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ANALYSIS: Why English does not need to be made an official language

Laura Walters · 16:29, Feb 16 2018



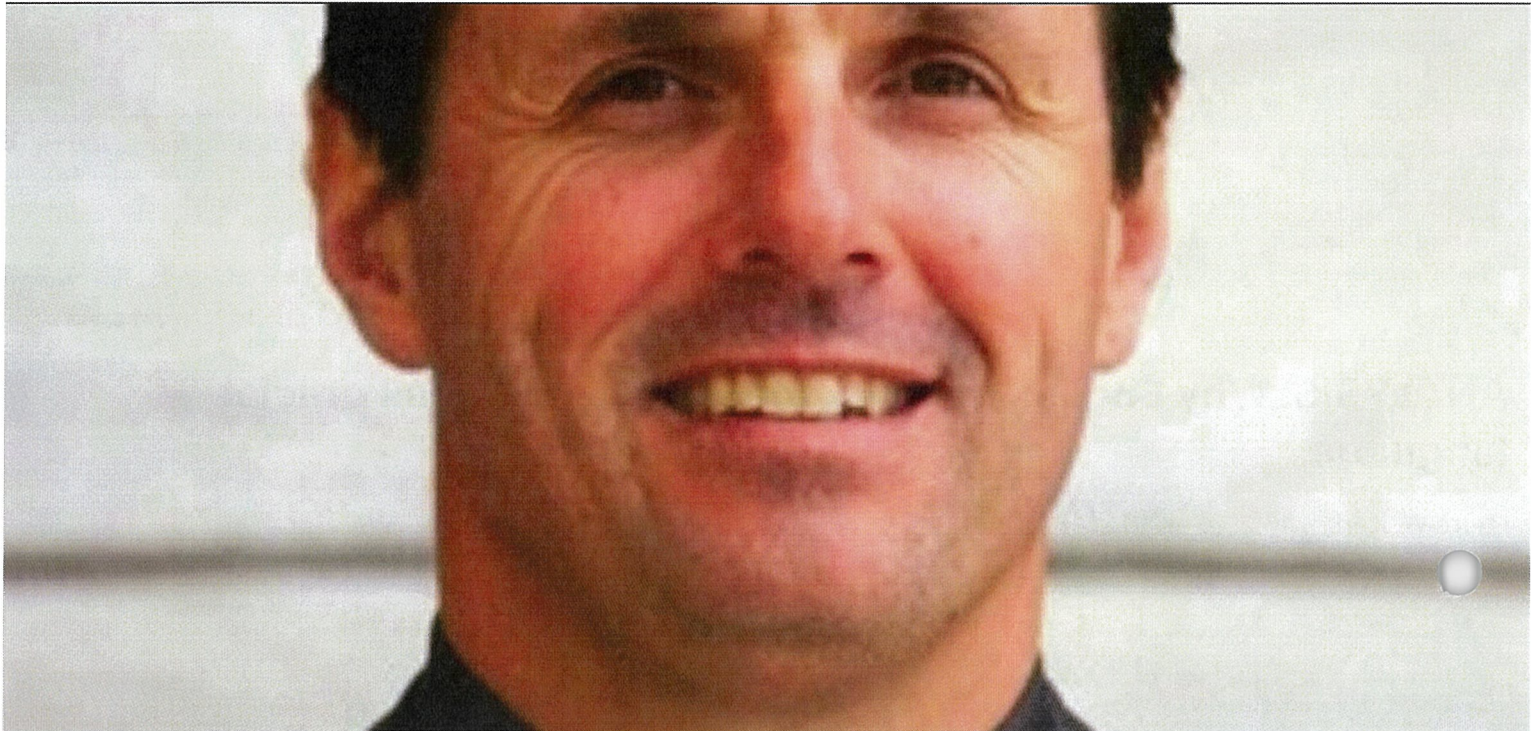
CLAYTON MITCHELL POLITICAL/FACEBOOK

NZ First MP Clayton Mitchell has lodged a bill to have English legally recognised as an official language of New Zealand.

ANALYSIS: A proposal to make English an official language in New Zealand has been described as a waste of time, but is this private member's bill more than that?

NZ First MP Clayton Mitchell put his member's bill (a proposed law backed by any MP, rather than a government bill) into the ballot on Thursday.

Mitchell said everyone he's spoken to thinks it's "absurd" English isn't an official language like te reo Māori, or New Zealand Sign Language.



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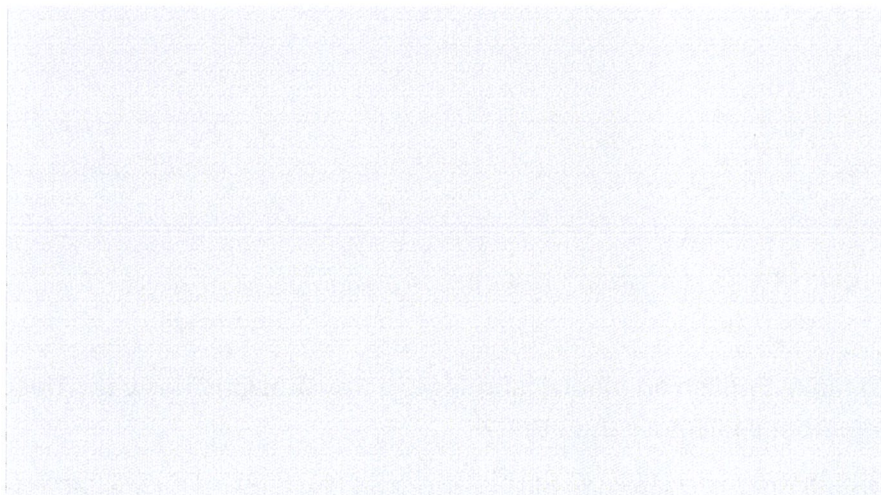
NZ First MP Clayton Mitchell says English needs to be granted the legal status of an official language. But why?

"It's common sense to officially recognise the language that the vast majority of New Zealanders use on a day to day basis. English is the primary language that New Zealanders use, whether that's in business, at home, on the sports field or in the media," Mitchell said.

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The bill, which was submitted in his name and on behalf of NZ First, would "rectify a longstanding issue".

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Robin Bishop, of Tauranga, who led a petition to make English an official language in NZ

This isn't the first time this issue has been raised. In 2015, Tauranga woman Robin Bishop made it her mission to investigate whether English was afforded the same legal status as te reo and NZSL, and when she found out it wasn't, she knew she needed to launch a petition to address the issue.

Te reo was given official language status in 1987, followed by NZSL in 2006.

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Brishop's petition eventually gathered more than 6258 signatures, and was presented to Parliament last year.

[English an Official Language of New Zealand Bill](#) by [stuffnewsroom](#) on Scribd

English an Official Language of New Zealand Bill

Member's Bill

Explanatory note**General policy statement**

The 'English an Official Language of New Zealand Bill' provides official recognition of English, the most widely spoken language in New Zealand. English language is an important part of New Zealand culture, heritage and everyday communication. In recognition of its widespread use it must be accorded the same legal status as Te Reo Māori and New Zealand Sign Language.

Clause by clause analysis

Clause 1 is the title clause.

Clause 2 states when the Bill is to come into force, which is on the day after it receives the Royal assent.

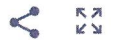
Clause 3 sets out the purpose of the Bill, which is to affirm that the English language is an official language of New Zealand.

Clause 4 provides that the Bill is to bind the Crown.

Clause 5 declares that the English language is an official language of New Zealand.

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1 of 3



At the time the petition was launched, then justice minister Amy Adams said English did not need legal recognition to be official.

"Te reo and sign language have statutory recognition, but English is a de facto official language by virtue of its widespread use," she said.

In 2013, English is spoken by 3.82 million Kiwis, that was more than 90 per cent of the population. It's not under threat, and from a practical point of view, there's no need to give it a special legal status.

Māori Development Minister Nanaia Mahuta did not want to comment on the bill until she had had time to reflect on its detail.

Meanwhile, Otago law professor Andrew Geddis refers to it as "legal nonsense".

English is already a de facto official language, which may be used in any or all public or official contexts. Prior to 1987 and 2006 for NZSL, that wasn't the case for te reo and NZSL.

Basically, we legislated te reo and sign language as being "official languages", in order to affirmatively grant the right to use them in particular, specified situations where they otherwise could not be used. This is not the case with English.

"It's simply a general, background cultural presumption in our particular society that this is the language of our government," Geddis says.

"There's as much need to declare this 'fact' in legislation than there is to declare that a signature is an 'official' means of conveying agreement, or that rugby is our 'official' national sport."

In fact, English is so much an "official language" that our law actually specifies in various places it must be used in place of any other.

This is the case for [keeping tax records](#), or [labelling hazardous materials](#), or [food labelling](#). Or, consider the Evidence Act, which is premised on the assumption court proceedings will always be in English and those

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2015, Greypower supported the petition.

Unfortunately, at a time when right-wing populist movements are taking hold in other parts of the globe, this type of bill could be seen as a type of virtue signalling.

Every now and again, there are calls for things like a "pākehā party" - because there's a Māori Party - or a men's minister - because there's a women's minister.

These calls from a small group of the New Zealand public usually receive no more reaction than an eyeroll.

But when an MP uses their power and position to advance a bill that does not have a practical legal purpose, it's worth more reaction than just an eyeroll.

Geddis says the bill is sending a message to some particular audience the author is in some way "standing up for English" as a language.

"However, it does so in a manner that has no actual legal effect and so will not change the existing situation in any way, shape or form. It is thus a valid question for the author as to why he believes it is necessary to virtue signal in this way at this time - who is he sending this particular message to, and why?"

Mitchell says the bill isn't just an attempt to appeal to NZ First's right-wing, Greypower base, it will appeal to all "sensible" New Zealanders.

The bill would be a "tidying up" of legislation, which hadn't taken much time, or effort to draft.

If it's drawn, it will put English on the same par as te reo and NZSL, which Clayton says is important. He did not buy the reasoning English is already a de facto official language, which is not at risk, and the other languages needed special legal status to afford them some of the same rights as English.

It will be interesting to see whether MPs from parties other than NZ First support the bill when, or if, it's drawn from the ballot.

But maybe more telling, will be the public reaction if the bill comes before the House. Just how many Kiwis think this bill is worth the paper it's written on?

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