

## Murihiku Trust in trouble?

"To the best of my knowledge no such ambitions and far reaching application has ever been made to the Maori Land Court" is how Judge M C Smith described the application of the Ngaitahu Maori Trust Board to establish a trust to manage 418 Maori land blocks of the Southland and West Otago areas on behalf of the numerous South Island owners of Ngaitahu and Ngati Mamoe.

The application followed months of intensive study and consultations under conduct of the Ngaitahu Maori Trust Board seeking ways to overcome the problem of fragmentation of land ownership and land holdings and to provide a vehicle to promote the economic growth and development of the people.

In October 1980 the Board produced a brochure entitled "Murihiku — choices for the land — choices for the people," prior to convening several well attended meetings of owners at Bluff, Dunedin, Christchurch, Wellington, Te Hauke and Hamilton at a cost of many thousands of dollars.

But the application was dismissed in a decision of the Maori Land Court given on May 29.

### SPECIAL LEGISLATION NEEDED

In dismissing the application, Judge Smith noted that there was a large measure of support for some form of corporate management but added; "I am absolutely convinced that special legislation is necessary to achieve the Board's objectives ..." He then proceeded to draft a bill to provide for the establishment of Murihiku Incorporation to apply to those lands in the application that he considered ought to be included in it.

Judge Smith was critical of the form of draft order "in line in North Island districts.

"The various provisions in the draft order (filed by the Board) which purport to authorise trustees to spend monies to develop communal facilities; to promote tribal and cultural development; to pay monies into a putea account; to assist selected persons to establish businesses or buy homes, or to make general welfare payments, or which purport to empower a majority

shareholding at meetings of beneficial owners to decide the disposition of monies belonging to the minority, are all in breach of basic principles of trustee law and ultra vires the trustees or meetings as the case may be.

"There is no doubt that many of these proposed powers are commendable, but special legislation would be necessary to authorise these" he said.

### DECISION RAISES ISSUES

The Maori Land Court decision raises important issues for the Murihiku owners in particular and for Maori people in general, and in both cases, the views seem to have

been put squarely before the legislators.

Will special legislation be proposed to enable the option for development chosen by a large sector of the Murihiku owners to become a reality? Will the Maori Affairs Act be amended to overcome many of the difficulties seen by the Court as affecting certain existing Section 438 trusts in the North Island?

The answer to the first question may largely lie with the Minister of Maori Affairs and the Ngaitahu Trust Board but the answer to the second may also lie with the legislative review committee of the New Zealand Maori Council.

## TAKE/Business

### Huarahi Development Ltd

Seven Bay of Plenty Maori Trusts and Incorporations have joined a New Zealand exporting company to form a new enterprise to service Maori landowners in the area.

The aim of the new company, called Huarahi Development Ltd, is to create income and employment for landowners wishing to work their own lands.

It is a servicing company, offering horticultural and cash cropping advice, supervision for landowners, training of growers and most importantly, processing and marketing of the produce.

Huarahi has a nursery at Maketu, employing a horticultural advisor and two trainees, which would mean members receiving certified trees and plants supplied from the nursery.

The company will guarantee certified seeds plants and trees and the grower will be assured a nett price for his crop.

Company secretary, Mr Waaka Vercoe, said Huarahi intended to open up marketing outlets in several overseas countries, particularly Japan.

There is a six member board, chaired by Sir Norman Perry, from Opotiki.

The directors are: Mr S. Newton, chairman, Arawa Maori Trust Board; Mr C. Edwards, chairman, Whakatohea Maori Trust Board; Mr T. Te Kani, chairman, Mangatawa-Papamoa Incorporation; Mr G. Butler,

manager director TNL Group Ltd; Mr D. Taylor, general manager TNL Export Ltd.

### New lending vote

The Department of Maori Affairs rural lending vote has risen by 47 per cent, from \$7,285,000 to \$10,093,000 — with \$2 million going to horticulture development.

The new horticulture allocation aims to increase the amount of land being developed for that purpose — at present 720 hectares.

The extra money is also intended to boost such ventures as rock oyster, mussel and eel farming. Finance is being made available to buy land to establish "tribal trusts" where land is owned jointly.

In the total vote of \$59,700,000 (\$53,114,000) about \$13.5 million has been set aside for administration.

The Maori Land Court and Maori Trust Office gets more than \$2.5 million and social services (vocational training and community services) have been allocated nearly \$10 million.

The Maori housing vote has been marginally lowered to just over \$21 million but Maori land development and rural lending has been boosted to more than \$12 million in line with policy. Salaries account for \$19.5 million.

The department had also allocated \$500,000 to encourage Maori people to enter owner-operated businesses, after training seminars had stimulated demand for such finance.