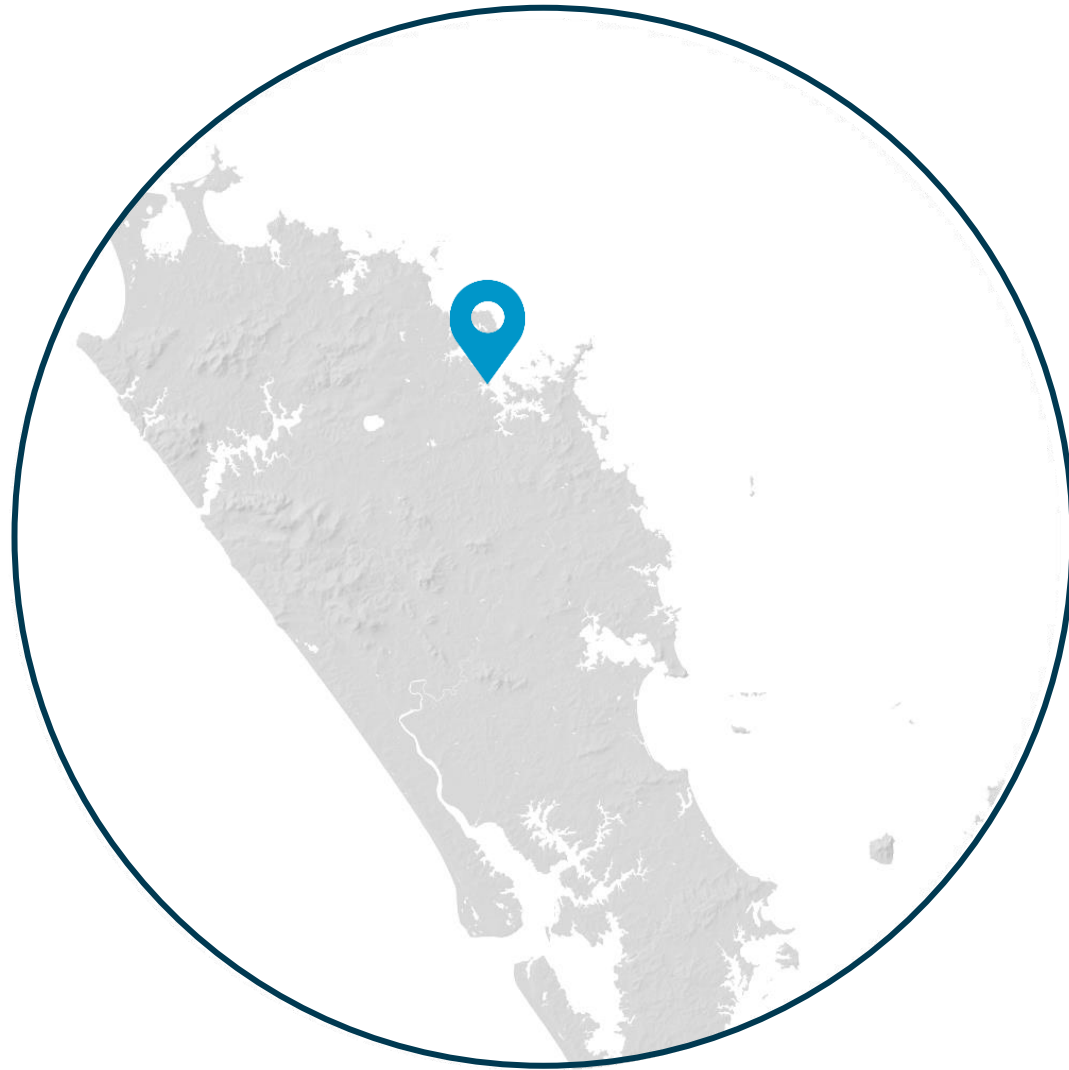


# Te Ao Māori - cultural capability and regulation

Katie Rusbatch, CEO





# Te Tiriti o Waitangi (the Treaty of Waitangi)

- Aotearoa New Zealand's founding document – agreement made in 1840 between representatives of the British Crown and Māori iwi (tribes)
- The Law Society recognises the enduring constitutional significance of the Treaty
- Treaty principles – the most well-known:
  - Partnership: the Treaty created a relationship between Māori and the Crown and both parties must act with the utmost good faith.
  - Participation: the Crown will provide Māori with opportunities to engage with decision making processes at all levels.
  - Protection: active protection of Māori interests, rights, taonga (significant objects or things relating to history, art, culture, traditions) and rangatiratanga must be a government priority

# Te Ao Māori | The Māori world

- Te ao Māori denotes the Maori world view
- Te ao Māori acknowledges the interconnectedness and interrelationships of all living and non-living things – seeking to understand the total system, not just the parts
- Te ao Māori is grounded in the tikanga customary values and lore and mātauranga (knowledge)

# Tikanga - Māori custom and values in the Law

- What is tikanga?
  - Tikanga Māori common law or the first law of New Zealand
- Why is it important?
  - Tikanga includes all of the values, standards, principles or norms that Māori subscribe to
  - Tikanga Māori is recognised as part of New Zealand law
- Tikanga is becoming a compulsory subject in the LLB degree curriculum from 2025
  - 82% of students support the introduction of tikanga
- Helping the practising profession
  - Competency guidance

# Demographics - landscape

- In 2023, Māori made up approximately 17.8% of New Zealand's population
- The Māori population is more youthful – one in five New Zealanders are Māori and almost one in three New Zealanders under 25 are Māori
- 1249 (7.3%) of lawyers identify as Māori. Early-career lawyers (0-7 years post qualified experience), 10.5% were Māori

*2024 Snapshot of the Profession*

- Māori are overrepresented at every stage in the justice system: 37% of people proceeded against by Police, 45% people convicted, and 52% of people in prison

# Independent review - Regulating Lawyers in Aotearoa New Zealand

- Commissioned by the Law Society 2021; final report March 2023.
- In August 2023 the Law Society accepted in principle most of the recommendations, including recommendations to establish a new independent regulator and an overhaul of the system for handling complaints about lawyers
- Recommendations included:
  - Māori inclusion on our governing entities, including at least two members with strong te ao Māori insights on the Board of a new regulator (we currently have a Maori Law Society representative on our Council and a Maori observer on our Board)
  - a Treaty section in the legislation requiring those exercising regulatory powers and performing functions and duties to give effect to the principles of the Treaty



# Our vision, values & purpose

## *Our purpose*

Kaitiaki of an exemplary legal profession

## *Our vision*

All people in Aotearoa benefit from a strong, progressive and trust legal profession

## *Our values*

- *Kaitiakitanga* – *Tāria te wā* – support, nurture, think progressively
- *Manaakitanga* – generosity, working together, listening well
- *Pono* – trustworthy, standing strong, doing what's right

# Te Ao Māori Rautaki (Strategy) – Our challenge (Ō mātou uara)

Our Te Ao Māori Strategy is aligned with our Strategy 2023-2026 and our Regulatory Strategy 2022-25

Why we need a Te Ao Māori Strategy?

- Our commitment to honouring the bicultural foundations of Aotearoa New Zealand and recognising the enduring constitutional significance of the Treaty
- To meet our obligations as a modern regulator and representative body reflecting Māori cultural values, equity and inclusion
- Our staff and the profession want to be more culturally competent in te ao Māori, te reo Māori and tikanga
- We need to be relevant for rōia Māori (Māori lawyers)
- The role of the Law Society in being a strong voice and showing leadership
- We acknowledge the work ahead will be challenging, requires change and delivery

# Walking backwards into the future: Ki mua, ka muri

Our Te Ao Māori strategy includes:

- Supporting Māori lawyers
- Supporting and protecting Māori consumers
- Recognising the constitutional significance of the Treaty
- Providing leadership in a different and dynamic future

# Action Plan - Te Whakatutuki

- Our Te Ao Māori strategy is a 5 year plan
- We will establish a te ao Māori work programme to embed our strategy in our business plans
- We will need to resource and monitor the implementation of our strategy
- We have to start with our people – build Māori skillsets, capability and knowledge and identify general, specialist, cultural and leadership needs, including Executive and Board level (we have a Māori observer on our Board)
- We hear and use te reo Māori every day – and continue and increase opportunities to learn te reo Māori at all proficiency levels – we provide courses for both staff and the profession
- We welcome manuhiri (visitors) and new staff in accordance with Māori customs– mihi whakatau
- We are confident about when to use karakia for events and meetings and mihi (introductions)

# Action Plan - Te Whakatutuki

## Our role as a regulator

- Incorporate tikanga in regulatory processes, decision-making and marcomms
- Enhance Lawyers Complaints Service and regulatory processes through te ao Māori initiatives, eg tikanga mediation and standards committee decision making processes
- Increase rōia Māori (Māori lawyer) participation in decision-making, eg standards committees
- Develop te ao Māori regulatory tools, guidance, and good practice models, eg tikanga guidance
- Ensure our lawyer wellbeing programme includes te ao Māori resources

# Action Plan - Te Whakatutuki

How we support the profession

- Identify the te ao Māori knowledge gaps and learning needs of lawyers
- Facilitate opportunities to strengthen understanding and knowledge, te ao Māori and Te Tiriti, eg education
- Support our branches and volunteers to embed te ao Māori learning and development opportunities
- Identify best practice and share resources and knowledge across the profession

# Action Plan - Te Whakatutuki

Our communications:

- Integrate more te reo Māori and tikanga into our communications and engagement
- Increase the visibility of te reo Māori and Māori concepts in our communications, including our website and events
- Share stories that resonate with Māori and the profession
- Develop new communications strategies to engage Māori – both the profession and consumers

# Action Plan - Te Whakatutuki

## Partnerships and relationships

- Existing relationship with Te Hunga Rōia Māori o Aotearoa (Māori Law Society) – MOU and provision of some regulatory funding for law reform advocacy
- Strengthen that relationship, including shared aims and priorities, eg partnership events
- Building credible relationships with key networks to engage on issues that affect Māori
- Engage with rōia Māori on issues that affect them



**“He tawhiti kē tō tātou haerenga ki te kore e haere tonu,  
he tino nui rawa tā tātou mahi ki te kore e mahi tonu”**

**“We have come too far not to go further, we have done  
too much not to do more.”**

**Tā James Henare**