**PRO BONO APPLICATION**

**Please edit the following paragraph to improve its grammar and formatting and make it compliant with the Law Style Guide. Also consider the sentence structure, wording, and footnotes.**

In deciding whether taking the land would be fair, the Environment Court applied the treaty principle of active protection.[[1]](#footnote-1) The court referred to the infamous Wi Parata history to highlight its reluctance to cause further grievance.[[2]](#footnote-2) This suggests that Courts are ahead of legislative reform, and that they want to recognise a distinction between Māori land and general land before one exists in legislation. A similar problem arose in Dannevirke Borough Council v Governor-General. The Minister for Land Information said it was ‘present government policy not to allow the compulsory acquisition of Māori land’[[3]](#footnote-3). Unfortunately the Court couldn’t enforce this policy until it had been given ‘legislative effect’.[[4]](#footnote-4) Yet the Public Works Act was passed several months later, still lacking these protections.[[5]](#footnote-5) Hopefully Grace v Minister for Land Information will prompt an overdue legal reform giving Māori land better protection under positive law. A Member’s Bill has already been submitted along these lines.[[6]](#footnote-6)

(see next page)

**IF YOU HAVE COMPLETED LAW 298:**

**Please copy and paste your legal memo exercise below, and state what grade you received for it.**

**IF YOU HAVE NOT COMPLETED LAW 298:**

**Please submit any piece of work which you feel demonstrates your research and writing abilities. Please specify what this piece of work was submitted for.**

**If you have not yet completed 298 and are not familiar with the style guide, don’t worry – we will provide training sessions and make sure everyone is thoroughly comfortable and equipped for their tasks!**

1. Emmet Maclaurin, *‘Fairness’ and ‘Active Protection’: Grace v Minister of Land Information* (2014) 10 BRMB 158 at p 160 [↑](#footnote-ref-1)
2. *Grace v Minister for Land Information* [2014] NZ Env C 82, [2014] 18 ELRNZ 274 at [34] to [39]. [↑](#footnote-ref-2)
3. *Dannevirke Borough Council v Governor-General* [1981] 1 NZLR 129 at 134. [↑](#footnote-ref-3)
4. Ibid, at 135. [↑](#footnote-ref-4)
5. Eager, Alice “’Enough is Enough!’ Achieving the Protection of Māori Freehold Land from Public Works Acquisition” (LLB (Hons) Dissertation, University of Otago) 2015. [↑](#footnote-ref-5)
6. Public Works (prohibition of compulsory acquisition of Māori land) Amendment Bill. [↑](#footnote-ref-6)