



MANU AO  
Academy

**Me he kōrero tūi: te reo Māori,  
Parliament, and some thoughts  
about language rights.**

(Māmari Stephens - 20.10.2010)

# He rārangi kōrero

- Background of the Legal Māori Project
- Exploring project data
  - Use of te reo Māori in Parliament
  - Some factors influencing language choice
- ...and language rights: some observations



# **A background: the Legal Māori Project**



- **Based at the Law Faculty, Victoria University of Wellington**
- **Outputs:**
  - **Archive (2009)**
  - **Corpus (2010)**
  - **Lexicon (2010)**
  - **Dictionary (2012)**
- **Te reo Māori in Parliament: some data**



# Choosing to use te reo in the House



- Factor 1: Obligation
- Factor 2: Legal framework
- Factor 3: Ethics
- Factor 4: Resources

# Factor 1: Obligations



- As Maori members of the House would certainly appreciate – and I should like to think, many other members of the House – it is the ceremonial aspect of speaking Maori that is important, rather than the content of the speech ...[B Gregory 26 July 1985, 464: 5899 ]
- I have been in the House 19 years and have heard Maori spoken on many occasions, and it has never caused a problem, nor has the privilege been abused. However there would inevitably be an opportunity for potential misunderstanding if Maori were used extensively beyond a ceremonial nature. [G Gair 26 July 1985, 464: 5899 ]



## Factor two: Legal framework in Parliament...



- **Speaker's Ruling**
- 'I rule that it is not in order for a representative of the Native race to address the House in Maori without being interpreted; at the same time, if he wishes to address the House in Maori he may obtain the services of an interpreter' 1913 *NZPD*: 163: 368 (Speaker)

## ...Debates: 1951



- The Hon Mr TIRIKATENE – Sir, I crave the indulgence of this House to make some references in the Maori language to this measure as I make my contribution to the debate.
- The Right Honourable Mr HOLLAND – There is nobody here who understands Maori.
- The Hon Mr TIRIKATENE – If permission is granted for me to speak in Maori, I will later translate to the House what I said. I think there are one or two points that I should make in the Maori language and I will not divert from them while I am speaking in Maori.
- Mr SPEAKER – Will the honourable member please resume his seat. I do not think he should address the House in Maori. It is laid down clearly that any member who can address this House in the English language should do so. 1951: *NZPD* 1193

## ...July 1985: Standing Orders Committee



- “While the standing orders do not prohibit the use of the Maori language in parliamentary proceedings, the procedures of the House **do not encourage such use**. Speaker’s rulings suggest that a member is expected to address the House in English if he or she can speak that language and that a member using an interpreter cannot have any extension of time for time taken up in making the interpretation ...accordingly the committee **recommends an explicit recognition** in the standing orders that a member may speak in either English or Maori.” (quoted by Hon JB Bolger) *NZPD* 485: 1416



# **...Standing Order 151 (now 104)**



## **Speeches in English or Māori**

- A member may address the Speaker in English or in Māori.
- (24 July 1985 *NZPD* 464: 5898)

## ...Speaker's Rulings



- When a member speaks in Maori that member does so as of right. Whatever time is allowed by the Standing Orders for that particular type of speech, the whole of that time may be used in Māori. Interpretation into English is for the benefit of members who do not understand Maori and it is in addition to the time for which the member is entitled to speak. (1997 562: 3192, Speaker)

## Factor Three: ethics



- Individual/group decisions based on principle
- But how ought the reo be used?
  - ...he reo “hoko pihikete”...he reo tapu rānei?

# Factor Four: Resources



- Individual language ability
- Interpretation services
- Translation services
- Simultaneous interpretation

# Some observations on the right to language



- *Mihaka v Police* [ 1980] 1 NZLR 462 Per Richardson J  
disadvantage
- The Treaty right
  - **Could the term ‘taonga’ include language?**
  - Waitangi Tribunal said yes (*Te Reo Māori Report 1986 – WAI 11*)
- language subject to the guarantee: a positive obligation on the State requiring progressive realisation.

# Māori Language Act 1987



- **Māori language as taonga (preamble)**
- **(4) Right to speak Māori in legal proceedings:**
  - (1) In any legal proceedings the following persons may **speak** Maori, **whether or not they are able to understand or communicate** in English or any other language
- **Official status**

## **...Māori Television Service Act 2003**



- Preamble (te reo Māori as taonga, duty of active protection)
- No division of te reo Māori into written or spoken Māori

# Caselaw



- *R v Hohua* T13/90 Rotorua High Court, per Justice Fisher
- “This new right did not spring from functional necessity. It was not designed to bring to bridge a gap in the understanding of English. That much is clear from the fact that the right of the whether or not they are able to understand or communicate in English.... I take it that the Act was designed to promote the use of Maori as an end in itself.”



# BUT: District Court Rules 2009



- **3.6 Translation of documents into te reo Māori**
- *3.6.1 A person upon whom in any proceeding a document is served is entitled to receive a translation of the document into the Māori language if he or she—*
  - *(a) applies, orally or in writing, to the Registrar ...*
  - *(b) states a postal address for the service of the translation ...*
  - ***(c) satisfies the Registrar that he or she is unable to read the document but could read it if it were translated into the Māori language.***
  - **BACK TO DISADVANTAGE!**

# So...



- The ethics of language choice in Parliament is worth further exploration
- Legal framework of rights and resources are critically important
  - effective in Parliament, but..
  - incomplete and inconsistent outside of Parliament
  - WAI 262 report