

## Mihimihi

E nga mana, e nga iwi, e nga waka, tēna koutou katoa.

Ko tenei he panui mo nga tangata whenua, ko te iwi o nga waka o Kai Tahu, o Kati Mamoe, o Waitaha me nga iwi o nga Matawaka ki roto i nga rohe o te whanui o Kai Tahu.

Kia ora

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## Staff Profiles:

### ***Joy Smith - Manager***

Before joining the Law Centre as Manager in 2006, Joy was for 12 years Executive Officer at Kāti Huirapa ki Puketeraki Rūnaka.

### ***Desiree Williams (Tuhoe) - Llb, BTch(0-8) - Barrister***

Desiree joined the Law Centre in 2007 as a Barrister. She has one daughter.

### ***Haines Ellison (Kai Tahu) - Llb, BA (Geog) - Barrister***

Haines has been a Barrister at the Law Centre since 2009.

### ***Malcolm Lucas - Llb, BSc (Geog) - Barrister***

A Dunedin local, Malcolm joined the Law Centre shortly after graduating from Otago in 2013.

### ***Posala Tioa (Samoa) - Llb, BA (Phil) & BTheol Otago University, BTheol Malua Theological College - Law Clerk***

Posala joined our Law Centre as a Law Clerk last year. Posala is also a minister at the Congregational Christian Church of Samoa in South Dunedin, and has a wife and three school aged children.

### ***Kiri Harmer (Iwi - Nga hau e wha) - BA (Trad Maori Arts) - Volunteer Law Clerk***

Moving from Hastings to Dunedin with her five children, Kiri is currently juggling studying for her law degree and whanau duties. Kiri joined the Law Centre as a Law Clerk in 2013.

## ***Farewells:***

The Ngāi Tahu Māori Law Centre would like to thank Alex Kruize for his valued friendship and dedicated work while at the Law Centre, and wish him well for his future endeavours in Canada.

## **Board Members**

***Nicola Taylor – Chair*** Te Runanga o Otakou

***David Mules – Deputy Chair*** Kati Huirapa Runaka

***Fiona Curd*** – Kati Huirapi Runaka

***Jane Graveson*** – Te Runanga Moeraki

***Des Tipa*** – Te Runanga o Moeraki

***Tim Vial*** – Te Runanga o Otakou

***Jacinta Ruru*** – Academic Law, University of Otago

***David Ehlers*** – Webb Farry, Legal Expertise

We are fortunate to have a Board who have a wide range of skills that contribute to the effective operations of the Law Centre.

We would like to welcome Jacinta Ruru, a lecturer at Otago University, to the Board. Jacinta is taking over for John Dawson while he is on sabbatical for 12 months.

**The Ngāi Tahu Māori Law Centre provides a free legal service in Māori land law issues to Ngāi Tahu Māori living anywhere in the world and to all Māori of any iwi living in the rohe of Ngāi Tahu. If you have questions or concerns about your Māori Land interests or want to know if you have any Māori Land give us a call on 0800 626 745**

**Or email: [info@ngaitahulaw.org.nz](mailto:info@ngaitahulaw.org.nz)**

### **Upcoming Outreach Clinics**

The lawyers from the Ngāi Tahu Māori Law Centre will be conducting a number of outreach clinics in Te Waipounamu over the coming months. These clinics provide an excellent opportunity for those unable to visit our offices in Dunedin to meet with our staff kanohi ki te kanohi.

If you have any questions regarding your Māori land, or if you just want to drop by to meet us in person, then these outreaches are a good opportunity to discuss any issues with our staff who have expertise in Māori land.

The Law Centre staff will be holding the following upcoming outreaches:

- ◆ Arowhenua Marae on the 25<sup>th</sup> of March from 10am until 2pm
- ◆ Christchurch at the Maori Land Court on the 28<sup>h</sup> of March from 10am until 2pm

Outreaches will be advertised in local community Newspapers and Te Pānui Rūnaka. If you would like to make an appointment to meet with a lawyer during one of these outreaches, please contact our manager Joy on 0800 626 745, or if you prefer, contact your local rūnaka to find out when exactly we will be available.

If you feel that an outreach clinic is needed to assist whānau in your area, please contact us and we will try to arrange a clinic near to you in future.

### **Funding and Review**

The Law Centre has undergone a ‘feasibility study’ as it looks to move into providing some user-pays services. It is going to be a long journey as we deal with our current uncertain funding situation but we believe we will be able to continue to provide Māori land services despite a potential withdrawal of government funding. However the Law Centre will be petitioning for continued Ministry of Justice funding, and are currently seeking other sources of funding.

At this stage, we are still interested in hearing from current or potential clients regarding the types of work that they would consider retaining us to carry out. For example, we are looking at starting to draft Wills and Powers of Attorney, so contact the Law Centre if you think this service might interest you.

One of our lawyers, Desiree Williams, has already completed the course to enable her to practise on her own account, and Haines Ellison is due to take the course shortly this year.

### **Changes to Te Ture Whenua Māori Act**

In 2013, a review of Te Ture Whenua Māori Act 1993 (TTWMA) was conducted. TTWMA is the fundamental piece of legislation which governs the majority of Māori land issues. Submissions were requested from the general public as part of the review, and an independent panel of experts was brought in to review the Act.

The aim of the review was to look at ways to promote unlocking the economic potential of Māori land for its beneficiaries, while preserving its cultural significance for future generations. The panel was asked to make recommendations on how to best support the owners of Māori land in reaching their aspirations, while enabling better utilisation of their whenua.

The Law Centre has recently become aware that the results of this review are set to become part of a dramatic revamp of the current TTWMA as early as the end of this year. While we have not received any concrete information about the new proposed legislation, we have learned that the following changes are being considered:

- ◆ Owners must be ‘engaged’ before being able to take action regarding their land
- ◆ Minimum shareholdings for all Māori land
- ◆ Succession to be carried out through application to LINZ or to the Ahu Whenua Trust over *each* block of your land, one block at a time, for each Ahu Whenua Trust. Ahu Whenua trusts then manage the list of owners for their blocks.

Needless to say, the Ngāi Tahu Māori Law Centre is concerned about the impact that these changes may have on our clients. We will be watching closely for any further updates regarding these proposed changes, and will advise when we know more.

Once we are more certain about what the proposed changes will be, we will be petitioning the Government regarding the negative outcomes that could result from these reforms to the Act. We believe that the full extent of the effects of the proposed reforms is not understood by proponents of the reform, and will be actively looking for ways to inform Parliament of the disastrous consequences that would result should the new Act include the changes we have heard about so far.

We welcome your input on this subject, and would be happy to include your thoughts in any correspondence we have with parliament. If you would like more information about the proposal, or to let us know your thoughts on the changes, then please feel free to contact us on 0800 626 745 or email us at [info@ngaitahulaw.org.nz](mailto:info@ngaitahulaw.org.nz).

## **Legal Education Services**

The Law Centre continues to offer a range of Legal Education services throughout Te Waipounamu. These education services are generally in relation to Maori land but we can offer general legal education seminars by request.

We are presently in talks with several banks, aiming to arrange for someone trained to deal with Māori land trusts present at each major branch, to counter the difficulty that we are aware several of our clients are facing when dealing with banks.

We have also recently delivered seminars to a group of Otago Polytechnic students, the Kokiri Training Centre, and to the Otago Regional Council's planning and policy departments, in an effort to promote knowledge of Māori land in our community.

The lawyers from the Law Centre also remain connected to Otago University through Te Roopu Whai Putake - the Māori Law Students group at the University

If you feel that you, your organisation, or someone you know may benefit from being more informed about Māori land or other general areas of law then do not hesitate to give us a call on 0800 626 745 or an email at [info@ngaitahulaw.org.nz](mailto:info@ngaitahulaw.org.nz).

## **A Client Story**

“Landlocked”

In early 2009, our law centre received a distressed phone call from a man whose whanau trust currently leases their direct tipuna whare on Maori land in order to attain improvements to the whare. The distress was due to the fact that the owners of the general land next door had discovered that they owned the access road to the land, and had then blocked anyone from access to their Maori land block.

The only available access was by 4WD over a beach at low tide or by foot across the beach and farm land for quite a long distance. This land is in an isolated rural location and is a significant site for Maori, a former Pa site on which there was once a whole village. It was significant to our client in particular because his whanau occupied the dwelling for many generations and intend to occupy the dwelling for all generations to come.

The lessees had sought the assistance of Te Tumu Paeroa (the Māori Trustee), who are the responsible trustee over the block, to no avail. We agreed to act for this lessee and the fellow lessee of the farmland (also a shareholder in the land and the 3rd generation of her whanau to farm the land) with a view to negotiating access.

We completed research in to the legal status of the land, discussed options with the local authority to recover the land given its long use and belief it was a legal road. Our next step was to call a facilitated meeting between the parties and to demand Te Tumu Paeroa attend the hui. After several hours a handshake agreement was made that the land would be sold to Council and Te Tumu Paeroa would use the funds held for the shareholders of the block to build cattle yards as compensation to the neighbours.

Unfortunately, after several months of negotiation, that handshake agreement fell through.

We then requested Te Tumu Paeroa take the matter to court. For a long time Te Tumu Paeroa refused, suggesting our clients could take the application themselves. This was not an option we considered appropriate or fair for our clients. After a few more months of trying to get action from the Maori Trustee, we decided the only option was to track down and contact the 100 plus shareholders in this land and call a meeting of owners to put a motion to those owners that they instruct their trustee to make an application for access. In the end, the owners stated unequivocally that access was essential and Te Tumu Paeroa was required to make application to the court for access.

After several more months and a fully defended court hearing which involved the trustee, lessee and neighbours, orders were made in favour of the Māori land owners, granting access by way of easement across the land. 80% of the costs of the Māori land owners were also ordered to be paid by the neighbours.

This application would not have occurred but for the persistence of the law centre. The land would still be landlocked and the lessees would have had to abandon their leases due to the lack of access. The only persons that would have had adequate access would have been the neighbours who prevented access in the first place. Now the landowners are able to continue to access and develop their whānau whare.

## **Wills and Māori Land**

If you are in the considering drafting a Will, and you have shares in Māori land, then make sure that you include directions in your Will that instruct what should be done with those shares. It is also important to make sure that your family know where your Will is, and who your lawyer is, so that there are no complications in making sure things are done the way you wish them to be.

The Ngāi Tahu Māori Law Centre can help make sure your Māori Land gift clauses are drafted properly in your Will. Call us on 0800 626 745 if you require assistance with this matter.

### **Māori Land Court Trustee Training**

Those who are appointed as trustees of ahu whenua or whānau trusts often have little or no experience acting as a trustee. In this situation the Māori Land Court will often direct that those people attend 'trustee training'.

Trustee training consists of a free two hour workshop organised by the Māori Land Court and hosted by a Court registrar. The workshop provides a great grounding in Māori land trustee duties, and is also a good opportunity for trustees to ask any questions they might have about trusts, or Māori land in general.

The following are upcoming trustee training workshops held around Te Waipounamu:

- ◆ 3rd April – Christchurch – Maori Land Court
- ◆ 7th July – Invercargill – Murihiku Marae;
- ◆ 8th July – Dunedin – Ngāi Tahu Māori Law Centre

For more information about these workshops, feel free to contact the Te Waipounamu office of the Māori Land Court on 03 962 4900, or see the Māori Land Court website (<http://www.justice.govt.nz/courts/maori-land-court>) for more information.

### **Mediation Service**

The Law Centre has recently begun to offer a mediation service with a kaupapa Māori ethos. The lawyers acting as mediators are LEADR accredited, and have recently attended an intensive course on community mediation held at the University of Otago.

Mediation is a low-cost option for solving disputes and is perfect when maintaining a good relationship is desired by both parties.

If you or anyone you know has a conflict or disagreement that you think would benefit from mediation then get in touch with us and we will be happy to help.

### **Māori Land Court Dates 2014**

The following dates have been set down for Te Waipounamu Māori Land Court hearings in 2014. Note that in order to be heard on these dates, applications often have to be given to the Court at least two months in advance.

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| ◆ 3 <sup>rd</sup> April - Christchurch  | ◆ 4 <sup>th</sup> September - Christchurch |
| ◆ 1 <sup>st</sup> May - Christchurch    | ◆ 8 <sup>th</sup> September - Blenheim     |
| ◆ 5 <sup>th</sup> May - Blenheim        | ◆ 9 <sup>th</sup> September - Nelson       |
| ◆ 6 <sup>th</sup> May - Nelson          | ◆ 2 <sup>nd</sup> October - Christchurch   |
| ◆ 5 <sup>th</sup> June - Christchurch   | ◆ 6 <sup>th</sup> November - Christchurch  |
| ◆ 3 <sup>rd</sup> July - Christchurch   | ◆ 20 <sup>th</sup> November - Invercargill |
| ◆ 7 <sup>th</sup> July - Invercargill   | ◆ 21 <sup>st</sup> November - Dunedin      |
| ◆ 8 <sup>th</sup> July - Dunedin        | ◆ 4 <sup>th</sup> December - Christchurch  |
| ◆ 7 <sup>th</sup> August - Christchurch |  |

The Law Centre will be attending all of the Dunedin hearings, and travelling to attend those in Invercargill. If you would like to meet with our lawyers when we are in Invercargill, then get in touch with us to arrange a meeting before or after Court on the relevant days.

### **Changes to Māori Land Court Fees**

Recently, the Māori Land Court changed its fee structure. This has meant a slight reduction in the cost of succession and trust establishment, but an increase in the fee for holding a meeting of assembled owners, partitioning off a part of a block of land, and applying to correct a past application.

The fees for these common applications are among the changes:

Succession - \$60

Further succession - \$20

Partition application - \$200

Change trustees or establish whānau trust - \$60

For any more information about the new fee structure feel free to contact us on 0800 626 745 or an email at [info@ngaitahulaw.org.nz](mailto:info@ngaitahulaw.org.nz).