BRIEFING TO THE INCOMING MINISTERS OF

MĀORI DEVELOPMENT

AND

FINANCE

Prepared by Māori Television
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1.0 INTRODUCTION

Māori Television was established in 2003 to make a significant contribution to the promotion and protection of the Māori language and culture for the benefit of all New Zealanders.

Since commencement of broadcasting on 28 March 2004, Māori Television has experienced rapid growth and development over the last 10 years. It is now well established as part of New Zealand’s broadcast landscape.

Over the last two years, an average of 1.6 million New Zealanders view at least one of our channels every month.

This document provides an overview of Māori Television, the strategic direction and results being achieved. This document also notifies the Minister of the following current issues for the organisation:

1. Funding Levels
2. Funding Framework
3. Change in Statutory Function, pursuant to the Māori Television Service Act 2003 Amendment Bill.
2.0 INDUSTRY OVERVIEW

The New Zealand television industry continues to undergo rapid change and growth like the rest of the world.

Much of this due to technology developments and changing patterns of media consumption. These developments are having significant impact on traditional methods of television broadcasting and production.

The proliferation of digital television channels, internet broadcasting developments, social media and other new technologies are giving consumers more information and entertainment options to choose from, which in turn is leading to increased fragmentation of television audiences.

New Zealanders now have up to 100 public and privately-owned national and regional free-to-air and pay channels choose from. There is an almost unlimited range of local and international internet options to access and view content. Māori Television fully supports the view that for broadcasters to counter the impact of fragmenting audiences, they must embrace these new technologies.

Equally, we are strongly committed to utilising new technologies to deliver our programmes to as wide an audience as possible.

Māori Television has a unique point of difference as a broadcaster
Reflecting life in Aotearoa New Zealand with 90 percent plus local content
With 70 percent plus Māori language content across our traditional television channels.

Over the last three years, Māori Television has been completing our transition from analogue to digital broadcasting and progressively augmenting our traditional broadcast foundations with improved online, mobile and social media access to our content.

We are now seeing 250,000+ viewers per month utilizing our website and this figure is growing exponentially year-on-year with growth rates typically in excess of 100%.

Māori Television is clearly operating within a crowded and highly competitive marketplace. However, as an indigenous broadcaster that is required to broadcast in both te reo Māori and English and to enrich society, culture and heritage, Māori Television does not aim to compete directly with other networks.
3.0 MĀORI TELEVISION

The Māori Television Service Act

Māori Television was founded under the Māori Television Service Act 2003 (Te Aratuku Whakaata Irirangi Māori). Passed in May 2003, and amended in November 2013, the act establishes the organisation as a statutory corporation.

It sets out that Māori Television’s principal function is to promote and protect Māori language and culture by:

- Providing a high quality, cost effective television service in both te reo Māori and English that informs, educates and entertains viewers;
- Broadcasting a substantial proportion of its programmes in the Māori language;
- Having regard to the needs of young people, children participating in immersion education, all people learning Māori and people whose first language is te reo Māori;

Māori Television reports to the following Reporting Stakeholders:

- The Crown – represented by Minister of Māori Affairs and the Minister of Finance; and
- Māori - represented by Te Pūtahi Paoho (the Māori Electoral College).

Te Pūtahi Paoho representation includes:

- Te Kōhanga Reo National Trust
- Te Rūnanganui o Ngā Kura Kaupapa Māori o Aotearoa
- Te Tau Ihu o Ngā Wananga
- Te Ataarangi Incorporated
- Te Whakaruruha o Ngā Reo Irirangi o Aotearoa
- Ngā Aho Whakaari Māori in Film, Video and Television Incorporated
- Kawea Te Rongo
- New Zealand Māori Council
- National Māori Congress
- Māori Women’s Welfare League
- Ngā Kaiwhakapūmau i Te Reo Māori.

Māori Television is accountable to Reporting Stakeholders in the following ways:

- Annual Statement of Intent agreed between the Crown and Te Pūtahi Paoho.
- Annual Output Plan agreed between Māori Television and the Crown
- Quarterly Progress Reports provided to both stakeholders
- Publication of the Annual Report
- Regular audits via the Office of the Auditor General
- Compliance with the Official Information Act 1982.
3.2 Ministers Responsibilities

The Māori Television Service Act 2003 (Te Aratuku Whakaata Irirangi Māori) sets out in full the responsibilities of the Minister of Māori Affairs and the Minister of Finance.

Acting jointly with the Chairperson of Te Pūtahi Paoho, the key responsibilities of the Minister of Māori Affairs and the Minister of Finance are:

1. Appointing the Board of Directors
   Three directors are appointed by reporting Ministers.
   Four directors are appointed by Te Pūtahi Paoho.
2. Appointing one director to be the chairperson of the Board of Māori Television;
3. Appointing another director to the deputy chairperson of the Board of Māori Television;
4. Determining the remuneration and other benefits for the Board of Māori Television.
5. Approving the annual Statement of Intent of Māori Television

3.3 Board of Directors

The Board of Māori Television comprises up to seven non-executive directors. Te Pūtahi Paoho appoint four directors and the remaining three directors are appointed by the Crown.

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<th>Board of Directors</th>
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<td>Chairman</td>
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<td>Deputy-Chair</td>
<td>Tahu Potiki</td>
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<td>Director</td>
<td>Dr Cathy Dewes ONZM</td>
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<td>Rikirangi Gage</td>
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3.4 Potential Changes to Governance Arrangements

A new Māori Language Strategy was announced recently by the Government prior to the General Election. Part of the Strategy proposes changes in the governance arrangements for the various stakeholders including the Māori Television Service.

Potentially, the role currently filled by Te Pūtahi Paoho will be replaced by a yet-to-be established Te Mātawai Board. Until such time as these changes are enacted by way of a proposed Māori Language Amendment Act, Māori Television will continue to work within current parameters in line with the expectations of current shareholding Ministers.

3.5 Māori Television Structure

Organisational Re-structure

Māori Television recently reviewed its business model and came up with an alternative representation going forward.

Please see Appendix 1.
Key Differences to the Current Business Model

- The re-organisation will help greatly in shaping the Māori Language Strategy and requirements for Māori Television.

- Across Māori Television, all activity will focus on the many new platforms for distribution of programmes, not just the traditional single broadcast channel.

- The new model encourages work areas to talk to each other, to co-operate and be aware of each other’s activities.

- It creates enhanced commercial opportunities and new business opportunities including the potential for Māori TV to partner with non-traditional broadcasting funders. For example, other government departments such as the Ministry of Education to deliver on shared interests with Māori TV partnering with Min of Education to deliver curricula to schools and kura.

- Greater focus on marketing Māori Television to the audience, promotions to the viewers and the wider community of Aotearoa, and research on our effectiveness.

3.6 Māori Television Operations

From one television channel in 2004, Māori Television now provides three different services for its audiences.

- Our Māori Television Channel provides inclusive television for all New Zealanders. The channel's schedule has, at least, 90 percent locally made programming, in bi-lingual Māori and English language. This covers a range of genre including arts, culture, film, sports, music, New Zealand's environment and history, and issues of relevance to New Zealanders. This channel is available via Freeview Satellite, Freeview Terrestrial, Sky and Igloo.

- Our Te Reo channel aims to broadcast in 100% te reo Māori and focuses on the core Māori audiences and advanced language learners. This channel is available via Freeview satellite, Freeview terrestrial, Sky and Igloo.

- Our online service, maoritelevision.com, aims to provide on-demand access to all our broadcast programming, live streaming key events, and regular news updates. It is accessible via all internet capable devices, connected TVs, mobile phones, tablets and PCs.
Most of our programming is also available online internationally for Māori and other New Zealanders living overseas.

3.7 Funding

Māori Television receives:

Direct Funding
- $16.6m plus GST per annum from Vote Māori Affairs. This funding is primarily to fund broadcasting (non-programme) operations.
- $16.1m plus GST per annum from Te Māngai Pāho. This funding is used to produce in-house programmes, which accounts for approximately 50% of our programme needs.

Māori Television also relies on additional programming produced by the independent production sector to fill a significant part of its schedules.

Indirect Funding
- Contestable funding of approximately $25million from Te Māngai Pāho. Funding is paid to the production companies, not Māori Television. This is available to independent producers to make television programmes for NZ broadcasters including Māori Television. There is no guarantee that Te Māngai Pāho will agree to fund the type of programmes Māori Television wants for its schedules. The level of indirect funding is uncertain. Previously Māori Television has tended to receive programming to the value of approximately $20m per annum, from this contestable funding process.
3.8 Key Deliverables

Māori language content and broadcast hours are key outputs for Māori Television.

The targets we have set are, as follows:

Māori Language
The combined Māori language content broadcast by both channels of at least 70 percent.

Broadcast Hours
Total combined broadcast quantity of both channels of at least 7,000 hours.
On average 1250 hours of programming will available at any time for online viewing.
4.0 STRATEGY AND RESULTS

Māori Television has developed a strategy that is based on inclusivity. Our tagline – mā rātou, mā mātou, mā koutou, mā tātou (for them, for us, for you, for everyone) – effectively summarises our intent that Māori Television be the ‘face of New Zealand’. A television organisation which offers something for all New Zealanders.

Vision
Māori Television’s vision is for te reo Māori to be valued, embraced and spoken by all New Zealanders.

Mission
Māori Television’s mission is to contribute to Māori success through te reo me ngā tikanga Māori.

4.1 Contribution to Māori Language Strategy

Māori Television is one of the key Māori language entities for the Māori Language Strategy, alongside Te Taura Whiri i Te Reo Māori and Te Māngai Pāho.

As a Māori language broadcaster in Aotearoa New Zealand, Māori Television provides an advanced level of access, multiple platforms and channels through which it broadcasts programming.

In this regard, it has a unique role to play in the Māori Language Revitalisation objectives set out in the Māori Language Strategy.

Māori Television, with its range of delivery platforms, has the ability to reach large numbers of people, making it possible for the language to be seen and heard both online and onscreen in the homes of all New Zealanders and, in particular, those of whānau, hapū and iwi across the motu.

In all respects, Māori Television has a very influential and key role in contributing to the achievement of the Māori Language Strategy.

4.2 Key Milestones and Achievements

The on-going credible progress of the organisation has been highlighted by a range of key milestones and achievements since its launch, such as:

- Annual special public broadcasts including ANZAC Day and Waitangi Day commemorations. Note, the 2015 Anzac Day commemorates 100th anniversary.
- Launch of the Te Reo Channel, the 100 percent Māori language channel on 28 March 2008, targeting fluent speakers and second language learners.

- Implementation of the Digital Strategy that now sees 250,000 New Zealanders accessing our content online locally and globally, every month.

- Special public broadcasts, for example, the 12-hour ‘Rise Up Christchurch – Te Kotahitanga’ Telethon which raised $2.7 million for Prime Minister’s Christchurch Earthquake Appeal Fund.

- Lead Free-to-Air Broadcaster role for Rugby World Cup 2011 tournament which included coverage of all 48 games, including 16 key games live. Record audiences watched RWC 2011 coverage on both the Māori Television and Te Reo channels, which attracted over 560,000 new viewers.

- Establishment of World Indigenous Television Broadcasters Network (WITBN) which includes 13 indigenous television organisations from the United Kingdom, Ireland, Europe, Asia, Pacific, South Africa, Canada and the United States. The vision of WITBN is to ‘unify indigenous broadcasters worldwide to retain and grow our indigenous languages and cultures’.

- Independent research conducted by Te Puni Kōkiri in 2011 that examined the impact of Māori Television on the Māori language.

  The survey results concluded that there is a ‘consistent relationship between greater viewing of Māori Television and increasing language usage, greater language learning, and proficiency increases and maintenance’. Furthermore, that ‘The availability of the Service also made 66% of the respondents want to improve their language skills’.
5.0 ISSUES AND MATTERS REQUIRING MINISTERIAL ATTENTION

1. Level of Government Funding
2. Funding Framework

Level of Government Funding

Other than an increase in 2008 to assist with the introduction of the second channel, Māori Television has had no other increases in funding since we launched in 2004. Over those years since 2008, due to the impact of the inflation the purchasing power of our Government funding has been reduced by 12%, which equates to a loss of funding to the tune of $3.8 million per annum.

Each year, it is increasingly more difficult not only to sustain the current levels of service, but also to enhance the service and keep pace with the new technological developments in the television industry.

Maintaining tight control over our cost structure, and identifying other sources of income that do not compromise our statutory objectives, has allowed us to manage this situation for a number of years now but we are at a point now where we believe this is no longer sustainable.

To proceed with the current level of funding will require us to:
- reduce the quantity and quality of our current services, and/or
- not implement new strategies to grow the service and keep pace with the technology developments in the TV industry, and/or
- start incurring progressively increasing deficits.

For now, we are projecting to start incurring deficits in future years. While we have built up some reserves to allow us to fund these deficits in the shorter term, this is also not sustainable in the longer term.

We believe there is a strong case for an increase in our baseline funding of at least $3 million - $4 million per annum to restore our funding to its previous inflation-adjusted level and that in future this funding should be inflation adjusted each year.

Not only will this allow us to manage the impact of inflation without having to compromise our current services, it will also provide us with a means of better securing our place in the new world of multi-platform television.

To keep pace with the technological developments in the industry we have continually provide more and new digital services but the industry is not yet at a stage where we can safely discontinue any of our current traditional television services.
Therefore, for the next 3 to 5 years at least, to be successful we have to do both, i.e. Introduce new digital services while also still maintaining our traditional services.

As our current level of funding was only ever designed to cover the cost of our current traditional television services, this is not possible without some increase.

**Funding Framework**

Although the Government provides direct funding to Māori Television from Vote Māori Affairs for its operational (i.e. non-programming) costs, Māori Television receives minimal direct funding for its programming needs.

Of its total annual programme funding requirement of approximately $40 million, 90% of this (i.e. $36 million) is managed, administered and controlled by Te Māngai Pāho, as follows:

- Approximately $16 million per annum is provided by Te Māngai Pāho for in-house programme production, which is subject to an annual approval and contract negotiation process. There no certainty that Māori Television will receive this amount of funding each year, nor that Te Māngai Pāho will agree with Māori Television as to how this funding should be applied.

- The $25 million that Te Māngai Pāho makes available to the independent production sector is available for all broadcasters to compete for, not just Māori Television. There is no certainty as to how much of this funding will be applied to programming for Māori Television, nor any certainty as to which programmes Te Māngai Pāho may elect to provide funding for.

The key issues with this funding model are:

- Māori Television has no certainty as to the quantum of funding it will have available in any given year to meet its statutory functions.

- It is Te Māngai Pāho not Māori Television, that has the final say over the type of programme content we can broadcast, and indeed each individual programme that will be produced and broadcast.

- 90 percent of Māori Television’s programme funding is under the control of a different organisation with different strategies, plans and priorities, which are not always aligned with ours.

- This arrangement is contrary to intended independence and accountability requirements of the Service as set out in the Māori Television Service Act.
Māori Television is required to provide a high quality, cost effective television service, however 90% of its programme funding, or 70% of its total Government funding, is only made available on a short-term basis. This limits Māori Television’s ability to undertake and implement longer-term strategic planning and subsequent achievement of efficiencies and development.

It requires duplication of many administrative and management functions.

We believe there is the potential for more efficient and effective application of this funding that also better supports our independence and accountability for the achievement of our statutory functions. We strongly advocate that this model should be changed.

In particular, two specific recommendations are:

1. **In-house Production Funding $16.1 million** – rather than this having to be negotiated every year with Te Māngai Pāho, this should be made directly available to Māori Television from Vote Māori Affairs with responsibility for this funding resting with Māori Television, not Te Māngai Pāho.

Māori Television can then be held directly accountable for the application of this funding via its current accountability arrangements with the Crown (i.e. annual Statement of Intent and Output Plan).

2. **Contestable Funding of $25 million** - While supportive of a contestable model for the programme funding made available to the independent production community, at least $20 million of the $25 million contestable pool should be reserved by Te Māngai Pāho to fund programmes specifically for Māori Television, not other broadcasters. i.e. it should be contestable as to programmes and producers but not contestable as to the broadcaster.

This will still allow the benefits of contestability to applied, while still giving Māori Television some surety that there will be a sufficient quantum of suitable programming made available to meet the demands of its television and online distribution channels.
Review of the Māori Television Service (Te Aratuku Whakaata Irirangi Māori) Act 2003

In the course of the review and enactment of the Māori Television Service (Te Aratuku Whakaata Irirangi Māori) Act 2003, the definition of the “principal function of the Service” was changed from:

‘te reo Māori me ngā tikanga Māori’

to

‘te reo Māori me ōna tikanga’

The prior wording was a very important component of the original legislation and Board of Māori Television wishes to revisit with stakeholders this amendment. See Appendix 2 for detailed analysis. Kāti ra ngā korero mō tēnei waa, ko te tumanako ka huihui tahi tāua hei korero mō ngā take nei.

Ngā mihi o te waa ki Te Minita

Nāku noa, nā,
Paora Maxwell
Chief Executive
Māori Television
Appendix 1

Future Business Model

Promotion and Protection of Te Reo me ngā Tikanga

Company Wide Multi-Platform* Focus

- Multi-platform*: Content
- Multi-platform*: Content Selection and Creation
- Multi-platform*: Commissioning
- Multi-platform*: Production Teams
- Multi-platform*: Studio Ops
- Multi-platform*: Acquisitions
- Multi-platform*: NCA
- Multi-platform*: Packaging and Presentation
- Multi-platform*: Marketing
- Multi-platform*: Promo’s
- Multi-platform*: Schedule
- Multi-platform*: Sub-titling
- Multi-platform*: Presentation

Engage with 1,000,000 people per week

Multi-platform*: MTS will broaden its reach through increasing its platforms to include TV, Digital, Mobile, Tablets, Radio, Games, Apps, etc.

Stakeholder engagement to shape the MLS, including Statutory and stakeholder requirements

Research/Insights/Planning

Support Services – Finance/HR/Legal/IT
Appendix 2

TE REO ME NGĀ TIKANGA MĀORI

E te Minita tēnā koe

Summary

MTS Board wishes to revisit with stakeholders the amendment promulgated in 2013 to the MTS Act, which changed the phrase ‘te reo Māori me ngā tikanga Māori’, to ‘te reo Māori me ōna tikanga’.

The phrase ‘Te reo Māori me ngā tikanga Māori’ was a very important part of the founding legislation of Maori Television Service.

Difference in Meaning of the Two Phrases

The two phrases have the following usual meanings:

‘te reo Māori me ōna tikanga’,
[the protection and promotion of] the Māori language and its accepted linguistic norms’

‘te reo Māori me ngā tikanga Māori’.
[the protection and promotion of] ‘the Māori language and Māori traditional cultural practices’

The Board of MTS believes that Section 8 should revert back to the 2003 wording ‘the protection and promotion of te reo me ngā tikanga’.
Our reasons are set out below

MTS ACT REVIEW 2008 SAYS ‘NGĀ TIKANGA’

After five years of operation the Act was reviewed, as per the founding legislation.

A group of three was appointed by Maori and the Crown to undertake the work. Their report, Te Kāhui o Mahutonga report, advocated retaining this clause intact, and that the words ‘te reo me ngā tikanga’ remain. That group, chaired by Tainui Stephens, gave as its main reason the promotion and protection of Māori culture.

'We recommend changes to the legislation in order to:

- define further the focus on television’s role to preserve, protect and promote Māori language and culture
- ensure the access of all New Zealanders to Māori television broadcasting, and
- identify ways to maintain the provision of a high quality television service

There was no suggestion from the Review Panel that the dual focus, on both language, and tikanga – ‘traditional cultural practices’ should be narrowed down through a change of wording.

However, the Crown unfortunately did make the change to ‘ōna tikanga’ in 2013, in the final review legislation.

LEGAL CASES AND ADVANCES IN CROWN MAORI UNDERSTANDING

The broad justification of the Aotearoa Television System bid for the third channel warrant in 1985 was specifically that awarding the warrant to Māori would be one way in which Pākehā could show some sense of fairness in providing Māori with access to television and electronic broadcasting; media that had been Pākehā dominated for 50 years.

In general, it was the second broader, more permissive aim of promoting ‘ngā tikanga Māori’ for the service which was the intention of Māori throughout the decades of the campaign for a Maori channel.

The channel would not be limited to just the one purpose, transmitting solely in te reo, and acting /thinking solely about ‘te reo rangatira’, although normalising te reo was always its major purpose.

It was argued from the outset that the promotion of Māori traditional culture, and informing both Māori and non-Māori about it, was a major secondary role for the channel.

Agreements to this effect were sought with the Crown in each step of negotiations over the channel over the three decades 1983 – 2013.

In the Māori world view, Māori culture itself, and traditional practices at the core of being Māori, were taonga equal in value to the language.
This belief was at the foundation of the Māori effort to reclaim and reassert Maori values and culture through the language.

Retention of the two taonga, the language and the culture, was the true purpose of those long campaigns.

The Waitangi Tribunal Wai 262 decision in 2010 offered the following summary:

“In July 1991, Cabinet took its undertakings on Māori broadcasting to the High Court. These included, amongst other things, the development of special-purpose Māori television.

The Crown accepted that ‘the Maori language and culture were taonga, and hence entitled to the protection of the Crown in accordance with article 2 of the Treaty’.¹

The language, however, gained the focus by virtue of being the desperately urgent case, as outlined below.

**NZ ON AIR AND RADIO NEW ZEALAND**

The 1989 legislation, establishing New Zealand on Air (and still unchanged)² specifically charged that body with a dual function in respect of te ao Maori, namely, the ‘promotion of Māori language and culture’.

Likewise the Radio New Zealand Act 1995 specifies as its second function ‘the broadcast of programmes which reflect New Zealand cultural diversity, including Māori language and culture.’

The dual thrust is deemed to be a central principle here for the commissioning of programmes for the mainstream channels, and for RNZ.

It seems only reasonable therefore to allow both ‘legs’ to act as primary functions for the Māori controlled broadcaster, in similar fashion.

**REVIVAL OF TE REO RANGATIRA BECAME THE FIRST BEACH-HEAD**

The MTS Board notes that the main lever, or legal route, whereby Māori fought for a TV channel, through to final success, was to focus on ‘te reo Māori’.

Tikanga were mentioned in all claims, and in all cases, and in all joint Crown/Maori reports.

__________
¹ Wai 262 Report of the Waitangi Tribunal, Te Reo Māori, P.15
² Section 1 a. (ii)
However Treaty rights, or indigenous rights to 'traditional cultural practices’, where not the major focus of adjudication in all of the broadcasting cases, either in the Waitangi Tribunal (Wai 11, Wai 150) or the Courts (The BCNZ Assets Case, the Frequencies Cases, Sale of Commercial Radio cases).

This is because the language appeared to require intervention of the utmost urgency, and its disappearance was already tangible and audible.

Māori were able to achieve Treaty protection for te reo as a ‘taonga’, and it therefore became a measurable obligation which would see the Courts intervene, and order the establishment of stand-alone Māori television.

The option to do this for the ‘culture’ was explored, but never pursued by the already fully-stretched Māori team.

The appearance of the term ‘Maori language and culture’ in all of the agreements over the purpose of Māori broadcastng [e.g. the 1991 Cabinet undertakings] was enough to reassure claimants both were on their way to achieving protection.

The fight to secure ‘te reo’ took up all of the available national resources of Māori over the years 1972-2003.

The fight to assert the right to ‘cultural practices’ continued as strongly as the fight for te reo, but outside the Courts.

It did in fact make an appearance as a full scale claim – as one of the central matters of claim of Wai 262 above, the ‘intellectual property’ claim.

That report however, did not reach its final writing stages until after Māori Television was established.

WHY THIS MATTERS

Wording such as this is profoundly important because it serves as the primary principle from which a host of resourcing and programming decisions are made.

Tangata whenua must take the lead, with the Crown in support, in articulating and developing the purpose of the Māori Television Service.

For now, in 2014 this means asserting the role of the service and its programmes in maintaining Māori cultural practices, and assisting in their retention, in addition to te reo.

We ask the Minister and TPP to revisit this clause, with a view to urgently restoring the words ‘ngā tikanga.’
We hope that this will lead to an amendment to allow the clause to revert to its original form.

Nāku oti rā nā mātou tahi