



PRACTICE BRIEFING: SPEAKING TE REO MĀORI IN COURT

INTRODUCTION

As it is an official language of Aotearoa/New Zealand, anyone may speak te reo Māori in court. However, because most New Zealanders are not fluent in te reo, this Practice Briefing provides some recommended practices and requirements related to the use of te reo in Court proceedings.

The right to speak Māori in court

Te Ture mō Te Reo Māori 2016/ Māori Language Act 2016 provides that Māori is an official language of New Zealand, and that parties to legal proceedings are entitled to speak Māori (regardless of whether they are able to speak English, or any other language) in court.

As noted in section 8 of the Act, the right to kōrero Māori i nga kōti (speak Māori in court) recognises the language as a taonga (treasure) that, as promised by the Article 2 of the Treaty of Waitangi/te Tiriti o Waitangi, must be protected and promoted by the Crown.

While section 7(1) of the Act affirms members of the court's, parties', witnesses' and counsel's right to speak te reo in legal proceedings, it also sets practical limits on and rules around the use of Māori in proceedings.

Section 7(2) states that the right to speak Māori does not entitle an individual to insist on being answered in Māori, for example.

Subsection (3) places responsibility on the court's presiding officer to ensure a competent interpreter is available. It is clear that a party intending to speak Māori should provide advanced notice to the presiding officer of the court, to allow time for arrangement of a competent te reo interpreter.

Court rules governing use of te reo Māori

Those wishing to kōrero te reo Māori are directed to comply with the relevant court's procedural rules.

District Court

The District Court Rules' rule 1.15(2) states that any person wishing to speak Māori in a proceeding or at the

hearing of an interlocutory application must (or if the person is a witness, the party intending to call that witness must) “file and serve on every other party to the proceeding a notice of his or her intention to speak Māori”.

Pursuant to subsection (3), the notice (which must be in a prescribed form – Form 4, Notice of intention to speak Māori) must state that the person intends to speak Māori at – (a) all case management conferences and hearings; or (b) all case management conferences and hearings held after a specified conference or hearing; or (c) a specified case management conference or hearing.

Notice must be filed “not less than 10 working days” before the first case management conference or hearing at which the person intends to speak Māori (subsection (5)).

The Ministry of Justice has trained District Court staff who open and close court sessions in the use of Māori. Māori announcements are now made at the opening and closing of sessions in the District Court, Family Court, Youth Court, Māori Land Court, Waitangi Tribunal, Rangatahi Youth Court, Matariki Court and at all court sessions with Justices of the Peace and Community Magistrates.

High Court

The provisions relating to use of Māori in the High Court Rules are similar to the District Court Rules. Rule 1.11(3) differs slightly, in that notice must be given not less than 10 working days before any case management conference and/or hearing at which the person intends to speak Māori.

Notice must be in a prescribed form G 12 (Notice of intention to speak Māori).

Failure to inform court does not defeat right to speak Māori

The court rules (both District Court and High Court) state that failure to give notice does not prevent a person speaking Māori in a proceeding. However, the court may adjourn a conference or hearing to arrange an interpreter if an individual demands to speak Māori without having provided notice.

Pursuant to rule 1.17 of the District Court Rules and rule 1.13 of the High Court Rules, for example, the court may treat failure provide advance notice as a relevant consideration in an award of costs.

Translation of documents into Māori

Upon application, and meeting certain procedural rules (District Court Rule 1.16 and High Court Rule 1.12), a person upon whom a court document is served may be entitled to receive a translation of that document into Māori provided certain conditions are met.



HIGH COURT ANNOUNCEMENTS IN TE REO MĀORI (NGĀ PĀNUI I TE REO MĀORI)

Entry into Court

Associate Judge	Silence, all stand for His/Her Honour the Judge Kia rite mō te Kaiwhakawā, e tū koa
Justice	Silence, all stand for His/Her Honour the Queen's Judge Kia rite mō te Kaiwhakawā o te Kuini, e tū koa

Tea Breaks and Adjournments

This Court is adjourned for 15 minutes, all stand please.

Kua hiki te Kōti, e tū koa

Re-entry into Court after Adjournment

Silence for His/Her Honour, all stand please.

Kia rite mō te Kaiwhakawā, e tū koa.

Lunch Adjournment

This Court is adjourned until 2:15pm. All stand please.

Kua hiki te Kōti ki te hauwhā i te rua, e tū koa.

At the Conclusion of the Day (If continuing into the next day)

Court is adjourned until 10:00am tomorrow morning. All stand please.

Kua hiki te Kōti ki te tekau o ngā hāora āpōpō, e tū koa

At the Conclusion of the Day (If not continuing)

His/Her Honour will retire, all stand please.

Kua whakawātea te Kaiwhakawā, e tū koa

Updated October 2016



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