

opinion as to which particular applications came into this category, it felt the issue should be determined by a rules committee.

The seventh item in the warrant covers the relationship between the Courts, their staff and persons attending in regard to facilities and procedures.

The Report identified a "great need" for information to be readily available on how to go about transacting business in the Maori Land Court, as well as on other areas such as searches of titles, and areas in which departmental assistance is available. In addition publicity, seminars and active enlistment of Maori interest were felt to be essential. A need was also found to provide better information to the legal profession, especially in relation to reports on Court decisions.

It was recommended improving counter service in district offices by re-creating land inquiry officers.

Simplification of court forms was again recommended. The report commented the narrative form of panui and promoted the fixture system used in other courts as an aid to efficiency.

The recording of Court minutes in longhand was seen to be archaic, and modernisation was recommended. Finally some room for improvement of facilities was felt to be necessary to reflect the dignity of the Court.

The eighth item of the warrant looked at the question of representation by counsel, which is presently at the discretion of the judge. It was felt that this should be converted to an "as of right" situation. Special reference was made in this chapter to the two avenues of legal aid open to Maori litigants.

Item 9 of the warrant covered any associated matters. Several matters are canvassed in this chapter but one of the most significant was the problems arising from the lack of surveys of Maori blocks. The question is still a vexed one but the main emphasis still seems to fall on government assuming more responsibility in this area.

The Commission also strongly recommended that the department institute a comprehensive staff training scheme.

As previously mentioned, the detailed recommendations are listed under the warrant headings for ease of reference, in Chapter 20 of the report.

In conclusion, the Report expands on its preliminary findings that the major areas requiring attention in the government's activities are administrative. In line with this approach the report recommends a long overdue overhaul of Maori Land Court title records and conversion to the certainty of indefeasible Land Transfer Title. The same conclusion was reached by the Pritchard Commission fifteen years ago. If Government policies concerning Maori land are to have any sincerity this recommendation must be acted upon quickly and effectively.

Similarly in my view immediate and urgent steps must be implemented to survey all unsurveyed blocks of Maori



*Who said it wasn't practical to learn Maori?*

land with immediate or medium-term development potential.

The cost of these surveys should be born by the Crown in the first instance, in the national interest; with recovery from the owners as and when the economic circumstances of the block permit.

It is only when these steps have been taken that Maori will be placed on equal footing with their European counterparts, to use their land resources to overcome their disadvantaged economic position in New Zealand Society as a whole.

After reading the report through and relating it to submissions I have since read and hearings I have attended during the course of the Commission's considerations, three observations remain.

Firstly, as stated, the activities of the Court are indivisible from its statutory base. This base is too complex, outmoded in some areas and out of touch with the growing mood within the Maori people for full opportunities for self-determination.

As such, the Maori Affairs Act 1953 and its family of amendments must be completed revised and rewritten — not merely consolidated. This view accords with that expressed by the Commission and the New Zealand Maori Council in its submissions on the proposed Bill. It is indicative of the movement in Maori attitude that the New Zealand Maori Council suggested a new act entitled the Maori People's Development Act.

It should go without saying that any revision should be made with the fullest possible participation of and by the Maori people.

Secondly, there can be no doubt about the Commission's conclusion on

the urgent need for the upgrading of departmental administrative services. Whether the department is equal to the task is the real question.

Thirdly and finally, the only major area of disquiet I feel relates to the Commission's insistence on a defined judicial function for the Court in future. While the arguments in favour of this course are persuasive, any person who has appeared before the bench of a number of districts over a period of years will appreciate the unique role played by the Maori Land Court judge and the unique relationship which exists between judge and litigants. This empathy has been built up over many years and does not easily lend itself to the definition of land boundaries as the Commission suggests.

It is indeed heartening to see the changes proposed and in some cases implemented by the Department of Maori Affairs to improve its sorry record of administrative performance. One can only hope that it is able to take over the administrative functions performed by judges today, particularly in the areas of promoting Maori land use and management. The Commission makes the point that positive policies of education, information and encouragement are needed from the department to promote participation by Maori land owners.

I would like to share the Commission's confidence that the Department of Maori Affairs can rise to this challenge and provide effective and inspired service to the Maori people. On past performance at least it has consummately failed to do so.