

The Maori Language Bill

another maori Claytons?

Comparison between the Language Bill and the Recommendations of the Waitangi Tribunal relating to the maori language.

The Bill	The Tribunal
Confers the right to submit oral evidence in maori in judicial but not public or local bodies from July 1, 1987.	Recommended legislation for any person to speak or write maori in courts, public and local bodies to give real and significant recognition to "official" status of the language.
Obliges the court to keep its records in english so the written record will be a translation of the verbal maori text.	Required the State Services Commission to demand maori fluency for some of its public service staff.
Explicitly states it doesn't extend any maori language rights now existing.	Recommended changes to education policies to ensure freely available maori tuition at all levels. Official recognition must be seen to be real and significant ... not mere tokenism.
Establishes a maori language commission of up to five members to generally promote maori language and issue certificates for translators.	Recommends establishing a supervisory body to set proper standards for maori language use and to "take appropriate action to foster its proper development."

At first glance the newly introduced Maori Language Bill seems to be a piece of legislation that will give back the mana to the Treaty of Waitangi. That is, it will give official recognition to the maori language as guaranteed in the Treaty.

However a reading of the draft legislation currently before a select committee chaired by Northern Maori MP, Dr Bruce Gregory, shows that maori language as under the Bill will only be permitted to be heard in the courts of New Zealand.

Even then it will not be used as compared to english, and so in section four of the Bill it states that the right conferred to use the maori language, "does not entitle the party, witness or other person to insist on being addressed or answered in maori or to require that the proceedings or any part of them be recorded in maori."

Section three of the Bill declares the maori language to be an official language of New Zealand but section five, on effect of recognition, states that nothing in Sections three or four shall, "limit or extend any right that any person has, otherwise than by virtue of that section, to receive or impart any communication in maori..."

It's this weakness in legislative muscle that becomes apparent when compared to the recommendations of the Waitangi Tribunal that were delivered on the same day as the bill was introduced into Parliament.

Where the Tribunal, which was set up under a Labour government, said that maori language should be officially recognised so as to give effect to the guarantees of the Treaty, the Bill instead speaks of saying maori is official and then limits its application severely.

In fact most of the Tribunal recommendations are missing from the Bill. To date the claimants, who still have an

ongoing case before the Waitangi Tribunal, have had meetings with the Minister of Maori Affairs, (who introduced the Bill), the deputy Prime Minister and Minister of Justice, and the Minister of Education.

At these meetings Nga Kaiwhakapumau have been told that it was just a coincidence that the Bill and the Tribunal recommendations came out on the same day. Minister of Maori Affairs, Koro Wetere said the Bill stemmed from Labour Party policy and had had a long time in gestation.

He said the government welcomed much of the Tribunal report but that the recommendations were before individual ministers.

He said Cabinet had not at that time formally discussed the report. The deputy Prime Minister was more forthcoming and said that the Waitangi Tribunal recommendations were only recommendations and not government policy. He said the bill was one thing and the Tribunal recommendations another.

"We are dealing with a parliamentary process ... not with what should be."

He felt that the question of what is or not included in the Language Bill should be the subject of submissions to the select committee and "we can't enter into negotiations while the bill is there." (before the select committee)

It was also the time allowed for submissions to the select committee that bothered Nga Kaiwhakapumau.

The select committee is a group of MPs who consider written evidence from people interested. Normally a month only is given for submissions to be sent in. Then those people who wrote can appear before the select committee to speak to their evidence.

In the Language Bill's case, the closing date was July 27.

Nga Kaiwhakapumau said that as the Waitangi Tribunal's report had not been widely circulated in the maori community, many Maori would not have had a chance to put their submissions together for the select committee.

At the meeting with Geoffrey Palmer, the deputy Prime Minister said the date would be extended, and that the Government Printing Office would take over the printing and distributing of the Waitangi Tribunal report.

Nga Kaiwhakapumau say that it's obvious from meetings with Cabinet Ministers that the recommendations of the Tribunal have hit tender spots.

Education Minister, Russell Marshall has told Nga Kaiwhakapumau that he doesn't accept the criticism of present education department policy because of positive developments since July 1984, (the year of some major education hui called by non-government groups).

Because of that he doesn't see the need for the urgent enquiry into the non-education of Maori children, as called for by the Tribunal.

The claimants who were acknowledged by the Waitangi Tribunal as receiving the endorsement of maoridom, "the Board (Nga Kaiwhakapumau) was just the spokesman for the claim. ... It was supported strongly from Maori quarters on every side," have also received an unsympathetic ear from their own Minister.

Koro Wetere told them that if they considered the Tribunal recommendations as being important for maoridom then they should make submissions to the select committee accordingly. When told of the high cost in money and time involved in mustering over one hundred witnesses to speak to the tino rangatira-tanga o te reo, and of the prospect of having to do it all again before a select committee, he was unmoved.