

Maori Land Court Report 2001-2002

The years 1999-2002 have seen revolutionary changes occur within the Maori Land Court. Some of the detail of that change has been covered in the reports for 1999 and 2000.

During 2001-2002 the nature and extent of the administrative changes within the Court have been realised and consolidated. In addition, there has been further movement on the Maori Land Court bench following the retirement of two more judges.

Changes to the Maori Land Court bench

During 2001-2002, Judge H.B. Marumaru (Tenure 1985-2001) and Judge G.D. Carter (Tenure 1989-2002) both retired, thereby ending distinguished careers on the Maori Land Court bench. Both judges made outstanding contributions to the development of Maori land law in New Zealand and their experience and skills will be sadly missed. However, the following Maori proverb aptly describes what has happened to the bench as a result of their departure.

"Ka mate atu he tete kura, ka ara mai he tete kura"
When one chieftain departs another will emerge"

In 2002, Layne Harvey and Stephanie Milroy were welcomed to the Maori Land Court bench. The appointment of Judge Harvey and Judge Milroy to the Maori Land Court bench continues to create history. Judge Harvey, at 34 years of age, is one of the youngest judicial appointments to this bench since Justice Durie was first appointed a Maori Land Court judge in the 1970s. Judge Milroy becomes the second Maori woman to be appointed. Both judges have Masters Degrees. There are now five judges on the bench with this level of academic achievement. In addition to having one of the highest ratios for post-graduate degrees, the Maori Land Court also boasts the highest ratio of women with three of the eight judges being women.

Judge Harvey joins the Court after a significant career as claimant counsel before the Waitangi Tribunal and in general Treaty litigation. His extensive practice and litigation experience in Maori issues including Treaty issues, Maori land, fisheries and settlements will provide additional depth to the bench and its work. Judge Harvey will sit in the Aotea District.

Judge Milroy joins the Court after a long career as a solicitor and as a noted legal academic. Judge Milroy has written and published extensively on resource management issues, Māori issues, Maori land trusts and incorporations and the law. Judge Milroy will sit in the Waikato Maniapoto District.

The judges of the Maori Land Court may also be appointed as Presiding Officers for the Waitangi Tribunal and Alternate Environment Court judges. Both new appointments bring with them the necessary skills to be able to participate effectively as judicial officers in these forums.

Judicial Training

In 2001, the first Wananga Reo for Maori Land Court judges since the constitution of the Court in 1865 was held at Whangara on the East Coast of the North Island. This was a historic wananga as the judges have never attended a training session where together they could learn the Maori language. Annual wananga are now a feature of the compulsory training programme for the judges. In 2002, the wananga was held in the Urewera. These two wananga were conducted with the financial support of the Institute for Judicial Studies.

In 2001 and 2002 the judges also attended two mediation training seminars with Judge Dale Clarkson and Judge John Adams of the Family Court. The judges recognise the need for training following the introduction of the Te Ture Whenua Maori Amendment Bill 2001 with its new mediation provisions. Again, this training was conducted with the financial support of the Institute for Judicial Studies.

Maori Land Information System

In our last report we noted that the MLIS was up and running. Dr Colin Boswell has completed an evaluation and his review confirms that MLIS has been a success. Since it became operational in 1999, there has been no critical loss of service and a significant timesaving in workflow process has resulted from the use of MLIS by the judiciary and staff. Dr Boswell made useful suggestions regarding how to improve MLIS were made.

Imaging Project

After enhancing the Māori Land Information System (MLIS) with the addition of a imaging project covering the entire 13 million documents comprising the Court record, it will not be long before the entire record of the Court can be made available on line. Whether or not the Court proceeds with the Maori Land Online idea depends on the outcome of the major consultation with Maori land owners and stakeholders that has taken place over the period 1999-2002 resulting in the establishment of the Maori Land Forum.

Maori Land Mobile Advisory Teams

The Māori Land Court's new mobile advisory service to Māori Land Owners has been another success. The service includes trained teams of 13 mobile advisory officers based at the seven district offices of the Court. They work in the field and travel to remote areas such as Te Araroa on the East Coast of North Island. The service aims to ensure Maori land owners can make informed decisions about their land; to reduce the cost of land management and generally improve Māori landowner's skill and knowledge base. In an evaluation completed by Gardiner and Parata in 2002, Maori landowners described the service as an important, valuable and essential service. There has been high customer service satisfaction and the service has strengthened relationships with Maori landowners and other stakeholders.

Maori Land Court website

The Māori Land Court website has been developed and became operational in December 2001. The website provides timely information about the Māori Land Court, its role, functions and services. The website offers an opportunity for users in remote locations or overseas to access information about Maori land without having to travel to Maori Land Court offices. Users can file inquiries regarding Maori land on the website.

Te Pou Whenua

This newsletter was first published in April 2001. It is designed to provide information regarding Maori land issues. The newsletter includes the National Panui that lists nationwide court sittings to be held each month, presiding judges and community notices. The newsletter is currently provided free of charge to all subscribers and can be obtained at Maori Land Court offices.

Each Maori Land Court judge takes a turn to produce articles for the "Judges Corner" on topics of interest concerning the law, the role of the judges and the Court, and/or relevant decisions from other Courts.

In 2002, the Gardiner and Parata evaluation described Te Pou Whenua as having "overwhelming support" from Maori landowners. Many people appreciated the professional magazine look of the newsletter and cited the "Judges Corner" as being especially informative and useful in clarifying legal matters for both staff and landowners.

Maori Land Forum

In 1999, participants at 17 Consultation Hui held throughout the country discussed issues arising from the Maori Land Court computerisation programme. One of the principle recommendations arising from those Hui was that a Forum be established to assist in the formulation of policy regarding access to and the archiving of Maori Land Court records.

The Forum of 107 members has been established and it is now in the process of selecting a smaller group of people to represent the Forum and have direct input into operational policy of the Department for Courts Maori Land Court Unit.

Maori Land Consultation Group

This group comprising representatives of the Federation of Maori Authorities, relevant Government Departments and Ministries, the Chief Judge, the Deputy Chief Judge and the Chief Registrar meets twice each year to update each other on issues impacting on Maori land administration and/or their respective roles and responsibilities.