

Mayor and Councillors  
COUNCIL

16 DECEMBER 2010

Meeting Status : Public

Purpose of Report: For Decision

## USE OF THE MACRON ON COUNCIL DOCUMENTS

### PURPOSE OF REPORT

- 1 To consider options regarding the use of macrons on Council documents.

### SIGNIFICANCE OF DECISION

- 2 The Council's significance policy is not triggered.

### BACKGROUND

- 3 The Māori Language Act 1987 recognised Māori as an official language of New Zealand alongside English. The Local Government Act 2002 provides for 'local authorities to play a broad role in promoting the social, economic, environmental and cultural wellbeing of their communities'.
- 4 In August 2002, the New Zealand Geographic Board adopted a formal Protocol for Māori Place Names. Section 3 (iv) Pronunciation of Māori names stated:

*(a) Although it is not a function of the Board to educate people on how to pronounce Māori names (to ensure correct pronunciation), the Board will fully support any action taken to ensure the correct pronunciation is used.*

The protocols go on to state that macrons can be used for the publication of approved Māori names. Double vowels are also acceptable. In effect, the Geographic Board makes a distinction between a name (its responsibility) and pronunciation (not its function), supports efforts to improve pronunciation and endorses the use of macrons as a way to indicate pronunciation.

- 5 In 2004, the Kāpiti Coast District Council Long Term Council Community Plan (LTCCP) adopted a definition of cultural wellbeing as including:
  - an understanding [by the community] of the history of cultural traditions and values;
  - mutual respect for those traditions and values;
  - a reflection of those values in the present physical and social environment.
- 6 The LTCCP identified a leadership area for Council as the promotion of a strong effective relationship with Ngāti Raukawa, Te Āti Awa ki Whakarongotai and Ngāti Toa iwi structures and hapū. Finally, the document included a formal message from the three iwi which included their vision for the District. This included four principles on which the vision was based. Principle Two identified Te Reo as the language of tangata whenua through which tikanga is conveyed.

*'It is fundamental that the language, as a deeply treasured taonga left by our ancestors, is nurtured throughout the community and that the language continues to prosper and encourage future generations'.<sup>1</sup>*

The vision included 'that people feel comfortable in use of Te Reo and English'.

- 7 This general framework was repeated in the 2006 LTCCP with the addition in the leadership statements that the Council would work to improve community knowledge and understanding of local iwi and hapū, their history and relevant Treaty of Waitangi matters. It was repeated in the 2009 LTCCP with the additional leadership statement that the Council would continue to work with iwi on an agreed strategic work programme: that programme included support for initiatives which enhanced community understanding of Te Reo amongst other matters. All three LTCCPs were thoroughly consulted on via the special consultative procedure.
- 8 During 2009, on the basis of this general framework and following advice from Te Whakaminenga O Kāpiti, the decision was made by Council management to introduce the use of the macron in Council documents as one way of enhancing community understanding of pronunciation of Māori place names and other commonly used Māori words. Software had recently become available which made this possible.
- 9 In April 2010, the Council resolved:
 

*That the Kāpiti Coast District Council uses a macron in any spelling of the words Kāpiti, Ōtaki or Paekākāriki in any Council papers, publications, maps or signage.*
- 10 Since 2009, a ratepayer has raised a number of questions around the use of the macron on Council documents. The questions raised have revealed a lack of understanding on the part of the complainant of the role of the macron in language, local tangata whenua traditions as to pronunciation for some words and the official status of Māori alongside English as an official language. The complainant is also labouring under the misapprehension that there is a formal 'New Zealand' language.
- 11 All these issues have been addressed and responses provided.
- 12 A recent speaker at the 11 November Council meeting stated her view that the Council should have made application to the New Zealand Geographic Board to use the macron. The speaker misunderstood the role of New Zealand Geographic Board and the role of the macron in assisting with pronunciation (as opposed to spelling). A response was given at the time clarifying the role of the New Zealand Geographic Board.
- 13 Most recently, the initial complainant raised the issue that the use of the macron on Council's official documents meant that these documents held no legal weight, given that the Schedule 2 of the Local Government Act referred to Kāpiti without the macron. Legal advice was obtained on this matter and is discussed below.
- 14 At its meeting on 23 November 2010, the Paekākāriki Community Board adopted the following resolution:

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<sup>1</sup> Choosing Futures – Kāpiti Coast Long term Council Community Plan, 2004

*That the Paekākāriki Community Board support Council's policy on the use of macrons and we encourage the Kāpiti community to pronounce Māori words correctly.*

- 15 At its meeting on 23 November 2010, Te Whakaminenga O Kāpiti adopted the following resolution:

*That Te Whakaminenga O Kāpiti recommends to Council that it approach Local Government New Zealand and the local MP for support in requesting that a change be effected in the next round of Local Government Act 2002 amendments to show the name Kāpiti Coast District Council with a macron in Schedule 2 of the Act.*

- 16 The issue of the use of the macron raised by the complainant has consumed a considerable amount of staff time in responding to each issue raised. It is appropriate that the Council adopts clear guidelines in relation to the question of use on official documents in order that there be final clarification of this issue raised. This is discussed below.

## CONSIDERATIONS

### Issues

*What is a Macron?*

- 17 A macron is a mark placed above a vowel to indicate a long sound. It is part of a toolbox of what are known as 'diacritical marks' used to indicate a special pronunciation in language. For example, some words adopted in English from another language can carry a 'diacritical mark' to indicate pronunciation: the word café is an example of this. In the Māori language, the use of the macron is important in conveying the intent of the word and to ensure the use of the long vowels. It is not a tool for spelling.

*Legal Opinion on the Use of the Macron on Council Official Documents*

- 18 In the course of its business, the Council generates a range of documents which have differing purposes, such as:
- reports to Council and Committee agendas;
  - communication material;
  - legal documents such lease and license agreements;
  - formal documents relating to the election process.

The complainant has now refined his argument on the use of the macron to focus on the word Kāpiti as used on Council's legal documents, such as the electoral process and rates payment notices. A legal opinion was sought and is attached at Appendix 1.

- 19 The legal advice is that:
- the formal name of Kāpiti Coast District Council under Schedule 2 of the Local Government Act 2002 does not have a macron;
  - if Council were to use a macron in the name Kāpiti Coast District Council in a document where it is required to use its legal name, it is very unlikely that a Court would overturn the document or decision.
  - it is possible, however, that the Council would face litigation over the matter, given the ratepayer's views on the matter.
- 20 The opinion also makes clear that the Council is able to use the macron on all material that does not constitute a legal document without risk of challenge. It can also use the Council logo as a 'brand' with a macron. The use of macrons on other words and place names is not at issue: the matter raised is the legal force of documents under the name of Kāpiti Coast District Council.

*Change to the Local Government Act 2002*

- 21 The crux of the issue in terms of the legal force of the Kāpiti Coast District Council name on formal documents is that Schedule 2 of the Act which lists the names of territorial local authorities does not use a macron on any name. It would be appropriate for the Council to seek a change to legislation which would clearly remove any doubt over the use of the macron on Council's legal documents. This could be achieved via an additional clause to any bill going in front of the House.
- 22 It may also be appropriate to suggest a general change to the legislation which allows/ encourages the use of the macron to assist with pronunciation of Māori and makes clear the legal force of a document if the macron is used.
- 23 This process would allow anyone who opposes the use of the macron to assist with pronunciation to engage at the national level.

*Options in the Interim*

- 24 In the interim, until this legislative change has been achieved, the Council has two options available to it. These are:

Option 1

- proceed with the use of the macron on all documents and seek a court decision on the use of the macron on legal documents should there be a challenge to its use;

Option 2

- adopt a position where it will use the macron on all documents with the following exceptions:
  - Council agendas – use the Council name without the macron on the agenda page – otherwise use the macron;
  - reports to Council – all resolutions to be written without the macron but the body of the report to use the macron;

- warrants – Kāpiti Coast District Council to appear without the macron;
  - licenses to occupy and purchase and sale agreements - Kāpiti Coast District Council to appear without the macron;
  - contracts – use Kāpiti Coast District Council without a macron under the name of the signatories but the macron to be used in the body of the contract.
  - policy documents where enforcement of fines or other actions via the Courts may be required – use Kāpiti Coast District Council without the macron.
  - Plan changes and consent approvals – use Kāpiti Coast District Council without a macron under the name of the signatories but the macron to be elsewhere in the document.
  - Electoral documents - use Kāpiti Coast District Council without a macron under the name of signatories but the macron to be used in supporting information and communications.
  - Public notices - use Kāpiti Coast District Council without a macron once in each notice, otherwise use the macron.
- 25 The simplest and easiest option for Council is to proceed to use the macron and seek a determination by the Court of the legal force of Council documents with the macron on Kāpiti Coast District Council, at the first instance of formal challenge by a ratepayer. Should the determination be in favour of the ratepayer then Council can proceed to use the approach in Option 2. It is unlikely that the Court would overturn actions previous to the determination.
- 26 The second option is complex but will protect the Council from risk of legal challenge, if it deems the risks and costs of seeking a determination by the courts to be unacceptable. This is the compromise/ interim position that Council is following at present. It has not been at all successful in reducing the volume and correspondence from the single complainant.
- 27 It is recommended that Council proceed with Option 1.

### Financial Considerations

- 28 It is difficult to determine the costs of proceeding with Option 1. Council does have the ability to seek costs. Option 2 will also impose costs in terms of the additional staff time needed to check documents.

### Legal Considerations

- 29 The legal opinion is attached at Appendix 1.

### Delegation

- 30 The Council has the authority to make this decision.

## Consultation

- 31 Consultation on the wider approach to cultural wellbeing, including acknowledgement of Te Reo has been consulted upon through three LTCCP processes.

## Policy Implications

- 32 This paper clarifies the policy in relation to the use of the macron on Council documents.

## Publicity Considerations

- 33 A media release on Council's decision will be prepared.

## Other Considerations

- 34 There are no other considerations.

## **RECOMMENDATIONS**

- 35 That the Council approves seeking a change to Schedule 2 of the Local Government Act 2002 to provide for a macron in the name Kāpiti Coast District Council.
- 36 That the Council recommends to the Minister of Māori Affairs that consideration be given to introducing an amendment to the Māori Language Act 1987, making explicit that use of a macron as a guide to pronunciation is encouraged and clarifying that official and contractual documents, policies, by-laws and regulations etc have full legal force if a macron is used.
- 37 That the Council approves continuing with the use of the macron in the name Kāpiti Coast District Council and other Māori words and place names and seeks a formal determination from the Courts on the matter, should there be a legal challenge in relation to the use of the macron on Council documents, or non-payment of Council rates and charges as a result of that use.

## **Report prepared by:**

**Gael Ferguson**  
**Group Manager: Strategy and Partnerships**

## **ATTACHMENTS:**

- 1: Simpson Grierson: Advice on Using a Macron above the 'a' in Kāpiti when Referring to Council, 27 October 2010.