



Michael &  
Suzanne  
Borrin  
Foundation

# Inspiring National Indigenous Legal Education for Aotearoa New Zealand's Bachelor of Laws Degree

## Phase Two:

Consultation Summary on  
Strengthening the Ability for Māori  
Law to Become a Firm Foundational  
Component of a Legal Education  
in Aotearoa New Zealand







Michael &  
Suzanne  
Borrin  
Foundation



Photo credits:

This page: University of Otago LLB students, 2019

Cover: Tānenuiarangi, the meeting house on Waipapa

Marae, University of Auckland; Mike Hennessy







# Inspiring National Indigenous Legal Education for Aotearoa New Zealand's Bachelor of Laws Degree

---

## Phase Two:

Consultation Summary on  
Strengthening the Ability for Māori  
Law to Become a Firm Foundational  
Component of a Legal Education  
in Aotearoa New Zealand



## Consultation Paper

---

**Professor Jacinta Ruru**  
(Raukawa, Ngāti Ranginui)

**Metiria Stanton Turei**  
(Ngāti Kahungunu, Ati Hau nui a Pāpārangi)

## Ngā Mihi | Acknowledgements

Tēnei mātou ka tangi mōteatea nei ki a rātou mā kua wehe atu ki tua o te ārai. Haere, hoki atu koutou ki te poho o te Atua, ki te huihuinga o te kahurangi, okioki ai. Kāti te taha ki ngā mate. E ngā mahuetanga iho, kia ora mai tātou katoa.

Nei rā te mihi ki ngā iwi ki ngā hapū maha, nā koutou i tū kaha, i tū māia ahakoa ngā whiunga mai o te wā. Nā koutou e ū tonu ana te iwi Māori ki āna tikanga, ki tōna rangatiratanga motuhake.

Nei rā te mihi ki a koutou e ngā pou āwhina me te pae o te mātauranga. Mei koe ake koutou e riro mai ngā akoranga me ngā tohutohu i taea ai e mātou te pūrongo nei me āna whakataunga.

Nei rā te mihi ki ngā mātanga o te ture, mai i ngā wānanga, mai i te hapori rōia whānui. Nā koutou mātou i kaha tautoko kia oti pai tēnei mahi. Tēnā hoki koutou e te Michael and Suzanne Borrin Foundation, nā ngā huruhuru, te manu ka rere.

Waiho mā ēnei kupu a Hēnare te Ōwai o Ngāti Porou, hei whakarāpopoto te wai o tēnei pūrongo. Koinei katoa hei takoha hoki mā mātou ki ngā reanga whai mai. Tēnā koutou katoa.

*Mā wai rā  
e taurima  
te marae i waho nei?  
Mā te tika  
mā te pono  
me te aroha e...*

It is right that we first lament those who have passed beyond the veil. May they rest among the illustrious, in the embrace of the most high. May there be life and vitality for we who have been left behind.

We recognise with pride the many peoples of the Māori world who stood firm and brave despite the suffering and challenges of the times. You have never yielded; Māori people remain firmly connected to their tikanga, their own distinct ways of being in this world.

We acknowledge warmly those who supported us, those who shared your deep knowledge with us. We were fortunate indeed, as your teaching and direction are reflected in this report and its recommendations.

Our sincere acknowledgments extend also to the Deans of this country's law schools, and to those people who supported our work from the broader legal community. Your support of us has enabled this stage to be completed well.

Of course, our warm greetings and thanks go also to the Michael and Suzanne Borrin Foundation, by your support this work became possible. For this we are sincerely grateful.

We leave the last words to Hēnare te Ōwai of Ngāti Porou, to summarise the essence of this report. This report and the work yet to be done is our promise, and our gift to the generations to come. Tēnā koutou katoa.

*Mā wai rā  
e taurima  
te marae i waho nei?  
Mā te tika  
mā te pono  
me te aroha e*

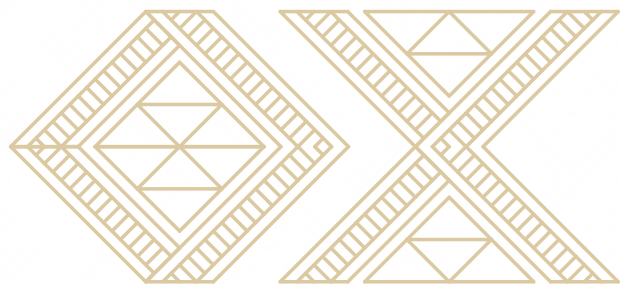
*Who then,  
will protect the marae here?  
It will be truth,  
Justice,  
and love*



# Rārangi Taki | Contents

---

I	Introduction
II	Our Vision
III	A Bijural legal education
IV	A Bicultural legal education
V	A Bilingual legal education



## The tohu used in this report

The artwork in this report was created by **Tristan Marler** (Te Rarawa/Te Aupouri)

We've used a tohu design in this report to conceptually support what we are advocating for. The design consists of two main parts; the chevron is made of Haehae/Pākati which represent Kupe's Law and the history of our people pre-European contact. The Niho taniwha design is enclosed by the Haehae/Pakati pattern and represents Cook's law. The arrangement of this design can also be interpreted as the pattern Aronui which symbolises the three baskets of knowledge. When repeated the design forms a Tukutuku panel and the pattern changes again. This pattern is Pātiki (flounder) which is about being able to provide for whanau or Iwi.





Te Hunga Rōia Māori o Aotearoa Hui ā Tau, Whanganui a Tara 2019



# I. Introduction

---

“In 1840 we had been here for a thousand years. We had a highly workable and adaptable system of law in operation, and Te Tiriti o Waitangi guaranteed that it would remain as the first law of Aotearoa.” Ani Mikaere (Ngāti Raukawa, Ngāti Porou)<sup>1</sup>

Māori law is the first law of Aotearoa.<sup>2</sup>

The hapū and iwi of Aotearoa operated under complex systems of values and principles that recognised the importance of, and regulated, relationships between people, between people and their environment, and between the natural world and the spiritual world.<sup>3</sup> That system was deep, complex and constantly evolving.<sup>4</sup> Common values were understood across different hapū and iwi<sup>5</sup> just as iwi and hapū-specific kawa<sup>6</sup> was understood and practised. Through tikanga – a system of “practices, principles, processes and procedures, and traditional knowledge”<sup>7</sup> – social, economic and familial relationships; disputes; transfers; and concerns were all managed. Trade, exchange values, access to environmental resources, inheritance, infringements, punishment, restitution, authority, governance and leadership were all part of this complex legal system.

Mead’s *Tikanga Māori: Living by Māori Values* provides a comprehensive analysis of tikanga values and their historical and modern application across all spheres of life.<sup>8</sup> Durie, meanwhile, describes in detail the values-based system that regulated the maintenance of personal relationships, protocols in meeting and fighting, whakapapa to settle rights and status, establishing authority and status (mana) through acts of generosity, maintenance of balance through reciprocity, contracts, and trade through gift exchange.<sup>9</sup>

In August 2020 our research team published an Issues paper *Inspiring National Indigenous Legal Education for Aotearoa New Zealand’s Bachelor of Laws Degree Phase One; Strengthening the Ability for Māori to become a Firm Foundational Component of a Legal education in Aotearoa New Zealand*.<sup>10</sup> Our report can be found at <https://www.borrinfoundation.nz/inspiring-new-indigenous-legal-education-for-our-llb-degree>. We collated our knowledge of a sample of written sources of Māori law and prefaced our review with a researched discussion of why we are calling for Aotearoa New Zealand law students to be trained to practice in a bijural, bicultural and bilingual legal system.

---

1 Ani Mikaere “Tikanga as the First Law of Aotearoa” (2007) 10 *Yearbook of New Zealand Jurisprudence* 24 at 25.

2 Joseph Williams “Lex Aotearoa: An Heroic Attempt to Map the Māori Dimension in Modern New Zealand Law” (2013) 21 *Waikato Law Review* 1.

3 Williams “Lex Aotearoa” above n 2 at 1.

4 Hirini Moko Mead *Tikanga Māori: Living by Māori Values* (Huia Publishers, Wellington, 2003). See also Robert Joseph “Re-creating Space for the First Law of Aotearoa-New Zealand” (2009) 17 *Waikato Law Review* 74; Richard Benton, Alex Frame and Paul Meredith *Te Mātāpunenga: A Compendium of References to the Concepts and Institutions of Māori Customary Law* (Victoria University Press, Wellington, 2013) at 128; Ani Mikaere “Tikanga as the First Law of Aotearoa” above n 1; Valmaine Toki “Tikanga Māori – A Constitutional Right? A Case Study” (2104) 40 *Commonwealth Law Bulletin* 1 at 32–48.

5 See ET Durie “Will the Settlers Settle? Cultural Conciliation and Law” (1996) 8 *Otago Law Review* 449; Benton, Frame and Meredith above n 4, at 429.

6 Williams above n 2, at 6.

7 Carwyn Jones “A Māori Constitutional Tradition” (2014) 12 *New Zealand Journal of Public and International Law* 187 at 189–190.

---

8 Mead above n 4.

9 Durie above n 5, at 445.

10 Ruru, J., Turei, M., Jones, C., & Quince, K. (2020). *Inspiring National Indigenous Legal Education for Aotearoa New Zealand’s Bachelor of Laws Degree Phase One; Strengthening the Ability for Māori to become a Firm Foundational Component of a Legal education in Aotearoa New Zealand* Issues paper. Wellington, New Zealand: Michael and Suzanne Borrin Foundation. <https://www.borrinfoundation.nz/inspiring-new-indigenous-legal-education-for-our-llb-degree/>



# I. Introduction

---

We concluded with this simple message:

*There can be no systemic change to how we understand law in a contemporary Aotearoa New Zealand if we do not teach it differently in our law schools.*

We now begin a comprehensive consultation with Māori and the legal community on how this legal education might be undertaken, as Phase two of our research. We invite you to consider our key findings and issues raised in our Issues Paper. We have provided a brief summary of the 4 key findings from that report and a starter list of further readings if you are interested in more detail. You are welcome to contact us with a written response or for a phone or online conversation. Our contact details are below.

We look forward to your response to this bold call for systemic change.

Professor Jacinta Ruru  
Metiria Stanton Turei  
Īmēra: maori.law@otago.ac.nz  
Waea: 03 477-8841

## A Starter Reading List: Ten Readings on Māori Law

1. Richard Benton, Alex Frame and Paul Meredith *Te Mātāpunenga: A Compendium of References to the Concepts and Institutions of Māori Customary Law* (Victoria University Press, Wellington, 2013).
2. ET Durie, "Will the Settlers Settle? Cultural Conciliation and Law" (1996) 8 *Otago Law Review* 449.
3. Moana Jackson *He Whaipaanga Hou: Maori and the Criminal Justice System* Ministry of Justice (1987).
4. Carwyn Jones *New Treaty, New Tradition: Reconciling New Zealand and Māori Law* (University of British Columbia Press, Vancouver, 2016; republished by Victoria University Press, 2016).
5. Ani Mikaere "The Treaty of Waitangi and Recognition of Tikanga Māori" in Michael Belgrave, Merata Kawharu and David Williams (eds) *Waitangi Revisited: Perspectives on the Treaty of Waitangi* 2nd ed. (Oxford University Press, Auckland, 2005).
6. Hirini Moko Mead *Tikanga Māori: Living by Māori Values* rev. ed. (Huia Publishers, Wellington, 2016).
7. New Zealand Law Commission *Māori Custom and Values in New Zealand Law* (NZLC SP9, 2001).
8. Māmari Stephens and Mary Boyce (eds) *He Papakupu Reo Ture: A Dictionary of Māori Legal Terms* (LexisNexis NZ, Wellington, 2013).
9. Waitangi Tribunal *Ko Aotearoa Tēnei: A Report into Claims concerning New Zealand Law and Policy Affecting Māori Culture and Identity* (Wai 262, 2011).
10. Joseph Williams "Lex Aotearoa: An Heroic Attempt to Map the Māori Dimension in Modern New Zealand Law" (2013) 21 *Waikato Law Review* 1.



## II. Our Vision

---

A legal profession that is trained to work in a bijural, bicultural and bilingual Aotearoa New Zealand legal system.

To realise the practice of Māori law as law in Aotearoa New Zealand's modern legal system, systemic change in the legal profession needs to occur. We have called for a legal profession that is trained to work in a bijural, bicultural and bilingual Aotearoa New Zealand legal system. Undergraduate legal education has an essential role in fulfilling this call for change. Aotearoa New Zealand's six law schools already have varying levels of competency in this area but we consider should now move in a systemic formal manner towards preparing their graduates for a legal practice built on a bijural, bicultural and bilingual legal education.

There is increasing understanding and acceptance that the first laws of Aotearoa New Zealand came with Kupe, another law was later brought by Cook (that became our Pākehā state law), and that now there is a unique jurisprudence, "Lex Aotearoa", which has developed from both legal traditions. The increasing recognition of the value of Māori law by the nation's legal profession means we need to carefully think through and work out how Māori law ought to be taught as a compulsory part of the LLB degree. Legal education in Aotearoa New Zealand will need to evolve in order to live up to the challenges that Lex Aotearoa will demand of us.

However, as yet there has been no national collaborative discussion about if and how Māori law ought to be taught as a substantial part of the foundational part of the LLB degree. We readily accept that while a culturally sensitive legal education is understood and practised, our law schools do not yet equip all LLB graduates with the ability to respond to the current and evolving legislative, judicial and societal expectations of understanding Māori law as a foundational component of law in this country.

We therefore believe that legal education in Aotearoa New Zealand should change. There is increasing demand from the judiciary for advice on Māori law, especially since the Supreme Court accepted in 2012 that "Māori custom according to tikanga is therefore part of the values of the New Zealand common law" (*Takamore v Clarke*).<sup>11</sup> Other parts of the legal profession are recognising this need. Significant professional training is being done, for example, to upskill the judiciary on Māori law including time spent on marae. Law firms are engaging in Māori law professional development for their legal staff on Māori law understandings beyond treaty settlement and land law issues due to the needs of their clients. We can ensure all Aotearoa New Zealand law graduates are well prepared for these new expectations in society and within the practice of law.

---

<sup>11</sup> *Takamore v Clarke* [2012] NZSC 116 per Elias CJ.



### III. A Bijural legal education

A bijural legal education prioritises bicultural and bilingual teaching and learning for all law graduates.

A bijural legal education presupposes the existence of Māori law founded on kaupapa tuku iho and tikanga Māori, which is taught as a legitimate and continuing source and influence on the rights, obligations, rules and policy in Aotearoa New Zealand's legal system. Māori law can and should be taught as part of the multi-year core LLB curriculum in a manner that adheres to Māori transmission methods of knowledge.

A bijural legal system is one where there is the "coexistence of two legal traditions within a single state".<sup>12</sup> Therefore, we as the authors of this report use the term "bijural" to describe the equitable treatment of both Māori law and Aotearoa New Zealand's Western legal tradition, in recognition of Durie's J view that "our law comes from two streams"<sup>13</sup> whether in legal education or law in general, and whether in the development of Williams's J specific "Lex Aotearoa"<sup>14</sup> or a pluralistic system.

The literature we reviewed argues for the recognition of Māori law in Aotearoa New Zealand jurisprudence as an activation of rangatiratanga held by hapū and guaranteed in Te Tiriti o Waitangi. Indeed some of the literature assumes that the progress already made in the recognition of Māori law by the Parliament and judiciary leads inevitably towards a new form of Aotearoa New Zealand jurisprudence that incorporates both "Kupe's law" and "Cook's law" into a coherent legal system on an equitable basis. The literature presupposes the existence of Māori law founded on tikanga; that it is a legitimate source of rights and obligations; and that it has independent, authoritative standing in an Aotearoa New Zealand bijural legal system.

A bijural legal education therefore would engage with Māori law as a source of legitimate legal rights and obligations. Māori law would be the subject of legal education in Aotearoa New Zealand, recognised as a legal order on its own terms, not merely as a fixed cultural artefact that is only relevant when viewed through the prism of a common law-based system. The literature identifies the need to include legitimate and enforceable Māori legal concepts that, in effect, bring about a genuine bijural legal system.<sup>15</sup>

The teaching of these concepts means moving beyond simply incorporating more Māori content within existing courses. It requires exploring ways in which the LLB curriculum could be structured to effectively recognise Māori law as a foundational component of Aotearoa New Zealand law. For example, there would need to be careful consideration of the basic organisation of material in a programme that was genuinely bijural because it is unlikely that a programme structure designed to deliver a common law curriculum will be appropriate to deliver a bijural legal education.<sup>16</sup>

12 C Lloyd Brown-John and Howard Pawley "When Legal Systems Meet: Bijuralism in the Canadian Federal System" (Working Paper 234, Institut de Ciències Polítiques i Socials, 2004).

13 Above n 5, at 461.

14 Above n 2.

15 This definition was provided by Leo Watson, 18 October 2019. See also C Lloyd Brown-John and Howard Pawley above n 10; John Borrows "Creating an Indigenous Legal Community" (2005) 50 McGill Law Journal 15; Durie "Will the Settlers Settle? Cultural Conciliation and Law" above n 5; Williams "Lex Aotearoa" above n 2; Joseph "Re-creating Space for the First Law of Aotearoa-New Zealand" above n 4; Carwyn Jones *New Treaty, New Tradition: Reconciling New Zealand and Māori Law* (University of British Columbia Press 2016); Anne Des Ormeaux and Jean-Marie Lessard *Legal Dualism and Bilingual Bilingualism: Principles and Applications* (2017) Canada, Department of Justice; Xavier Blanc-Jouvan "Bijuralism in Legal Education: A French View" (2002) 52(1-2) *Journal of Legal Education* 61; Carwyn Jones "Whakaeke i Ngā Ngaru – Riding the Waves: Māori Legal Traditions in New Zealand Public Life" in Lisa Ford and Tim Rowse (eds) *Between Indigenous and Settler Governance* (Routledge, New York, 2013), 174.

16 John Borrows *Law's Indigenous Ethics* (University of Toronto Press, Toronto, 2019) at 192-194.



## IV. A Bicultural legal education

A bicultural legal education implements structures, develops processes and provides resources grounded in Te Tiriti o Waitangi | the Treaty of Waitangi.

A bicultural legal education would ensure quality, structural relationships with mana whenua with the intent of building greater collaboration for the teaching of Māori law. It would also require the recruitment and retention of high numbers of Māori teaching staff, a structure for ensuring Māori-led quality content in the compulsory and optional courses offered across the study years and financial support for the development of a bicultural curriculum and its quality delivery. Māori epistemologies for teaching and instruction, such as wananga, pūrākau, the use of te reo Māori and the legal knowledge held by kaumātua would be respected and incorporated into a bicultural curriculum. Shared decision-making authority and equitable access to financial resources with Māori staff in the law faculty is also recommended.

The literature reviewed sources the definition of biculturalism in Te Tiriti o Waitangi<sup>17</sup> and the struggle for self-determination.<sup>18</sup> Māori legal academic and judicial commentary distinguishes between biculturalism underpinned by structural change and the lesser goals of cross-cultural competence or cultural sensitivity.<sup>19</sup> Durie has described the structural participation of Māori in the “legal, political and institutional systems of New Zealand . . . with the opportunity to develop a Māori component within the legal system”.<sup>20</sup> Whiu describes the Māori expectation for a bicultural law school as a site for “emancipatory or liberating theory and practice of education”.<sup>21</sup> Milroy traverses this area in

some depth and concludes that despite the differences in interpretation, “[w]hat they seem to concentrate on are structures, processes and resources grounded in our understanding of the Treaty and the successful functioning of organisations for Māori and Pākehā”.<sup>22</sup> While each law school will need to develop their approach *in situ*, Milroy insists that the “model must include transfer and sharing of resources and decision-making power (perhaps the hardest and most important step); acknowledgment of our history; and practices and procedures that deliver a legal education service that works for Māori as well as for Pākehā.”<sup>23</sup>

Law schools have a unique and powerful opportunity to improve students’ understanding of the social role of law and develop a critical discourse on the role and application of law.<sup>24</sup> Of great importance in the literature is the need for a genuinely collaborative approach to the content and the instruction of law

17 See Ranginui Walker “Cultural Domination of Taha Māori: The Potential for Radical Transformation” in J Codd, R Harker and R Nash (eds) *Political Issues in New Zealand Education* (Palmerston North: Dunmore Press, 1985); Durie “The Rule of Law, Biculturalism and Multiculturalism” (2005) 13 *Waikato Law Review: Taumauri*.

18 See Leah Whiu “Waikato Law School’s Bicultural Vision – Anei Te Huarahi Hei Wero I A Tatou Katoa: This Is the Challenge Confronting Us All” (2001) 9 *Waikato Law Review* 265.

19 See Mackinnon and Te Aho “Delivering a Bicultural Legal Education” above n 145; Durie “The Rule of Law, Biculturalism and Multiculturalism” above n 17; Stephanie Milroy “Waikato Law School: An Experiment in Bicultural Legal Education. Part 1: Biculturalism and the Founding of Waikato Law School” (2005) 8(2) *Yearbook of New Zealand Jurisprudence* 173.

20 Durie above n 17 at 8, with reference to Mason Durie “Māori and the State: Professional and Ethical Implications for a Bicultural Public Service” (paper presented at the Public Service Senior Management Conference, Wellington, 1993).

21 Whiu above n 18, at 271.

22 Milroy above n 19 at 184.

23 At 185.

24 Carwyn Jones “Indigenous Legal Issues, Indigenous Perspectives and Indigenous Law in the New Zealand LLB Curriculum” (2009) 19 *Legal Education Review* 257 at 259. For a Canadian First Nations perspective see Val Napoleon “Thinking About Indigenous Legal Orders” in R Provost and C Sheppard (eds) *Dialogues on Human Rights and Legal Pluralism* (Springer, The Netherlands, 2013), 229–245.



## IV. A Bicultural legal education

courses for a bicultural education.<sup>25</sup> This includes the retention of a high number of Māori teaching staff and an institutional structure for ensuring Māori-led quality content in the compulsory and optional courses offered in the school. It is also important that a law school shares decision-making authority and equitable access to financial resources with Māori staff in that faculty. The development of a bicultural curriculum and its quality delivery needs sufficient funding to succeed, in part because it also requires recognition of the different forms of teaching and instruction, such as oral knowledge and the use of Māori language.<sup>26</sup>

The research reviewed acknowledges the important role of law schools in the teaching of Māori law but also suggests teaching off-site in Māori cultural forums based on tikanga and te reo Māori.<sup>27</sup> Marae and Māori community-based legal education is underway<sup>28</sup> and could be further developed in collaboration with bicultural legal education systems within universities and between educational institutions such as wananga and iwi. Most universities have clear and structural relationships with the mana whenua in the rohe in which the university operates but some will need to build stronger networks. Such collaborations would provide students with unique exposure to the operation of Māori law and the intrinsic value of tikanga and te reo Māori. To this end, it will be essential that law schools develop highly collaborative relationships with academic and non-academic Māori law experts to ensure that any instruction retains the integrity and mana of those experts and is appropriate to the rohe in which the institution is situated.



National Māori Student Moot Competition at the Supreme Court, Whanganui-a-Tara, 2019

<sup>25</sup> Mackinnon and Te Aho above n 19, see also Jacinta Ruru, “Legal Education and Māori” in Claudia Geiringer and Dean R Knight (eds), *Seeing the World Whole: Essays in Honour of Kenneth Keith* (Victoria University Press, 2008), 243.

<sup>26</sup> Jones “Indigenous Legal Issues” above n 24, at 267.

<sup>27</sup> Jones *New Treaty* at n 15.

<sup>28</sup> For example, see Waikato University 2020 Summer Paper LEGAL441 – Comparative and International Indigenous Rights Research Project taught by Linda te Aho, where students were taught on the marae and undertook their own research project within the scope of domestic and international law in the United States, Canada, Australia and New Zealand, with a focus on independence, the Discovery Doctrine, Aboriginal title, treaties, Indigenous jurisdiction, modern treaty or agreement making and the Indigenous Declaration, as well as ahunga tikanga (Māori laws and philosophy). Batchelor’s programme taught at Te Wānanga o Raukawa.



## v. A Bilingual legal education

A bilingual legal education would utilise te reo Māori in relation to Māori law concepts and principles such that all law students have a working knowledge of Māori law in te reo Māori at the time of graduation.

By ensuring graduates' fuller understanding of Māori legal and cultural concepts unlimited by the use of English interpretations a bilingual legal education will help to promote every citizen's right to use te reo Māori in legal and parliamentary forums and documents. Where students are fluent in te reo Māori, they should be easily able to learn and be assessed in te reo Māori in their legal education. It is also essential that there is professional development support for learning te reo Māori for teaching staff and for the development of a bilingual curriculum and its quality delivery to provide greater support for a law student's right to use te reo Māori in all forms of communication in their legal education and future profession.

This move towards bijuralism is closely connected to improved bilingualism in the law schools,<sup>29</sup> particularly where a state has more than one official language used in legal and parliamentary forums and documents. Te reo Māori is the first language of Aotearoa New Zealand and is already recognised as an official language.

Parliament is increasingly using te reo Māori in its law-making processes, with many select committee reports and legislation being written and/or translated in both English and te reo Māori. Reports from the Māori Affairs Select Committee are now routinely published in a bilingual format.<sup>30</sup> Te Ture mō Te Reo Māori 2016 | Māori Language Act 2016 provides that any person appearing in court may speak Māori in court, including counsel, parties, witnesses and any member of the court.<sup>31</sup> The provision explicitly states that this entitlement stands whether or not the person speaks English also, and that although notice to the court is required by way of service in the lower courts, not giving notice does not defeat the entitlement to speak in te reo Māori. The court is required to provide an interpreter.<sup>32</sup> However,

with the appointment to the Supreme Court bench of Justice Williams, a fluent te reo Māori speaker of Ngāti Pūkenga and Te Arawa, and a growing number of judicial appointments of fluent te reo Māori speakers, greater use of te reo Māori in all courts may well become the norm.

The New Zealand Government has committed to a significant revitalisation plan that it is hoped will see one million New Zealanders speaking te reo Māori by 2040. The Government's Māori Language Revitalisation Strategy 2019–2023 Maihi Karauna<sup>33</sup> commits to a vision of "Kia Mauri Ora te Reo", describing the Māori language is a "living language" and aiming for a time when "whānau are acquiring te reo Māori as their first language through intergenerational transmission". With some 37,000 Māori aged over fifteen speaking te reo Māori at least as much as English,<sup>34</sup> and increasing use of te reo Māori by the courts and Parliament, there is an increasing need for law schools to respond to tauira with high levels of, and a preference for, te reo Māori. Law schools need to keep up if they want to attract and retain this cohort of motivated Māori students.

29 Des Ormeaux and Lessard above n 15.

30 For a list of such reports see <https://www.parliament.nz/en/pb/sc/scl/m%C4%81ori-affairs/tab/report>.

31 Te Ture mō te reo Māori 2016 | The Māori Language Act 2016, s 7.

32 James Greenland "Te Reo Māori | Nga Kōti O Aotearoa – The Māori Language in The New Zealand Courts" New Zealand Law Society (2016). <https://www.Lawsociety.Org.Nz/News-And-Communications/Latest-News/News/Te-Reo-Mori-I-Te-Kti-O-Aotearoa-The-Mori-Language-In-The-New-Zealand-Courts>.

33 Maihi Karauna "The Crown's Strategy for Māori Language Revitalisation 2019–2023" <https://www.tpk.govt.nz/en/a-matou-kaupapa/maihi-karauna>.

34 At 14.



## IV. A Bilingual legal education

Law schools also need to make sure their whole graduate cohort can meet the demands of a populace exercising their legal right to use te reo Māori in the court room – as participants, lawyers, and judges. Te reo Māori can be better supported across the profession and will need to be because the full understanding of Māori legal concepts is only possible if the court officers have some working knowledge of te reo Māori.<sup>35</sup> We recognise that law schools will not yet have the resources and skill sets available to them to become bilingual, but we make recommendations that can assist law schools to make this shift for the benefit of their students.

<sup>35</sup> See Judge Stephanie Milroy “Ngā Tikanga Māori and the Courts” (2007) 10 *Yearbook of New Zealand Jurisprudence* at 15–23; Māmari Stephens and M Boyce (eds) *He Papakupu Reo Ture: A Dictionary of Māori Legal Terms* (LexisNexis NZ, Wellington, 2013); Des Ormeaux and Lessard above n 15.

Māori law academics with Ngā Pae o te Māramatanga conference Māori law student scholarship recipients, in attendance at the Law and Society Association of Australia and New Zealand conference, Otākou Mārae, 2017. Source: Jacinta Ruru.



### Our Research Team

#### Carwyn Jones

(Ngāti Kahungunu, Te Aitanga-a-Māhaki)

#### Khylee Quince

(Te Roroa/Ngāpuhi, Ngāti Porou)

#### Claire Charters

(Ngāti Whakaeue, Tūwharetoa, Ngāpuhi, Tainui)

#### Linda Te Aho

(Ngāti Koroki Kahukura, Waikato-Tainui)

#### Andrew Erueti

(Ngā Ruahinerangi, Ngāti Ruanui, Ati Hau nui a Pāpārangi)

#### Dr Robert Joseph

(Tainui, Tuwharetoa, Kahungunu, Rangitane, Ngāi Tahu)

#### Amokura Kawharu

(Ngāti Whatua, Ngāpuhi)

#### Adrienne Paul

(Ngāti Awa, Ngāi Tuhoē)

#### Mylene Rakena

(Ngāti Hine/Ngāpuhi, Ngāti Kahungunu)

#### Māmari Stephens

(Te Rarawa)

#### Dr Fleur Te Aho

(Ngāti Mutunga)

#### Dr Valmaine Toki

(Ngāpuhi, Ngāti Wai, Ngāti Whātua)

#### Tracey Whare

(Raukawa, Te Whānau-ā-Apanui)

#### Rebekah Bright

(Rongowhakaata, Ngāti Kahungunu ki Heretaunga)









Michael &  
Suzanne  
Borrin  
Foundation

