

FOREWORD

Judge Layne Harvey

I met Nin in Room 237, the Interim Marae, in the University of Auckland Student Union Building, before it was named Hineahuone. That was in early March 1987, almost 30 years ago. I had caught a glimpse of her at the yet-to-be-formally-opened Waipapa Marae when all new first year Māori students were invited to a pohiri outside of the administration block at Māori Studies. Her height, compared with many of her peers, her glasses and her full-throated often nervous laugh, occasionally garnished with somewhat pungent language, guaranteed her notice during the harirū. By design or otherwise, Nin would always stand out in a crowd.

Never far from controversy, Nin would embroil herself in the Māori student politics of the day with a barely-concealed eagerness. She relished a good debate and was fearless in her arguments including when she tangled with the then Head of Māori Studies, the late Sir Hugh Kawharu, over the role of Māori students at the opening of Waipapa Marae in 1988. The proceedings of Ngā Tauria Māori o Te Whare Wānanga o Tāmaki Makaurau (or NTM, the Māori Students' Association of the University of Auckland) also benefited from her engagement where she regularly debated the issues of the day with some of her peers including the late Judge Karina Williams, La Verne King, Hyrum Parata, Willie Te Aho and Judge David Ambler, to name a few. She also had a rare wit. As third year students we would sometimes peer review our own draft opinions. Nin considered that brevity was not a skill I had mastered with the comment in red ink on an essay concerning Māori land "Layne, your sentences are longer than Judge Jeffries!" We were taught Māori Land Law by John Tamihere in 1991, a unique experience for both lecturer and students, with a significant amount of what is now termed "self-directed learning". The year before in 1990, Nin was also involved in establishing Te Rākau Ture, the Māori Law Students Association at the University of Auckland and was part of the programme of study groups, tutorials and volunteer mentoring for first and second year Māori Law students. Eventually, Nin would graduate with an LLB (Hons) degree in 1992, one of only three Māori that year, along with Christian, now Justice Whata, and William Kelly. With her exemplary academic results Nin secured the highest number of law clerk interviews of any Māori graduate, probably in the country. Yet she was dismayed that only two down-town firms offered her positions and wondered why so few. "It's because they've met you" I responded, a reply she thought both outrageous and hilariously correct at the same time. But that was Nin – forthright, opinionated and a ceaseless advocate for the acknowledgment of Māori.

Soon after her appointment to the Faculty later that year, we continued with our system of parallel tutorials, seminars, Māori issues mootings and learning weekends and wānanga for our students. Several of us who had graduated with Nin would often spend every second weeknight in her office at the then recently opened Law School on Eden Terrace. It was certainly a vast improvement on the Library Building where the Law School used to be housed - more so because not only did we succeed in retaining our Māori student support coordinators with an office but we were also able to secure a permanent learning space - Te Ako. In time Nin would rise to the rank of Associate Professor and also taught at Waikato University. Her courses included Māori Land Law, Contemporary Tiriti Issues and Comparative International Indigenous Law while at the same time, with support from Professors Jane Kelsey and David Williams, she ensured that mainstream courses like Public Law, Jurisprudence and Legal System/ Legal Method retained important Māori elements. She also pioneered *Te Tai Haruru* - the Journal of Māori Legal Writing for which I had the honour of writing a foreword in the first edition in 2004. Typical of Nin she believed that there was a “gap in the market” for local Indigenous legal writing and instead of musing about why this was so, she set about to remedy that deficiency, as she saw it, which led eventually to the production of *Te Tai Haruru*. This too will be one of her enduring legacies.

Without doubt, Nin took her role as a Māori legal academic - and in that order - very seriously. Few Māori lawyers would commit to print phrases about superior court decisions affecting Māori as “reinforcing their own mono cultural supremacy” as highlighted in the essay on Māori and adoption by Professor Jacinta Ruru. Or have an article on indefeasibility and Māori land published under the title “Jurisdiction Wars: Will the Māori Land Court Judges Please Lie Down”.¹ In time, Nin became extremely concerned with (she even acknowledged obsessed by) the *Takamore v Clarke* line of judgments that culminated in the Supreme Court decision of 2012.² Unsurprisingly, several of the articles and essays in this edition of *Te Tai Haruru* have as their focus that seminal decision, which involves: tikanga; Māori land and wāhi tapu - in this case an urupā; the interests of hapū and the wider whānau; and how all of these overlapping interests intersect with the law. She also made considerable efforts to strengthen the connections with Indigenous academics and would regularly attend symposia, conferences and seminars across the Americas and the Pacific. Contributing to the discourse on first nations’ struggles was a priority for Nin.

¹ (2000) 9 BCB 33.

² *Takamore v Clarke* [2012] NZSC 116, [2013] 2 NZLR 733.

Nin had many interests and passions. She was intensely proud of her Croatian whakapapa even traveling there in 2005-2006 to meet her whānau from that far away part of the world. Her tribes were also a crucial part of what defined Nin and she would offer comment and criticisms on the internal politics of her iwi. She was also an Independent Hearings Commissioner under the Resource Management Act 1991. Nin was the Founding Chair of the Mana Trust, established to encourage informed representation of Māori and Pacific Island issues in the New Zealand media and was involved with *Mana* Magazine. She also wrote for the Collective Human Rights of Pacific Peoples, published in 1999. As foreshadowed, Nin was an active member of NTM as well as Te Rūnanga Roia o Tāmaki Makaurau an initiative spearheaded by Joe, now Justice Williams, and Te Hunga Roia Māori.

Nin might have been many things if she had sought to pursue other careers. Any political party would have benefited from her insights, her tenacity, her capacity for hard work and her empathy for our people. On the rare occasions when she acted as an advocate – during employment proceedings involving friends and whānau – she took no prisoners, often straying to and sometimes over the limits of judicial patience. With her knowledge of tikanga and her bilingualism Nin would have made an important mark in the various fora of Māori dispute resolution if she had wanted to traverse that path.

I knew Nin for 27 years. She could be very funny, often self deprecating, and infuriatingly irascible at the same time. We attended many hui, wānanga, awards and social events over the years as well as holding hui and study wānanga for students and judging mooted competitions. Every year she would ask me to take a lecture in Māori land or Treaty Issues. We had plans for 2014 as well in terms of classes and courses. She told me about her illness a year before she died when I asked if she might supervise my PhD. When we met to discuss the idea I then saw what a toll the cancer was beginning to take. Even so, Nin carried on with mahi. I invited her to attend circuit court with me for a change of scene and we would have monthly catch ups by phone, email or in person. I admired her strength at such a terrible time. I visited her at home for the last time (little did I know it would be) on 17 January 2014. She looked frail but her attitude remained positive. We had a long korero over four hours about her work now and in the future. She was working on more case notes and lecture plans for Māori land in 2014 with *Takamore* again retaining prominence. The week before she passed away Nin was talking with Law School deans and colleagues about her work in 2014, as Claire Charters has outlined in the introduction to her essay on *Tamakore*. It will be very different and difficult going to the Law School now knowing that Nin is no

longer in the space she occupied for 22 years.

In summary, as Khylee Quince so eloquently affirms in her poignant farewell to a friend and mentor, for most of her career at the University of Auckland, Nin was a pioneer, a charismatic, determined and dominating figure who left her indelible mark on the Faculty of Law and influenced the pathways of so many taurira during her 22 year tenure. As she approached the final stages of her illness with courage and dignity, Nin would reflect on our customs and how the transformation from mortal to revered tipuna (ancestor) was simply another step in an unending state of consciousness.

Amongst her many achievements, few were as important to her and ultimately to her legacy than her son Inia, and her doctorate, the first in Law for a Māori. Nin secured that distinction in 2006 with a thesis on Māori customary law entitled “Key Concepts of Tikanga Māori and Their Use as Regulators of Human Relationships to Natural Resources in Tai Tokerau, Past and Present”. Coincidentally, this was the same day Inia graduated from Medical School. She was even more proud of her son’s success than her own. Even so, it had been, she wrote, an arduous yet fulfilling enterprise on an endless pathway of learning, which she mused, might make some contribution to the conversation. I leave the last word to her:

This study has been a journey of discovery for me – of dead ends, new directions, and much discarding of information. What have I achieved as a result? I have not become an expert in tikanga or te reo Māori. This seemingly endless process of inquiry, evaluation and constant revision has made me aware of how very little I know, or matter in the wider scheme of things. In the end all I can say with certainty is that the work is mine. I hope that it makes a small contribution toward the survival and progress of my people and New Zealand society generally.

TRIBUTES TO NIN

