

# Land court appeal upheld, for now

**Karla Akuhata**

Maori affairs reporter

THE man who tried to stop his nephews and nieces inheriting their mother's shares in a Maori land block has been successful in appealing his removal from the trust.

The block is administered by the Ruatoki B92 Ahu Whenua Trust, which had included Peter Keepa, Donald Turnbull, Frank Vercoe and Larry Hawkins as trustees.

However Maori Land Court Judge Patrick Savage removed Mr Keepa as a trustee of the Ruatoki B92 block after he tried to block his sister's children from inheriting her shares following her death.

Mr Keepa appealed the decision and a panel of judges including Stephen Clark, Sarah Reeves and Miharo Armstrong issued their decision last month.

The two-part decision upheld Mr Keepa's appeal against his removal from the trust but dismissed the one requesting that he should inherit his sister's shares and not her children.

"The point raised by Mr Keepa in the lower court was repeated by him on appeal.

"That is the Maori land interests should stay within the male line of the Keepa whanau and that because his sister Waimihi had married into the Vercoe whanau, his nieces and nephews should therefore not succeed."

A teleconference was held on July 7, 2014 to discuss Mr Keepa's application that he inherit the shares instead.

During the course of the conference Judge Savage grew concerned that Mr Keepa had not been discharging his duties as a trustee.

"I have a preliminary view you have failed to carry out your duties

as a trustee anywhere near satisfactorily that you have used this land for your own benefit and ignored the rights of the other owners and that you have failed to keep accounts, and that you do not recognised (sic) that you have duties to the other owners as a trustee."

Judge Savage asked Mr Keepa to address him to the contrary.

However Mr Keepa presented further submissions focussing on the preamble of the Te Ture Whenua Maori Act, so Judge Savage responded with the order removing him from the trust.

"There is no point – I've listened to what you have said, there is no point in proceeding with this conference further.

"The differences are irreconcilable. I will be failing in my duty though if I let matters remain as they are.

"I invited Mr Keepa to address me on the proposition that as a trustee

he has failed to carry out his duties as a trustee satisfactorily. He has addressed me on something quite different.

"I now remove Peter Keepa as a trustee of Ruatoki B92. He of course remains an owner."

However the panel of judges reviewing the previous decision said although Judge Savage's concerns appeared to be well founded, he did not follow the proper process in removing Mr Keepa.

"Mr Keepa's response to Judge Savage indicated that he not only failed to understand the nature of the obligations he owes as a trustee,

he also refused to recognise that the owners have an interest in the block.

"It also appears that Mr Keepa has been using the block for his own benefit without accounting to the trust or the other owners."

The reviewing judges amended the current application to include one for the removal of Mr Keepa and directed a rehearing to be held in the Maori Land Court.

"This will ensure that Mr Keepa has a proper and full opportunity to prepare for and be heard in relation to these matters at a formal hearing before any final orders are made."

