



Speech notes: David Goddard QC

Borin Foundation Launch Event

Supreme Court, Wellington, 20 February 2018

Tihei Mauriora!

E ngā mana, e ngā reo, e rau rangatira mā
Tēnā koutou, tēnā koutou, tēnā koutou katoa

Your Excellencies, the Rt Hon Dame Patsy Reddy and Sir David Gascoigne
Chief Justice and members of the judiciary
Ministers of the Crown
Members of Parliament
Distinguished guests
Family, Friends and Colleagues

At the heart of the Borrin Foundation's work is its vision:

We believe law is essential to a flourishing society – one that is just, inclusive, tolerant and free. Our vision is of an Aotearoa New Zealand where everyone understands the role and value of the law, and everyone enjoys the protection and opportunity that it provides.

That statement of the vision of the Michael and Suzanne Borrin Foundation looks back to the origins of the Foundation, and looks forward to the work we will do.

It looks back to the values embedded in New Zealand society that brought Michael and Suzanne Borrin – my great uncle and great aunt – to New Zealand from Poland in the 1930s. The values that made it possible for them and their only child, Ian, to live and flourish here under the protection of the law.

Our vision also looks back to Ian's life and work. Ian devoted many years of his life to public service – as a Judge, as Police Complaints Authority, and in his voluntary work for a number of charities and sporting organisations. In those areas – and in his legal practice before he went to the bench – Ian rolled up his sleeves and sought to make the lives of New Zealanders better, through the law. The Foundation whose launch we are celebrating today was Ian's parting gift – honouring his parents, marking the family's gratitude to New Zealand, and reflecting Ian's love of the law.



Our vision looks forward to the work we can do, in partnership with our grantees and scholarship recipients, to ensure New Zealand continues to flourish under the rule of law. We aspire to work together to improve our understanding of how our laws operate in practice, to preserve and enhance their strengths, and to identify and address areas of weakness.

The Foundation's grants and scholarships committee, which I chair, has put many hours into thinking about how best to implement Ian's legacy to New Zealand. I would like to pay tribute to the commitment and passion of my colleagues on that committee – the Chief Justice, who participated in the initial meetings at which we developed our vision and guiding principles; her nominee Sir Terence Arnold, recently retired from this Court's bench; Kathryn Beck - President of the NZLS; Christine Grice – who left the committee recently, following her appointment to the High Court bench; Professor Mark Hickford – Dean of the VUW law faculty; and Richard Caughley, the nominee of the Nikau foundation and our MC tonight.

We have been very ably assisted by our philanthropic adviser, Michelle Wanwimolruk. I'm also grateful for the support that the Borrin Foundation's trustee, the Nikau Foundation, has provided for our work over the last year.

The Borrin Foundation aims to fund high-performing people and organisations whose knowledge, skills, commitment, and passion will contribute long-term to the achievement of our vision.

Our funding, through grants, will take into account the potential of a proposal to:

- have a significant and enduring practical impact on the lives of New Zealanders
- be a catalyst for change
- address systemic issues
- build capacity
- engage the broader legal community including practitioners, policymakers, judges, and academics
- develop insights into our legal system through inter-disciplinary collaboration
- target areas that are either under-resourced or under-developed and where there is a clear need for external support.

We have identified two areas that our grant-making will focus on over the next few years – areas where we do not think the law is serving New Zealanders well – the criminal justice system, and family law.

The criminal justice system is an area where transformative change is needed. Among Western developed nations, New Zealand's incarceration rate is second only to the United States. The social and economic cost of imprisoning so many New Zealanders – with Māori



disproportionately represented in this group – is very high. We need to understand how this has come about, and whether there are better – more effective and less costly – ways to achieve the goals of our criminal justice system.

Family law touches many aspects of New Zealanders' lives, often when they are at their most vulnerable. It raises acute issues of access to law, timeliness and affordability, and the fairness of the outcomes it delivers. We need a better understanding of the practical operation of family law in New Zealand today. We also need to think creatively about how we can ensure that the protection of the law extends to all New Zealanders in this context.

Our grant-making in these and other areas will be a mix of pro-active funding, where we seek out significant projects that contribute to our vision, and open grant rounds where we call for expressions of interest. The first of our open grant rounds will take place shortly, with a view to making grants later this year. The details are on our website.

Today it is my very great pleasure to announce the Borrin Foundation's five inaugural grants:

- **'He Whaipanga Hou Update Research'** – this grant is for the completion of a large-scale research project about New Zealand's criminal justice system and its institutions, operations, policies, and effectiveness with regard to Māori. One of Māoridom's foremost legal thinkers, Dr Moana Jackson, will lead this project. Moana wrote the original 1988 ground-breaking report, and has already spent many years undertaking research for this Update.

This grant is for \$614,420 for the final phase of this lengthy research project.

- **'Relationship Property Division Research'** – this project involves socio-legal research into how separating couples divide their property in practice, and what New Zealanders see as fair and just when couples divide property after a relationship ends. This project is especially timely given the Law Commission's current review of the PRA.

This grant is to the University of Otago and a team of social science researchers, for \$577,225 over 2 years.

- **'Access to Justice through Digital Innovation'** – This project will make information on tenancy law, employment law, and the law relating to prisoners more accessible to the 2 million plus New Zealanders who use Facebook every day. The grant is for the development of a suite of three 'chatbots' – please do visit the demo stand to see how they work. This grant will also support the Community Law Manual, a plain-English guide to New Zealand law.

This grant is to Community Law Centres o Aotearoa for \$492,000 over 3 years.



- **‘Whiti te Rā 2018 Hui’** – this grant is to help fund a kaupapa Māori conference about transformative change in the criminal justice system. The conference will include legal lectures and presentations from leading academics and practitioners.

This grant is to JustSpeak for \$43,210.

- **‘Borrin Foundation - Ngā Pae o te Māramatanga Summer Legal Research Internships’** – this collaboration will focus on promoting Māori legal scholarship and nurturing young researchers.

The grant will provide summer internships for six young Māori students – this year’s two interns are here tonight. The total grant is \$39,000 over three years.

I’m also very pleased to announce that the Borrin Foundation and the New Zealand Law Foundation have agreed to work together to ensure that the support we provide for legal research and education is complementary. As a first step in our collaborative relationship, the Borrin Foundation will provide \$150,000 to co-fund projects administered by the Law Foundation.

We expect to make an announcement later this year about scholarships that the Borrin Foundation will offer to support study by talented New Zealanders who share our vision.

I am very excited by the potential of the Borrin Foundation’s inaugural grants, and our future grants and scholarships, to make a difference to Aotearoa New Zealand. I am grateful for the work of many hands and the advice from many wise people, too numerous to name, which has got us this far. I am grateful for your presence and support here today. And above all, I am grateful – as I know we all are – for Ian Borrin’s vision and generosity, which has made all of this possible.

I’d like to invite two of our grant recipients to say a few words: Dr Moana Jackson, the lead researcher for He Whaipaanga Hou Update 2018, and Professor Jacinta Ruru of Ngā Pae o te Māramatanga and Otago University.

No reira, Tēnā koutou, tēnā koutou, tēnā koutou katoa.

David Goddard QC

Chair, Borrin Foundation Grants and Scholarships Committee