

# Chief Judge of the Māori Land Court

## Position Description

### The role of the Chief Judge

#### The Role

The role of the Chief Judge of the Māori Land Court is broad and multi-faceted, encompassing judicial, representative, administrative, relationship management and strategic functions. Key to the role is promoting and maintaining the confidence of Māori in a judicial institution of significance to them, through sound management and administration.

#### Core Responsibilities

The core responsibilities of the role are set out below:

Role	Description
Judicial	
	<ul style="list-style-type: none"> <li>▪ Performs judicial functions under Te Ture Whenua Māori Act 1993; the Fisheries Act 1996; the Foreshore and Seabed Act 2004; the Māori Fisheries Act 2004; and the Māori Commercial Aquaculture Claims Settlement Act 2004.</li> <li>▪ Key functions for the Chief Judge under Te Ture Whenua Māori Act 1993 include: <ul style="list-style-type: none"> <li>▪ presiding over the Māori Appellate Court;</li> <li>▪ allocating requests for advice on the most appropriate representatives of a class or group of Māori;</li> <li>▪ giving leave for the Māori Land Court to state a case for the opinion of the High Court on a point of law;</li> <li>▪ exercising the special powers of correction under section 44 (the power to correct a past error of law or fact occurring because of a mistake or omission of the Court);</li> <li>▪ referring matters to the Māori Land Court for inquiry and report;</li> <li>▪ issuing practice notes for general guidance;</li> <li>▪ transmitting Māori Land Court injunctions to the High Court for enforcement;</li> </ul> </li> <li>▪ Is eligible, pursuant to the Treaty of Waitangi Act 1975, to be Chairperson of the Waitangi Tribunal for a term of up to five years, and/or a presiding officer of an individual Tribunal sitting.</li> <li>▪ Member of the Electoral Commission, pursuant to the Electoral Act 1993.</li> <li>▪ Member of the Māori Land Court Rules Committee, pursuant to section 92 of Te Ture Whenua Māori Act 1993.</li> </ul>

<b>Public Representation and Leadership</b>	
	<ul style="list-style-type: none"> <li>▪ Manages a high public profile.</li> <li>▪ Performs a public representation and leadership role arising from his or her status as the Head of Bench and from his or her special legal expertise, knowledge of te reo Māori and tikanga Māori, and engagement with Māori communities.</li> <li>▪ Key functions may include: <ul style="list-style-type: none"> <li>▪ undertaking public speaking engagements with the domestic and international academic, policy and legal communities;</li> <li>▪ commenting, from a practical, constitutional, legal and historical perspective, on the role and performance of the Court (e.g. press releases and media interviews);</li> <li>▪ liaising with Māori communities, governance bodies and land owners;</li> <li>▪ promoting the statutory mission and strategic objectives of the Court and promoting confidence in the administration of justice;</li> <li>▪ contributing to and monitoring the Court’s communication with the public about the work of the Court;</li> <li>▪ liaising with the Chief Justice and other Heads of Bench; and</li> <li>▪ representing the Court at official functions.</li> </ul> </li> </ul>
<b>Administrative</b>	
	<ul style="list-style-type: none"> <li>▪ Maintains oversight of judges and management of Court workflow, including: judicial deployment, leave and sabbatical, judicial continuing education; and judicial complaints.</li> <li>▪ Maintains oversight of powers, functions and duties delegated to the Deputy Chief Judge under section 8A of Te Ture Whenua Māori Act 1993.</li> <li>▪ Appoints additional members with knowledge and experience in tikanga Māori to the Māori Land Court (in relation to foreshore and seabed, Māori fisheries and Māori aquaculture applications) and the Māori Appellate Court (in relation to all matters referred to that Court).</li> <li>▪ Formally certifies to the Minister of Māori Affairs that acting or temporary judges are required to be appointed to the Court.</li> <li>▪ Administers applications relating to: <ul style="list-style-type: none"> <li>▪ the foreshore and seabed, Māori fisheries and Māori aquaculture, which are required to be lodged with the Chief Judge; and</li> <li>▪ the Chief Judge’s and Deputy Chief Judge’s power of correction under sections 44 – 48 of Te Ture Whenua Māori Act 1993.</li> </ul> </li> <li>▪ Provides guidance and support to the bench of the Māori Land Court, and</li> </ul>

	<p>interacts with the administration on behalf of the bench on both operational and high-level issues.</p> <ul style="list-style-type: none"> <li>▪ Monitors judicial appointment processes, identifies overall judicial workload issues and provides or advocates for solutions as required, provides oversight of swearing-in arrangements and inductions processes for new judges.</li> <li>▪ Monitors problems or issues arising in District Māori Land Courts and provides high-level guidance on resolution of issues with the administration.</li> <li>▪ Monitors timeliness of reserve judgments.</li> <li>▪ Engages with third parties (e.g. Ministers of Māori Affairs, Justice and Courts, Remuneration Authority) where necessary on administrative matters (e.g. extensions, entitlements).</li> <li>▪ Provides leadership in internal judicial conferences and represents the Māori Land Court bench in inter-bench matters.</li> </ul>
<b>Relationship Management</b>	
	<ul style="list-style-type: none"> <li>▪ Maintains the confidence of Māori communities in the institution of the Māori Land Court.</li> <li>▪ Manages relationships with key government bodies, including: <ul style="list-style-type: none"> <li>▪ Ministers (e.g. Minister of Māori Affairs, Minister for Courts);</li> <li>▪ the Ministry of Justice, on operational matters (e.g. Chief Registrar, General Manager of Special Jurisdictions); and</li> <li>▪ Te Puni Kōkiri, on high-level policy matters and appointments (e.g. Chief Executive, Deputy Secretary Policy)</li> </ul> </li> <li>▪ Manages relationships with the Chief Justice and other Heads of Benches.</li> <li>▪ Maintains relationships with the legal profession and the academic community.</li> </ul>
<b>Strategic</b>	
	<ul style="list-style-type: none"> <li>▪ Monitors the environment on behalf of the Court and its users.</li> <li>▪ Based on environmental awareness, exercises appropriate input into operational matters and policy proposals.</li> <li>▪ Participates in internal and inter-agency fora with a strategic focus.</li> <li>▪ Ensures that the Court embraces te reo and tikanga in an effective manner.</li> </ul>

As Chairperson of the Waitangi Tribunal, further core responsibilities would include:

- ***The judicial role***: presiding over Tribunal inquiries as necessary.
- ***Public representation and leadership***, including: providing leadership support for other judges/Presiding Officers and Members of the Tribunal; representing the Tribunal at domestic and international speaking engagements and other fora; commenting publicly on matters relating to the Tribunal; representing the Tribunal at official functions; and generally promoting the statutory objectives of the Tribunal.
- ***The administrative role***, including: management of urgency applications and remedies applications; resource deployment; liaison with the Tribunal administration; management of Member workload and complaints; oversight of functions delegated to Deputy Chairperson; and oversight of Member appointments.
- ***Relationship management***, including: maintaining the confidence of claimant groups in the integrity of Tribunal processes; and maintaining relationships with key government bodies (e.g. Ministers, Ministry of Justice, Office of Treaty Settlements, Te Puni Kōkiri).
- ***The strategic role***, including: monitoring the Treaty sector; influencing operational matters and policy; ensuring that the Tribunal embraces te reo and tikanga Māori in an effective manner; and participating in internal and inter-agency fora.

### Criteria for appointment as the Chief Judge

The following criteria will be used to assess candidates to the role of Chief Judge of the Māori Land Court.

#### Statutory Criteria

The candidate must be eligible for appointment as a Māori Land Court judge under section 7 of Te Ture Whenua Māori Act 1993. Under section 7, judges must be 'fit and proper' for the position and must:

- be deemed suitable, having regard to their knowledge and experience of te reo Māori, tikanga Māori and the Treaty of Waitangi;
- have held a practising certificate as a barrister or solicitor for at least 7 years;
- be under the age of 70; and
- stop practising as a barrister or solicitor.

#### General Criteria

More specifically, the successful candidate should display the following skills and attributes:

- legal ability, including:
  - excellence in the practise and/or theory of law, in particular knowledge of and experience with Te Ture Whenua Māori Act 1993, the Treaty of Waitangi Act

1975, the Māori Fisheries Act 2004, the Māori Aquaculture Claims Settlement Act 2004, and the Foreshore and Seabed Act 2004; and

- extensive experience in the Māori Land Court and the Waitangi Tribunal.
- technical skills, including:
  - administrative and organisational skills;
  - the ability to manage a courtroom;
  - high capability in te reo and tikanga Māori;
  - a good understanding of tribal structures, history and culture; and
  - high - level communication skills.
- qualities of character, including:
  - honesty and integrity;
  - open-mindedness and impartiality;
  - courtesy, patience and social sensitivity;
  - good judgement and common sense;
  - the ability to work hard, to listen and concentrate;
  - breadth of vision, independence and acceptance of public scrutiny;
  - collegiality and leadership qualities; and
  - standing and a good reputation within the community.
- an awareness of society and involvement in the Māori community.