

Reprint
as at 30 April 2016



Māori Language Act 1987

Public Act 1987 No 176

Date of assent 20 July 1987

Commencement see section 1

Māori Language Act 1987: repealed, on 30 April 2016, by section 48 of Te Ture mō Te Reo Māori 2016/the Māori Language Act 2016 (2016 No 17).

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Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.

Note 4 at the end of this reprint provides a list of the amendments incorporated.

This Act is administered by Te Puni Kōkiri.

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An Act to declare the Māori language to be an official language of New Zealand, to confer the right to speak Māori in certain legal proceedings, and to establish Te Taura Whiri i te Reo Māori and define its functions and powers

Title: amended, on 20 June 1991, by section 2(2) of the Maori Language Amendment Act 1991 (1991 No 40).

Whereas in the Treaty of Waitangi the Crown confirmed and guaranteed to the Māori people, among other things, all their taonga: And whereas the Māori language is one such taonga.

1 Short Title and commencement

- (1) This Act may be cited as the Māori Language Act 1987.
- (2) Section 4 shall come into force on 1 February 1988.
- (3) Except as provided in subsection (2), this Act shall come into force on 1 August 1987.

2 Interpretation

In this Act, unless the context otherwise requires,—

certificate of competency means a certificate of competency in the Māori language issued under and in accordance with this Act

Commission means Te Taura Whiri i te Reo Māori established by section 6
interpretation, in relation to the Māori language, means the oral expression in English of words spoken in Māori and the oral expression in Māori of words spoken in English

legal proceedings means—

- (a) proceedings before any court or tribunal named in Schedule 1; and
- (b) proceedings before any Coroner; and
- (c) proceedings to inquire into and report on any matter of particular interest to the Māori people or any tribe or group of Māori people before—
 - (i) a commission of inquiry under the Commissions of Inquiry Act 1908; or
 - (ii) a tribunal or other body having any of the powers of a commission of inquiry under any other enactment; or
 - (iii) an inquiry to which section 6 of the Inquiries Act 2013 applies

Minister means the Minister of Māori Affairs

presiding officer, in relation to any legal proceedings, means the Judge or other person who is presiding over the proceedings

translation, in relation to the Māori language, means the written expression in English of words written in Māori and the written expression in Māori of words written in English.

Section 2 **Commission**: substituted, on 20 June 1991, by section 2(3) of the Maori Language Amendment Act 1991 (1991 No 40).

Section 2 **legal proceedings** paragraph (c): replaced, on 27 August 2013, by section 39 of the Inquiries Act 2013 (2013 No 60).

Recognition of Māori language

3 Māori language to be an official language of New Zealand

The Māori language is hereby declared to be an official language of New Zealand.

4 Right to speak Māori in legal proceedings

- (1) In any legal proceedings, the following persons may speak Māori, whether or not they are able to understand or communicate in English or any other language:
 - (a) any member of the court, tribunal, or other body before which the proceedings are being conducted:

(b) any party or witness:

(c) any counsel:

(d) any other person with leave of the presiding officer.

(2) The right conferred by subsection (1) to speak Māori does not—

(a) entitle any person referred to in that subsection to insist on being addressed or answered in Māori; or

(b) entitle any such person other than the presiding officer to require that the proceedings or any part of them be recorded in Māori.

(3) Where any person intends to speak Māori in any legal proceedings, the presiding officer shall ensure that a competent interpreter is available.

(4) Where, in any proceedings, any question arises as to the accuracy of any interpreting from Māori into English or from English into Māori, the question shall be determined by the presiding officer in such manner as the presiding officer thinks fit.

(5) Rules of court or other appropriate rules of procedure may be made requiring any person intending to speak Māori in any legal proceedings to give reasonable notice of that intention, and generally regulating the procedure to be followed where Māori is, or is to be, spoken in such proceedings.

(6) Any such rules of court or other appropriate rules of procedure may make failure to give the required notice a relevant consideration in relation to an award of costs, but no person shall be denied the right to speak Māori in any legal proceedings because of any such failure.

Compare: Welsh Language Act 1967 s 1(1) (UK)

5 Effect of recognition

Nothing in section 3 or section 4 shall—

(a) affect any right that any person has, otherwise than by virtue of that section, to receive or impart any communication in Māori; or

(b) affect the right of any other linguistic community in New Zealand to use the language of that community.

Māori Language Commission

6 Establishment of Commission

(1) There is hereby established a commission, to be called Te Taura Whiri i te Reo Māori.

(2) The Commission is a Crown entity for the purposes of section 7 of the Crown Entities Act 2004.

(3) The Crown Entities Act 2004 applies to the Commission except to the extent that this Act expressly provides otherwise.

Compare: Bord Na Gaeilge Act 1978 s 2 (Eire)

Section 6(1): amended, on 20 June 1991, by section 2(1) of the Maori Language Amendment Act 1991 (1991 No 40).

Section 6(2): substituted, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 6(3): added, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

7 Functions of Commission

The functions of the Commission shall be as follows:

- (a) to initiate, develop, co-ordinate, review, advise upon, and assist in the implementation of policies, procedures, measures, and practices designed to give effect to the declaration in section 3 of the Māori language as an official language of New Zealand;
- (b) generally to promote the Māori language, and, in particular, its use as a living language and as an ordinary means of communication;
- (c) the functions conferred on the Commission by sections 15 to 20 in relation to certificates of competency in the Māori language;
- (d) to consider and report to the Minister upon any matter relating to the Māori language that the Minister may from time to time refer to the Commission for its advice;
- (e) such other functions as may be conferred upon the Commission by any other enactment.

Compare: Bord Na Gaeilge Act 1978 s 3(1), (3), (4) (Eire)

8 Powers of Commission

- (1) *[Repealed]*
- (2) Without limiting sections 16 and 17 of the Crown Entities Act 2004, the Commission may—
 - (a) conduct, hold, or attend all such inquiries, hearings, or meetings as the Commission thinks desirable to enable it to determine the views and wishes of the Māori community in relation to the promotion and use of the Māori language; and
 - (b) undertake or commission research into the use of the Māori language; and
 - (c) consult with and receive reports from government departments and other bodies on the use of Māori language in the course of the conduct of the business of those departments or other bodies, whether by their staff or by people with whom they have official dealings; and
 - (d) publish information relating to the use of the Māori language; and
 - (e) report to the Minister on any matter relating to the Māori language that the Commission considers should be drawn to the Minister's attention.

Compare: Bord Na Gaeilge Act 1978 s 3(2), (4) (Eire)

Section 8(1): repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 8(2): amended, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

9 Commission to have regard to Government policy

[Repealed]

Section 9: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

10 Annual report

[Repealed]

Section 10: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

11 Responsibilities of other persons and bodies unaffected

Nothing in any of the foregoing provisions of this Act shall affect any responsibility that any Minister of the Crown or other person, or any government department or other body, had immediately before the passing of this Act for any matter relating to the Māori language.

Compare: Bord Na Gaeilge Act 1978 s 3(5) (Eire)

12 Membership of Commission

(1) The board of the Commission consists of not more than 5 members.

(2) *[Repealed]*

(3) In considering the suitability of any person for appointment to the Commission, the Minister shall have regard not only to that person's personal attributes but also to that person's knowledge of and experience in the use of the Māori language and other matters likely to come before the Commission.

(4) Subsection (3) does not limit section 29 of the Crown Entities Act 2004.

Compare: Bord Na Gaeilge Act 1978 s 4(1), (2) (Eire); 1975 No 114 s 4(2A); 1985 No 148 s 2(1)

Section 12(1): substituted, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 12(2): repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 12(4): added, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

13 Further provisions relating to Commission

The provisions of Schedule 2 shall have effect in relation to the Commission and its affairs.

14 Money to be appropriated by Parliament for purposes of this Act

[Repealed]

Section 14: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Certificates of competency

15 Commission to grant certificates of competency in the Māori language

- (1) The Commission shall grant a certificate of competency in the Māori language to any person who applies to the Commission for such a certificate and satisfies the Commission that he or she is qualified to be the holder of such a certificate.
- (2) Every certificate of competency in the Māori language shall be one of the following 3 kinds:
 - (a) a certificate of competency in the interpretation of the Māori language;
 - (b) a certificate of competency in the translation of the Māori language;
 - (c) a certificate of competency in the interpretation and translation of the Māori language.
- (3) Every person who, immediately before the date of the commencement of this Act, was licensed as an Interpreter of the Māori language under Part 7 of the Maori Affairs Act 1953 shall be entitled as of right, upon application to the Commission made at any time within 2 years after that date, to be granted by the Commission a certificate of competency in the interpretation and translation of the Māori language.

Compare: 1953 No 94 s 71

16 Qualifications for certificates of competency

For the purposes of determining whether or not an applicant for a certificate of competency in the Māori language is qualified to hold such a certificate, the Commission shall prepare, and publish in such manner as it thinks fit, criteria by which competence in the interpretation or translation of the Māori language is to be assessed.

17 Commission may delegate power to issue certificates of competency

- (1) Notwithstanding anything in section 15, the Commission may from time to time delegate to any person or body the power to assess applicants for certificates of competency in the Māori language and to grant certificates to those applicants who are found to be qualified to be the holders of such certificates.
- (2) The Commission may make a delegation under subsection (1) only if the delegation also complies with section 73 of the Crown Entities Act 2004.
- (3) *[Repealed]*
- (4) *[Repealed]*

Section 17(2): substituted, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 17(3): repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Section 17(4): repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

18 Endorsement for purposes of legal proceedings

- (1) The Commission may endorse any certificate of competency to the effect that the holder is competent to interpret the Māori language or (as the case may require) to translate the Māori language or both for the purposes of any legal proceedings if the Commission is satisfied that the holder of the certificate—
 - (a) has a sufficient degree of competency in the interpretation or (as the case may require) the translation or both of the Māori language; and
 - (b) has undergone an appropriate course of training or instruction in the duties of an interpreter or translator or both in legal proceedings.
- (2) Every holder of a certificate of competency endorsed under this section shall, on production of the certificate, be recognised as competent to interpret the Māori language or (as the case may require) to translate the Māori language or both for the purposes of any legal proceedings; but no such holder shall have the right to insist on acting, and no party, witness, or other person shall have the right to insist on that holder acting, as an interpreter or a translator or both in any particular proceedings.
- (3) Where, in respect of any legal proceedings, the presiding officer considers that the holder of any certificate of competency in the Māori language (whether or not endorsed under this section)—
 - (a) has failed to interpret or translate adequately for the purposes of the proceedings; or
 - (b) has acted in a manner that is inconsistent with the duties of an interpreter or a translator in legal proceedings,—the presiding officer may cause a report of the matter to be referred to the Commission, who shall deal with it under section 19 as if it were a complaint lodged under that section.

Compare: 1953 No 94 s 73

19 Complaints against holders of certificates of competency

- (1) Any person may lodge with the Commission a complaint against the holder of any certificate of competency in the Māori language on the ground that—
 - (a) the holder has, in the course of any interpretation or translation of the Māori language, exhibited such incompetence as to call into question the holder's qualification to hold the certificate; or

- (b) the holder has, while acting as an interpreter or a translator of the Māori language in any legal proceedings, acted in a manner that is inconsistent with the duties of an interpreter or a translator in legal proceedings.
- (2) Except where the Commission is satisfied that the complaint is frivolous or vexatious, the Commission shall cause a copy of the complaint to be given or sent to the person to whom it relates, and shall give that person a reasonable opportunity to appear before the Commission, or (at that person's option) to make written submissions to the Commission, in answer to the complaint.
- (3) If, after investigating any complaint under subsection (1)(a), the Commission is satisfied that the person to whom the complaint relates is not qualified to hold the certificate of competency in the Māori language that the person is then holding, it may—
 - (a) cancel the certificate of competency; or
 - (b) suspend the certificate of competency until such time as the Commission is satisfied that the person is qualified to hold the certificate.
- (4) If, after investigating any complaint under subsection (1)(b), the Commission is satisfied that the person to whom the complaint relates has, while acting as an interpreter or a translator of the Māori language in any legal proceedings, acted in a manner that is inconsistent with the duties of an interpreter or a translator in legal proceedings, it may—
 - (a) cancel any endorsement of the certificate of competency made under section 18; or
 - (b) if no such endorsement has been made, endorse the certificate of competency to the effect that the holder shall not be recognised as competent to interpret Māori or (as the case may require) to translate Māori or both for the purposes of any legal proceedings.
- (5) The Commission shall, as soon as practicable after deciding to take any action under subsection (3) or subsection (4), give to the person concerned notice in writing of its decision and of the reasons for it.
- (6) Where the Commission decides to cancel, suspend, or endorse a certificate of competency in the Māori language, it shall, in the notice given under subsection (5), require the holder to surrender the certificate of competency to the Commission for appropriate administrative action.

Compare: 1953 No 94 s 74

20 Rules

[Repealed]

Section 20: repealed, on 20 June 1991, by section 5(2) of the Maori Language Amendment Act 1991 (1991 No 40).

21 Offence

Every person commits an offence and is liable on conviction to a fine not exceeding \$500 who, being required under section 19(6) to surrender to the Commission any certificate of competency in the Māori language, fails without reasonable excuse to do so.

Compare: 1953 No 94 s 75

Section 21: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 21: amended, on 20 June 1991, by section 4 of the Maori Language Amendment Act 1991 (1991 No 40).

Miscellaneous provisions

Heading: inserted, on 20 June 1991, by section 5(1) of the Maori Language Amendment Act 1991 (1991 No 40).

21A Rules

The Governor-General may from time to time, by Order in Council made on the advice of the Minister tendered on the recommendation of the Commission, make rules for any of the following purposes:

- (a) prescribing fees in respect of—
 - (i) the conducting of examinations for certificates of competency in the Māori language; and
 - (ii) applications for, and the issuing of, certificates of competency in the Māori language; and
 - (iii) any other service provided by the Commission;
- (b) prescribing the procedures to be followed in respect of such applications.

Section 21A: inserted, on 20 June 1991, by section 5(1) of the Maori Language Amendment Act 1991 (1991 No 40).

22 Ombudsmen Act 1975 amended

[Repealed]

Section 22: repealed, on 20 June 1991, by section 2(4) of the Maori Language Amendment Act 1991 (1991 No 40).

23 Higher Salaries Commission Act 1977 amended

[Repealed]

Section 23: repealed, on 1 April 1988, by section 15(1) of the Higher Salaries Commission Amendment Act 1988 (1988 No 24).

24 Repeals

- (1)–(2) *Amendment(s) incorporated in the Act(s).*

Schedule 1

Courts and tribunals before which Māori may be spoken

s 2

Part A

Courts

The Supreme Court

The Court of Appeal

The High Court

District Courts

The Employment Court

Family Courts

Children and Young Persons Courts

Youth Courts

The Māori Land Court

The Māori Appellate Court

Schedule 1 Part A: amended, on 1 January 2004, by section 48(1) of the Supreme Court Act 2003 (2003 No 53).

Schedule 1 Part A: amended, on 2 October 2000, by section 240 of the Employment Relations Act 2000 (2000 No 24).

Schedule 1 Part A: amended, on 20 June 1991, by section 3(2) of the Maori Language Amendment Act 1991 (1991 No 40).

Schedule 1 Part A: amended, on 1 November 1989, by section 449 of the Children, Young Persons, and Their Families Act 1989 (1989 No 24).

Part B

Tribunals

The Waitangi Tribunal

The Employment Relations Authority

The Equal Opportunities Tribunal

The Tenancy Tribunal

Planning Tribunals

Disputes Tribunals established under the Disputes Tribunals Act 1988

Schedule 1 Part B: amended, on 2 October 2000, by section 240 of the Employment Relations Act 2000 (2000 No 24).

Schedule 1 Part B: amended, on 20 June 1991, by section 3(3) of the Maori Language Amendment Act 1991 (1991 No 40).

Schedule 1 Part B: amended, on 1 March 1989, by section 82(2) of the Disputes Tribunals Act 1988 (1988 No 110).

Schedule 2

Provisions relating to Te Taura Whiri i te Reo Māori

s 13

Schedule 2 heading: amended, on 20 June 1991, by section 2(5) of the Maori Language Amendment Act 1991 (1991 No 40).

1 Term of office of members

[Repealed]

Schedule 2 clause 1: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

2 Meetings of Commission

[Repealed]

Schedule 2 clause 2: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

3 Assent to resolution without a meeting

[Repealed]

Schedule 2 clause 3: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

4 Commission may authorise Chairman to perform and exercise Commission's functions and powers

[Repealed]

Schedule 2 clause 4: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

5 Seal

[Repealed]

Schedule 2 clause 5: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

6 Employees of Commission

[Repealed]

Schedule 2 clause 6: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

7 Employment of experts

[Repealed]

Schedule 2 clause 7: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

8 Application of certain Acts to members and staff of Commission

[Repealed]

Schedule 2 clause 8: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

9 Remuneration, allowances, and expenses of members of Commission

[Repealed]

Schedule 2 clause 9: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

10 Superannuation or retiring allowances

- (1) For the purpose of providing a superannuation fund or retiring allowance for the Chairman of the Commission, sums by way of subsidy may from time to time be paid into any retirement scheme (within the meaning of section 6(1) of the Financial Markets Conduct Act 2013).
- (2) Notwithstanding anything in this Act, any person who, immediately before becoming an officer or employee of the Commission or a member of the Commission, is a contributor to the Government Superannuation Fund under Part 2 of the Government Superannuation Fund Act 1956 shall be deemed for the purposes of that Act to be employed in the Government service so long as that person continues to be an officer or employee of the Commission or a member of the Commission; and that Act shall apply to that person in all respects as if that person's service as such an officer or employee or as such a member were Government service.
- (3) Subject to the Government Superannuation Fund Act 1956, nothing in sub-clause (2) shall entitle any such person to become a contributor to the Government Superannuation Fund after the person has once ceased to be a contributor.
- (4) For the purposes of applying the Government Superannuation Fund Act 1956, in accordance with subclause (2), to a person who is in the service of the Commission, whether as an officer or employee or as a member, and is a contributor to the Government Superannuation Fund, the term **controlling authority**, in relation to any such person, means the Commission.

Schedule 2 clause 10(1): substituted, on 1 July 1992, by section 4 of the Higher Salaries Commission Amendment Act (No 2) 1992 (1992 No 130).

Schedule 2 clause 10(1): amended, on 1 December 2014, by section 150 of the Financial Markets (Repeals and Amendments) Act 2013 (2013 No 70).

Schedule 2 clause 10(1): amended, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

11 Funds of Commission

[Repealed]

Schedule 2 clause 11: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

12 Bank accounts

[Repealed]

Schedule 2 clause 12: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

13 Crown entity

[Repealed]

Schedule 2 clause 13: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

14 Investment of money

[Repealed]

Schedule 2 clause 14: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

15 Exemption from income tax

The income of the Commission shall be exempt from income tax.

16 Crown may provide services for Commission

[Repealed]

Schedule 2 clause 16: repealed, on 25 January 2005, by section 200 of the Crown Entities Act 2004 (2004 No 115).

Reprints notes

1 General

This is a reprint of the Māori Language Act 1987 that incorporates all the amendments to that Act as at the date of the last amendment to it.

2 Legal status

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 Editorial and format changes

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 Amendments incorporated in this reprint

Te Ture mō Te Reo Māori 2016/Māori Language Act 2016 (2016 No 17): section 48

Financial Markets (Repeals and Amendments) Act 2013 (2013 No 70): section 150

Inquiries Act 2013 (2013 No 60): section 39

Criminal Procedure Act 2011 (2011 No 81): section 413

Crown Entities Act 2004 (2004 No 115): section 200

Supreme Court Act 2003 (2003 No 53): section 48(1)

Employment Relations Act 2000 (2000 No 24): section 240

Higher Salaries Commission Amendment Act (No 2) 1992 (1992 No 130): section 4

Māori Language Amendment Act 1991 (1991 No 40)

Children, Young Persons, and Their Families Act 1989 (1989 No 24): section 449

Disputes Tribunals Act 1988 (1988 No 110): section 82(2)

Higher Salaries Commission Amendment Act 1988 (1988 No 24): section 15(1)