



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

Ngā putake: He tirohanga hou

Ngā Tūtohutanga

REVIEW OF PURPOSES: RECOMMENDATIONS



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

Message from the Tumuaki

Hutia te rito o te harakeke, kei hea te komako e ko
Kii mai ki ahau, he aha te mea nui o te Ao?
Maku e kii atu, he tangata, he tangata, he tangata
Tiheimauriora!

As you know, the THRMOA Executive has been consulting with members in the context of undertaking a review of THRMOA's purposes. The Executive received a number of written submissions and has received feedback from the regional wananga that were held throughout the country. We've also run an electronic survey of our members, the results of which have also been considered by the Executive.

The Executive has considered all views expressed on this very important topic and has formed views on how to proceed from here. This document provides a general overview of the views expressed to the Executive and the Executive's recommendations in response. These recommendations will be put to this year's Hui-a-Tau, to be held at Parihaka, for approval by THRMOA members.

At last year's Hui-a-Tau the Executive was directed to review THRMOA's purposes. Having done so, and after consulting with you, the Executive recommends that there be no amendments to the current purposes. Instead, the Executive recommends a formal process be implemented to provide for a 5-year strategic plan to be approved on a bi-annual basis at every second Hui-a-Tau. This will provide a blueprint for the Executive to prioritise its work-streams and focus on the issues of most importance to you. The Executive believes that this will allow the organisation to prioritise and focus its limited resources on the important legal issues facing Māori from time to time.

The Executive has thoroughly enjoyed the process that has been followed to review the purposes of our organisation. In addition to the invaluable insight we have gained into our organisation through your participation in the process, the Executive has observed that the process has enabled our members to wananga together, re-establish links with our organisation and with other members, and rekindle and reinforce the pride that we all have in being members of our organisation. You clearly feel passionately about what we do as an organisation.

The future bodes well.

Nga mihi

Damian Stone
Co-President

Jolene Patuawa
Co-President

1. Introduction

In May this year, the Executive circulated a consultation/wananga document as part of the process to review THRMOA's purposes. Regional wananga were then held in Te Tai Tokerau/Tamaki Makaurau, Waikato, Waiariki, Te Tai Rawhiti, Te Whanganui-a-Tara and Otepoti in order to discuss that document and the issues it canvassed.

The Executive also facilitated an on-line survey of our members. All members on our database were sent a link to a website, through which they were able to complete the survey. The survey questions were similar to those set out in the consultation/wananga document circulated by the Executive.

The regional wananga were well attended by our members, and the kōrerō at them was interesting and diverse. The Executive received few written submissions, but believes that most of those members who attended the regional wananga made their views known through that process, as opposed to the written submission process.

The Executive has considered all views expressed during the consultation/wananga process in forming its views on the way forward.

2. Summary of submissions

A number of views were expressed in the submissions, which can be broadly categorised into the following general topics:

- Whether the purposes of THRMOA, as set out in its Rules, need to be amended;
- Whether THRMOA needs to prioritise some of its purposes and, if so, the purposes that should take priority;
- Whether there should be any changes to the manner in which THRMOA holds the annual conference and Hui-a-Tau; and
- How THRMOA may be able to obtain funding for its operations.

2.1 Amending the Rules

The clear and consistent message the Executive received through the written submissions and the consultation/wananga hui was that, although our Rules set out a number of wide purposes, they generally suit the organisation, allow it to undertake a range of activities and, therefore, should not be changed.

The electronic survey results, however, suggested that the organisation should amend its Rules. In response to the direct question of whether THRMOA should amend its rules, over 70% of the survey respondents said that it should. However, this result conflicted with other responses to the survey questions (which suggested that respondents did not want to amend the Rules).

2.2 Prioritising the purposes

There was a clear indication through the consultation process that THRMOA should aim to better prioritise its purposes. This was in recognition, at least in part, of the fact that THRMOA is not funded and relies solely on our members volunteering their time and energy, meaning that THRMOA is not able to fulfil all of its purposes all of the time.

The electronic survey results indicated that our members consider that we are reasonably good at fulfilling most purposes (including, in particular, the purposes of promoting fellowship and mutual support among members and

monitoring and promoting law reform for Te Ao Māori). Those results also indicated that we could do a better job of establishing relationships and communicating with iwi, hapū, whānau and other Māori organisations.

A common theme throughout the wananga and in the written submissions was the suggestion that our organisation could better utilise its primary resource – its membership. In the context of prioritising our purposes, a number of submitters noted the range of legal expertise among our membership and recommended that we better utilise that expertise through the establishment of sub-committees. Those sub-committees could be based on practice areas, and those of our members with expertise in those practice areas could sit on those sub-committees and deal with the issues relevant to those practice areas from time to time. This would spread the workload and ensure that issues are being considered and dealt with by those with the necessary expertise.

2.3 Hui-a-Tau

The feedback regarding the THRMOA annual conference and the Hui-a-Tau was reasonably consistent. Most submitters indicated that the annual conference should continue (almost 90% of the electronic survey respondents agreed that the annual conference should continue). In terms of annual conference content, most submitters were either happy with the current content or suggested a greater focus on learning and development. Only 13% of the electronic survey respondents thought that there should be more focus on political discussion and 17% thought there should be more focus on law reform.

A slim majority of the electronic survey respondents thought that the annual conference should not be commercialised. However, 80% of those respondents thought that all or parts of the annual conference should be open to non-members. Most submitters considered that the registration fee for the annual conference was about right, with 80% of the electronic survey respondents indicating that the fee was either too low or about right. A clear majority of those respondents did not support an increase in the registration fee. Further, a clear majority of those respondents considered that the annual conference and the Hui-a-Tau should be held together.

2.4 Funding

All submitters acknowledged that THRMOA has no regular income stream and relies heavily (if not solely) on members volunteering their time and energy. A number of submitters made suggestions about how to secure on-going funding for the organisation, which included commercialising the annual conference, imposing a membership fee, seeking funding from Māori and community based organisations and from law firms and the New Zealand Law Society.

2.5 Other submissions

A number of other submissions were made through the wananga and written submission process, all of which have been considered by the Executive.

3. The Executive's views

The Executive has considered all submissions on this issue and has reached the following views.

3.1 Amending the Rules

The Executive agrees with the majority of submissions that the purposes of THRMOA, as set out in the Rules, do not require amendment at this stage. Although the purposes are wide-ranging, the Executive considers that they are flexible enough to allow the organisation to pursue a range of initiatives. Any amendments to limit the organisation's purposes may be unnecessarily restrictive. The Executive believes that any concerns regarding the wide-ranging

nature of the purposes can be addressed by the Executive prioritising the purposes that it may choose to focus on from time to time.

The Executive is mindful that having wide-ranging powers and allowing the Executive (from time to time) to determine its own priorities may result in different priorities being focused on depending on the make-up of the Executive of the day, which could result in a lack of long-term cohesion. To address this, the Executive considers that THRMOA should develop a long-term strategic plan. This concept is discussed further below.

3.2 Prioritising the purposes

As mentioned above, a key theme through all of the submissions is that THRMOA will need to prioritise the purposes it should focus on from time to time.

It is fair to say that, at present, the Executive is required to prioritise the purposes it should focus on by virtue of the fact that THRMOA has limited resources and cannot possibly aim to fulfil all of its purposes all of the time. In that sense, the prioritisation of purposes is not a new concept.

It is also fair to say that, in determining which purposes should take priority, each Executive is left to make that decision in the context of its own tenure. That is, each Executive can decide which purposes it should focus on, and how intense that focus should be. This has provided each Executive with a significant amount of flexibility (which is entirely appropriate given that the Executive members volunteer their time and energy to the kaupapa). The potential downside, however, is that there is no clear long-term vision for the organisation, as each Executive is left to determine its own priorities.

The Executive therefore considers that THRMOA should consider adopting a long-term strategic plan, perhaps with a planning horizon of five years. This plan could be adopted at a Hui-a-Tau, and could be reviewed perhaps on a bi-annual basis to ensure the plan remains relevant and appropriate. Each year, the Executive could report back at the Hui-a-Tau on progress made towards meeting the objectives set out in the strategic plan, together with any recommendations to amend that plan given changes in circumstances.

The Executive believes that a number of benefits will result from the adoption of a strategic plan:

- Having a strategic plan approved at a Hui-a-Tau will allow all members to have the opportunity to provide input into the priorities of our organisation.
- The process of adopting a strategic plan at the Hui-a-Tau is likely to encourage more of our members to offer assistance, including by offering themselves for Executive positions. We believe that if there is a clear indication of the nature of the work required to be undertaken by the organisation going forward, more of our members will be inclined to offer assistance as they will have a better idea of the commitment required of them.
- Currently the organisational priorities are determined by the Executive from time to time. The ability to give effect to those priorities is often limited by the term of office of each Executive. Further, a priority of one Executive may not be a priority of the next, meaning that work-streams can often be commenced but not completed.
- A strategic plan will provide a blueprint for the Executive, which will mean that the Executive can focus on following that blueprint, rather than spending precious time developing (and re-developing) it on a regular basis.

- A strategic plan will give our members a benchmark against which to assess the performance of the Executive.

We therefore recommend that THRMOA develop a long-term strategic plan.

It will, of course, take some time to develop a strategic plan. The Executive recommends that such a plan be developed by the current Executive, and submitted for approval at the next Hui-a-Tau.

The Executive also agrees that greater use could be put to our organisation's greatest asset – its membership. The Executive suggests that sub-committees be formed under the Executive, based on practice areas. The membership of each sub-committee will comprise those with expertise in the relevant practice area. The work of each sub-committee will likely be ad-hoc, such as responding to law reform matters as and when they arise.

To make best use of the sub-committee structure, we will need to maintain a database of our members that includes their area of practice. We would also need to communicate with our members to elicit from them whether they would be prepared to sit on a sub-committee relating to their practice area. The Executive recommends that it continue to liaise with the New Zealand Law Society in terms of obtaining up-to-date information from the NZLS member database and also continue to enhance the THRMOA database to include practice areas for its members.

The Executive also considers that it would be useful to have a junior lawyer representative on the Executive, and we recommend that a position be created for such a representative.

3.3 Annual conference and Hui-a-Tau

The Executive is aware that the current review arose largely as a result of comments at the 2008 Hui-a-Tau regarding the content of last year's annual conference. Those comments generally queried whether the content of the annual conference was appropriate, including whether there should be a greater focus on "wananga" of topical Māori legal issues and more opportunity for debate and discussion on those issues. Those comments gave rise to the underlying question of whether THRMOA's purposes remained relevant and appropriate, which in turn gave rise to the current review.

As part of the consultation process the Executive asked a number of specific questions regarding the timing and content of the annual conference and Hui-a-Tau. The general results were as follows:

- There is overwhelming support for the annual conference and Hui-a-Tau.
- Most people are happy with the current content, although there appears to be support for the content of the annual conference to have a greater focus on "learning and development".
- There is general support for opening parts of the annual conference to non-members. There will be parts, however, that should not be open to non-members.
- The registration fee for the annual conference and Hui-a-Tau is generally about right for members.

The Executive considers, therefore, that the annual conference should continue in its current format, perhaps with a greater focus on learning and development. The Executive is conscious that the actual content of each annual conference will need to be determined on a case by case basis, but it appears from the submissions we received on this issue that learning and development is a key function of any annual conference.

The Executive is also conscious that, for a number of reasons, it may be impracticable to hold an annual conference in a particular year. This flexibility should be retained.

In relation to opening the annual conference to non-members, the submissions were neither firmly in support of nor against this concept. On balance, however, there appears to be general support for the concept, provided that certain parts of the annual conference are, and all of the Hui-a-Tau is, restricted to member attendance only. The Executive recommends that the organisers of the 2010 annual conference and Hui-a-Tau prepare the content of that hui accordingly and consider whether to open some parts of the conference to non-members.

3.4 Funding

Most submissions acknowledged that our organisation does not have sufficient funding. A number of ideas were expressed regarding how our organisation could obtain such funding. The Executive proposes to further develop some of the ideas expressed in the wananga/consultation process with a view to implementing those that are likely to be successful.

4. Recommendations

Having regard to the submissions received and the Executive's own thinking on these important issues, 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.

Conclusion

The Executive would like to thank all of the members who took the time to attend one or more of the regional wananga and/or who provided a written submission or completed the on-line survey. Your feedback has been of immeasurable assistance to the Executive in forming its views on this important topic.

The recommendations set out above will be put to this year's Hui-a-Tau. We strongly encourage you to attend.

**Te Hunga Roia Maori O Aotearoa
Maori Law Society Inc.**

The Secretary - Willow-Jean Prime

C/- New Zealand Law Society

PO Box 5041

WELLINGTON

DX SP 20202

Tel: 64 4 472 7837

Fax: 64 4 473 7909

E-mail: e.mara@hotmail.com