

Hon Paul Goldsmith
Minister of Justice

Proactive release – Amendments to Oaths and Declarations (Māori Language) Regulations 2004

Date of issue: 17 April 2024

The following documents have been proactively released in accordance with Cabinet Office Circular CO (23) 04.

No.	Document	Comments
1	Amendments to Oaths and Declarations (Māori Language) Regulations 2004 <i>Cabinet paper</i> Office of the Minister of Justice 21 March 2024	Released in part. Some information has been withheld in accordance with section 9(2)(f)(iv) to protect confidentiality of advice tendered by Ministers and officials.
2	Oaths and Declarations (Māori Language) Amendment Regulations 2024 <i>Cabinet Minute</i> <i>LEG-24-MIN-0030</i> Cabinet Office 21 March 2024	Released in full.

In Confidence

Office of the Minister of Justice
Chair, Cabinet Legislation Committee

Amendments to Oaths and Declarations (Māori Language) Regulations 2004

Proposal

- 1 This paper seeks authorisation for submission to the Executive Council of the Oaths and Declarations (Māori Language) Amendment Regulations 2024 (the Amendment Regulations).

Background

- 2 The Oaths and Declarations Act 1957 (the Act) sets out English-language versions of oaths (which may be taken as an affirmation¹) and declarations.
- 3 Under the Act, te reo Māori translations of an oath or affirmation prescribed by regulations has the same effect as using the English-language version set out in the Act.
- 4 The Oaths and Declarations (Māori Language) Regulations 2004 (the Regulations) do not prescribe translations of all oaths and declarations set out in the Act because prioritisation was given to the oaths and declarations required for the swearing-in ceremony following the 2005 General Election.
- 5 The Regulations currently provide oral and written te reo Māori versions of:
 - 5.1 the oath of allegiance;
 - 5.2 affirmation of allegiance;
 - 5.3 Executive Councillor’s oath and affirmation; and
 - 5.4 the Parliamentary Under-Secretary’s oath and affirmation.
- 6 In 2020, the need for a te reo Māori equivalent for the judicial oath, and possibly other oaths and declarations was identified by the Chief Justice. The Chief Justice indicated that the absence of a te reo Māori equivalent for the judicial oath has become increasingly difficult, particularly in the Māori Land Court where most judges wish to take their oath in te reo Māori.
- 7 Providing te reo Māori equivalents for oaths and declarations also promotes greater access to justice. For example, a te reo Māori equivalent of the

¹ Section 4(1) of the Act gives every person required to take an oath the right to make an affirmation instead. The Act sets out the wording that must precede every affirmation (section 4(2)) and the form required for affirmations in writing (section 4(3)).

IN CONFIDENCE

witness declarations could improve the experience of Māori victims in the criminal justice system. It also reinforces the status of te reo Māori as a taonga and official language of New Zealand.

Proposed changes to the Oaths and Declarations (Māori Language) Regulations 2004

- 8 I propose to amend the Regulations to include te reo Māori equivalents of all of the remaining oaths and declarations in the Act, namely:
- 8.1 the witness declaration set out in section 13(1);
 - 8.2 the Scots form witness oath set out in section 16;
 - 8.3 the judicial oath set out in section 18;
 - 8.4 the judicial affirmation in spoken form set out in sections 4 and 18;
 - 8.5 the judicial affirmation in written form set out in sections 4 and 18;
 - 8.6 the official oath set out in section 21;
 - 8.7 the official affirmation in spoken form set out in sections 4 and 21;
 - 8.8 the official affirmation in written form set out in sections 4 and 21; and
 - 8.9 the statutory declaration prescribed in Schedule 1, which any person may voluntarily make before an authorised witness provided under section 9.
- 9 **S9(2)(f)(iv)**

Timing and 28-day rule

- 10 The Amendment Regulations will come into force 28 days after notification in the Gazette.

Regulations Review Committee

- 11 There are no grounds for the Regulations Review Committee to draw the Amendment Regulations to the attention of the House of Representatives under Standing Order 327.

Certification by Parliamentary Counsel

- 12 The Parliamentary Counsel Office has certified that the Amendment Regulations are in order for submission to Cabinet.

Impact Analysis

- 13 The Treasury's Regulatory Impact Analysis team has determined that this proposal is exempt from the requirement to provide a Regulatory Impact Statement on the grounds that it has no or only minor impacts on businesses, individuals, and not-for-profit entities.
- 14 The Climate Implications of Policy Assessment (CIPA) team has been consulted and confirms that CIPA requirements do not apply to this proposal as it not expected to result in any significant, direct emissions impacts.

Publicity

- 15 The Ministry of Justice will notify relevant stakeholders of the changes being made by the Amendment Regulations, once approved by Cabinet.

Proactive release

- 16 I will proactively release this Cabinet paper, with any appropriate redactions, in accordance with Cabinet Office Circular CO (18) 4.

Consultation

- 17 The te reo Māori equivalents of the oaths and declarations were developed by the Department of Internal Affairs' Translation Service in consultation with the Office of the Chief Justice, who were supportive of the proposed changes being progressed as soon as possible.
- 18 The Office of the Clerk of the House of Representatives and Cabinet Office have been consulted and were supportive of the proposed changes. The New Zealand Law Society, the Māori Law Society and the Ministry of Foreign Affairs and Trade have also been consulted.
- 19 The Department of the Prime Minister and Cabinet were informed of the contents of this paper.

Recommendations

I recommend that the Cabinet Legislation Committee:

- 1 **note** that the Oaths and Declarations (Māori Language) Regulations 2004 (the Regulations) currently prescribe oral and written te reo Māori versions of:
 - 1.1 the oath of allegiance;
 - 1.2 affirmation of allegiance;
 - 1.3 Executive Councillor's oath and affirmation;
 - 1.4 the Parliamentary Under-Secretary's oath and affirmation;
- 2 **note** that the Oaths and Declarations (Māori Language) Amendment Regulations 2024 give effect to amending the Regulations to include the te reo Māori equivalents to the following oaths and declarations contained within the Oaths and Declarations Act 1957:
 - 2.1 the witness declaration set out in section 13(1);
 - 2.2 the Scots form witness oath set out in section 16;
 - 2.3 the judicial oath set out in section 18;
 - 2.4 the judicial affirmation in spoken form set out in sections 4 and 18;
 - 2.5 the judicial affirmation in written form set out in sections 4 and 18;
 - 2.6 the official oath set out in section 21;
 - 2.7 the official affirmation in spoken form set out in sections 4 and 21;
 - 2.8 the official affirmation in written form set out in sections 4 and 21; and
 - 2.9 the statutory declaration prescribed in Schedule 1, which any person may voluntarily make before an authorised witness provided under section 9.
- 3 **authorise** the submission to the Executive Council of the Oaths and Declarations (Māori Language) Amendment Regulations 2024;
- 4 **note** that the Oaths and Declarations (Māori Language) Amendment Regulations 2024 will come into force 28 days after notification in the Gazette.

Authorised for lodgement

Hon Paul Goldsmith

Minister of Justice



Cabinet Legislation Committee

Minute of Decision

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

Oaths and Declarations (Māori Language) Amendment Regulations 2024

Portfolio Justice

On 21 March 2024, the Cabinet Legislation Committee:

- 1 **noted** that the Oaths and Declarations (Māori Language) Regulations 2004 (the Regulations) currently prescribe oral and written te reo Māori versions of:
 - 1.1 the oath of allegiance;
 - 1.2 affirmation of allegiance;
 - 1.3 Executive Councillor's oath and affirmation;
 - 1.4 the Parliamentary Under-Secretary's oath and affirmation;
- 2 **agreed** to amend the Regulations to include the te reo Māori equivalents to the following oaths and declarations contained within the Oaths and Declarations Act 1957:
 - 2.1 the witness declaration set out in section 13(1);
 - 2.2 the Scots form witness oath set out in section 16;
 - 2.3 the judicial oath set out in section 18;
 - 2.4 the judicial affirmation in spoken form set out in sections 4 and 18;
 - 2.5 the judicial affirmation in written form set out in sections 4 and 18;
 - 2.6 the official oath set out in section 21;
 - 2.7 the official affirmation in spoken form set out in sections 4 and 21;
 - 2.8 the official affirmation in written form set out in sections 4 and 21;
 - 2.9 the statutory declaration prescribed in Schedule 1, which any person may voluntarily make before an authorised witness provided under section 9;
- 3 **noted** that the Oaths and Declarations (Māori Language) Amendment Regulations 2024 give effect to the decision above;
- 4 **authorised** the submission to the Executive Council of the Oaths and Declarations (Māori Language) Amendment Regulations 2024 [PCO 25769/2.0];

- 5 **noted** that the Oaths and Declarations (Māori Language) Amendment Regulations 2024 come into force on 26 April 2024.

Rebecca Davies
Committee Secretary

Present:

Rt Hon Winston Peters (Chair)
Hon Brooke van Velden
Hon Dr Shane Reti
Hon Erica Stanford
Hon Paul Goldsmith
Hon Louise Upston
Hon Mark Mitchell
Hon Todd McClay
Hon Tama Potaka
Hon Melissa Lee
Hon Nicole Mckee
Hon Simon Watts
Hon Penny Simmonds
Hon Chris Penk
Hon Scott Simpson
Todd Stevenson, MP
Jamie Arbuckle, MP

Officials present from:

Officials Committee for LEG
Office of the Leader of the House