



Te Hunga Roia Māori o Aotearoa
The Māori Law Society Inc.

ANNUAL REPORT 2009

Parihaka

5 September 2009



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Introduction from the Tumuaki

[Mihi]

It has been a busy 10 months since the current Executive were elected at the Hui-a-Tau in Rotorua on 22 November 2008.

In addition to our usual work of making submissions and providing media comment on law reform issues, commenting on judicial appointments and organising our annual conference, we have undertaken a comprehensive review of our organisation's purposes. That involved a significant consultation process with our members. The results of that process are the subject of recommendations from the Executive, as further discussed in Part 3 of this report.

Further, and to guide the Executive in its operations over the past 10 months, we developed a strategic plan setting out the objectives that we, the Executive, want to achieve during our tenure. We named that strategic plan "Tekau²". Our progress against that plan is explained in Part 2 of this report.

We also attach, as appendix one to this report, our Annual Accounts. These Accounts relate to the year ending 31 March 2009, and so covers a period prior to the appointment of the current Executive.

Due to other commitments, some of the current Executive will be stepping down this year. We wish to acknowledge the huge contribution those members have made to our organisation. We are also confident that those who come on to the Executive to continue the good work will be an asset to our organisation and will thoroughly enjoy the experience.

Your Executive has worked tirelessly on your behalf over the last 10 months. We have achieved a lot already. In accordance with our strategic plan, we intend to achieve more over the next year.

Nga mihi

Damian Stone
Co-President

Jolene Patuawa
Co-President

1. The Executive

Your current Executive were elected (or, in many cases, re-elected) at last year's Hui-a-Tau in Rotorua. Your Executive is:

Co-Presidents: **Jolene Patuawa** and **Damian Stone**

Secretary: **Willow-Jean Prime**

Treasurer: **Leon Wijohn**

Administration Officer: **Rachel Hall**

Media Liaison: **Jaimee Kirby-Brown**

Student Representatives: **Ihipera Ulu** and **Roimata Papuni-Iles**

Academic Representative: **Jacinta Ruru**

Regional Representatives: **Cath Murray** (Te Tai Tokerau)

Te Aopare Dewes (Tamaki Makaurau)

Stephen Potter and **Micah Tawhara** (Waikato)

Spencer Webster (Wairariki)

Jamie Baty (Te Tai Rawhiti)

Ebony Duff (Te Whanganui-a-Tara)

Kim Rigby (Otautahi)

Desiree Mahey (Otepoti)

2. Strategic Plan - Tekau²

As one of its first tasks, your current Executive agreed the objectives it wished to achieve during its tenure. These objectives were ultimately embodied in a short-term strategic plan, which we called "Tekau²". This name was chosen for a number of reasons:

- Tekau x 2 = 20 years – THRMOA has just celebrated its 20th anniversary and is looking forward to the next 20 years.
- Tekau = 10 objectives – the Executive identified 10 key objectives for the next 2 years and resolved to achieve those objectives in priority to any others.
- Tekau² = 10² = 100 years - Symbolises that THRMOA intends to be around for a long time yet.
- ² = the exponential of 2 – Symbolises that working together as a group we can achieve far more than if we work individually.

The Executive developed a whakatauki on which the 10 objectives set out in the strategic plan would be based:

Whakatika te whare, whakakii te pataka

This whakatauki acknowledged that our objectives were aimed at two key outcomes – to make sure our house is in order (so that our organisation is fit for purpose) and that our storehouse is full (to attempt to make sure that our organisation had access to all of the resources that it would require to operate effectively).

Our progress against our objectives is set out below.

2.1 Objective 1 - Business as usual

The Executive wanted to make sure that we kept doing what the organisation has always done.

(i) Submissions

We made submissions on, and appeared before Select Committees in relation to:

- The Review of the Foreshore and Seabed Act 2004;
- The Resource Management (Simplifying and Streamlining) Amendment Bill;
- The Local Government (Auckland Council) Bill; and
- The Patents Bill.

Copies of our submissions are available on our website.

We must acknowledge that THRMOA's submissions are often given significant weight by those considering them. For example, the Report of the Ministerial Review Panel of the Foreshore and Seabed Act 2004, Pākia ki uta, pākia ki tai, quoted extensively from our submission (which was prepared by Dayle Takitimu). Also, following our submission on the Patents Bill (which was prepared by Anne Haira), a number of media commentators sought our views on the content of that Bill. In most cases those commentators sought comment from us first. We were able to refer a number of media inquiries on this issue to WAI 262 counsel, which ensured that a Māori perspective on patent law reform was heard and considered.

(ii) Judicial appointments

We made submissions and comment on the process for the appointment of the Chief Judge of the Māori Land Court and the Chairperson of the Waitangi Tribunal. Significantly, we wrote to the Minister of Māori Affairs to let him know that we would be able to comment on the process he intended to follow in making these appointments. After reviewing our letter, the Minister specifically asked that we be involved in the appointment process. We made submissions on the characteristics that we believed the Chief Judge and the Chairperson should possess. Given the likelihood that most of the applicants for these positions would have been members of our organisation, we deliberately refrained from commenting on any particular applicant or from endorsing any particular member over another member.

(iii) Committee membership

We actively monitored and ensured continued representative on law committees such as the Family Law Committee and the Public Advisory Committee to the Legal Services Agency Board.

During this year, there was a proposed to remove our position from the Family Law Committee. This move was objected to by the organisation, and with the influential help of members such as John Chadwick, this proposal was abandoned and our representation on this committee was confirmed. This shows that we need to be vigilant in monitoring our involvement in the various committees and to make sure that we do not take our involvement for granted.

(iv) Hui-a-Tau

We oversaw the organisation of this year's annual conference and Hui-a-Tau. The Executive would like to congratulate Liana Poutu me ngā roia o te Tai Hauauru for all of their great work in organising such a successful hui.

(v) **Networks**

This year we wanted to re-ignite relationships with important stakeholders. In that regard, we:

- Meet with the Minister of Māori Affairs to introduce our organisation to him and advise him of our important work in the area of law reform.
- Wrote to all of our members who are now Members of Parliament. We also met with a number of them during the course of the year.
- Meet with the New Zealand Law Society on a number of occasions. NZLS offers some administrative services to us free of charge, and we consider it important to continue to invest in that relationship.

2.2 Objective 2 – Review of Purpose

A key function of the Executive over the last year has been the review of our organisation's purposes. That involved consulting with you, holding regional wananga, facilitating an on-line survey and reviewing all submissions received. This matter is discussed in more detail in Part 3 of this Report.

2.3 Objective 3 – Constitutional Foundation

The Executive wanted to review and confirm the current constitutional framework of our organisation. This objective was linked to the review of purpose objective, as it was possible that the outcome of the review of purpose objective may have resulted in amendments to our constitution. The Executive has, therefore, decided to look further at our constitutional framework as the conclusion of the review of purpose process. It is anticipated that that process will conclude as a result of recommendations we hope to pass at this meeting, in which case the Executive can then turn its focus to our constitution.

The key question that will be addressed as part of this objective is whether our organisation should seek charitable status and, if so, what amendments will be required to our Rules.

2.4 Objective 4 – Organisational structure

We were also mindful that, upon taking up a position on the Executive, there were no real guidelines as to what that involved. We therefore decided that it would be a good idea to draft "position descriptions" for each of the Executive positions.

Each Executive member prepared a draft position description for their position. These drafts were reviewed by the Executive as a whole and approved. There are now job descriptions for each position on the Executive. This will be invaluable for newly elected Executive members.

2.5 Objective 5 - Tax

We were advised when we took office that our organisation may not have been as vigilant as it could have been in terms of filing tax returns. We therefore focussed on ensuring that the organisation is up to date in terms of its tax obligations.

One issue that has been identified in this process is that the organisation should be GST registered. It currently is not. The Executive is taking steps to correct that.

2.6 Objective 6 – Database

We identified that our database is a key asset and a potentially powerful tool for mobilising our membership and accessing the expertise that resides therein. Our strategic plan therefore included an objective to update and, if possible, upgrade our database.

Currently the New Zealand Law Society handles our mail-outs to our members. We have had a number of meetings with NZLS to agree a process that will allow us to take advantage of the NZLS database (because NZLS members have to apply for a practising certificate every year, the NZLS database contains the most up-to-date information of the whereabouts and contact details of our members). We are pleased to report that we have agreed a process with NZLS that will ensure that we receive regular updates of the NZLS database, which we can then collate and incorporate into our own database. It will mean that we have access to the most up-to-date information available.

The NZLS database has an added benefit of being able to identify those practitioners who claim Māori ethnicity. From now on, we will receive from NZLS the contact details of all practitioners who claim Māori descent. This will be invaluable to allow us to keep track of our membership and ensure our own database is up-to-date.

Of course, the NZLS database will not capture those of our members who do not hold practising certificates (such as students, in-house counsel who do not obtain practising certificates, etc). All we can ask is, if you move jobs or change your contact details, make sure you tell us!

2.7 Objective 7 – Financial Support

Many of the current Executive have been on the Executive before (and many for a long time). We knew that funding is always an issue for our organisation. We decided early on to be proactive about seeking funding (for example, to hold our Hui-a-Tau). We therefore set an objective of seeking external financial support for the organisation.

We applied to the Lotteries Commission for funding for the first time this year. Unfortunately, so did a lot of other organisations. The Commission was inundated with funding requests, they said largely to the prevailing economic circumstances. Our application was unsuccessful. The positive to come from this, however, is that we now have a Lotteries Commission template funding request that we can submit on an annual basis to the Commission.

We have also sought external funding from other funders, with limited success.

2.8 Objective 8 – Income Streams

We believe that, ideally, our organisation should not have to rely on external funding or the aroha of a few members to operate. We thought that, as an organisation, we should look to stand on our own feet. Our experience with the Lotteries Commission reinforced to us that we cannot simply rely on others to give us money. We have to help ourselves. We set an objective to explore possible income streams for the organisation.

The Executive has had some preliminary discussion on some of the potential income streams for the organisation:

- *Membership fee:* A number of submitters in the review of purpose process suggested that the organisation charge a membership fee. Currently, there is no membership fee charged for our members and the only payment the organisation receives from its members is the Hui-a-Tau attendance fee. The Executive is still considering the option of charging a membership fee.
- *Opening the annual conference:* The Executive has had preliminary discussions about opening parts of the annual conference up to non-members, and to charge a commercial rate for attendance accordingly. Questions about this prospect were included in the consultation process for the review of purpose. The response we received was that there was general support to open parts (but not all) of the conference to non-members. The Executive will consider whether next year's annual conference will be held on that basis.

The Executive has a number of other initiatives that it is considering in this context.

2.9 Objective 9 – Scholarship

THRMOA offers a scholarship, which is paid out of its (limited) cash reserves. The Executive believes that there is potential for this scholarship to be funded by donations or endowments from lawyers and law firms who actively advise in the Treaty settlement area (whether that be in the Waitangi Tribunal or through direct negotiations). We therefore set an objective of identifying those lawyers and law firms (including those who act for the Crown) to suggest that they

“give something back” to the process, by donating towards a scholarship that would recognise under-graduate academic legal excellence.

The current economic climate is not particularly conducive to seeking donations in any context. However, the Executive is keen to progress this objective, and will shortly be writing to the relevant lawyers and firms to request that they support the kaupapa.

2.10 Objective 10 – Committee stock-take

We are currently undertaking a “stock-take” of the committees that we are represented on, with a view to confirming our representation and, where necessary, appointing a member.

3. Review of Purpose

A significant amount of time has been spent this year on undertaking the review of our organisation’s purposes. This review was requested at last year’s Hui-a-Tau.

The process involved the Executive considering all relevant issues, preparing a consultation/wananga document that was circulated widely to our members, holding regional wananga across the motu, facilitating an online survey for our members and, ultimately, reviewing all views and agreeing on some recommendations to put to this Hui-a-Tau.

A document that sets out the process that has been followed, summarises the submissions received and makes some recommendations (the **Recommendations Report**) is included in your conference packs for this year’s Hui-a-Tau.

As detailed more fully in the **Recommendations Report**, the Executive makes the following recommendations:

Purposes

1. That the purposes of THRMOA, as set out in its Rules, be confirmed.

Prioritising of Purposes

2. That THRMOA:
 - a. through the Executive and in consultation with the members, prepare a draft strategic plan for THRMOA covering a period of no less than five years;
 - b. consider the draft strategic plan, and adopt that plan with any necessary amendments, at the 2010 Hui-a-Tau;
 - c. review the strategic plan on a bi-annual basis; and
 - d. through the Executive, report on progress against the strategic plan at each Hui-a-Tau.
3. That an additional Executive position be created for a representative of junior lawyers, being those Māori lawyers with less than 5 years post-admission experience.

Annual conference and Hui-a-Tau

4. That THRMOA:

- a. hold an annual conference in conjunction with its Hui-a-Tau, unless it is impractical to do so;
- b. note that a key focus of each annual conference should be on learning and development; and
- c. through the Executive, consider opening specific parts of the annual conference to non-members.

Funding

5. That THRMOA, through the Executive, consider options for, and seek, on-going funding for the organisation.

4. Annual Accounts

The Annual Accounts for THRMOA, for the financial year ending 31 March 2009, are attached as appendix one to this report.

5. Conclusion

We have enjoyed working as your Executive for the past 10 months and we look forward to continuing working for our organisation for the next 12 months.

APPENDIX ONE: Annual Accounts
