

THE UNIVERSITY OF WAIKATO
Te Whare Wānanga o Waikato



SPEECHES
from the
OPENING
of the
SCHOOL OF LAW
Te Wāhanga Ture

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FOREWORD

The official opening of Waikato Law School on 3 May 1991 was a memorable occasion for those who attended, and a significant event in the history of New Zealand legal education. Waikato Law School is the fifth law school to be established in New Zealand and the first in over 70 years. The purpose of the school is to provide a professional legal education with a difference. While all new enterprises can claim to be different, there is a seriousness of purpose about this law school that was captured in the excellent speeches that were delivered on the occasion of the opening. The school wanted to share these presentations with the many people who expressed their regret at being unable to attend, as well as to provide a permanent record for those who did attend. Hence this short publication. I want to take this opportunity to thank those who gave their time to participate in the opening. Their successful launching of this new initiative in legal education bodes well for the future prosperity of Waikato Law School.

Margaret A. Wilson
Dean

UNIVERSITY OF WAIKATO



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PROGRAMME OF EVENTS

TE PIRINGA

FRIDAY 3 MAY 1991

- 11.00am Her Excellency The Governor-General, Dame Catherine Tizard, GCMG, DBE, arrives at Te Piringa (received by the Vice-Chancellor & Professor Wilson)
- Welcome by Maaori
- Welcome by Kaumatua Consultant to the School of law, Mr K Haggie
- Welcome by Professor Wilf Malcolm, Vice-Chancellor
- Welcome by Law Student Representatives
- Welcome by Professor Margaret Wilson, Dean of the School of Law
- Dame Sylvia Cartwright
- Official Opening and Unveiling of Plaque by Her Excellency, The Governor-General
- 12.30-2.00pm Refreshments served in Te Piringa
- 2.10pm Her Excellency departs

K H HAGGIE

E te Kaawana Tianara

E te Tumuaki o te Whare Wananga

E ngaa rangatira e tau nei

Teenaa koutou

As the kaumaatua to the Law School I want to stress the importance of the establishment of this School for the development of educational opportunities offered by this University to the people of our region.

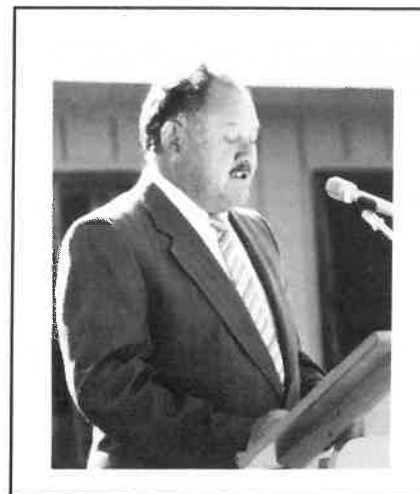
This Law School is intended to be somewhat different from traditional law schools. Waikato does not only want to produce lawyers in the narrow sense of the term, but also graduates who have a broad grounding in law and legal systems.

The basic philosophy of the School is to bring together three major streams of study, namely, international law, domestic law and Maaori case law within a comparative context.

Given the acknowledgement by Government that the Treaty of Waitangi is our founding document, it is imperative that longstanding Maaori grievances are resolved. We believe that this Law School will have a major role to play in helping the nation bring these issues to fruition. Thus, for our people, this Law School has been given a three-fold task and challenge.

Firstly, to provide Maaori students with the opportunity to graduate in law.

Secondly, to ensure that the curriculum reflects how the law can take into account the rights of Maaori to their land and culture.



Thirdly, to undertake research to ensure legal recognition of Maaori lore/law, culture and rights.

We realise that this is a challenging task that will require the development of mutual support and cooperation between the School and the iwi of the region.

From the outset, Maaori students comprise a significant group within the School. In Law I, 18.5% of the students identified themselves as Maaori. In Law II, 17.4% identified themselves as Maaori. Given that the only criteria for entry was based on academic performance, this is indeed encouraging both for us as parents, and for the community at large.

Finally, it is only fitting that as tangata whenua Tainui should provide the lead in registering their support and we trust that the wider community will also be able to contribute likewise.

Nooreira, teenaa koutou, teenaa koutou, teenaa koutou.

*K.H. Haggie
Kaumatua Consultant
to the School of Law*

THE VICE CHANCELLOR, PROFESSOR WILF MALCOLM

Kia whakahonoretia Te Ariki Nui, a Te Atairangikaahu, ki torna whanau, ki te kahui ariki hoki.

E nga manu, e nga tapu, e nga wehi, e nga ihi o nga mata a waka o te motu nei.

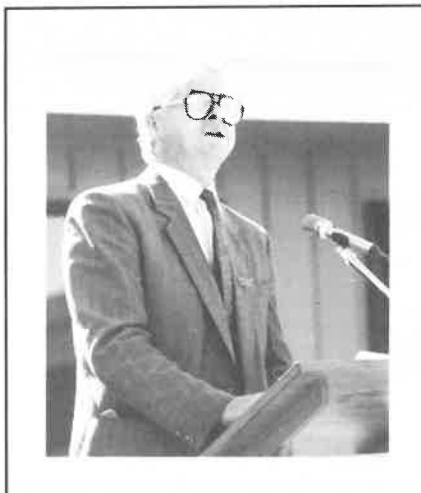
Tena kotou, ten kotoa, tena tatou katoa.

Your Excellency, Dame Catherine, Dame Silvia, honoured and welcome guests and colleagues.

The Chancellor of the University, Mrs Joy Drayton, joins with me in welcoming you to the University. We are delighted to share with you in this occasion marking the formal opening of the University of Waikato Law School.

We have already had two public occasions associated with the establishment of the Law School.

The first was in October 1989 when the then Deputy Prime Minister, Ms Helen Clark, announced Government's approval of the School, together with the provision of a special grant to meet the initial costs of its establishment, especially those involved in setting up the essential Law Library.



The second was in February of this year when in a special ceremony Te Ariki Nui, Dame Te Atairangikaahu, gifted the name Te Piringa to the Law School and its building.

On both those occasions I acknowledged publicly my gratitude and that of the University to a number of men and women who had played key roles within the University and more widely in developing the plans leading to the establishment of the Law School.

On this occasion, held when the Law School is now actually established, with students enrolled and a first term of classes nearly completed, I want to pay public tribute to Professor Margaret Wilson, the foundation Dean of the School, for the remarkable skills of leadership she has shown in bringing the School to life.

It is not yet a year since she took up her appointment.

At that time this courtyard and buildings were stones and car parks. Degree programmes have been

developed and approved, staff have been appointed, buildings have been constructed, a library is being established, students have been enrolled, teaching programmes have been initiated and many diverse and varied groups and communities have been informed of the Law School and its intentions.

Yes, Margaret would insist that what has been accomplished is the outcome of the work of many people, including in increasing measure the staff of the Law School.

Yes, of course this is right, but it is her qualities of leadership, academically and administratively, together with a fearsome capacity for hard work, that have brought inspiration and accomplishment through these critical and turbulent months.

And turbulence there has been in the progress of the Law School to this formal opening.

I can only comment with sadness on the action of the Government last December in withdrawing the special grant needed to establish the School.

Sadness in the first instance because the decision put in jeopardy the establishment of the School.

The courage and resolve of the Law School staff under the leadership of their Dean, the commitment of the wider University and the willingness to shift for the short term much needed resources from other areas has allowed the School to continue.

And continue now it will, and prosper academically despite adversity.

But the critical resource is the Law Library and we cannot fund that from our present resources. We are establishing a University of Waikato

foundation through which we will be seeking funding support for the School and its library, from a variety of groups and agencies.

At this time, too, I want to express my thanks and that of the University to Te Ariki Nui, Dame Te Atairangikaahu, Mr Puke and the Tainui Trust Board and the Tainui people for the most generous gift they have given this morning towards the establishment of the Law School library.

Right from the time of the first planning for the School the Tainui people through the Trust Board have stood strong with the University in the developments. Their support at the end of last year when the future of the School was called into question was most appreciated and their gift today is confirmation of their commitment to its continuance.

But, if possible, I have a deeper sadness as an outcome to the Government's December decision.

The case for the Waikato Law School was begun afresh in 1987 - previous approaches had been made without success.

Through 1988 and 1989 the case was developed and approved within the University. It was submitted to the University Grants Committee, the body then responsible for advising Government on University developments. The University Grants Committee sought guidance from the Council of Legal Education (and I acknowledge with pleasure the presence today of Sir Ivor Richardson, the chairperson of that Council). The Council subjected the proposal to a most searching scrutiny, guided the University to a better understanding of its intentions and advised the

University Grants Committee of its support for a Law School development at Waikato. Guided by that advice the University Grants Committee came to its own decision to recommend approval to Government.

Government, through the due process of Cabinet approval, agreed to the establishment of the School and to the special setting up grant to be paid over a period of four years.

That grant began to be paid from 1 July 1990, the start of the new financial year following the Cabinet decision. In December the Government unilaterally announced its withdrawal from the agreement.

How can a government govern if it fails to honour its own agreements properly and legitimately established?

Yes, it was different party in Government. But the integrity of Government action requires a continuity of contractual relationship independent of a change of party in Government or of an individual person as minister. Without such continuity of contractual agreement the integrity of the Crown becomes a mockery. Without such integrity the action of Government becomes the exercise of arbitrary power.

If unchallenged and unchecked such actions will lead to a wide collapse of faith and confidence in good government.

The December decision was no doubt a small matter for Government although large in consequence for the University and Law School. But in terms of integrity and moral value the issue is also a large one for Government. And so I yet hope that Government will reflect on these deeper issues in

its decision and seek accommodation with the University in the matter.

We have been criticised as a university on at least two counts for the establishment of this Law School.

First, it is said why open a new Law School when some law graduates are finding it difficult to obtain positions within established law practices at the present time.

The lesser answer to that criticism is that the demand for law graduates from the traditional law practices responds to relatively short-term changes in the economy. Just a few years back when we first prepared our proposal, demand for law graduates exceeded supply. If and when the economy improves, no doubt that situation will return. But universities must plan and function within a longer term cycle. In passing it is interesting to note that this year the other New Zealand law schools have significantly expanded their intakes. I have not seen criticism of their actions in so doing.

But the more important answer to the criticism lies in the broadening nature of legal education and the high level of demand for that education.

A major point made by the Council of Legal Education in its advice concerning the development of the Law School was that a law degree has become not only a qualification leading to a traditional professional career in law, but also and importantly, provides a very valuable general education serving as a base for a growing breadth of career opportunities.

When one couples this recognition of the general educational value of a law degree with the high level of demand

for access to law schools (over 1000 applications for the 350 available places this year here at Waikato) not to mention the value of law as a discipline to the wider academic and intellectual life of the University, one begins to see the strength of the arguments that led to the establishment of this Waikato Law School.

Sadly, in its reflection on aspects of New Zealand society we have been criticised for seeking to provide a large place for the concerns and values of Maori people in the life of the new School.

And yet I am glad of the criticism if only for the fact that it is based on a correct recognition of our firm intentions. Consistent with the character of the University itself, consistent with the nature of the region of which we are a part in which the four great Maori tribal confederations of Tainui, of Arawa, of Matatua and of Tairāwhiti flourish, consistent with the need to build partnership between our various peoples in the development of a specifically New Zealand jurisprudence, we intend and welcome a large Maori presence in the development of the Law School.

This will not be easy. It will require dedication and commitment from us all, including Maoridom for the vision we have is large and the standards for fulfilment high. No doubt there will be tension in the life of the School itself in working out over time this commitment. For the Law School is not apart from the society within which the legal systems which it studies function, but is itself a small part of that society and so will face the same challenges that we all face to give full

expression to bicultural and multicultural values and perspectives. It will be the character of the Maori participation in this Law School, reflecting what we would seek at best for our wider New Zealand society, that will be a strength of this Law School in the years to come and will be a rich part of its scholarly and professional reputation in the national and international communities.

Your Excellency, honoured guests, I pray that this Law School will go from strength to strength. May coming generations of students and scholars have cause to look back with gratitude to those who have the high responsibility of shaping its traditions in these foundation years.

Aku mihi ki a tatou katoa.

*Professor Wilf Malcolm
Vice-Chancellor*

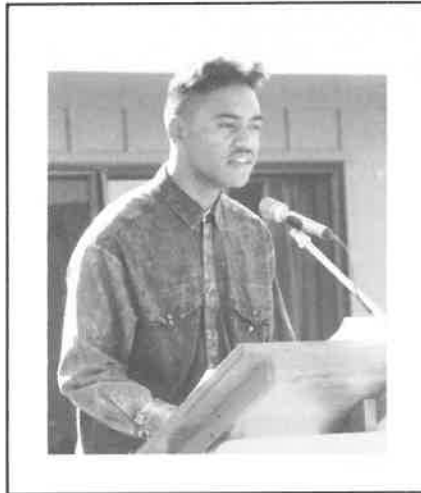
RUSSELL KARU

Cultural heritage, as handed down by our Tupuna, dictates a holistic and esoteric approach to the content of my speech. It is for this reason that I begin with Te Matahauariki, which is the horizon, the meeting place of the earth and the sky. It represents to me two streams of thought, ideals, and beliefs, Maori and Pakeha, thus fulfilling the true meaning of bi-culturalism.

Te Matahauariki is the principle by which the Waikato School of Law is guided. Therefore, the creation of this Law School is a reaffirmation, practical expression, and professional extension of our university's commitment to bi-culturalism.

This is the physical venue in which those ideals that I see personified and perpetuated in the Treaty of Waitangi can be explored and realised. I see this Law School fulfilling my dreams of empowerment for my people, and, more importantly, of partnership. This is the first objective of our Law School.

The second objective is law in context. This means to me, the recognising of a social, political, and cultural diversity within a community. It is logical, therefore, that these qualities have come to be reflected not only in the aims and objectives of the Law School, but also in the content of what is taught, and in the student body, and thus meet the demands of the community as a whole.



It seems to me that in reflecting the pursuit of knowledge within a non-threatening environment of challenge, and emphasising the equality of opportunity, the resulting effect can only be one of excellence and the uplifting of mana for all who tread this path. Such excellence can only lead to a high standard of professionalism. This is the third objective.

These aims and aspirations and our belief in and commitment to them, provide those of us who are here today, and New Zealand as a whole, with a unique opportunity.

In conclusion, therefore, and on behalf of all students, I wish to thank the University, and the staff of the Law School, for their commitment to these three key objectives.

I would like to leave you with this thought -

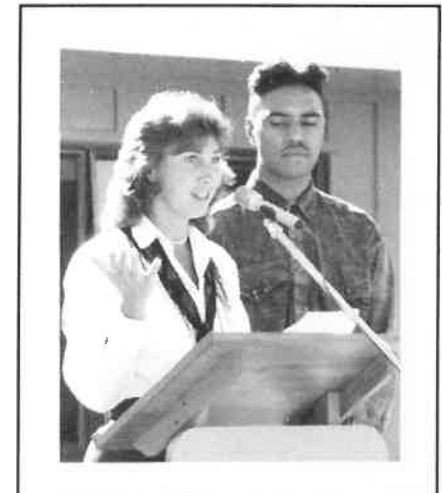
"He iti ra, he iti mapihi pounamu."

Let us not forget that even the smallest possession can be the most valuable.

*Russell Karu
Law Student*

DENISE HARDING

Your Excellency the Governor General, Te Arikunui Dame Te Atairangikaahu, Mr Haggie, Professor Malcolm (Vice Chancellor), Dame Silvia Cartwright, and Professor Margaret Wilson, guests and students.



We, as representatives speaking here today, wish to acknowledge the diversity of students within the University of Waikato School of Law - in terms of age, ethnic background and social circumstance - not only of those students from within New Zealand, but also students from abroad.

But as a student body we are as one - we are Law Students, and we are actively committed to supporting and participating in the principles that Russell has already spoken of. It is the intention that all students, when we leave, to carry on those principles in our professional lives.

We also acknowledge the hard work and dedication of all those involved in the establishment of the University of Waikato School of Law. Particularly, the Vice Chancellor (Professor Malcolm), the Dean (Professor Wilson), and all the Law Faculty Staff - some of whom have travelled great distances to be part of this law school.

This law school offers us, as students, a unique opportunity - in pursuing the study of law in context within a

framework of biculturalism. As foundation students we take pride in being here, and we are aware of the responsibility placed upon us to demonstrate the value of this new approach to legal education.

We accept that there is a challenge, and it is the intention of every student here to rise to and meet and to succeed in that challenge.

*Thank you.
Denise Harding
Law Student*

PROFESSOR MARGARET WILSON

*Te Arikinui Dame Te Atairangikaahu
Your Excellency, Dame Catherine
Tizard*

*The Rt Hon Sir Ivor Richardson
Chief Judge Dame Silvia Cartwright
Chancellor, Mrs Joy Drayton
Vice Chancellor, Professor Wilf
Malcolm*

*Distinguished Guests, colleagues and
students*

It is my task this morning to welcome you on behalf of the Law School to the official opening of the School.

Before I undertake to address my few comments to you however, I want to acknowledge the generous gift from Tainui. It is the first financial contribution to be made to the Law School fund. It demonstrates the commitment Tainui has to the School. It is now the task of the School to justify that faith within the School. We intend to do that through the graduation of Maaori graduates, undertaking research that will assist the Iwi of the region to pursue their rights under the Treaty, and



contributing to the debate on the development of a legal system that reflects the values and aspirations of both Maaori and Pakeha cultures.

I want also to thank the Vice Chancellor for his appropriate and well chosen comments. He rightly identifies that the credibility of any system of government depends on its integrity in its dealing with people. If contracts are not honoured by successive governments, then there can be no stability or confidence in governments. Ultimately this would be to the detriment of the country as a whole. The support of the Vice Chancellor at all times has been the decisive factor in the School remaining open. We therefore publicly thank him for his courage and foresightedness.

Finally I want to acknowledge the statements by the student representatives, Denise and Russell. Through their comments we hear their expectations of the School and also the contribution they are prepared to

make to the School. It is the achievements of the students that will determine the success of the School's educational programme. Today we have had a glimpse of the Waikato Law Graduates of the future. I think their contribution today vindicates the commitment to keep the School open.

It is difficult to describe the feelings that many of us have today. For some this moment has been a long time in the planning and preparation. The first initiatives to start a Law School at Waikato University began in 1964 and came from the local profession. Since that time many people have given of their time and energy to make the School a reality and I wish to thank them publicly today. Their vision and determination has enabled those of us who arrived more recently to continue on their work and bring it to fruition. I want to also publicly thank the staff who have come from all parts of the world to be part of this enterprise, and who have remained steadfast in the face of considerable adversity for their contribution to the achievement of this day.

I arrived less than a year ago when there was very little of what you see as the law school today. At that time there was only myself and Don Kerr, the School administrator. We were not alone of course because we had the full assistance and cooperation of the University as a whole to assist with the task of preparing the school for opening to students at the beginning of the 1991 academic year. The ability to be able to cooperate is what distinguishes this University. It understands adversity and lack of national government support. I want formally to acknowledge the

contribution of all the people who have undertaken those thousands of small but vital tasks that contribute to the success of a new initiative. Finally my personal thanks goes to those individuals who advised me on the academic development of the School. Their wisdom and guidance has made a major contribution to the intellectual life of the School.

Although the task of opening the school did not seem totally impossible a year ago, it did present a challenge. Just how much of a challenge we were not too realise until the National Government removed the establishment grant funding six days before Christmas last year. This decision came after the planning for the opening of the School in March 1991 had been nearly finalised. Sixteen staff had been contracted, the regulations for the degree programmes had been drafted and approved, the buildings were nearing completion, the library had purchased over 18,000 law books, and over 1000 students had already made application to enrol in the law.

Although it may have seemed reasonable to the Government that the Law School should close, it was not an option to the University of Waikato. The investment in financial and human energy and resources was too great to waste. Also it was impossible to deny so many applicants an opportunity to study law within their region. The reason given for the withdrawal of funding was that there were lawyers who could not get jobs in 1990, therefore the development should be stopped. The logic of this argument was best described by Tom Scott in a cartoon published at the time, where

he depicted the Minister of Education saving money by closing all schools because there were no jobs. The publicly stated rationale for withdrawing the funding was not supported on a close examination of the evidence. This did not alter the fact that the funding was withdrawn.

When the University moved quickly and decisively to reaffirm its commitment to the establishment of the law school, the Minister assured the University that it would not move to prevent the University proceeding with the school. Such a move by the Government would of course have been a gross interference with the autonomy of universities. The action of the University was essential in enabling the School to proceed with preparing the School for opening in March. Perhaps the most difficult task during this period was the selection of 350 students from the 1000 applications for Law I and Law II courses. All the students and staff had spent a very stressful Christmas and New Year period because it was difficult to communicate effectively with people during this holiday period. Despite all obstacles however the School opened to students on 4 March with a legal education programme that is innovative, challenging, and relevant to the needs of legal professionals in the future.

As with any new enterprise, the school has attracted its supporters and its critics. This is only to be expected. People do not always initially respond well to change. The university is the institution in our community however that has the responsibility to think beyond the obvious and to prepare students to meet the challenges that

will face the country in the future. It is a fact that many of the country's future leaders will come from people educated within the university system. In the past, those who have had the privilege of a university education have been expected to accept the responsibility of giving back freely to the community some of their time, expertise, and energy.

It would appear that this value of mutual cooperation within our community is now seen as being inappropriate in a society that we are told must be market driven to survive. It is interesting to speculate on how long a society can maintain a unity and community of interest if all relationships and transactions are to be subject to a cost benefit analysis. The time is overdue for a more serious questioning by the community as to whether the dominance of economic policy is the best way in which to conduct our affairs, both individually and as a community. There are cultural and social values that are equally important and if ignored for too much longer will ultimately defeat the economic policy initiatives.

The depression that prevails within New Zealand at the moment would seem to result from a lack of energy and creativity, and ability to think of new solutions to old problems. I would argue strongly that this situation arises because we are not using the skills and strengths of all members of our community. We have marginalised and continue to marginalise so many people from decision making - women, Maaori, the unemployed are obvious examples of this human waste. We should not be surprised if those in power have exhausted and unable to

provide the answers to the country's problems. They are so few in number. It is time to share the responsibility of power and invite in those previously excluded. Waikato Law School is providing some of those people with the opportunity to contribute to the collective well being.

The need to provide a new and different perspective is what this law school is all about. It is why the withdrawal of government funding could not be allowed to stop the university from proceeding, however difficult that decision is proving to be. Governments should not be able to put at risk the educational future of this country. After all it is not governments that fund universities but people through their taxes and the fees they pay. It is time that there was a reassertion of educational priorities and values. Waikato Law School intends to be part of developing a better way of decision making. We can only undertake this role however with your support. Your presence with us today gives us that support for which we are grateful.

Thank you.

Professor Margaret A. Wilson

Dean

CHIEF JUDGE DAME SILVIA CARTWRIGHT

*Your Excellency, Vice Chancellor,
Professor Wilson. Tena koutou, tena
koutou, tena koutou*

This is a new beginning. A dawning of opportunity for legal education. So it is also a chance to look at what the future holds for those who will graduate over the years ahead and as the 21st century approaches. Any glance at the stars no matter how fleeting, is accomplished while one's feet remain prosaically on the solid ground of our present world.

Those who predict future trends and events do so from a grounding of reality and reality in legal practice in New Zealand in 1991 is heavily influenced by our present economic worries and concerns. Yet only four years ago we were surging along in the sure hope and expectation of golden years ahead.

In 1987 many lawyers confidently expected that their futures were tied to the extraordinary achievements of a booming economy. Admission to a mega-firm was seen by many as the pinnacle of success. It is now questionable whether the practice of commercial law will assume such significance for the future law graduate. Because even by 1987 there were



literally dozens of developments in the world of the lawyer which made the corporate law firm likely to be only one actor on a stage of great diversity and colour. And it is from many of these developments that the future young legal graduate will choose.

In 1991 there are lawyers practising in community law centres, advising on the law of landlord and tenant for the person of low income about to be evicted from his home. The same young lawyers are challenging the validity of ministerial actions in the Court of Appeal.

There are lawyers advising Ministers of the Crown, in business themselves, or acting as commercial advisers. There are lawyers who earn their living from the practice of environmental law, who advise on medico-legal issues, who work for the Law Commission. There are those working in law firms and in accounting practices. There are barristers and Queen's Counsel, as well as teachers and professors of law.

Lawyers are to be found chairing or participating in Tribunals as widely diverse as the Casino Control Authority and the Waitangi Tribunals. There are lawyers conducting inquiries into the leak of Government documents or the standards expected of the psychology profession.

Some lawyers spend much of their professional lives acting as advocates for youthful offenders or for those committed to psychiatric institutions. There are lawyers who give their professional time free to an enormous host of community activities from ethical committees in hospitals to school boards of trustees.

So although I suspect that the public perception of the lawyer is drawn from highly glamorised television programmes, reinforced by the foyers of the mega-firms with their tinkling fountains and expensive art or from the popular image of the clever lawyer who tries to ensure that the obviously guilty will go free, the reality is far more diverse and far closer to the community of which lawyers are a part.

That lawyers are practicing in so many different areas in the community is really no surprise. For the last decade or two, changes in the law and in the institutions which administer it have occurred steadily. The examples I draw will largely be from the institution with which I am most familiar - the District Courts.

Every day in Courts all round the country from Kaitia in the North to Invercargill in the South and even occasionally in the Chatham Islands, literally hundreds of people bring their disputes to the District Courts of New Zealand.

Sometimes they come willingly, sometimes they are required to be present. They may be there because they have committed an offence or because they have a matter that they need settled. Many of those people come to the Courts to resolve their family disputes. And over the last ten years the Family Court has presided over some of the most notable changes in the way in which law is administered.

Until ten years ago family disputes were determined in an atmosphere of anger, bitterness, tension and guilt. Decisions made were based on determinations about the guilt or innocence of the family member who sought particular orders.

Today, although there is still enormous tension when a family disintegrates and although there is still far too high a level of domestic violence in our country, there are a few consumer-driven changes which have turned the practice of Family Law on its head.

Resolution of the dispute is now firmly based in the community and lawyers, although important to the process, play a role only when with the community's support and assistance, the couple cannot resolve the dispute. They need a good knowledge both of the law, and of human behaviour. They need maturity, exceptional communication skills, and patience.

Resolution of family conflict in New Zealand today depends however on professional counselling and judicial mediation. Battling a dispute out in Court is now the exception rather than the rule. As a consequence we believe that family members are able to continue with their lives more peacefully than they would have been

able to in the past. But it also means that there is seldom a place for the traditional adversary approach. So the advocate needs a large number of skills, and, a readiness to be adaptable. And now the theme of community and family involvement has been developed and extended to the Youth Court. Since the legislation was enacted almost two years ago, young offenders have been required to attend a family group conference except where the most serious crimes have been committed. The Conference has the power to recommend the manner in which the young person will be dealt with, assuming that he or she admits guilt.

In most cases the process has been positive. The family usually shows that it accepts responsibility for its offending member and that it offers its support to someone who is still young. In return, the young person sees the shame and anger that he or she has brought to the family. Confrontation with a victim often enables the real injury of the offending to be brought home graphically to the offender and family.

I am told that genuine remorse is frequently manifested and early indicators are that there is a strong chance that those who have been through the system of the family group conference are less likely to reoffend in the future.

There are elements of a cultural remedy in this system which was developed in consultation with the Maori community and the late John Rangihau in particular.

It has been suggested recently that the cultural remedy of *murū* be incorporated into the range of criminal

sanctions. In fact there are elements of that concept already in our criminal justice system. The Youth Court, for example, emphasises responsibility being shared by the offender's family and reparation being offered in the form of transfer of *taonga* (treasure) and in service.

There are other examples to be found in the Criminal Justice Act. While our system of justice is undeniably British at base, there are more and more Maori influences which are making our criminal justice system unique. One of those is the ability to bring a respected person to Court to speak at sentencing, on the cultural and family background of the offender.

Although this section of the Criminal Justice Act is used only rarely in many Courts in the country, there are some regions where the Probation Service and the offenders in the community use it liberally bringing along *kaumatua*, a pastor from the church, or a respected family friend to speak on their behalf.

When this occurs, it achieves two things. The Judge hears from the lawyer speaking for the offender, as well as from the community or the family. That gives an added dimension and considerable assistance when sentencing. It can also show to the Judge that the family and *whānau* or the community in which the person lives, is willing to accept some responsibility. That can often make the difference between a prison sentence and a community-based one. It is a valuable part of our criminal justice system and one which I would like to see used far more widely.

You may be beginning to wonder just what these examples have to do with

the future of the young legal graduate. I believe they demonstrate that those who practice law must bring to their profession a knowledge of and respect for all the different cultures in the community in which he or she will practice, not just because that is the way we would wish the world to be but because in reality, our institutions and our law are becoming more and more responsive to the cultural mix that makes up New Zealand. I predict that these changes will continue and indeed gather momentum.

One of my responsibilities is to serve as a member of the Courts Consultative Committee which comprises representatives of the Court of Appeal, the New Zealand Law Society, members of the public and is chaired by the Chief Justice. The role of the Committee is to advise the Minister of Justice and the Attorney General on ways to make the Court system more efficient and more responsive to the needs of the people it serves.

The principles of partnership under the Treaty of Waitangi are firmly embedded in the work of that Committee and therefore underpin the advice it gives to the Minister. There is an enormous respect for the value of incorporating Maori principles into our system of law. We have seen it working in the Youth Court, we have observed that the Family Court seems to be successful because of its foundations in the community. We have seen that consultation and information from *whānau* and the community pays dividends and we want this system to be our uniquely New Zealand system of justice.

So not only do lawyers have to embrace the gradual but fundamental changes

that are taking place in our legal system and its institutions but they must be able to work with them. It seems to me that respect for the principles of the Treaty of Waitangi will be as important to the young graduate of the future as respect for a system of law which is based on equal justice for all.

But how does the young lawyer, educated in these heady principles, actually operate in his or her profession? It is my firm view that there are important attributes that a new lawyer should have. The first is the pursuit of excellence, not only in the study of law both at University but on a continuing basis following graduation.

Without a thorough grounding in legal principle you will not serve well those whom you advise. Respect for the rule of law will diminish and your clients will suffer. Academic attainment is one important skill. It is not however, the only one.

Respect for and knowledge of other cultures and particularly the Maori culture is now an essential ingredient for a young lawyer starting out in practice. Our laws, our institutions, the decisions of our Courts increasingly recognise the unique flavour of our New Zealand society. The future for bi-culturalism in the law is exciting and challenging.

You at this University are in a unique position to be leaders because of your academic attainment and because of your knowledge of and respect for the principles of partnership under the Treaty of Waitangi.

But no matter how skilled you are as lawyers and how much knowledge and understanding you have of Treaty principles, if you cannot communicate

adequately with those whom you advise then you will have wasted many years in study. There are rapid changes occurring in archaic legal language. There is constant review being undertaken of old fashioned language in, for example, the jury ritual. The manner in which Judges communicate with those in the Courts is constantly under scrutiny.

Legal documents which use turgid language are derided by the public. Your language must be clear and uncomplicated. It must be understood readily by those to whom you are imparting a message. Your language is one of your main tools. If it is pretentious, respect for you will diminish rather than increase.

Often your client will be in a state of tension whether he is someone poor who has been charged with a drinking/driving offence or a major company which seeks advice to enhance its financial standing.

If you help write a report for the Law Commission and it cannot be understood by the lawyers who read it, or if you teach at a university and your language is impenetrable, then you are not serving those who pay for your services and rely on your advice.

Above all, excellence in everything you do is a standard which can and must be achieved. For you have yet another, and unique responsibility. The academics, the legal profession, and those in power in government will be watching this faculty and its students with great interest. This University has before it one of the most exciting challenges faced in recent years by any similar institution. It has developed out of a demand from the community. Therefore, it starts

with considerable goodwill from those who will use the services of its graduates. It is my expectation and the hope of all who have worked towards this day, that by the excellence of your achievements you will demonstrate that a new and special era in legal education has indeed dawned.

It is a great privilege to have been part of this day. The hundred Judges of the District Courts join with all your other well-wishers in expressing our warm wishes for the future of this faculty and for the students who are the first of thousands to pass through these buildings and gain a truly unique legal education.

The words of this tauparapara evoke the beauty of the land on which this University sits and the love of the men and women whom you will serve.

*Hutia te rito o te harakeke
Kei hea te komako e ko
Ki mai ki au*

*He aha te mea nui o tenei ao
Maku e ki atu
He tangata, he tangata, he tangata*

The heart of the flaxbush has been removed
Where are the songbirds that sing?
When I am asked, what is the most important thing in this world
I will say
It is man, it is people, it is mankind

Chief Judge Dame Silvia Cartwright

HER EXCELLENCY DAME CATHERINE TIZARD, GCMG, DBE GOVERNOR- GENERAL OF NEW ZEALAND

E nga mana, e nga reo, e nga iwi o te motu. Tena koutou, tena koutou, tena tatou katoa.

*Te Arikinui, Dame Te Atairangikaahu
- Tena koe*

*Your Worship, Mr Vice Chancellor,
Professor Wilson, Ladies and
Gentlemen*

The opening of this Law School marks a significant development in legal education in New Zealand. Not only is it the first Law School to be established in 80 years, but it is offering a programme of legal study that is unique in New Zealand. From the outset the School has developed a programme that is designed to prepare students for a variety of employment opportunities. While students who graduate from the School will be trained for the traditional practice of law, they will also be prepared to enter private and public business enterprises, local and central administration, and to service the voluntary sector with legal skills.

An integral component of the New Zealand environment is an



understanding of Maori culture and its relationship with European cultures. Waikato Law School has undertaken the important task of seeing how the integrity of both cultures can be reflected within the legal system. In this sense the School is pointing the way to the future.

This commitment was demonstrated in an appropriate way when the School was launched and blessed by the Tangata whenua a few months ago.

The students who graduate from this School will be entering a profession that has a major responsibility to the community as well as to individual clients.

It is often easy to criticise the legal profession, and on occasion criticism is justified. It is important to remember the contribution that the profession does make to the community. It provides a service that is essential to the good governance and order of society as a whole and provides the framework for the peaceful resolution of disputes.

Members of the legal profession assist individuals to pursue their rights and honour their obligations under the law. The balanced, fair-minded, and often conservative advice provided by lawyers is a necessary part of our constitutional framework. It is often the task of lawyers to tell people what they do not wish to hear. This requires a tough-mindedness that is most often first developed within their legal education. Law Schools do have a responsibility to educate their students with an understanding of the role they play within the community, and their responsibilities to that community. The philosophy of Waikato Law School and the University of Waikato will prepare their students to meet the challenges facing our community.

It gives me personally great pleasure to take part in the official opening of a School whose overall purpose is to contribute to the development of a New Zealand jurisprudence which supports the principles of justice, democracy, equality, and a sustainable environment and that respects and reflects the rights and responsibilities of all peoples and cultures.

The explicit statements contained in the School's official handbook make a refreshing change from the high-minded, piously ambiguous cant which passes for objectives in many educational or political programmes. The School, and the University, have strong policies for support for equal opportunity and the unacceptability of sexual harassment and sexist language.

I applaud and support the policy of the Law School in bringing these barriers to achievement out into the

public arena and unequivocally rejecting them.

It is already evident that there is a tremendous amount of public support for the Waikato Law School. I have had many remarks made to me in Hamilton and the region indicating high esteem for the new venture; a sense of excitement, of high hopes - and of sympathy too, for as the Vice Chancellor has so forcefully told us, this baby might have died at birth had it not been for the great wave of support and a determination to succeed that came from University, from city and province and marae.

That level of response reflects in no small part the community's respect and admiration for the dedication and personal qualities and achievements of your Dean, Professor Wilson.

I wish her and her staff every success and much satisfaction in their task.

To the students: you, the foundation class of the Waikato Law School are in a very special and privileged position. You are the ones who can turn the noble aspirations of this School into noble deeds. The degree to which you, in the future, practice what you have been taught will be the measure of the School's success or failure.

I wish you well and happy and have delight in declaring the Waikato Law School officially opened by unveiling a plaque to commemorate this great day.

Her Excellency,

The Governor General

Dame Catherine Tizard GCMG, DBE

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