



Report Title:	Discovery for Wai 3327 urgent inquiry into te reo in the public sector		
Report No:	2024-0137		
Date:	2 May 2024		
To:	Hon Nicola Willis, Minister for the Public Service		
Action Sought:	Note the contents of this report	Due Date	6 May 2024
Contact Person:	Alastair Hill, Deputy Commissioner, Governance and Public Affairs		
Contact No:	9(2)(a) privacy		
Encl:	Yes	Priority:	High
Security Level:	IN CONFIDENCE		

Executive Summary

1. As you are aware, Te Kawa Mataaho Public Service Commission (the Commission) has been working with the Crown Law Office to respond to a discovery request from claimants in the Wai 3327 urgent inquiry into matters relating to the use of te reo in the public sector. The request was directed to all public service departments and Ministers' offices, and, broadly speaking, sought disclosure of all documents relating to the use of te reo Māori in the public sector since October 2023.

Purpose of Report

2. Following collation by the Commission, in discussion with your office, Crown Law provided Commission documents that were within scope of the request to claimant counsel last week. Included in the material produced are a number of documents that relate to you as Minister for the Public Service and/or your office, including:
 - Briefings on the Government Workforce Policy Statement, the use of the Māori language by the public sector, the use of public sector allowances, and a meeting that you had with the Public Service Association. Some of these briefings include your hand-written annotations.
 - Emails commissioning work from the Commission, including responses to media and other inquiries relating to te reo use and allowances.
 - Internal Commission emails recording your feedback on briefings and other matters, and in some cases referring to consultation with other Ministers.
3. We have attached a copy of this material for your information. Not all the disclosed documents have been included, such as responses to media questions and internal administrative emails; we have identified those that are of particular relevance to you and your office.
4. Included at page 3 of the confidential bundle are talking points relating to the 5 December briefing on Delivering better public services and strengthening democracy. This was

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prepared for a conversation with Minister for Māori Development, Hon Potaka, following some feedback that he provided on the paper. We have not separately advised Minister Potaka's office of the disclosure of this, or other documents. Te Puni Kōkiri is subject to the discovery process and briefing their Minister separately.

5. As this is a discovery request, legal privilege is the only relevant exemption to providing the information. However, we are able to limit or prevent disclosure of any sensitive or confidential information. Accordingly, information that is contained in the **confidential** file has been disclosed on the basis that it must remain confidential between the Crown, the Tribunal Panel and claimant counsel. The parties may not copy or distribute documents or information contained in them to any person without permission, including the claimants. The confidential information includes matters that are still under active consideration by ministers.
6. Note these confidentiality requirements could be challenged by the claimants, but the claimants have not yet signalled any intention that they will do so.
7. There may be other relevant documents that are required to be disclosed as part of our ongoing discovery obligations, and we will make sure to let you know if there are any that you should be aware of.

Next Steps

8. The claims are being heard on an urgent basis and a week-long hearing has been scheduled, commencing 10 June. The Crown's evidence is due on 24 May.

9(2)(h) legal privilege



Recommended Action

We recommend that you:

- a **Note** the contents of this report.

Hon Nicola Willis

Minister for the Public Service

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