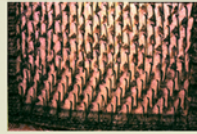


# TOMOKIA newsletter

Te Kōti Whenua Māori  
Māori Land Court

Māori Land Court Decision



RUAPUHA UEKAHA HAPŪ TRUST



***Ngā mihi nui ki a koutou Ngāti Uekaha Ruapuha,  
e noho ana ki te motu whānui.***

***Nau mai haere mai ki te karere o Ngāti Uekaha Ruapuha  
arā ko Tomokia.***

TOMOKIA – SEPTEMBER 2015

Tēnā tātou e te whānau

The Ruapuha Uekaha Hapū Trust (RUHT) are pleased to announce that the Land Court has made a final decision on the review of the RUHT ruling in favour of the RUHT.

The following panui summarises RUHT lawyer John Koning's account of the Māori Land Court's final decision. John's full account can be downloaded from the RUHT website.

You are all aware that there has been long running litigation in the Māori Land Court relating to a review of the RUHT. These proceedings were originally filed in 2006 and have involved two hearings in the Māori Land Court and an appeal to the Māori Appellate Court.

As part of the proceedings there have also been two consultation hui with the beneficiaries in April 2013 and August 2014 which culminated in a postal vote conducted by the Court in November 2014. The results of this postal vote have been covered in Issue 5 of Tomokia released earlier this year in June.

On 24 August 2015 the Court released its final decision on the applications filed by Mr Tane, Mr Martin and the RUHT. This decision is available to download from the RUHT website.

In the final decision Judge Milroy dismissed the applications filed by Mr Martin and Mr Tane. Her Honour held that there was insufficient support for a change to beneficial entitlement as proposed by Tane/Martin. In particular, the Court held that their proposal for a mandatory distribution regime would not allow the RUHT to strike the right balance between current and future generations.

Judge Milroy went on to conclude that the Tane/Martin proposal was not an appropriate basis to vary the trust order and should not be put to the beneficiaries again.

Judge Milroy concluded that the RUHT must retain a discretion over distributions to ensure adequate future provision for an ever expanding class of beneficiary. Her Honour also held that the Wai 51 settlement requires the RUHT to retain wide powers to meet changing circumstances and investment opportunities.

The Court held that a standard form trust order can be appropriately modified to take into account the unique characteristics of the RUHT being the governance entity for the Wai 51 settlement where the class of beneficiary is defined by descent. The Court also concluded that any new trust order must allow the RUHT to make a wide range of grants to beneficiaries and for Māori community purposes to give better effect to the Wai 51 settlement.

The RUHT now intends to undertake an intensive round of consultation with the beneficiaries to develop a new trust order in accordance with the directions in the final decision.

The dates and locations for these consultation hui are as follows:

24 October 2015 - Special General Meeting at Tokikapu Marae

28 November 2015 - Draft Trust Order Workshop at Te Korapatu Marae

20 February 2016 - Annual General Meeting at Te Kauae Marae

Whānau this is an exciting time for the beneficiaries and the RUHT to start to look forward and plan for the future of our generations of today and tomorrow.

Finally whānau we finish this pānui with the opening and closing dates for the next round of Education Grants.

### **Secondary and Intermediate**

Open: 2 November 2015

Close: 18 December 2015

### **Tertiary and Work Related**

Open: 14 March 2016

Close: 22 April 2016

Ngā mihi

Ruapuha Uekaha Hapū Trust

Retraction - In Issue 5 of Tomokia the article regarding RUHT review of trust court sitting 7-10 July 2015 incorrectly stated that there were 109 votes in favour of Option 2 when the correct number was 190 votes in favour of Option 2. The RUHT apologises for this mistake by sending out a retraction on the 6 July 2015 and by correcting both the PDF version and web version of Issue 5 of Tomokia.

## **CONTACT – RUAPUHA UEKAHA HAPŪ TRUST**

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For registrations, education grants and cave bookings please contact the Trust Administrator phone: 0800 525 626. For all other matters contact the Trust Secretary phone: 0800 558 787.