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16 August 2017

Omapere Rangihamama Trust
PO Box 604
Kaikohe 0440

Tena koe

Subject: Omapere Taraire E & rangihamama X3A Ahu Whenua Trust - Add
Rachel Witana as Trustee
Section: 239/93

Please find enclosed a copy of the Judgement of Judge M P Armstrong at 157
Taitokerau MB 7-20 dated 16 August 2017 in respect of the above.

Please refer to the Courts directions at clause [55] (a), (b), (c), (d), and (e) of the above
named Judgement.

As case manager should you have any queries in regards to this application, I can be
contacted at email address Arta.Pita@justice.govt.nz. or my direct dial is 09 9839951.

For all other enquiries please dial our mainline (09) 983 9940 and the Advisory will
assist.

Heoi ano ra na

Arta Pita
for Registrar
(encl.)

**IN THE MĀORI LAND COURT OF NEW ZEALAND
TAITOKERAU DISTRICT**

**A20160006309
A20170004180**

UNDER	Section 239, Te Ture Whenua Māori Act 1993
IN THE MATTER OF	Omapere Taraire E & Rangihāmama X3A Ahu Whenua Trust
BETWEEN	BRUCE CUTFORTH, TAOKO WIHONGI, TE TUHI ROBUST, RNAIERA SONNY TAU AND COLLEEN BERMINGHAM BROWN AS TRUSTEES OF THE OMAPERE TARAIRE E & RANGIHAMAMA X3A AHU WHENUA TRUST Applicants
AND	ROSE DUDLEY ON BEHALF OF THE TRUSTEES OF THE NGATOTE ERUERA PIRINI AND NGAWAI ERICA AKUHATA WHĀNAU TRUST Respondents

Hearing: 18 April 2017, 152 Taitokerau MB 261-275
2 August 2017, 156 Taitokerau MB 159-185
(Heard at Whangarei)

Appearances: P Jones for the applicants

Judgment: 16 August 2017

JUDGMENT OF JUDGE M P ARMSTRONG

Introduction

[1] The Omapere Taraire E & Rangihamama X3A Ahu Whenua Trust administers the Rangihamama X3A and Omapere Taraire E (Aggregated) block. The trust order provides for the rotation of trustees. Retiring trustees may stand for re-election. Applications have been filed seeking to reappoint Raniera Sonny Tau, Taoko Wihongi and Bruce Cutforth, who are existing trustees, and to appoint Rachel Witana, as a new trustee. The application is opposed by Rose Dudley on behalf of the Ngatote Eruera Pirini and Ngawai Erica Akuhata Whānau Trust, which is a beneficial owner in the block.

[2] The issue in this case is whether Ms Witana should be appointed, and whether Mr Tau, Mr Wihongi and Mr Cutforth should be reappointed.

The Law

[3] The Court has the power to add, reduce or replace trustees per s 239 of Te Ture Whenua Māori Act 1993. Section 222(2) of the Act sets out the relevant factors when appointing trustees. I adopt the principles in *Clarke v Karaitiana*:¹

[51] The touchstone is s 222(2) itself. In appointing a trustee, the Court is obliged to have regard to the ability, experience and knowledge of the individual concerned. In considering those issues, the Court will no doubt have regard to such matters as the nature and scale of the assets of the trust concerned and the issues the trust is facing. The importance of the views of the beneficial owners of the trust is underlined by s 222(2)(b) which forbids the Court from appointing a trustee unless the Court is satisfied that the appointment of that person will be broadly acceptable to the beneficiaries.

[52] It may be putting the matter too highly to say that the Court should only depart from the views of the owners in rare circumstances. The Court is not bound to appoint the leading candidates resulting from an election by the beneficial owners. A candidate who has strong support from the owners might be regarded by the Court as unsuitable through lack of ability, experience and knowledge or for other reasons. For example, the existence of conflicts of interest might be relevant or the need to obtain a suitable spread of skills amongst the trustees. Nevertheless, the Court would ordinarily give substantial weight to the views of the owners as demonstrated by the outcome of the election. If the Court is minded not to appoint the leading candidates as elected by the owners, it must still be satisfied the requirements of s 222(b) are met. For that purpose, the Court would need to have appropriate evidence before it. The outcome of an election at a meeting of owners is a useful means of obtaining such evidence.

¹ *Clarke v Karaitiana* [2011] NZCA 154.

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[4] The following questions arise:

- (a) Are the proposed trustees broadly acceptable to the beneficiaries?
- (b) Are the proposed trustees suitable having regard to their ability, experience and knowledge?

[5] Ms Dudley also raised a preliminary matter of whether I can consider the reappointment of Mr Tau, Mr Wihongi and Mr Cutforth in this proceeding. I address this matter first before turning to the substantive issues.

Can I consider the reappointment of Mr Tau, Mr Wihongi and Mr Cutforth?

[6] The original application filed by the trustees only sought the appointment of Ms Witana as an additional trustee.² This application did not seek the reappointment of Mr Tau, Mr Wihongi or Mr Cutforth. Despite that, the draft submission prepared by Court staff referred to the appointment and reappointment of all four trustees.

[7] The application was heard on 18 April 2017.³ I discussed the application with Mr Tau and Ms Dudley including the appointment of Ms Witana, and the reappointment of Mr Tau, Mr Wihongi and Mr Cutforth. I adjourned the application, and directed the filing of further evidence.⁴ Ms Dudley filed further evidence and submissions opposing the appointment of Ms Witana, and the reappointment of Mr Tau, Mr Wihongi and Mr Cutforth.

[8] On 26 June 2017, Mr Jones, on behalf of the trust, filed a further application expressly seeking the appointment of Ms Witana and the reappointment of Mr Tau, Mr Wihongi and Mr Cutforth.⁵ Both applications were heard on 2 August 2017.⁶ During that hearing, Ms Dudley argued, amongst other things, that Mr Tau, Mr Wihongi and Mr Cutforth should not be reappointed as the original application only referred to the appointment of Ms Witana.

² A20160006309.

³ 152 Taitokerau MB 261-275 (152 TTK 261-275).

⁴ Directions were issued at the hearing on 18 April 2017 and at a subsequent telephone conference.

⁵ A20170004180.

⁶ 156 Taitokerau MB 159-185 (156 TTK 159-185).

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[9] There is no merit in Ms Dudley's argument. Although the original application only referred to the appointment of Ms Witana, all parties were on notice that I was also considering the reappointment of Mr Tau, Mr Wihongi and Mr Cutforth. This was discussed at the first hearing. Ms Dudley filed evidence and submissions opposing their reappointment prior to the second hearing. At the second hearing Ms Dudley advanced arguments opposing the reappointments. Even without the second application, I still had the power to consider their reappointment per s 37(3) of the Act. The outcome may have been different if this matter was never raised and Ms Dudley did not have an opportunity to prepare her response. That is not the case. This issue was put beyond doubt when Mr Jones filed the second application. I am able to consider the reappointment of Mr Tau, Mr Wihongi and Mr Cutforth in this proceeding.

Are the proposed trustees broadly acceptable to the beneficiaries?

[10] The trustees rely on an annual general meeting of the beneficial owners held on 15 October 2016. They argue that resolutions passed at this meeting demonstrate they are broadly acceptable to the beneficiaries.

[11] Ms Dudley contends that the 2016 AGM was defective as:

- (a) The notice and agenda for the AGM were deficient and confusing;
- (b) Mr Tau's conduct as chairperson was unfair; and
- (c) Beneficial owners were not allowed to elect trustees by casting votes for those nominated.

Ms Dudley submits that a further election should be conducted in order to assess the owners' views.

[12] When appointing trustees I must give substantial weight to the views of the owners. The outcome of an election is a useful form of evidence to assess this. Procedural defects at a meeting of owners do not necessarily invalidate the outcome nor do they prevent me from relying on the outcome as evidence of the owners' views. However, where such defects raise issues of fairness, or where it otherwise impacts on whether the election or the

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meeting is a reliable form of evidence, I may be unable to rely on the outcome to assess whether the trustees are broadly acceptable. I first consider the alleged defects at the 2016 AGM raised by Ms Dudley before determining whether the proposed trustees are broadly acceptable to the beneficiaries.

Was the notice and agenda deficient and confusing?

[13] Ms Dudley states that the 2016 AGM was advertised on the trust website which advised that Mr Tau, Mr Wihongi and Mr Cutforth were up for rotation. She contends this notice did not advise of an election for an additional trustee. Ms Dudley submits that an AGM booklet was distributed at the start of the meeting, and the agenda in that booklet did not refer to an election.⁷

[14] The AGM notice advertised on the trust's website states that Mr Tau, Mr Wihongi and Mr Cutforth were up for rotation and nominations were to be made on the official election form available from the trust office. Nominations had to be submitted between 19 August and 9 September 2016. There is no reference to electing an additional trustee.

[15] However, the trustees issued a subsequent newspaper notice for the AGM. This notice advised of the three existing trustees up for rotation and also sought nominations for an additional trustee. This notice set out the same process and period for nominating trustees as advertised in the website notice. The booking summary states that the notice was published in the Northern Age on two occasions.⁸

[16] Mr Tau advised that the election of an additional trustee was not advertised in the website notice as at that time the trust order only allowed for a maximum of five trustees. Those positions were occupied, three of which were up for rotation. Following the website notice being published, the trust order was varied to increase the number of trustees to seven. It was then that the trustees published the newspaper notice advising of an election for the additional trustee position.

⁷ Ms Dudley further argued that an agenda was displayed by power point presentation at the AGM which also differed to the AGM booklet. A copy of the power point presentation was not filed. Ms Dudley did not file any evidence on the discrepancies she says existed in the power point presentation. In the absence of any evidence I have not considered this argument further.

⁸ A draft notice was also filed with a hand written annotation that it was published in the New Zealand Herald, but there is no confirmation that this was published.

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[17] All beneficial owners had the opportunity to submit nominations pursuant to the process in the website and newspaper notice. Mr Tau, Mr Wihongi and Mr Cutforth were nominated for re-election, and Ms Witana was nominated as the additional trustee. No further nominations were received. Ms Dudley, and others associated with her whānau trust, did not submit any nominations. It is difficult to see how they could have been prejudiced by the newspaper notice advertising an additional trustee position when they did not submit nominations for any of the positions available. There is no evidence that the difference between the website and the newspaper notice caused prejudice to any of the beneficial owners or that this otherwise affected their ability to nominate trustees.

[18] The agenda contained in the AGM booklet did not refer to an election of trustees. It did refer to the chairperson's report. The chairperson's report referred to the nominations received for Mr Tau, Mr Wihongi, Mr Cutforth and Ms Witana and recommended that the owners endorse those nominations.

[19] I do not consider that the discrepancies between the website notice, the newspaper notice, and the agenda in the AGM booklet, affected the outcome of the AGM or whether I can rely on it. The beneficial owners were notified that trustees were up for rotation and nominations were to be made in advance. When the number of trustees was increased by the Court, further notice was published advising that an additional position was to be filled. The same nomination process applied. Only four nominations were received. An AGM booklet was handed out at the start of the meeting. The agenda in that booklet did not refer to an election. However, the chairperson's report, which was within the booklet, addressed the nominations received and recommended that the owners endorse those nominations. The owners had sufficient notice that an election was going to be held and had proper opportunity to nominate trustees for that election.

Was Mr Tau's conduct as chairperson of the AGM unfair?

[20] Ms Dudley argues that Mr Tau acted unfairly when chairing the AGM. She contends that he refused to allow her to speak, and kept shutting her down.

[21] Chairing a meeting of beneficial owners is not an easy task, particularly on this trust. There are a large number of beneficial owners in this block. The trust is facing a number of issues; some are contentious, such as the removal of beneficial owners from

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trust lands. Some of the owners hold strong views about the trustees and do not agree with their decisions. When facilitating an owners meeting, the chairperson needs to strike a balance between reporting to owners, allowing them to express their views, and keeping the meeting on track and in order.

[22] I have listened to an audio recording of the 2016 AGM. Mr Tau raised the nominations received for the trustee positions. He invited owners to move the recommendation contained in his report, and invited discussion from the floor. A female voice can be heard asking who nominated the proposed trustees. Mr Tau advised who nominated the trustees and put the matter to a vote.

[23] I do not know whether the female voice heard in the recording is Ms Dudley. Despite that, I do not consider that Mr Tau acted unfairly. He raised the nomination of the trustees and put it to the floor for discussion. Some discussion occurred and Mr Tau put the matter to a vote. The owners were not given 'free reign' but I do not consider that Mr Tau's actions rendered the outcome of the AGM as unsafe or unreliable.

Was an election conducted?

[24] Ms Dudley contends an election was not conducted at the AGM. She states beneficial owners were not given the opportunity to vote for or against those persons nominated as trustees.

[25] Four trustee positions were up for election. Only four nominations were received. The minutes for the AGM state:

The above were the only legal nominations received and have been checked and validated. As no other nominations were received, those nominations were duly elected.

[26] Mr Jones made a similar submission on behalf of the trust. I do not accept this approach. The outcome of an election is evidence of whether the proposed trustees are broadly acceptable to the beneficiaries. The essential requirement is that the evidence must demonstrate that the trustees are broadly acceptable. The number of nominations equalling the number of positions available is only evidence that a limited number of nominations

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were received. Had this been all the trustees were relying on I would have rejected this argument and required a further election to be held.

[27] That is not the end of the matter. The chairperson's report discussed the nominations received and included the following recommendation:

That the nominations of Raniera T Tau, Taoko Wihongi and Rachel Witana for three vacant Trustee positions and that the nomination of Bruce Cutforth for the independent advisory Trustee role on the ORT Board be endorsed.

[28] The minutes for the AGM record that this was moved and seconded with three against. Mr Tau advised those who opposed the recommendation were Rose Dudley, Josie Farthing and Toko Tahere. He stated all others in attendance voted in favour of the recommendation.

[29] Ms Dudley disputed this. She argued there were others in attendance, who were against the resolution, but who were not recorded in the minutes. I directed Ms Dudley to file evidence in support of her position prior to the second hearing.⁹ Ms Dudley filed a range of documents but did not file any evidence disputing the outcome of the vote as recorded in the minutes. Ms Dudley argued she does not have access to any records of those who voted for or against the resolution. Despite that, she accepted she could have filed statements from those in attendance at the AGM who, she says, voted against the recommendation but are not recorded in the minutes.

[30] Ms Dudley also argued that this specific recommendation to endorse those nominated was not put to the owners for approval. She contends it was the chairperson's report as a whole that was put to the owners.

[31] I do not accept Ms Dudley's arguments. The minutes record that only three owners voted against the recommendation. Mr Tau gave evidence of the beneficial owners who voted against it and that all others voted in its favour. This is consistent with the audio recording of the AGM. Ms Dudley has not filed any evidence disputing this despite having the opportunity to do so.

⁹ See 149 Taitokerau MB 266-270 (149 TTK 266-270).

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[32] Nor do I accept Ms Dudley's argument that this specific recommendation was not put to the owners. The chairperson's report addressed the nominations received and proposed the recommendation as noted above. The audio recording demonstrates that Mr Tau spoke to his report at the AGM. He raised the trustee positions available, that three existing trustees were up for rotation and that Ms Witana had been nominated for the fourth position. Mr Tau invited the owners to move the recommendation. The minutes and recording show that the recommendation was moved by Maureen Anderson and seconded by Te Aroha McIntyre. Mr Tau invited discussion on the recommendation and then put the matter to a vote. The minutes and the audio recording indicate that the resolution was passed.

[33] Ms Dudley was given a copy of the audio recording. Despite that, she continued with her argument that the owners only approved the chairperson's report as a whole, not the recommendation to endorse the nominees. In the face of the recording, it is questionable whether Ms Dudley was acting in good faith when advancing this argument.

[34] I find that the majority of the beneficial owners voted in favour of the recommendation which endorsed those persons nominated as trustees.

Are the proposed trustees broadly acceptable to the beneficiaries?

[35] The election of trustees was advertised on the trust's website and by newspaper. These notices advised of the process and period for owners to nominate proposed trustees. The website notice did not refer to the fourth trustee position but the newspaper notice did. This did not have any impact on the owners. The nomination process remained the same and there is no evidence that owners were prejudiced, or otherwise unable, to submit nominations for the positions available. Only four nominations were received. The agenda in the AGM booklet did not refer to an election of trustees, but this was only handed out at the start of the AGM. The chairperson's report in the booklet referred to the nominations received and recommended that the owners endorse them. Mr Tau spoke to the chairperson's report. His recommendation was put to the owners who voted in favour of it by majority.

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[36] While there were some discrepancies in the approach taken, I do not consider this invalidated the process or rendered the outcome unreliable. The owners voted to endorse the nominations received. Had they not supported those nominations they would have voted against the recommendation. The owners had sufficient notice and opportunity to express their views by voting on this issue and did so.

[37] I am satisfied the proposed trustees are broadly acceptable to the beneficiaries. A further question remains in relation to Mr Tau's nomination, his recent criminal conviction, and whether this was disclosed to the beneficial owners. I address this below.

[38] Ms Dudley also raised issues concerning the appointment of Colleen Bermingham-Brown and Te Tuhi Robust. She contends a proper election was not conducted supporting their appointment. Ms Bermingham-Brown and Ms Robust were appointed as trustees on 21 January 2011.¹⁰ They were not up for rotation at the 2016 AGM. No applications have been filed challenging the order appointing them as trustees or otherwise seeking their removal.¹¹ I have not considered these issues.

Are the proposed trustees suitable for appointment having regard to their ability, experience and knowledge?

[39] Ms Dudley does not object to Ms Witana's suitability as a trustee. Ms Witana has completed a trustee consent form disclosing her experience on other trusts and in the workplace. This demonstrates that Ms Witana has valuable skills to offer. I am satisfied Ms Witana is suitable for appointment.

[40] Ms Dudley raised a number of issues concerning the suitability of the other trustees. These submissions did not focus on their individual ability, experience or knowledge but rather their past performance as trustees. She contends they have failed to discharge their duties satisfactorily and are not suitable for reappointment. Ms Dudley also argues that Mr Tau's recent conviction demonstrates he is not suitable. I first consider the past performance of the trustees before turning to Mr Tau's conviction.

¹⁰ 17 Taitokerau MB 261-275 (17 TTK 261-275).

¹¹ Ms Dudley was given the opportunity to file further applications seeking the removal of trustees per s 240 of the Act. She chose not to do so. See 149 Taitokerau MB 266-270 (149 TTK 266-270).

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[32] Nor do I accept Ms Dudley's argument that this specific recommendation was not put to the owners. The chairperson's report addressed the nominations received and proposed the recommendation as noted above. The audio recording demonstrates that Mr Tau spoke to his report at the AGM. He raised the trustee positions available, that three existing trustees were up for rotation and that Ms Witana had been nominated for the fourth position. Mr Tau invited the owners to move the recommendation. The minutes and recording show that the recommendation was moved by Maureen Anderson and seconded by Te Aroha McIntyre. Mr Tau invited discussion on the recommendation and then put the matter to a vote. The minutes and the audio recording indicate that the resolution was passed.

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Does the past performance of the trustees demonstrate that Mr Tau, Mr Wihongi and Mr Cutforth are not suitable for reappointment?

[41] Ms Dudley argues the trustees failed to properly report back to the beneficial owners. She contends that the trust holds an annual general meeting and a special general meeting each year, but two meetings are insufficient for a trust of this size.

[42] Clause 4.6.1 of the trust order states the trustees must hold an annual general meeting at least every 12 months. The trustees are calling general meetings twice a year. This is above what is required in the trust order. It is difficult to accept the trustees are not suitable for reappointment on the basis that they have failed to hold sufficient meetings of owners when they are holding more meetings than required under the trust order.

[43] Ms Dudley further contends that there has been no consultation with the owners on the farm, papakainga housing, and other significant decisions concerning the trust. These lands are vested in the trustees as the legal owners on behalf of the beneficial owners. It is the role and responsibility of the trustees to make decisions concerning the administration of these lands. There is no obligation on the trustees to consult with the beneficial owners before making decisions other than where expressly required by the trust order or legislation. Ms Dudley has not demonstrated that the trustees have made decisions without consulting the owners where they are legally required to do so.

[44] The minutes from the meetings of owners also record that the trustees provide regular updates to the owners on the administration of these lands. While Ms Dudley considers the beneficial owners should have a more active role in decision-making, there is no evidence to indicate that the trustees have acted outside of their powers in the decisions they have made.

[45] In written submissions, Ms Dudley complained about the payment of trustee fees. Ms Dudley did not advance this argument at the final hearing. In any event, the payment of trustee fees is allowed under cl 3.2.18 of the trust order.

[46] Ms Dudley submits she has raised her concerns with the trust in writing, and the trustees have failed to respond. Part 6 of the trust order provides that where a beneficial

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owner has a grievance and gives notice to the trustees in writing, which is not addressed, he or she may request a general meeting of owners to address the grievance, or may apply to the Court. Ms Dudley accepts she has not taken these steps to address her grievances.

[47] It is clear Ms Dudley disagrees with a number of the trustees' processes and decisions. However, she has not demonstrated that they have breached their obligations, or that those up for rotation are otherwise unsuitable for reappointment. The minutes from the meetings of owners indicate the trustees are properly managing the trust assets and are regularly reporting back to the owners. I consider their past performance demonstrates they are suitable for reappointment as trustees.¹²

Does Mr Tau's conviction demonstrate he is unsuitable?

[48] On 11 August 2016, Mr Tau was convicted for attempting to pervert the course of justice. Ms Dudley contends that this is an offence for dishonesty and reflects on whether Mr Tau is suitable for reappointment.

[49] In 2015, Mr Tau was charged with shooting and possessing protected wildlife namely kereru. Mr Tau and another defendant, Mr Sadlier, made statements to officials from the Department of Conservation that it was Mr Sadlier who shot the kereru and he then gave them to Mr Tau. This was not true. Mr Tau subsequently pleaded guilty to shooting and possessing the kereru and to attempting to pervert the course of justice. Mr Tau was sentenced to community detention, community work, a fine and reparation.¹³

[50] A criminal conviction may be relevant when assessing whether a person is suitable for appointment as a trustee depending on the nature and circumstances of the offending. Not all convictions will be relevant. In this case, Ms Dudley argues it is the conviction for attempting to pervert the course of justice that is relevant.

[51] This Court performs an important supervisory function with respect to Māori land trusts and has extensive powers to discharge that function.¹⁴ Those powers include

¹² This finding is subject to the specific allegation raised in relation to Mr Tau considered below.

¹³ *Police and Department of Conservation v Tau* [2016] NZDC 16497.

¹⁴ *The Proprietors of Mangakino Township v Maori Land Court* CA65/99, 16 June 1999, *Clarke v Karaitiana* [2011] NZCA 154, *Mikaere Toto – Te Reti B & C Residue Trust* [2014] Maori Appellate Court MB 249 (2014 APPEAL 249).

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requiring a trustee to file a report, and to appear before the Court for questioning, on any matter concerning the administration of the trust.¹⁵ When exercising this power, the Court relies on the honesty and integrity of the trustee to assist the Court with exercising its supervisory role. A conviction for attempting to pervert the course of justice is directly relevant to whether such a person is suitable to fulfil that role.

[52] While Mr Tau's conviction is relevant, I am conscious this has not been expressly considered by the beneficial owners. Mr Tau advised he disclosed his conviction to his fellow trustees and offered his resignation which was rejected. However, he did not disclose his conviction to the owners. Mr Jones argues that Mr Tau's conviction was reported by national media and would have been known by all beneficial owners. Mr Tau's conviction certainly attracted media attention, but that is not the same as direct disclosure by a trustee to the owners.

[53] When appointing trustees I must give significant weight to the views of the owners. Before deciding this issue I consider that it should be raised with the owners. The next annual general meeting is being held on 14 October 2017. Raising this issue at that meeting will allow the owners to express whether they still support Mr Tau notwithstanding his conviction. If they no longer support Mr Tau that will affect whether he is still broadly acceptable to the beneficiaries and is eligible for reappointment. If they still support Mr Tau notwithstanding his conviction that should be taken into account before I make my decision.

Decision

[54] I am satisfied that Rachel Witana, Taoko Wihongi and Bruce Cutforth are broadly acceptable to the beneficiaries and are suitable for appointment. I grant an order appointing Ms Witana as an additional trustee. As Mr Wihongi and Mr Cutforth are existing trustees, no order is required to reappoint them.

¹⁵ Te Ture Whenua Māori Act 1993, s 238(1) and clause 5.6 of the trust order.

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[55] The application to reappoint Mr Tau is adjourned. I issue the following directions:

- (a) The trustees are to place the following item on the agenda of the annual general meeting being held on 14 October 2017:

"Whether the beneficial owners support Raniera Sonny Tau being reappointed as a trustee despite his conviction for attempting to pervert the course of justice".
- (b) At the meeting, this issue is to be put to the floor for discussion, and then a vote, by the beneficial owners.
- (c) The trustees are to keep a record of those beneficial owners who vote in support of Mr Tau being reappointed and those who do not.
- (d) The trustees are to file copies of the notice, agenda and minutes of the meeting, and the outcome of this vote, by 30 November 2017.
- (e) This application is to be set down for a hearing of half a day in Whangarei to consider whether Mr Tau should be reappointed taking into account his conviction and the outcome of the vote.

Pronounced in open Court in Whangarei at 10:30 am on Wednesday this 16th day of August 2017.


M P Armstrong
JUDGE