

**MĀORI LAND COURT**

**Place:** Wellington  
**Present:** S Te A Milroy, Judge  
 I Brownlie, Clerk of the Court  
 A Joseph-Wiari, Deputy Registrar  
 C Mears, Court Assistant  
**Date:** 20 September 2019

**Pānui No:** SSep3/1    **Application No:** A20180004738    **Personal File:** 453

**Subject:** Oamaru 2A3 BLK XX II Gore S D Māori Reserve Urupā - Replace Walter Karira Tahuaroa-Watson, Nancy Whanganui Riwaka and William Piri Keenan with Trevor Tahuaroa-Watson, Lukas Karira Tahuaroa-Watson and Kere Anne Watson Reece as trustees

**Legislation:** Section 239, Te Ture Whenua Māori Act 1993

**Previous** 52 Te Waipounamu MB 48 – 51 dated 5 October 2018

**Evidence:** 57 Te Waipounamu MB 111 – 112 dated 9 July 2019

**Also present:** Jenny Paku and Karen Martin (by video-conference), Kere Watson-Reece, Trevor Tahuaroa-Watson, Neville Karira Tahuaroa-Watson, Susan Shingleton, Warwick Shingleton

Details of the applicant are as follows:

<u>Applicant</u>	<u>Address</u>
Kere Ann Watson-Reece	131 Maxwell Road, Redwood town, Blenheim 7201
Trevor Tahuaroa-Watson	1 Ruapara Bay, Onauku, Arapawa Island
Lukas Karira Tahuaroa-Watson	1 Ruapara Bay, Onauku, Arapawa Island

**Miss Amiria Joseph-Wiari, Deputy Registrar:** I respectfully refer the Court to previous evidence recorded at 57 Te Waipounamu MB 111 – 112 dated 9 July 2019 where the above application was adjourned to Aotea district for a special hearing to be held in Wellington. The Court further directed that parties may attend the special hearing by video conference.

By way of background on 5 October 2018 at 52 Te Waipounamu MB 48 – 51 the application was adjourned for parties to file submissions within one month of receiving the 5 October 2018 Court minutes. Her Honour Judge Reeves declared a conflict of interest, adjourned the matter and directed it be heard by another Judicial Officer of the Court.

The application was then set down for a further hearing to be held in Invercargill on 25 July 2019 to be heard by Her Honour, Judge Milroy however the matter was further adjourned for hearing in Wellington as set out at 57 Te Waipounamu MB 111 – 112.

Details of the land and trust are as follows:

<b>Name of trust:</b>	Oamaru 2A No. 3
<b>Type of trust:</b>	Māori Reservation
<b>Block:</b>	Oamaru 2A No 3 (Urupā)
<b>Area:</b>	0.1062 hectares
<b>No of owners:</b>	18
<b>District Council:</b>	Ruapehu District Council
<b>Record of title:</b>	477868 (Marlborough District)
<b>Memorial schedule entries:</b>	<p><b>TN 1220 dated 11 February 1980</b> Māori Reservation for the purpose, common use and benefit of the Te Atiawa Tribe</p> <p><b>16 Nelson MB 207 – 208 dated 17 April 1980</b> William Keenan, Nancy Whanganui Riwaka, Walter Karira Tahuaroa Watson (Trustees)</p> <p><b>17 Napier MB 178 – 234 dated 6 October 1983</b> Order determining the land to be Māori freehold land.</p> <p><b>CFR 477868 dated 1 July 2009</b> Registration completed under the MFLR project.</p>
<b>Original and Current Trustees:</b>	<p><b>16 Nelson MB 207 – 208 dated 17 April 1980</b></p> <ol style="list-style-type: none"> <li>1. William Keenan</li> <li>2. Nancy Whanganui Riwaka</li> <li>3. Walter Karira Tahuaroa Watson</li> </ol>
<b>Beneficiaries and purpose:</b>	<p><b>NZ Gazette 14, Page 432 dated 21 February 1980</b> For the purpose of a burial ground for the common use and benefit of Te Atiawa Tribe.</p>

The application seeks to appoint replacement trustees for the Oamaru 2A No. 3 Māori Reservation on the grounds that all trustees are now deceased. Details are as follows:

- Nancy Whanganui Riwaka (date of death – 20 March 1984);
- Walter Karira Tahuaroa Watson (date of death – 13 February 2004); and
- William Keenan (date of death – 22 January 1990).

Filed in support of the application are copies of the death certificates.

A meeting was held on 20 February 2018 at Wynnum Road, Queensland, Australia. Details are as follows:

<b>Meeting notified:</b>	Advertisement placed in an Australian newspaper. Date of advertisement placed is unknown.
<b>Minutes of meeting filed:</b>	Yes, dated 20 February 2018
<b>Trustees being replaced:</b>	Numbers 1 – 3 above.
<b>Proposed replacement trustees:</b>	1. Kere Anne Watson Reece 2. Trevor Tahuaroa-Watson 3. Lukas Karira Tahuaroa-Watson
<b>Trustee consent forms:</b>	Yes

Since the application has been filed the Court has received objections from the following persons:

- Neville Tahuaroa
- Te Amo Poki
- Linda Mary Ohia
- Alan Riwaka
- Jenny Paku
- Pania Shingleton

Full details of the objections received are on file. The Court is to note that whilst the above parties have outlined their individual objections, they share common reasons for objecting to the application filed which are summarised as follows:

- Parties were not notified of the meeting held on 20 February 2018;
- Parties were not notified of the application currently before the Court; and
- Sufficient notice and opportunity has not been given to beneficiaries to discuss and consider nominating replacement trustees.

Pānui notice of today's hearing was sent, by email to parties, on 9 August and 2 September 2019.

#### **TRANSCRIPT OF RECORDED HEARING:**

**The Court:** Nau mai, haere mai ki te Kooti Whenua Māori i tēnei wā. My name is Judge Milroy, so I would first of all just like each of you to introduce yourself so that I know who I am speaking to and also those who are joining us via AVL. Then I understand that the applicant, Trevor Tahuaroa-Watson, kia ora, that you have to leave to catch a plane, so, and in any case the applicant is always making their submissions first, so we will make sure that we can get through everything that you want to say in time for you to be able to leave. So perhaps if you would, Mr Tahuaroa-Watson, if you have got any support people here, if you would like to introduce them.

**Trevor Tahuaroa-Watson, (sworn):** Kia ora, my name is Trevor Tahuaroa-Watson, beside me is Kere Ann Watson-Reece.

**The Court:** Kia ora. Your name is?

**Neville Tahuaroa-Watson, (sworn):** Tēnā koe e te wahine toa, tēnā koe e te whānau. Ko Neville Karira Watson-Tahuaroa taku ingoa. Te Ātiawa taku iwi. Te hapū o Puketapu taku hapū. Nō reira, kei te mihi, tēnā koe, tēnā koutou. Kia ora koutou katoa. Āe, huri noa.

**Susan Shingleton, (sworn):** Tēnā koe, Judge, ko Susan Shingleton ahau.

**Warwick Shingleton, (sworn):** Warwick Shingleton.

**The Court:** Welcome, and I believe we have Ms Martin joining us?

**Karen Martin, (affirmed):** Tēnā koe, tēnā koutou, I am Karen Martin.

**The Court:** Welcome and welcome to the whānau as well. We also have another person, Linda, I am sorry I cannot remember your last name. Would you like to introduce yourself please, Linda?

**T Tahuaroa-Watson:** Judge, if I may.

**S Shingleton:** Judge, if I may, that's Jenny Paku.

**The Court:** Oh Jenny, sorry, Jenny Paku.

**T Tahuaroa-Watson:** Linda is not present.

**The Court:** Thank you, alright. If we could begin with your submissions thanks.

**T Tahuaroa-Watson:** Tēnā koutou, tēnā koutou, tēnā koutou. Ka nui te mihi ki te whānau Tahuaroa-Watson, Puketapu hapū, Onauku Arapaoa, tēnā koutou, tēnā koutou, tēnā koutou. My name is Trevor Tahuaroa-Watson. I am a senior tuakana descendant of Ariki Rangatira tūpunas, Tahuaroa, Tairangi, Tūwatawata te Manu Tahuaroa. Takurua Te Whawai aka Rihari, Tahuaroa Watene, Te Karira Tahuaroa Watene. Karira Tahuaroa-Watson, Walter Te Rangi Tūwatawata Tahuaroa-Watson. Our rangatira brother, Walter Karira William Tahuaroa-Watson. Puketapu hapū, Taranaki Onauku Arapaoa.

23<sup>rd</sup> of May by authority of my whakapapa, tikanga Māori and ahi kā. I file application to replace three deceased trustees of the urupā located at Te Umukuri, Onauku Arapaoa. Registrar advised by mail and pānui the application would be heard at Arapaoa, Waikawa Marae on 5 October 2018. It was adjourned due to Judge S Reeves having conflict of interest and objection from L Ohia, A Love and N Tahuaroa. Registrar advised the application be heard on 20 September 2019 at Wellington, confirming process has been met.

Applicants reiterate content of depositions dated 2 October and 1 September 2019. Applicants submit that application mirrors and is parallel to Judge Mallon High Court hearing 2016. The *Tipene* hearing conclusion 10 which I shall read. Conclusion 10, "I have concluded that an order recognising customary marine title should be made. The applicant group is appropriately defined as Rakiura Māori with customary interests in the islands of Pohowaitai and Tamaitemioka. The evidence establishes the beneficial owners of these two islands and their descendants have such interests. That group is wider than the whānau who currently have houses on the two islands. However, those whānau have sufficient mandate to bring the application on behalf of the applicant group. Mr Tipene's mandate arises from the support he has from those whānau. This is the way of those two islands. Those who exercise the fires of occupation make the decisions. They do so on behalf of all those who whakapapa to the islands."

Objectors. L Ohia. Following the decease of Nancy W Riwaka 20 March 1984 over a period of 35 years has not submitted application to replace trustees. Cost of restoration maintenance and security of Te Umukuri urupā have been met solely by applicants.

A Love. Following the decease of William Keenan 22 January 1990, over a period of 29 years, has not submitted application to replace trustees. Cost of restoration maintenance and security of the Te Umukuri Urupā have been met solely by applicants. Ian Watson-Tahuaroa, following decease of Rangatira Walter Karira Williams Tahuaroa-Watson 13 February 2004 over a period of 19 years, has not submitted application to replace trustees. Cost to restoration, maintenance and security of Te Umukuri Urupā have been met solely by applicants. Ms Shingleton and Jenny Paku, following deceased of three trustees over a period of 35 years have not submitted application to replace trustees. Cost to restoration maintenance and security of Te Umukuri Urupā have been met solely by applicants. End of the deposition, kia ora, kia ora tātou.

**The Court:** Thank you and I notice that you have got your submissions that you had filed previously attached to your submissions that you have made today. Okay thank you. Now there's just a couple of questions that I would like to ask you in relation to your submission for today and that is firstly, first of all I understand that it is your whānau that has the underlying freehold fee simple interests. Yourselves and obviously your brothers and so on. So the urupā sits on or the reservation rather, sits as an overlay on the fee simple and that is the basis of your submissions, that you have that direct connection by ownership and all the things that you have mentioned, whakapapa, and so on, history, to be filing this application. So I have got no issues with the fact that you have taken this initiative and filed the application. That said, there are a couple of things about the meeting that was held on 20 February 2018 that I do have questions about. Now the first is that the meeting was held in Queensland and it was notified, I think, from what is on the file, in an online notification but it is an Australian site and I am just wondering why the meeting was held in Queensland, especially given your very strong views that it is those that are close to the land, who are close physically to the land, who have a good claim to be appointed as trustees. So can you tell me why the meeting was held in Queensland?

**T Tahuaroa-Watson:** First of all, the meeting was held in Queensland because my immediate family, my tamariki, my mokopunas, and my mokomokos reside in Queensland. My tamariki, there are sole remaining general title land holders of the total whenua that used to belong to our tūpuna. We had instance in 2014 where he was held on 5 June 2014, it was set at that hui that another hui would be held 30 days later and our people were to be notified electronically et cetera, so I arranged for my family to have a Skype link with us. We turned up for the meeting and only two others attended. We went ahead and had that July 2014 meeting so for this purposes of this appointing trustees, it was held in Queensland where my tamariki, and mokopunas reside, so that they could attend physically. Having done that, I was back in New Zealand and contacted the registrar prior to filing the applications and asked, should I now publicly notify in the media in New Zealand. And she said, no you don't need to, send the file in and those that wish to know about it, can find out through our offices in Christchurch.

**The Court:** Okay, I understand that and I think the registrar may have been referring, not so much to the involvement of others who are interested in the election of trustees, but as to the actual application that you have made. So I am just wondering if there was a bit of a misunderstanding in terms of what it means that the application was set down for hearing. It is not an endorsement of the application by the Court so much as this is an opportunity for those who are interested to raise objections at the hearing. So do you understand?

**T Tahuaroa-Watson:** Oh yes, yes, yes, that's fine.

**The Court:** Good okay, that's fine. Now and the other thing, of course, the point that you have made is that there does need to be new trustees because all those who were the trustees have now passed away. So something needs to happen because there are ongoing needs for maintenance and so forth of the urupā and those who have been chosen in that meeting, are yourself, Kere Watson-Reece and Lukas, and they are all, if not actually on the island, yourself, Ms Watson-Reece, you are not too far away in Blenheim. So I understand the motivation in terms of who was chosen but the question has been put that you are all from one whānau or one line and that there are others who also have connections to the urupā who would like the opportunity to be involved as well or at least to be consulted. So do you have any response to those?

**T Tahuaroa-Watson:** I think I might have responded to that in my submission in that there has been quite a considerable number of years available to those whānau members to be involved.

**The Court:** Right, and from your point of view, they simply haven't taken the initiative and done something about it?

**T Tahuaroa-Watson:** Precisely.

**The Court:** Those were the only questions I have for you at this time.

**T Tahuaroa-Watson:** Thank you.

**The Court:** So given that you are one of the proposed trustees, Ms Watson-Reece, did you have anything that you wanted to add in support of the application.

**Kere Watson-Reece, (sworn):** Yes, yes I do. Do I have to stand?

**The Court:** No, you can sit if you wish.

**K Watson-Reece:** Sorry I am a little bit nervous, I haven't actually spoken in Court before. I would just like to say that my dad, Walter Karira Watson, was my father. I have grown up on at Arapaoa all my life. I can remember going there with my grandparents and my parents as a child and as I got older, helping my dad manage and keep the place maintained. I am really passionate about Arapaoa. In the last five years I have been down there a lot and I do plan to be down there in the future. My husband and I don't mind doing the maintenance at our own cost and I was happy to accept my cousin Tony Watson's nomination. That is all I wanted to say, Judge, thank you.

**The Court:** Thank you. Now it is now the opportunity for those who have objected to the application to make their submissions, so if you would like to.

**N Watson Tahuaroa:** Kia ora again, kia ora koutou. Kia ora whānau, tēnā koutou. Judge, firstly I think I need to just clarify a few of brother Trevor's deposition. Firstly, I would like to make a comment that we need to recall that brother Trevor moved away many years ago and lived in Australia for, I'm not sure whether it was 35 or 40 years, it was for a long time. During that course of that period, myself and my whānau resided off and on at the property now in Arapaoa Island and I owned the homestead property at one time during that period during which whānau carried out considerable renovations and things like that nature, to upgrade the homestead and property. During that 30 or 40-year

period that brother was over in Australia, it was, we, my girls, myself, who in actual fact maintained the urupā.

So it wasn't just a matter of, you know, it wasn't being maintained. It was but I will be quite up front and say we were not there totally, continually all the time. So from times, the urupā did become overgrown, but that doesn't alter the fact that we have tūpāpaku in there and we have tūpuna in there and so from that aspect I just wanted you to know. Personally from my perspective, in respect of this current submission, I am not actually against my brother or one of my brother's family being represented on the trusteeship but because both he and I and my niece's father, our oldest brother Walter, are directly descended from the Upokoariki, Te Manu Toheroa and Rihari, six generations back, and we have retained ahi kā, kept the fires on the beaches burning, so to speak, and I think it would be only fair, of course, if one of our family was a representative on the trustee.

The priority consideration, my kaupapa has been, that we have a greater family extending even just from five or six generations back. We have 13 branches come from five generations back, so we now have, we have tātou tātou whānau, kei te ao, ngā hau e whā, Te Waipounamu, Wharekauri, so we have had our whānau scattered everywhere, they are all, our tūpāpaku, our tūpuna in the urupā is also theirs as it is ours. So from my perspective and from the line of thinking of ethics, morals and the spirituality of the wairua, that we have there, and we all hold the wairua and the wāhi tapu and the taonga of our people that are there. Our extended whānau also need to be a part of the administration of whatever the structure is that is put in place to be trustees for this very sacred site.

Now on this document here, it is referred to as iwi, hapū and whānau. Now in actual fact, that's a little bit unprecise inasmuch that the urupā reserve was what was cut out of the Oamaru Native Reserve when they were established in 1856 at the time Te Ātiawa, Ngāti Rāhiri hapū sold Tōtaranui to the Crown. From that point in time, iwi had no whenua from which it was replaced. It was left to the hapū and whānau, so that reserve really should be morally under the auspices of whānau and hapū, not iwi, but however that is another issue, I guess.

But what I am saying is, I objected, not because I didn't think that we as the whānau that have remained there for the last generations and retained ahi kā should not have representation on whatever the trust is that is formed but we need to ensure that our greater whānau, scattered afar, also have trusteeship appointments so that they can have input, they can honour, they can manaaki our tūpuna, and our whānau katoa. So that is where I am coming from on that perspective. Absolutely very important for us to retain, to retain responsibility and share it amongst our whānau. The more trustees, I believe, that are appointed, the better.

You see, Your Honour, this is a rather remote rohe that we are talking about. We are talking about a place 25 nautical miles from the nearest town, so to speak. You have got to get there by boat or helicopter and the taonga we have there, contained within the urupā and the whenua itself there is something that is, we are very lucky to have and we need to nurture it and we need to share the responsibility for that nurturing of the care for our old people, as wide and as far as we can. I don't care, I would like to see 100 trustees, if it was mechanically logical but obviously it is not. But what I am saying is, opportunity for our extended whānau would be the way to go. Now I need to also just advise you that in 1990, I lodged a Waitangi whānau claim on behalf of all our descendants, going back six generations and the kaupapa of that claim was that any land was to come, under that Waitangi Wai 124 claim was to come back under the kaupapa in which I originally lodged it and that was from the descendants going back five generations. There is a bit of land, not very much, but we are getting a little bit coming back out of that claim, and that is going to be – that is immediately adjacent to the

Urupā, so we have opportunity to do things, we hope. We have to go through a process and establish an entity before we can secure the titles and things of that nature. So that process is another process but it is an association or can be, if we think visionary enough, in association with the current Urupā location and that nature. So that is really all I have got to say, so I would like to see us join together, I would brother Trevor and my niece and both their whānau, we all come from the same whānau, to join us, hop in our waka and we all go in the same direction. Share what is our responsibility, share aroha, manaaki for our people, our tūpuna and that way I am sure we would reach the destination of joy and happiness. Kia ora koutou.

**The Court:** Ms Shingleton, did you wish to make any submissions?

**Susan Shingleton:** Kia ora. I would just like to say that in regards to the urupā that I assume, and I apologise because I was unaware the actual original deceased trustees that are sitting on the urupā, but I noted that that happened after 1980 when the urupā was placed in the control of Te Ātiawa, whereas prior to that it had been placed, it was in whānau control. So I gauge, because that may have been an undertaking from Te Ātiawa in terms of the appointment of those trustees, I made sure, but I would have also assumed that the maintenance of the urupā and any surrounding lands, would have then become the responsibility of Te Ātiawa as they had been given the responsibility of looking after it. So prior to 1980, whānau did, indeed, have responsibility for it. Post 1980 I would have said it was a wider, every hapū, whānau responsibility. I would say that I, too, don't have an issue, I don't have an issue with the need to have trustees on the urupā. I suppose the issue I have is the tikanga around how that happens and how that moves forward and as my cousin Neville was saying, that we're currently in a process, in terms of establishing a legal entity, and we have to jump through the red book rule and the 20 hoops, determined by iwi as they have them determined by the Crown to enable the return of our whenua, of which the Sounds foreshore reserve, adjacent to the urupā is one of it. This is quite a consultative and robust process so we are ensuring that the tikanga and the kawa around that is right and as cousin Neville said, it would be, it would be important that following that process, that we then look at the trustees. There will be trustees appointed to the legal entity, once it is established and appointed through the Māori Land Court and we would assume, we would be wanting trustees of that entity to then also take responsibility off the urupā. I think that is really, oh and I suppose in terms of who am I. I am a cousin, so my mother and Neville and Trevor's brother, are brothers and sister.

**N Tahuaroa-Watson:** Our father.

**S Shingleton:** Yeah, their father and my mother are brother and sister, so we're first cousins. So that's my relationship and my brother Warwick is here today, too. So we've been, we've currently held two meetings in terms with our whānau. We have set up a Facebook page and we have over 80 of our whānau on that page, from both in New Zealand and overseas. We've had 24 attend our first hui and we have another hui planned next week. This is quite a well-documented process that we are undertaking, that we have been very pleased with the support that we have gained through that and we are wanting to move through that process.

**The Court:** Thank you. Can I just clarify, so your idea would be that when the trustees for your entity that is going to receive these settlement plans is set up? That those trustees would also then become the trustees of the urupā?

**N Tahuaroa-Watson:** Not really, no. Should I answer that?

**The Court:** I am just trying to figure out what exactly.



**S Shingleton:** Well I suppose that could be something the trustees could consider because actually if we were to establish a trust and that has to be determined next week under whatever trust, then the trust can also have those – yes they could have those roles and responsibilities, yes they could, potentially they could.

**N Tahuaroa-Watson:** May I add to that Judge? I don't quite see it like that. What I'm suggesting is that those that in actual fact become part of the entity, beneficiary wise, that they could be the source of the nominations. The source of the nominations for trustee appointments for the urupā. I am not envisaging or suggesting that the Wai 124 entity structure, the recipients of the Wai 124 claim would actually be faced with the responsibility but some of those that are representing our wider whānau, katoa, would have the opportunity to be nominated as perhaps trustee membership alongside others. That's the way I see it.

**The Court:** We haven't forgotten those of you who are coming in by AVL. Ms Paku, I understand that you weren't wanting to say anything. You were just interested in hearing what was going on.

**J Paku:** Mhm.

**The Court:** That's correct. Alright, so perhaps, Ms Martin, did you wish to make any submissions?

**K Martin:** Kia ora. I challenge what cousin Neville, as Neville explained and Susan explained, we're all first cousins, we are all related and we are not trying to cause a conflict amongst ourselves and we want to support this kaupapa because what we have lost is way further than what we have retained so I think what we want to do is to protect and maintain what is more than the land that we have brought back. We want to maintain that and make sure it survives in to the future. Now going back to what Susan said about the meeting that he held – we had a meeting in 2014 and there were very few representatives of the family at that meeting and several of us suggested that we have another meeting, that this meeting wasn't the way to do it because there wasn't enough people to represent the other whānau. But there was no agreement of when that meeting was going to take place and I told you about that Trevor again, that that meeting that you said nobody turned up to, or very few people turned up to. We had no knowledge of that and in some way I hold the meeting that you had in Queensland was rather covert because a lot of us couldn't attend that. And the way I see it is that as Māori we should be sharing information. We should be sharing with kaupapa that are set before us, rather trying to cut people out and I feel that I was, myself and many of our family, were cut out of some of those meetings and it wasn't a fair process. And in saying that, I agree that there should be trustees for the urupā but I also believe that there should be a fair representation of all the families that the whakapapa get to vote that area and without cutting anybody out or maybe not broadcasting the information widely enough and that is some of the tapu that I have around how this process has been going. And we have got a lot of family over here in Brisbane and Western Australia and South Australia, that are very, very interested in this proceeding and about what is going on and Warwick is puzzled as to why, you Trevor, have set up an entity in your, under your Tahuaroa-Watson whether it's not really, it's bigger than that and you know, we should be trying to work together, not single out, you know, like separate. We need to sort of, kotahitanga to this. And you know, I just think we need to work as a rōpū rather than as a single entity, this family, or that family. We need to make it more inclusive. So thank you, that is my submission that we include more, put the knowledge out, the information, rather than keeping it in little siloed groups, where it is, kia ora.

**The Court:** Thank you. So I think it is pretty clear what the objections are directed to. So did you wish to make any reply?

**T Tahuaroa-Watson:** Thank you. In respect of Neville's suggestion of more trustees. Prior to the registration of the urupā, my tupuna, in their wisdom, chose to have three trustees for the urupā which is tapu site of course and I see no reason to change those tupuna's decisions to increase or decrease the numbers of trustees. The matter raised by Neville and Susan and Karen of treaty settlements is not an issue here today. The issue here today is to appoint trustees, not to appoint any trustees or any matters concerning Wai 124 or any other matters of the whānau. It is solely for the appointment of trustees. Thank you.

**The Court:** There was just one other matter that was raised in the hui that you held and that was the change of designation of the urupā and I am hearing a little bit from others that that, depending on what the designation might be, that there is some issue about having it designated for the benefit of the whole of Te Ātiawa, so that seems to me that there is an issue there that people may have different views or agree with you on. So I am just pointing out that although we are doing the appointment of trustees' application or hearing the appointment of the trustees' application, there is that other matter in the background. So thank you all for your submissions today.

I should disclose that I did have a conversation with Judge Reeves about the urupā, just to find out a little bit more about it and she felt that she wanted to explain to me why she wasn't able to hear the matter. And she made it clear to me that this urupā is a very important and significant site. It is wāhi tapu for you, your whānau and your hapū and so, although there are no longer burials taking place there, nevertheless, it is a site of significance. And so it is important that there are trustees to look after the site and I take the point in your submissions, Mr Tahuaroa Watson that, you know, something needs to be done and nobody else was doing it, so you took the initiative to do it. That said, the Court cannot appoint trustees unless it is satisfied, and this is in our statute, unless it is satisfied that those trustees have the broad support of the beneficiaries and because the meeting was held in Queensland, and the notification was quite obscure and basically to your own line, your children and mokopuna, I cannot see that as providing sufficient evidence of the broad support of the beneficiaries.

There is only one objection to your son Lukas as a trustee, on account of his age, but I am not hearing that people have got issues about who the trustees are going to be. They have got issues about the process and the fact that they would like to see, given that this is such an important and historical site, that more people are included, at least in the consultation and nomination of trustees, if not in the actual trusteeship itself. So I have come to the view, because our statute does require that broad support, that there does need to be another meeting called, with as wide a notification as possible, so that people have the opportunity to nominate others in addition to those who have been nominated through this application. So that is what I am going to direct.

For the registrar to call a meeting of owners, well of beneficiaries. To give notification as widely as possible and as it stands, the Court staff will be at Waikawa Marae in January I am told and that seems to me, and I discussed this with Judge Reeves because this application was first called at Waikawa Marae, whether that is a suitable venue for a meeting. So I am willing to hear any comments that you may have as to whether Waikawa Marae would be a suitable venue and with the meeting to occur in January when people, hopefully, will be on leave and able to attend that meeting. And if possible, I am not sure what the facilities are like at the marae and what the Court might be able to provide, but if people were able to attend by AVL or by telephone or by Skype, those kinds

of ways of attending, so that those of you who have got your electronic mailing list and so forth, are able to send, you know, distribute the notice further. So that is what I have in mind, that there would be another meeting called at Waikawa with plenty of notice to everyone and with the view of nominating trustees for the urupā.

**N Tahuaroa-Watson:** Within that process would there be limitations or would there be parameters established in respect of numbers of trustees because as I have mentioned just previously, I, in actual fact, would like to even see more than three trustees, so I guess that would be a matter for the occasion, would it?

**The Court:** Yes, I think that is right. I should say now that the Court wouldn't contemplate these kind of numbers, what the Court would contemplate would sort of be from three to seven but that would be a matter for the meeting to decide as to the exact number of trustees and then the nominations can come forward to fill the seats.

Any other questions or comments?

**T Tahuaroa-Watson:** Yes, the ongoing maintenance and security for the urupā. How do you propose that be attended to?

**The Court:** Yes, because there are no trustees so there is no one technically who is responsible for the urupā. I think this is a matter for the whānau who are present today and any others who would like to talk about that to come to some views as to what is to happen in the meantime until the meeting in January can take place. Because you made some good points about the fact, you know, somebody, people who are there on the ground, have the most –

**T Tahuaroa-Watson:** Capability.

**The Court:** Yes, capability. So that is something, but I really would think it is a matter for the whānau who are here today, because these are the people who are showing the interest to try and come to some arrangement with yourself and with themselves to care for the urupa in the meantime, until somebody has got the legal responsibility of doing so.

**T Tahuaroa-Watson:** Nobody has.

**N Tahuaroa-Watson:** May I be upstanding, Your Honour. As we have some impositions by our Te Ātiawa iwi, perhaps it may be something the whānau may wish to consider in due course, is perhaps we could seek and secure financial contributions from our iwi, inasmuch that they are also recorded as being the urupā as being for use of iwi, hapū and whānau, so perhaps that may be an area that we could investigate. And in respect of the Waikawa Marae is well facilitated for all forms of functions and activities and so the hui is to be there. But I do know, I am also on marae committee for Waikawa, as such, the working committee that is, not a thing committee and the marae does have a lot of activities going from hereon now, through to early next year or we have the Māori Battalion reunions and iwi forums and stuff throughout the country, so pretty busy marae.

**The Court:** Right, okay, so we need to bear that in mind. Well what I will do is leave it to the Registrar to liaise with those who are present here today and to make the arrangements in terms of venue and the kind of notice to be given and so forth. If there are further directions that are needed from me, I am happy for the registrar to come back to me and ask for those further directions after the discussions with the whānau and those in Australia. Obviously holding the meeting here in New Zealand, will mean that we need to think about arrangements so that those in Australia can attend in one way or another

but again I will leave that with the registrar and hope that they have the technology to make that possible. Certainly, others seem to be able to use their Skypes and what not to attend meetings. So I think that is where we leave it, for the registrar to start making those arrangements and hopefully you will get a really good attendance and that people will understand the importance of this site and be enthused and keen to take part.

So we will adjourn at this stage.

**Pursuant to section 40 of Te Ture Whenua Māori Act 1993 the Registrar is directed to convene and facilitate a meeting of beneficiaries of Oamaru 2A No 3 Māori Reservation. The agenda is to include a resolution as to the number of trustees at the election of replacement responsible trustees.**

**Costs associated with organising the meeting of beneficiaries are to be met by the Māori Land Court Special Aid Fund.**

**The application is adjourned to Chambers pursuant to rule 6.9(1)(c) of the Māori Land Court Rules 2011 to await the outcome of the meeting.**

*[Nā Susan Shingleton te karakia whakamutunga i te wā 2.09pm].*

Copy of minute to applicants and interested parties.

S Te A Milroy  
JUDGE