	✓	
3	Creation of an alternative pathway for kōhanga reo	✓ But only for kōhanga reo	✓	✓
4	Removal of all new Māori immersion services from network management (including kōhanga reo)	✓	✓	
5	Creation of an alternative pathway for all Māori immersion services (including kōhanga reo)	✓	✓	✓
6	General exemption power of the Minister			✓

- 41 Our preferred option is Option 5, the creation of an alternative pathway for all Māori immersion services (including kōhanga reo). Our view is that a broader approach for all Māori immersion services is more in line with our treaty obligations to Māori and te reo Māori. While other Māori immersion services have not sought an exemption or an alternative process we think this option:
  - a. Gives the best effect to Treaty of Waitangi obligations by establishing an alternative pathway for any service that provides Maori immersion and grows the number of Māori speaking children.
  - b. Supports the Associate Minister of Education's priority of growing the Māori medium education sector and actively managing and supporting supply.
  - c. Balances the Minister's interest in having an active role in the overall early learning network against the intention to have as few barriers as possible for Māori immersion services. The option also involves working in partnership with Māori immersion providers to develop a process that would support growing the Māori medium pathway.
- 42 The core disadvantage of Option 4 is it does not allow the Minister to play an active role in the whole network as new Māori immersion services would be fully exempted. There is also probably some risk that potential services may 'disguise' themselves as Māori immersion services to seek exemption.

- 43 We consider the status quo may not give specific effect to the Crown's Treaty obligations and may not specifically support the Crown's goal to grow the Māori medium pathway. The National and Regional Statements provide the ability to articulate the Minister's priorities for new services in the early learning network. Given the priority to grow the Māori medium pathway, Māori immersion services are likely to be identified as priorities in these Statements. However, the process and the evidence required from groups wishing to set up these services would be the same as for new English medium services.
- 44 A separate exemption or process just for new kōhanga is unlikely to be consistent with Te Tiriti, because it privileges kōhanga above other potential Māori immersion services. This would not recognise that the Crown's Treaty partners are Māori and that te reo Māori is the taonga that requires active protection from the Crown.
- 45 We consider a general exemption power would be too broad. There would be a risk that a large number of potential services would seek an exemption, undermining the intent of network management.
- 46 Our advice on this matter does not relate to the requirement for kōhanga reo to be licensed. Any new kōhanga reo would need to meet the licensing criteria.
- 47 To develop this advice we have considered:
- a. CO(19)5: Te Tiriti o Waitangi/Treaty of Waitangi Guidance
  - b. Wai 2336: Matua Rautia Report on the Kōhanga Reo Claim.

## Next Steps

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- 48 Following your decision on the options presented in this paper, we propose to discuss your preferred option with Te Kōhanga Reo National Trust. If you prefer either options 4 or 5 we will need to discuss these with Te Kāhui o Te Puna Reo (the group of Māori immersion and bilingual education and care services).
- 49 If your preferred option involves legislative change, we will need to advise the best option for including it within the existing process.
- 50 We are also progressing a number of other workstreams, such as National and Regional statements and regulations which will require further engagement with the Trust and other Māori immersion services.

## Annexes

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- Annex 1: Extract of Treaty Principles from Wai 2336

## Annex 1: Extract of Treaty Principles Wai 2336

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### Treaty partnership

The Trust acts as their kaitiaki and can express their rangatiratanga through the Trust's representation of its members. The kōhanga reo movement is not the only Treaty partner that the Crown will engage with in the context of te reo Māori revitalisation in early childhood education. However, it is the largest, most experienced Māori institution within the early childhood education sector, and it has been endorsed by whānau, hapū and iwi.

### Kāwanatanga and rangatiratanga

In the case of kōhanga reo the right of the Crown to govern is qualified by the requirement to actively protect the 'tino rangatiratanga' or authority of Māori and their taonga. This means that the Crown must design early childhood education policy in terms of te reo Māori for Māori children and their whānau in a manner that does not undermine the rangatiratanga rights of Māori and their institutions. The challenge for the Crown and Māori in the ECE space is to ensure that any efforts towards shared goals are collaborative and complementary. In the case of kōhanga reo this requires that the Crown's right to govern, by regulation or otherwise, is exercised in a manner that provides for, and does not undermine, the exercise of Māori authority in relation to these initiatives. In the Tribunal's view this is one of the fundamental principles that has not been well executed in relation to kōhanga reo in recent years.

### The duty to actively protect

The kōhanga reo movement is inextricably linked to the survival of te reo Māori.

### The principles of options and equity

Where Māori have implemented their own initiative to preserve and promote te reo Māori through a tikanga-based nationwide system such as kōhanga reo, and that system is central to the inter-generational transmission of te reo Māori, then it is for the Crown to actively support that in a vigorous manner given the continued vulnerable state of te reo. It should also ensure that they enjoy access to the same opportunities to develop as other New Zealanders operating early childhood education services. This means providing efficient and effective policy, funding, and regulatory support.

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Excerpts from <https://waitangitribunal.govt.nz/news/wai-2336-matua-rautia-report-on-the-kohanga-reo-claim-2/>