

Huitanguru 2020

CHAPMAN  
TRIPP 

# PAPAKI MAI NGĀ NGARU NUNUI

Disruption and forging new pathways

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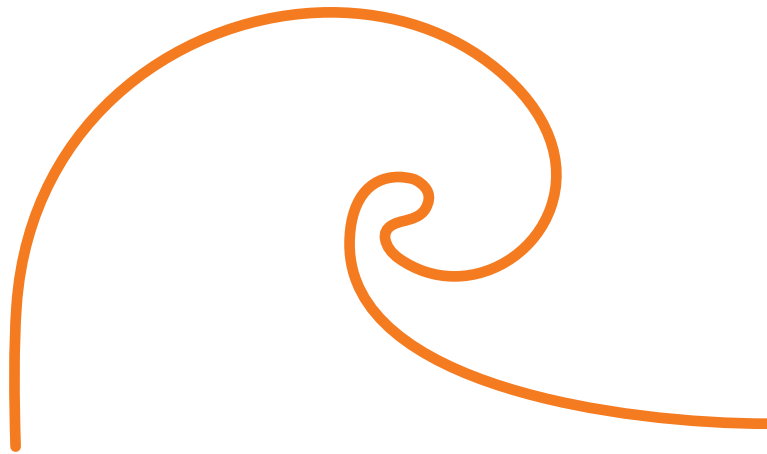


Large Law Firm of the Year *New Zealand Law Awards 2019*

New Zealand Deal Firm of the Year *Australasian Law Awards 2019*

Most Innovative National Law Firm *IFLR Asia Awards 2019*

New Zealand Contentious Firm of the Year *Managing IP Asia-Pacific Awards 2019*



Papaki mai ngā ngaru nunui  
Wawaratia ngā tai rere  
E ripo e ngā ngaru nunui  
E rehutai, hei konei rā

E ngā tai mihi whenua, e ngā tai mihi tāngata,  
papaki mai, pari mai ki roto Waitematā nei.  
E ngā kaihautū, me ngā kaihoe o ngā waka  
kawē kaupapa, ngā waka whakarei, ngā waka  
pītau, herea mai ō koutou waka ki te pou  
whakairo i kōrerohia rā i runga i te karanga a  
Te Waka Ture me Ngāti Whātua Ōrākei, mō  
tēnei hui nui, hei wānanga i ngā take nunui o te  
wā, hei whakarākei ō tātou waka mō ngā  
ngaru nui kei mua tonu i te aroaro.





# Disruption and forging new pathways

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**The Māori economy is continuing to grow with predictions that assets will be worth \$100b by 2030. Since 1990, around 75 iwi have finalised Treaty settlements with the Crown and post-settlement entities are worth more than \$9b. Māori enterprises are forecast to invest around \$2b per year over the next 10 years.**

With large sums of money available, it is important to make wise business and investment decisions, and that includes ensuring companies not only turn a profit, but are also values-based. Most iwi focus their investments in property development, and primary industries such as forestry and fisheries. Māori own more than 50% of New Zealand's fishing quotas. A new generation of visionary Māori leaders have emerged who are future focused with a mandate for change. They are participating in fast-growing and innovative sectors of the economy including biotechnology, health information and communication technologies, high-tech manufacturing, agritech and fintech.

The Māori population is projected to increase to more than one million by 2038. With over 70% of Māori under the age of 40, our young are critical to New Zealand's future workforce. Māori own and manage a plethora of natural resources and assets, and follow a corporate social responsibility model to take care of our resources in a sustainable way which safeguards the environment. Iwi corporates are guided by tikanga Māori values of te pae tawhiti, whanaungatanga, manaakitanga, and kaitiakitanga and work to 25 to 50-year inter-generational plans. Iwi boards also have clear responsibility for the collectively owned assets of their people and put cultural, social and environmental outcomes as their top priorities. Other businesses are beginning to adopt similar values as they look to reinforce their corporate governance models and ensure their methods and investments are sustainable.



**“Māori enterprises are forecast to invest around \$2b per year over the next 10 years.”**

## Tikanga Māori

We are in a period of transformative recognition of tikanga Māori in the law. Tikanga Māori is being integrated into the statute books and our common law through decisions of the courts.

Through cases such as *Takamore v Clarke*, *Ngāti Whātua Ōrākei v Attorney General*, *Ngāi Tai ki Tāmaki Tribal Trust v Minister of Conservation*, and more recently, in the *Peter Ellis* trial, tikanga Māori is being woven into our constitutional framework.

This trend will only continue and eventually public decision makers will need to consider tikanga-based interests. This transformation will, over time, lead us closer to the cultural partnership that Te Tiriti intended.

But we can only get there if we all work together to hold the Crown to account in respect of:

- its duties and obligations as a Treaty partner, by respecting and upholding existing settlements and not committing contemporary Treaty breaches
- its fiduciary duties (per *Wakatū*), and
- its duties to all Māori of Aotearoa as tangata whenua.

## Te Waka Ture

We set up Te Waka Ture 10 years ago because we are passionate about the growth and development of the Māori economy, and the development of the constitutional framework of Aotearoa.

Over this past decade, we too have grown and become more knowledgeable, providing expert and effective advice to iwi, hapū and Māori business clients. We believe that we have played a small part in the success of the Māori economy, and that we have helped iwi and hapū leaders to hold the Crown to account, and that we can continue to serve iwi, hapū and their leaders.


We thank our clients and the staff and partners at Chapman Tripp for their continued support over the last 10 years. We do hope that we can continue to serve iwi, hapū and their leaders, and contribute to the development and growth of Aotearoa whānui.

Ehara taku toa i te toa takitahi, engari ko te toa takitini.

Hei konā mai i roto i ngā mihi



**Nick Wells**  
Hoa Rangapū Whakarae  
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**Te Aopare Dewes**  
Rōia Whakarae  
Senior Associate  
Ngāti Porou, Ngāti Rangitih

## KEY TOPICS FOR 2020

### MANA WHENUA: WHAT THIS MEANS IN OUR MODERN SOCIETY AND HOW TO INFLUENCE POLICY

Mana whenua and other tikanga Māori concepts which governed Te Ao Māori before 1840 are now more prevalent in legislation and are increasingly being recognised by the courts as an integral part of the law of Aotearoa. Are there opportunities and/or challenges in advocating for recognition of tikanga Māori in the contemporary Crown-Māori relationship in the courts, the media, with central and local government and within whānau and hapū communications?

### NGĀ WAI O TE MĀORI – FROM CO-MANAGEMENT TO LEGAL PERSONHOOD – RIVERS AND HARBOURS IN AOTEAROA

Iwi have achieved unique and unprecedented governance models in Treaty settlements of water-related taonga. How will these models reflect and incorporate tikanga Māori and iwi aspirations? How may these achievements influence future Treaty settlements of, for example, New Zealand's harbours?

### ALTERNATIVE DISPUTE RESOLUTION: THE ROLE OF TIKANGA

Incorporating tikanga Māori into dispute resolution frameworks encourages outcomes that promote the preservation of relationships. How would tikanga Māori sit alongside conventional dispute resolution techniques such as arbitration, particularly dispute resolution frameworks grounded entirely in tikanga Māori?

# Te Waka Ture at a glance



FREE TE REO LESSONS  
OFFERED TO ALL STAFF  
**Kia Kaha te Reo Māori**  
Māori Language Week

ANNUAL CELEBRATION OF  
MATARIKI AND TE WIKI O  
TE REO MĀORI



FORMAL TE REO  
MĀORI POLICY  
ADOPTED IN 2019



GAINING  
RECOGNITION  
for  
kaitiaki of  
Motu Kōkako



SUPPORTING KAUPAPA MĀORI LAWYERS

LONG TERM SPONSOR  
OF TE HUNGA RŌIA  
MĀORI O AOTEAROA  
(The Māori Law Society)



20+ PASSIONATE



PAST & PRESENT  
TE WAKA TURE LAWYERS



FIRST  
MAJOR LEGAL  
PUBLICATION ALL  
IN TE REO MĀORI



Staff members  
who speak  
advanced  
te reo Māori



70+ STAFF  
LEARNING HAKA

OVER  
2,700

PRO BONO HOURS WORKED  
FOR TE WAKA TURE  
CLIENTS OVER 10 YEARS



Te Waka Ture Waiata  
COMPOSED SPECIFICALLY  
FOR GROUP IN  
2018



HOHOU TE RONGO:  
IMPROVED DISPUTE  
RESOLUTION PROCESS

Upskilling tauira Māori

IWI CORPORATE GOVERNANCE  
COURSE OFFERED SINCE 2011

Annual Iwi Governance Scholarship

LONG TERM SPONSOR OF TE RĀKAU TURE  
(Māori Law Students' Association at Auckland University)



Assisting clients incorporate tikanga  
into law in our highest Court

## Te Waka Ture primary contacts



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Chapman Tripp is New Zealand's leading full-service commercial law firm, with offices in Auckland, Wellington and Christchurch. Our lawyers are recognised leaders in Māori law, corporate and commercial, mergers and acquisitions, capital markets, banking and finance, restructuring and insolvency, litigation and dispute resolution, employment, government and public law, intellectual property, telecommunications, real estate and construction, energy and natural resources, and tax law.

Every effort has been made to ensure accuracy in this publication. 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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