

Ngā mihi o te Kirihimete me te Tau Hou

Tēnei te mihi ki a koutou katoa, ahakoa nō hea, ahakoa ko wai. Me noho pai ai tātou katoa i raro i te korowai o te rangimārie.

E tika ana ka hoki ngā mahara ki a rātou kua wehe atu ki te pōuriuri, ki te pōtangotango. Ā, ki a koutou te hunga mate, tēnā koutou.

Ā, tahuri mai ki a tātou te hunga ora. Kia whakatā, kia whakawhanaunga i tēnei te huringa o te tau Pākehā. He wā whakaaro tātou i ō tātou tutuki i tēnei tau, me ō tātou wawata mō te tau e whai mai ana.

Te Tiriti o Waitangi guidance for government policy makers

On 22 October 2019, Cabinet released a circular which sets out agreed guidelines for consideration of Te Tiriti o Waitangi and the Treaty of Waitangi during policy development and implementation. While there have been other policy guidance tools, this circular is welcome in light of the numerous developments since the previous broad guidance document was provided by the Government to the public service in 1989. The legal developments since 1989 include the recognition of tikanga Māori in common law and statute, and the developing landscape of the Treaty relationship, with more than 70 settlements having occurred.

This circular focuses on the text of the Te Tiriti and the Treaty rather than the principles developed by the courts, putting questions to policy makers for them to consider. Acknowledging the Crown's previous failures, and intentional denial of rights granted to Māori under Te Tiriti, this circular provides a consolidated, consistent approach for policy-makers to ensure the Crown meets its obligations.

This is a positive step forwards in the practical recognition of the Crown's obligations currently accepted under Te Tiriti, and reflects the ever evolving nature of the Māori – Crown relationship. Such evolutions can be seen in the work Chapman Tripp has done for Ngāti Whātua Ōrākei, along with Jack Hodder QC, in the High Court, Court of Appeal and the Supreme Court in what is arguably a redefining of the Crown's responsibilities to Māori in the post settlement environment. This exemplifies the need for the ongoing clarification of any changes to the Māori – Crown relationship, as provided in this circular.

We hope that this circular contributes to a greater recognition of Māori rights under Te Tiriti in policy and law which is created. Some bills relevant to Māori currently before Parliament, which this circular could influence, include the Te Ture Whenua Māori (Succession, Dispute Resolution, and Related Matters) Amendment Bill, the Resource Management Amendment Bill and the Electoral (Entrenchment of Māori Seats) Amendment Bill.

Hunga Rōia

Eleven Te Waka Ture members, and several of our alumni and incoming pia raumati (summer clerks), attended the annual Te Hunga Rōia Māori conference in Wellington with a strong contingent. The kaupapa for this year's conference was "Nā ko te pō, he rā ki tua" ("Here we are in the night, a new day is about to come"). This was a fitting theme in light of Justice Joe Williams appointment to the Supreme Court. We were privileged to participate with Te Hunga Rōia Māori in the celebration of Justice Joe Williams' appointment.

We would also like to congratulate Chapman Tripp solicitors Cameron Jacob-Sauer (Ngāi Te Rangi) and Toni Love (Te Atiawa) on being elected to the Hunga Rōia Māori executive. Cameron has been elected as a co-representative for the Tāmaki Makaurau region alongside Yasmin Olsen from Kayes Fletcher Walker, and Toni has been elected as a co-representative for Te Whanganui-a-Tara alongside Jamie-Lee Tuuta. Ka nui te mihi!

Chapman Tripp is proud to have sponsored this year's Hui-ā-Tau for Te Hunga Rōia Māori, continuing our support for this event as we have done since 2012.



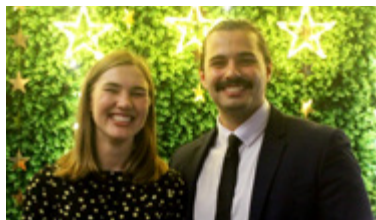
Sustainability and Te Ao Māori perspectives

With heightened awareness and pressure around climate change, sustainability-linked bonds and loans (both social and environmental) are currently in the spotlight, with the Financial Markets Authority (FMA) recently seeking feedback on proposed market guidance. Chapman Tripp provided submissions specifically highlighting that, in Te Ao Māori, sustainability is encompassed within business practices in accordance with tikanga.

Our submissions highlighted kaitiakitanga, whanaungatanga and manaakitanga as key sustainability concepts. We urged the FMA to engage with Māori entities and organisations to ensure any guidance to the market is flexible and dynamic to encompass Te Ao Māori approach to sustainability and to ensure that entities of all sizes are able to offer products (including that any requirements did not inherently set a cost-barrier for entities that are not yet large scale).

Te Ture Whenua Māori (Succession, Dispute Resolution, and Related Matters) Amendment Bill

The Te Ture Whenua Māori (Succession, Dispute Resolution, and Related Matters) Amendment Bill (*Bill*) has had its first reading in the House of Representatives and is currently before the Māori Affairs Select Committee. You can read our overview and full submission on the Te Ture Whenua Bill [here](#).



We would also like to congratulate **Findlay Jacob-Sauer** (Ngāi Te Rangī) who was a co-recipient of the Judge Karina Williams Scholarship in Law alongside Francy Sulikosky, and **Morgan Dalton-Mill** on receiving the Te Rākau Ture Top Māori Academic Scholar Award 2019 which were both presented at the Te Rākau Ture end of year dinner.

He pitopito kōrero



Rachael Jones (Ngāti Kahungunu, Ngāti Rakaipaaka) recently returned to the firm after graduating with her LLM in Constitutional and Human Rights Law from Columbia University in New York. Kau mau te wehi e hoa! Nau mai hoki mai. Watch her video [here](#) to learn about her experiences and Fulbright-Ngā Pae o Te Māramatanga scholarship.



Hanamaraea Walker (Ngāti Porou, Te Whānau a Apanui, Ngāti Kahungunu), recently moved from her position as Mātanga Hāpai at our firm to Waikato-Tainui in their Rights and Interests team. This is an exciting opportunity and we wish her all the best!



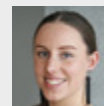
Nau mai haere mai ki a **Shontelle Grimberg** (Ngāti Whātua (Te Uri o Hau, Te Roroa), Ngāpuhi, Ngāti Ruanui) who recently joined our Auckland resource management team. Shontelle graduated from the University of Auckland with a BA/LLB (Hons) and Diploma in Languages. We would also like to congratulate Shontelle on her recent admission to the Bar.



Amelia Kendall (Te Rarawa) and **Morgan Dalton-Mill** (Ngāti Whātua o Kaipara) have returned to Te Waka Ture as summer clerks, having previously winter clerked with us in 2018. Both Amelia and Morgan are from the University of Auckland, each completing their LLB(hons)/BA conjoint, and have joined our Auckland office.



Amelia will be the Tumuaki Wahine of Te Rākau Ture next year. Amelia is currently in our corporate team and will join our property team for the start of 2020. Morgan (pictured left) will be one of the Equity Officers for 2020, and was the Social Officer for Te Rākau Ture in 2019. Morgan is currently rotating through our litigation team and will join Private Client team for her second rotation.



Nerys Udy (Ngāi Tahu) from the University of Otago is also re-joining us in our Wellington office, having winter clerked last year. Nerys is the 2020 Tumuaki for Te Roopu Whai Pūtake. Nerys is currently completing her LLB/BA (History and Māori Studies). While at Chapman Tripp, Nerys will be rotating through our litigation and property teams.

Whakapā mai



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Every effort has been made to ensure accuracy in this newsletter. However, the items are necessarily generalised and readers are urged to seek specific advice on particular matters and not rely solely on this text.

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