



New Zealand House of Representatives
Te Whare Māngai o Aotearoa

Regulations Review Committee
Komiti Arotake Waeture

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Complaint about the Professional Examinations in Law (Tikanga Māori Requirements) Amendment Regulations 2022

Presented to the House of Representatives
by Hon David Parker, Chairperson

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Complaint about the Professional Examinations in Law (Tikanga Māori Requirements) Amendment Regulations 2022

Recommendation

The Regulations Review Committee has considered a complaint about the Professional Examinations in Law (Tikanga Māori Requirements) Amendment Regulations 2022 and recommends that the House take note of its report.

About the complaint

In April 2024, we received a complaint about the Professional Examinations in Law (Tikanga Māori Requirements) Amendment Regulations 2022 from Gary Judd KC.¹ The amendment regulations were made under section 278 of the Lawyers and Conveyancers Act 2006 (the Act) and amend provisions of the Professional Examinations in Law Regulations 2008 (the regulations). We note that the amendment regulations were made on 5 May 2023 but have a commencement date of 1 January 2025.

The complainant considers that the amendment regulations are not made in accordance with the Act's intention because they extend beyond legal work and the provision of legal services. He states that tikanga is not law and that the amendment regulations are an unusual or unexpected use of the powers conferred by the Act because, in his view, they are unprecedented.

Mr Judd submits that the amendment regulations trespass on the personal rights and liberties of law students and members of the public who might wish to become law students were they not subject to them. He requests that the amendment regulations be disallowed in their entirety.

In July 2024, we received a submission from Thomas Newman in support of Mr Judd's complaint. Mr Newman stated that the amendment regulations require elucidation as they advance a political agenda. Under his interpretation of the Standing Orders, he argued that we should bring the amendment regulations to the special attention of the House if we see substance in this claim. We extended our consideration of this complaint to explore the additional point he raised relating to Standing Order 327(2)(i).

This committee's jurisdiction

Under Standing Order 326(5), the committee may investigate complaints about the operation of regulations and report on complaints to the House of Representatives. Where a complaint relates to one of the grounds set out in Standing Order 327(2), the committee can draw the

¹ We refer to the Professional Examinations in Law (Tikanga Māori Requirements) Amendment Regulations 2022 as the amendment regulations throughout this report.

regulation to the special attention of the House. In addition, any member of Parliament may give notice of a motion to disallow secondary legislation. We describe the disallowance procedure in Appendix B of this report.

The amendment regulations

The amendment regulations were made by the New Zealand Council of Legal Education (NZCLE). Under section 278 of the Act the NZCLE is empowered to make regulations prescribing the compulsory courses of study for persons wishing to be admitted as barristers and solicitors of the High Court of New Zealand. The aim of the Act is to maintain public confidence in the provision of legal and conveyancing services and to protect consumers of those services.

The amendment regulations require that, from 1 January 2025, the New Zealand legal education curriculum include:

- a new compulsory law course on tikanga Māori | Māori laws and philosophy
- relevant content on tikanga Māori | Māori laws and philosophy in existing compulsory courses.

A copy of the Professional Examinations in Law Regulations 2008, with amendments highlighted, is provided in Appendix C of this report.

Initial consultation on the complaint

We invited the NZCLE and the New Zealand Law Society to make written submissions on the complaint. The entities have similar views on the matter. The NZCLE told us that it made the amendment regulations because it considered that people wishing to be admitted as lawyers should possess some knowledge and understanding of tikanga Māori as a core competency.

In its submission, NZCLE said that it undertook consultation before deciding to require that te ao Māori concepts, including tikanga Māori, be taught in each core subject within the Bachelor of Laws. The NZCLE consulted the Judiciary, law schools, professional associations, and student associations.

The NZCLE reported almost universal support for the main proposals. Several lawyers' associations and other stakeholders wrote to us in support of the NZCLE's decision and the amendment regulations.²

Our consideration

We agreed to investigate the complaint and held oral hearings with Gary Judd KC, NZCLE, and Thomas Newman on 16 October 2024.

We investigated the complaint on the grounds that the amendment regulations may:

- trespass unduly on personal rights and liberties (SO 327(2)(b)).

² These submissions are available on the [Parliament website](#).

- appear to make some unusual or unexpected use of the powers conferred by the enactment under which they are made (SO 327(2)(c)).
- for any other reason concerning its form or purport, call for elucidation (SO 327(2)(i)).

We did not pursue the complainant's reasoning based on SO 327(2)(a) (that the regulations are not in accordance with the general objects and intentions of the enactment under which it is made). We consider that the substance of the complainant's points is addressed through our discussion under SO 327(2)(c).

Standing Order 327(2)(b)—Undue trespass on personal rights and liberties

Mr Judd stated that the amendment regulations trespass unduly on the personal rights and liberties of law students and those who might wish to become law students if the amendment regulations did not require that they study tikanga.

We note that law students are already required to study compulsory subjects during their education when they may not want to.

The complainant also submitted that the amendment regulations “directly trench upon” section 13 of the Bill of Rights Act 1990, which pertains to “freedom of thought, conscience, religion, and belief, including the right to adopt and hold opinions without interference”. He said that they were intended to “inculcate beliefs which may be held by some in our Māori community”.

We note that requiring law students to learn about tikanga Māori does not mean that they must then practise tikanga in their personal lives or agree with all concepts in te ao Māori. During its oral hearing, the NZCLE said that the legal curriculum already includes aspects of the law that are political. Students are not required to subscribe to these ideas, and are often given the chance to discuss and challenge them. It also stated in its written response that section 5 of the Bill of Rights Act allows the freedoms in section 13 to be subject to reasonable limits. It considers that, given the public interest in lawyers competently providing legal services, requiring prospective lawyers to pass courses in core legal topics is a justifiable limit on this right. We do not consider that these amendment regulations trespass on the rights to freedom of thought, conscience, religion, or belief.

Standing Order 327(2)(c)—Unusual or unexpected use of powers

Mr Judd argues that the amendment regulations go beyond the Act's purpose of regulating legal work and legal services. To require the compulsory teaching of tikanga Māori to prospective lawyers is unusual or unexpected because it does not relate to the provision of legal work or services. The Act regulates lawyers and conveyancers with the dual purposes of maintaining public confidence in their work and protecting consumers of their services.

In its response to the complaint, the NZCLE cited the increasing relevancy of tikanga to the legal sector as the motivation behind these amendment regulations. It considers some knowledge and understanding of tikanga to be a core competency for those wishing to become lawyers in New Zealand. The Act's purposes do not contain a requirement for the education of legal students to be only about legal work or services. It said in its oral hearing that there was nothing improper about the use of its power or the way that it exercised it. During consultation on the amendment regulations, it received extensive support for the

changes and has since seen support from other submitters on this complaint. NZCLE also noted that it would be the role of the universities to determine how the courses and content are delivered.

When addressing ground (c), this committee generally approaches its analysis by determining whether or not secondary legislation makes unusual or unexpected use of powers given the policy or intention behind the empowering Act. With this interpretation in mind, we do not consider that Mr Judd's argument is relevant to Standing Order 327(2) ground (c). However, during our investigation we have considered an alternate line of argument around ground (c). Most of us consider that to legislate the requirement that all mandatory legal courses include an element of tikanga, rather than solely requiring a stand-alone course on tikanga, is unprecedented. Because of this, a majority of the committee considers that the amendment regulations are an unusual or unexpected use of powers.

Standing Order 327(2)(i)—Need for elucidation

In addition to supporting the points made by Mr Judd, Thomas Newman argued that the amendment regulations should be brought to the special attention of the House as they "advance a political agenda" and therefore meet the ground of requiring elucidation "on the face of it". Thomas Newman stated that, even if the committee did not form a final view or agree with his viewpoint, the nature of the amendment regulations' connection to SO 327(2)(i) was substantial enough for the complaint to be brought to the special attention of the House and disallowed.³ His statement is based on his reading of SO 328(1), and his view that the threshold for bringing secondary legislation to the special attention of the House is low.

NZCLE responded to Mr Newman's submission. It noted that Mr Newman does not discuss any unclear or ambiguous language in the amendment regulations that requires further elucidation, instead using the SO ground as a catch-all to discuss his concerns with the underlying policy. Referencing previous decisions of this committee, NZCLE argued that complaints made on the ground that elucidation is required should refer to specified concerns regarding the language of the regulations, rather than the policy behind them. It also considers that Mr Newmann has interpreted SO 328 incorrectly.

We agree that Mr Newman has not connected his concerns in relation to SO 327(2)(i) to the language in the amendment regulations. We also consider that his argument regarding the threshold to bring secondary legislation to the special attention of the House is not made out.

Our conclusion

We thank the complainant and submitters for their engagement with this committee. We do not consider that the amendment regulations trespass unduly on personal rights and liberties or require elucidation. However, we have resolved, by majority, to partially uphold the

³ SO 328(1) states that "where a complaint is made to the committee or to the chairperson of the committee by a person or organisation aggrieved at the operation of secondary legislation, the complaint must be placed before the committee at its next meeting for the committee to consider whether, on the face of it, the complaint relates to one of the grounds on which the committee may draw secondary legislation to the special attention of the House."

complaint on the grounds of Standing Order 327(2)(c)—that the regulations make unusual or unexpected use of powers.

It is the view of the majority of the committee that it was an unusual and unexpected use of the Council of Legal Education’s powers granted to it by Parliament to require tikanga to be taught as a compulsory component of every other compulsory law subject where relevant. There is no precedent for this, and no other compulsory law subject that is not only a stand-alone compulsory law subject, but also a compulsory component of every other compulsory law subject. By definition that is unusual and unexpected, and the majority of the committee is of the view that this aspect of the regulations should be disallowed.

For the sake of clarity, the majority does not take issue with the Council of Legal Education using the powers granted to it by Parliament to require tikanga to be taught as a stand-alone compulsory law subject, for the reasons outlined elsewhere in this report.

If the House determines that further consideration should be given to amending the amendment regulations, the House has a statutory power to do so by passing a resolution to this effect. In Appendix B of our report, we outline the process for how such a power could be used. For completeness, we also describe the process for disallowance of secondary legislation in Appendix B.

Comments made by the Judiciary

We recognise that submitters have ongoing concerns about the way that these amendment regulations may be perceived as intending to influence the law, rather than to provide for education on the law. Reference was made by submitters to speeches given by senior members of the Judiciary which they see as advancing a political agenda rather than judicial interpretation or the application of the law.

Complainant Gary Judd KC referred to speeches by Supreme Court Justices Joe Williams and Susan Glazebrook. In his 2021 speech “Decolonising the Law in Aotearoa: Can we start with the law schools” Supreme Court Justice Joe Williams said:⁴

It is now clear the approach of the past will not be enough in the future. In late 2019, the New Zealand Council of Legal Education (CLE) called on each law school to give an account of itself in terms of the treatment of tikanga in their degree programmes. That followed the Borrin Foundation sponsored publication of an issues paper on the challenges of indigenous legal education. It was the collective work of the entire national cohort of Māori legal academics and it called for significant change. It challenged legal educators to adopt a bijural, bicultural, bilingual legal education system. In November 2020 the Council of Legal Education resolved that tikanga Māori must become a core requirement of undergraduate legal education. On 7 May 2021, the Council resolved unanimously that Te Ao Māori concepts, including tikanga Māori, must be taught in each of the compulsory New Zealand Council of Legal Education subjects (except legal ethics). The Council and law schools, with the

⁴ Justice Joe Williams, “Decolonising the Law in Aotearoa: Can we start with the law schools”.

assistance of the Borrin funded group, are now exploring how to implement this directive.

Justice Joe Williams also noted in his speech that:

I have come to the view that decolonising the law will also be a joint venture. This time it will be a common enterprise between the legislature, the executive, the judiciary and the law schools.

Supreme Court Justice Susan Glazebrook stated in her 2021 address “The Rule of Law: Guiding Principle or Catchphrase”.⁵

I would suggest that, until we complete the process of decolonisation, the rule of law can only be considered a work in progress. The new place of the Treaty and tikanga in the law is a start. There are of course other initiatives underway, including within and outside the courts, but these are beyond the scope of this paper.

We note that comity shown by Parliament towards the courts does not mean that the content of speeches such as these should not be critiqued. That said, our consideration of this complaint has been limited to the secondary legislation’s compliance with the grounds in SO 327(2).

Differing view of the New Zealand Labour Party

The committee is unanimous that the complaint about the Tikanga Māori course being a compulsory subject, alongside the other compulsory subjects listed at regulation 3(1)(b), is not upheld.

The Labour Party disagrees with the majority view that the tikanga Māori requirement for inclusion in other compulsory subjects where relevant is an unusual or unexpected use of the regulation making power held by the New Zealand Council of Legal Education.

We agree with the other aspects of the committee’s report.

Differing view of the Green Party of Aotearoa New Zealand

The Green Party has serious concerns over the process by which the decision for this review was made.

While the concerns raised by the submitters are valid, the fundamental role of the Regulations Review Committee is to determine whether the secondary legislation was made beyond the powers expected under the primary legislation. For the tikanga regulations, the submitters stated that tikanga is not law, but as the committee notes, the use of tikanga is prevalent in the common law of Aotearoa. The submitters further referred to speeches by Supreme Court judges that suggest that there seem to be some sort of political agenda rather than judicial interpretation or the application of the law. This is an inaccurate assumption. Judges have always had the independence to bring in their lived experience

⁵ Justice Susan Glazebrook, “The Rule of Law: Guiding Principle of Catchphrase”.

and their world view, within the confines of legislation, to the way they interpret and deliberate in Aotearoa. The judiciary does not have legislation-making powers, and there is nothing in the speeches that suggest the inclusion of a compulsory tikanga course would extend the mandate of the judiciary.

It is also worth noting that the majority of the committee has gone against the evidence presented to the committee, and made its decision solely based on a subjective interpretation of Standing Order 327(2)(c), whereby the inclusion of tikanga is an unexpected or unusual use of regulatory making power. This is a stretch. As Te Kāhui Ture o Aotearoa, the New Zealand Law Society stated in its submission:

Mr Judd KC's views are not shared by the profession, nor those currently studying towards a Bachelor of Laws degree. A 2023 survey undertaken by the College of Law and New Zealand Law Students' Association indicates that 85 percent of law students consider the study of te ao Māori and tikanga Māori plays an important role in their degree.

It further stated that the decision to make such regulations was the result of consultation involving the judiciary, law schools, professional associations, and student associations. There is nothing unusual or unexpected about the process. Extraordinarily, the only unusual or unexpected use of power in this case is the committee's decision to partially uphold the complaint rather than acknowledging the broader support for these regulations by the sector.

It is valid that the committee should raise concerns over a judge's public speech, even when made in a personal capacity. It is reasonable to assume that the separation of official and non-official capacity is grey for any public figure, and that includes judges. However, we then must also bring into question the role of a King's Counsel as an official appointment by the Crown. In which case, then we must also bring into question any statement made by the submitters in their personal capacity as well. The committee has not done that.

Finally, the Green Party is deeply concerned over the politicisation of the Regulations Review Committee, where decisions are made not based on advice and evidence, but political ideology. This is not only dangerous, but irresponsible. The Green Party would like to urge the committee to reaffirm its responsibility as an instrument for genuine checks and balance of regulatory making power, not as a tool for furthering one's political agenda. Therefore, we do not support this decision.

Differing view of ACT New Zealand

ACT does not have representation on the committee. However, we recommend that the complaint is upheld on the grounds of Standing Order 327(2)(c)—that the regulations make unusual or unexpected use of powers—as noted by the committee.

ACT has urged the committee to make a recommendation to the House that the whole of the regulations be revoked.

Appendix A—Our process and membership

Committee procedure

We met between 1 May 2024 and 2 April 2025 to consider this complaint. We heard evidence from the complainant and eight submitters. We received advice from the Office of the Clerk’s Legislative Counsel.

Committee members

Hon David Parker (Chairperson)
Miles Anderson (from 29 January 2025)
Ryan Hamilton (until 29 January 2025)
Nancy Lu (from 29 January 2025)
David MacLeod (from 18 September 2024 until 29 January 2025)
James Meager (until 18 September 2024)
Joseph Mooney
Hon Jenny Salesa

Dr Lawrence Xu-Nan and Laura McClure also participated in this item of business.

Related resources

The documents we received as advice and evidence in relation to this complaint are available on the [Parliament website](#).

Appendix B—Amending, replacing, or disallowing regulations

Amending or substituting secondary legislation

Section 119 of the Legislation Act 2019 provides the House with a general power to amend or substitute any secondary legislation by passing a resolution to that effect.⁶ Any amendment or replacement would take effect on the later of:

- the 28th day after a copy of the resolution is published
- any date stated in the resolution as the date on which it takes effect.

The House has only used this power once, in 2008, when it resolved to revoke a clause in a notice relating to the scope of practice of enrolled nurses and to substitute it with a new clause.⁷

Process for amending or substituting secondary legislation

1. Any member may give notice of a motion to amend or substitute secondary legislation.
2. Such a notice would be referred to a select committee, to be allocated by the Clerk of the House.⁸
3. A committee that has been referred such a notice:
 - a. examines the notice of motion and determines whether to recommend that the motion be passed; and
 - b. must report to the House on the notice of motion no later than 10 sitting days after the day on which the notice of motion was lodged.⁹
4. A member who lodged a notice of motion that has been referred to a committee is not prevented from moving the motion before the committee has presented its report to the House on the notice of motion. If this occurs, the committee is not required to report to the House.¹⁰
5. If step 4 does not apply and the committee reports to the House, the notice of motion:
 - a. lapses and is struck off the Order Paper if not dealt with by the House within three sitting days after the committee's report has been presented and the committee has not recommended that the motion be passed;¹¹
 - b. does not lapse and is retained on the Order Paper until dealt with by the House if the committee has recommended that the motion be passed.¹²

⁶ Section 119(1) of the Legislation Act 2019.

⁷ This example is described in [chapter 41.4.4](#) of Parliamentary Practice in New Zealand, pp 518.

⁸ Standing Order 331(1).

⁹ Standing Order 331(2).

¹⁰ Standing Order 331(3).

¹¹ Standing Order 331(5)(a).

¹² Standing Order 331(5)(b).

6. In some circumstances, an Act may specify a different timeframe within which the House must pass a resolution in relation to disallowing or otherwise not approving of secondary legislation that is the subject of a notice of motion. If the House does not deal with such a notice of motion before the specified timeframe in that Act, the notice of motion lapses and is struck off the Order Paper.¹³
7. If the motion is agreed to, it is itself secondary legislation.¹⁴

Disallowance of secondary legislation

Section 116 of the Legislation Act 2019 provides that the House of Representatives may, by resolution, disallow any secondary legislation, or provision of secondary legislation that is disallowable.

The disallowance of secondary legislation has broadly the same effect as if the instrument had been revoked.¹⁵ It would not affect the validity of anything already done under that legislation. However, when secondary legislation is disallowed and it had amended, repealed, or revoked any legislation, that legislation is restored with effect from the time when the disallowed provisions cease to have effect. A resolution to disallow secondary legislation is secondary legislation itself.¹⁶

Who may give notice of a motion to disallow secondary legislation

Any member may lodge a notice of motion to disallow secondary legislation. However, the procedures for a notice differ depending on whether the member giving notice is a member of the Regulations Review Committee.

If the notice is given by a member who is not a member of the committee, the process set above will apply in respect of the motion. There is, under that process, no guarantee that the notice will be considered by the House.

However, if the notice is given by a member of the committee, it is retained on the Order Paper until dealt with by the House.¹⁷ Further, any notice of motion to disallow secondary legislation that is given by a member of the committee and is not dealt with by the House will automatically take effect at the end of the 21st sitting day after which the notice is given.¹⁸ Secondary legislation has only been disallowed by the House on one occasion.

¹³ Standing Order 332(6).

¹⁴ Section 120(1) of the Legislation Act 2019.

¹⁵ Section 118 of the Legislation Act.

¹⁶ Section 120 of the Legislation Act.

¹⁷ Standing Order 329, 2023 Standing Orders of the House of Representatives.

¹⁸ Section 117 of the Legislation Act.

Appendix C—Amendments to the Professional Examinations in Law Regulations 2008

The Professional Examinations in Law Regulations 2008, with recent amendments highlighted, are appended to this report. [The document is also available on the NZCLE website here.](#)

Changes to the Regulations, commencing on 1 January 2025, are shown in highlight.

NEW ZEALAND COUNCIL OF LEGAL EDUCATION

PROFESSIONAL EXAMINATIONS IN LAW REGULATIONS 2008

Made pursuant to section 278 of the
Lawyers and Conveyancers Act
2006 (Consolidated 1 December
2017)

INTRODUCTION

1. Title, Commencement, Confirmation, and Definitions -

- (1) These regulations may be cited as the Professional Examinations in Law Regulations 2008.
- (2) These regulations shall come into force on the first day of August 2008 with the exception of the Tikanga Māori Requirements, which come into force on the first day of January 2025.
- (3) In these Regulations, unless the context otherwise requires

- “Chairperson” means the Chairperson of the Council;

“Chief Executive” means the Chief Executive of the Council;

“Council” means the Council of Legal Education;

“Faculty of Law” includes School of Law;

“Qualification for Admission” includes-

- (a) an approved Bachelor of Laws or (Bachelor of Laws with Honours) degree from a University in New Zealand;
- (b) a subject of examination;
- (c) a discrete University level course in Legal Ethics;
- (d) the Professional Legal Studies Course;
- (e) a determination issued to an overseas law graduate or overseas lawyer under these or any corresponding previous Regulations;
- (f) a degree subject, a Legal Ethics course, a practical legal training course or an English language requirement prescribed by the Council pursuant to such a determination;

“Tikanga Māori Requirements” means:

- (a) the requirement in regulation 3(1)(a)(ii) that the degree course includes teaching and assessment of the general principles and practices of tikanga Māori | Māori laws and philosophy relevant to the subjects set out in regulations 3(1)(b) and 3(1)(d);
- (b) the requirement in regulation 3(b), that the subjects of examination shall include tikanga Māori | Māori laws and philosophy; and
- (c) the prescription of the subject of examination which is tikanga Māori | Māori laws and philosophy, as prescribed in the First Schedule.

“University or University in New Zealand” means a University as defined in section 162 of the Education Act 1989.

[Amended 2025]

ADMISSION REQUIREMENTS

2. Requirements for Admission -

Except as otherwise provided in these regulations, a candidate for admission as a barrister and solicitor shall -

Changes to the Regulations, commencing on 1 January 2025, are shown in highlight.

- (1) Pass or be credited with a pass, under the conditions contained in these regulations, in the subjects of examination under regulation 3 of these regulations; or
- (2) Pass or be credited with a pass, under the conditions contained in these regulations, in all requirements imposed on an applicant under regulation 8 of these regulations; or
- (3) Pass or be credited with a pass, under the conditions contained in these regulations, in all requirements imposed on an applicant under regulation 9 of these regulations.

3. Subjects -

- (1) The subjects of examination shall be -
 - (a) courses prescribed for and satisfying all the requirements for admission to the degree of Bachelor of Laws (or Bachelor of Laws with Honours) at a University in New Zealand at which the candidate is enrolled provided that -
 - (i) the degree course has been approved as a whole for these purposes by the Council and any conditions laid down by the Council in giving its approval have been met; and
 - (ii) the degree course includes teaching and assessment of the general principles and practices of tikanga Māori | Māori laws and philosophy relevant to the subjects set out in regulations 3(1)(b) and 3(1)(d); [inserted 2025] and
 - (iii) any amendment to the degree course has been approved by the Council or by the Chairperson on its behalf.
 - (b) the following subjects (which may be included in the subjects taken for admission to the degree):
 - The Legal System
 - The Law of
 - Contracts The Law
 - of Torts Criminal
 - Law
 - Public Law Property Law
 - Tikanga Māori | Māori laws and philosophy [inserted 2025]
 - provided that -
 - (i) the requirement in respect of any such subject may be satisfied by the completion of two or more subjects as part of the degree course of the candidate where the Council is satisfied that the course content of that subject is spread over those two or more subjects at the University at which the candidate is enrolled; and
 - (ii) the subjects of Land Law and Equity and the Law of Succession shall be treated as the equivalent of Property Law.
 - (c) The Professional Legal Studies Course prescribed under these regulations.
 - (d) A course in legal ethics taught at a Law School University in New Zealand, the examination for which shall be moderated in the manner specified in regulation 6(3) of these regulations.
- (2) (a) The prescription for the subjects in regulation 3(1)(b) of these regulations shall be as defined by the Council and set out in the First Schedule to these regulations.

Changes to the Regulations, commencing on 1 January 2025, are shown in highlight.

- (b) The prescription for the Professional Legal Studies Course shall be as defined by the Council and set out in the Second Schedule to these regulations.
- (c) The prescription for the legal ethics course shall be as defined by the Council and set out in the Third Schedule to these regulations.

4. Approval of Personal Programme -

The annual programme of study of a candidate for examination shall require the approval of the Dean of the Faculty of Law of the University at which the candidate is enrolled.

5. Examination Entry -

Every candidate for examination under these regulations shall enter for examination in accordance with the requirements of the University at which the candidate is enrolled.

6. Examinations -

- (1) This regulation shall apply to the subjects in regulation 3(1)(b) of these regulations. For the purposes of this regulation the expression "examination" includes internal assessment of the candidate's work in each subject conducted by the University at which the candidate is enrolled. The provisions of subclauses (3), (4), (5) and (6) of this regulation shall not apply to any such internal assessment.
- (2) A candidate for admission as a barrister and solicitor who passes or is credited with a pass in any subject to which this regulation applies at an examination conducted by the University at which the candidate is enrolled shall be credited with a pass in that subject under these regulations if the examination is conducted in accordance with the provisions of subclauses (3), (4), (5) and (6) of this regulation.
- (3) In respect of each subject (other than the Legal System) the examination paper shall have been prepared by a University teacher and settled by that teacher and a moderator appointed by the Council after consultation with the New Zealand Law Society and the Deans of the Faculties of Law.
- (4) In respect of each subject the scripts for the said examination shall have been marked by a University teacher and assessed by a teacher from another University appointed by the Council of the University that conducted the examination on the recommendation of the Faculty of Law of that University.
- (5) Any disagreement between teacher and moderator as to the content of any examination paper shall be referred for final decision to a person appointed by the Chairperson of the Council after consultation with the Vice-Chancellor of the University holding the examination.
- (6) Any disagreement between teacher and assessor as to the marking of any script for any subject shall be referred for final decision to a person appointed by the Vice-Chancellor of the University holding the examination.

7. Pass in Professional Legal Studies Course -

A candidate for examination in the Professional Legal Studies Course shall be credited with a pass if the Director of the accredited provider of the Professional Legal Studies Course, or the Chief Executive, issues the candidate with a certificate to the effect that the candidate has passed or should be credited with a pass in the Course.

Changes to the Regulations, commencing on 1 January 2025, are shown in highlight.

OVERSEAS LAW GRADUATES

8. Ad Eundem Credits for Overseas Law Qualifications -

- (1) Any person who has been admitted to the degree of Bachelor of Laws or an equivalent qualification of a University or other institution other than a University in New Zealand but who has not been admitted as a barrister, solicitor, advocate, or attorney by a superior court in any other country may apply to the Council for a determination that the qualification to which the applicant has been admitted is in full or in part the equivalent of a degree of Bachelor of Laws of a University in New Zealand for the purposes of these regulations.
- (2) Every application shall be made in writing to the Council and shall be accompanied by -
 - (a) Documentary evidence of the applicant's educational standing and attainment;
 - (b) The applicant's curriculum vitae, including an outline of the applicant's practical legal training or experience;
 - (c) A statutory declaration that the applicant is the person named in the documents submitted and that the documents are complete and correct;
 - (d) The prescribed fee.
- (3) After considering an application under this regulation the Council, or a committee acting on behalf of the Council -
 - (a) may determine that the qualification to which the applicant has been admitted is the equivalent of a degree of Bachelor of Laws of a University in New Zealand for the purposes of these regulations; or may determine what further courses of study and examinations in general knowledge and law and legal ethics it requires to be taken; and
 - (b) may in its discretion require the applicant to pass a Part or Parts of the New Zealand Law and Practice Examination; and
 - (c) may require the applicant to pass an approved test, or a series of approved tests, to establish that the applicant can communicate effectively in both spoken and written English; and
 - (d) may require the applicant to complete the Professional Legal Studies Course prescribed by regulation 3(1)(c) of these regulations as a condition of admission as a barrister and solicitor.

OVERSEAS LAWYERS

9. Ad Eundem Credits for Overseas Lawyers -

- (1) Any person who has been admitted as a barrister, solicitor, advocate, or attorney by a superior court in any country may apply to the Council for a determination as to what, if any further requirements shall be required of that person as a condition of admission in New Zealand.
- (2) Every application shall be made in writing and shall be accompanied by -
 - (a) Documentary evidence of the applicant's educational standing and professional experience;
 - (b) The applicant's curriculum vitae, including an outline of the applicant's professional legal training and experience;

Changes to the Regulations, commencing on 1 January 2025, are shown in highlight.

- (c) A statutory declaration that the applicant is the person named in the documents submitted and that the documents are complete and correct;
 - (d) The prescribed fee.
- (3) All applications shall be considered in consultation with the New Zealand Law Society.
- (4) In considering any application under this regulation the Council, or a committee acting on behalf of the Council -
- (a) Shall take into account the degree of Bachelor of Laws or the equivalent qualification to which the applicant has been admitted; the nature and extent of the professional training and of the professional experience of the applicant; and the nature and extent of the applicant's knowledge of and experience in the use of the English language, and
 - (b) May -
 - (i) determine what, if any, further courses of study and examinations in general knowledge and law and legal ethics it requires to be taken; and
 - (ii) require the applicant to pass a Part or Parts of the New Zealand Law and Practice Examination; and
 - (iii) require the applicant to complete the Professional Legal Studies Course prescribed by regulation 3(1)(c) of these regulations; and
 - (iv) require the applicant to pass an approved test, or series of approved tests, to establish that the applicant can communicate effectively in both spoken and written English.
- (5) The preliminary determination of the Council, or a committee acting on behalf of the Council, shall be communicated to the New Zealand Law Society, which shall provide the Council with its written comments. After considering these comments the Council shall finally determine the application.

REVIEW

9A. Review of Overseas Law Qualifications Assessment Decisions

- (1) An applicant may apply to the Chairperson of the Council to review a determination under regulations 8 or 9.
- (2) Every application for review must be in writing and:
 - (a) identify the grounds for review;
 - (b) include any information or documents the applicant wants the Council to consider, in addition to information or documents already provided;
 - (c) be accompanied by the prescribed fee.
- (3) An applicant does not have a right to attend any meeting, or to make oral submissions to the Chairperson when undertaking the review.
- (4) When undertaking a review, the Chairperson may exercise all of the powers and discretions the Council was able to exercise when it made the original determination under regulations 8 or 9,

Changes to the Regulations, commencing on 1 January 2025, are shown in highlight.

and may:

- (a) affirm the determination;
 - (b) vary the determination; or
 - (c) set aside the determination and make a new determination.
- (5) The Chairperson will give the applicant written notice of the determination on the application for review, and that decision will be final.

[Inserted 2014]

TIME LIMITATIONS

10. Time Limitations -

- (1) The Council may, in its discretion, assess any qualification for admission which is 10 or more years old at the time when a candidate for admission applies for a completion certificate.
- (2) The 10 year period shall start to run from the date on which the candidate passed, or otherwise achieved, the relevant qualification.
- (3) After assessing the candidate's qualification for admission, the Council may, in its discretion, impose further study or training requirements on the candidate, including—
 - (a) requiring the candidate to pass further degree level courses;
 - (b) requiring the candidate to pass an examination in the law and practice of law in New Zealand;
 - (c) requiring the candidate to pass a discrete University level course in Legal Ethics;
 - (d) requiring the applicant to undertake the Professional Legal Studies Course.
- (4) The fee for the assessment under this regulation shall be as prescribed by the Council.

COMPLETION CERTIFICATES

11. Completion Certificates: Holders of New Zealand Law Degrees -

- (1) Upon completion of the requirements prescribed by the Council, a candidate for admission who holds a New Zealand law degree may apply to the Chief Executive for a completion certificate.
- (2) A candidate for admission must include with his or her application under this regulation -
 - (a) A certificate or transcript from the university where the student studied for the LLB, verifying that the student is eligible for, or has obtained, an LLB (this phrase covers Honours students who would be eligible for the LLB having completed the LLB component).
 - (b) A certificate or transcript from a university verifying that the student has passed Legal Ethics (this may be included in the certificate or transcript in (a) above).
 - (c) A certificate of completion issued by the Institute of Professional Legal Studies, or the College of Law New Zealand verifying completion of the Professional Legal Studies course.
 - (d) The prescribed fee, if any.

Changes to the Regulations, commencing on 1 January 2025, are shown in highlight.

- (3) A completion certificate issued under this regulation shall remain valid for a period of three calendar years from the date of issue.
- (4) After the expiration of the three calendar year period, the Council may, in its discretion, assess the candidate's qualification for admission, and may, in its discretion, apply the provisions of regulation 10(3) and (4) of these Regulations.

12. Completion Certificates: Holders of Overseas Law Qualifications and Overseas Lawyers

- (1) Upon completion of the requirements prescribed by the Council, a candidate for admission who holds an overseas law qualification, or is an overseas lawyer, may apply to the Chief Executive for a completion certificate.
- (2) A candidate for admission must include with his or her application under this regulation -
 - (a) Original or certified copies of documentary evidence showing that the candidate has satisfied all of the requirements prescribed by the Council in its determination in respect of the candidate.
 - (b) The prescribed fee, if any.
- (3) A completion certificate issued under this regulation shall remain valid for a period of three calendar years from the date of issue.
- (4) After the expiration of the three calendar year period, the Council may, in its discretion, assess the candidate's qualification for admission, and may, in its discretion, apply the provisions of regulation 10(3) and (4) of these Regulations.

GENERAL

13. Hardship –

- (1) Any person may submit an application, accompanied by the prescribed fee, to the Chief Executive for relief from hardship on the grounds set out in clause (2) of this Regulation.
- (2) In any case where it is shown to the satisfaction of the Chairperson that the repeal of the Professional Examinations in Law Regulations 1987 and the enactment of these Regulations in their place, or any alteration or amendment to these or any other regulations of the Council, involving a change in any course of study, or in examination requirements, or any other circumstances beyond the control of the student, has caused or may cause hardship to a candidate, the Chairperson may make such provision as may be appropriate for the relief of such hardship.

14. Transitional Provision

- (1) For admission purposes, the Tikanga Māori Requirements shall not apply to any person who commenced or completed a Bachelor of Laws or Bachelor of Laws Honours degree before 1 January 2025.
- (2) Regulation 14(1) does not limit regulation 10 which imposes time limitations, and allows the Council to reassess qualifications and impose new requirements.

[inserted 2025]

Changes to the Regulations, commencing on 1 January 2025, are shown in highlight.

15. Revocation -

The Professional Examinations in Law Regulations 1987 are revoked.

**Chief Executive
Council of Legal Education
1 December 2017**

Changes to the Regulations, commencing on 1 January 2025, are shown in highlight.

FIRST SCHEDULE
Prescription of
Subjects (see
Regulation 3(2)(a))

THE LEGAL SYSTEM (One paper)

An introduction to the New Zealand legal system. Legal reasoning and the judicial process, including selected problems in statutory interpretation. Selected legal institutions in England and New Zealand. Selected legal concepts. This subject may include studies in the history of law and legal institutions in England and New Zealand.

OR

An historical introduction to, and a descriptive outline of, the legal systems in England and New Zealand, including the structure of government, civil and criminal proceedings, the sources of law and the main divisions of substantive law. Legal reasoning and the judicial process, including an introduction of statutory interpretation. An elementary treatment of legal concepts.

THE LAW OF CONTRACTS (One paper)

The general principles of the law of contract and agency.

THE LAW OF TORTS (One paper)

General principles of civil liability. The law as to the various kinds of torts. The law relating to compensation for personal injury by accident in New Zealand.

CRIMINAL LAW (One paper)

The general principles of criminal liability.
[Amended 2017]

PUBLIC LAW (One paper)

The principles and working of the constitution, the institutions of government, the exercise of public power and relations between the citizen and the state. Controls on the exercise of public power, including an introduction to judicial review.

PROPERTY LAW (One paper)

An introduction to the law relating to property, both legal and equitable.

N.B. Regulation 3(1)(b)(ii) provides for the subjects Land Law and Equity and the Law of Succession to be treated as the equivalent of Property Law. The prescriptions for these courses are:

Changes to the Regulations, commencing on 1 January 2025, are shown in highlight.

LAND LAW (One paper)

The history and principles of Land Law

EQUITY AND THE LAW OF SUCCESSION (One paper)

The principles of equity with particular reference to the law of trusts. The principles of the law of succession and of the administration of estates. Choses in action and the assignment thereof.

TIKANGA MĀORI / MĀORI LAW (One paper)

General principles and practices of Tikanga Māori | Māori Laws and philosophy.

[Inserted 2025]

Changes to the Regulations, commencing on 1 January 2025, are shown in highlight.

SECOND SCHEDULE
Professional Legal Studies Course
(See Regulation 3(2)(b) and the Professional Legal Studies Course and
Assessment Standards Regulations 2002)

The Professional Legal Studies Course will be a national course of 13 weeks full-time duration or the equivalent length for other methods of delivery as specified in regulation 3.1 and 3.2 of the Professional Legal Studies Course and Assessment Standards Regulations 2002.

The Professional Legal Studies Course will involve training students in professional conduct and in the following skills:

1. Interviewing
2. Advising
3. Fact investigation and analysis
4. Writing
5. Drafting
6. Negotiation
7. Mediation
8. Advocacy
9. Problem solving
10. Practical legal research and analysis
11. Office and personal management

The skills will be taught in the context of specific legal transactions that are commonly required to be completed by newly-admitted lawyers. Such transactions may include criminal and civil proceedings in the District Court, matrimonial proceedings involving custody, access or property division, buying and selling residential or farm property, the purchase and sale of a business, drawing a will, or other common commercial transactions.
[Amended 2014]

Outcome specifications, assessments and standards for assessment are prescribed by the Council of Legal Education in the Professional Legal Studies Course and Assessment Standards Regulations 2002 and the Professional Legal Studies Course Regulations 2004.

The conduct of the course including course materials, the transactions to be included, instructional and student activities will be regularly defined from time to time by the accredited providers of the Professional Legal Studies Course, who are accredited and periodically monitored by the Council of Legal Education under the Professional Legal Studies Course Accreditation Regulations 2006.

Changes to the Regulations, commencing on 1 January 2025, are shown in highlight.

THIRD SCHEDULE
Legal Ethics Prescription
(see Regulation 3(2)(c))

- 1 An introduction to ethical analysis including an examination of various theories of ethics.
- 2 The applicability of ethical analysis to legal practice.
- 3 The principles of ethical conduct and the role and responsibilities of lawyers.
[Amended 2014]
- 4 The wider responsibilities of lawyers in the community.

Explanatory Notes to Regulations

These Regulations provide for the academic and practical legal training requirements for those persons wishing to be admitted to the profession in New Zealand.

All queries relating to these Regulations must be referred to the Chief Executive of the Council of Legal Education, PO Box 5671, Wellington, New Zealand.