

**I TE KOOTI PĪRA MĀORI O AOTEAROA
I TE ROHE O TE TAITOKERAU**

*In the Māori Appellate Court of New Zealand
Taitokerau District*

AP-20260000001602

APPEAL 2026/4

WEHENG
Under

Section 58, Te Ture Whenua Māori Act 1993

MŌ TE TAKE
In the matter of

Maungatautari 5A1C3B Block and Others

I WAENGA I A
Between

DEBORA BUSH AND AWHINA (NATALIA)
BUSH
Ngā Kaitono pīra
Appellants

ME
And

APRIL RANGI BUSH, DONNA HINEORA
INGLEY, THOMAS TAUAROHA PIRA, AMIRIA
EPSI MOANA TALO, SABRINA CARALEE
SHAWNTÉ WATTIE AND KELLI MATILDA
LIANA WATTIE
Ngā Kaiurupare pīra
Respondents

Kōtitanga:
Hearing

Nā runga i ngā pepa
On the papers

Kooti:
Court

Judge C M Wainwright (Presiding)
Chief Judge C L Fox
Judge N R Milner

Whakataunga:
Judgment Date

8 July 2026

TE WHAKATAUNGA A TE KOOTI

Judgment of the Court

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Te horopaki

Background

[1] On 16 October 2025 an application to appoint additional trustees to the Maungatautari 5A1C3B Trust came before the Māori Land Court. It followed earlier directions of the judge to appoint an independent facilitator to oversee the Trust's AGM on 11 October 2025, at which trustees were elected. Those elected were April Bush, Donna Ingle, Thomas Pira, Amiria Talo, Sabrina Wattie and Kelli Wattie. The judge appointed all of these except Kelli Wattie on 25 October 2025. She adjourned the appointment of Kelli Wattie to the court's sitting on 3 December 2025, and appointed her that day.

[2] The applicants filed a notice of appeal against the 3 December 2025 orders of the court on 10 February 2026. That application was 10 days outside the permitted period, so on 13 February 2026 they sought leave to appeal out of time in respect of those orders. Then on 22 March 2026, the appellants filed a memorandum about leave to appeal the orders the court made in October 2025. This appeal was being lodged 5 months outside the permitted period.

[3] On 4 May 2026, this court directed the appellants to file submissions concerning leave to appeal the orders that the court made in October 2025. The appellants had earlier addressed leave to appeal out of time for the court's decisions made on 3 December 2025, but their appeal of the orders made in October was of course considerably further out of time than the notice of appeal was filed on 10 February 2026 (refer P 2).

[4] The date for the submissions to be filed was 26 May 2026. The respondents were to file their submissions by 26 June 2026. Both sets of submissions have now been filed. We are writing this decision with a sense of urgency, because the appeal has been adjourned to 11 August 2026 and it is important that the parties know where they stand.

Ngā tāpaetanga

The arguments

[5] Because of the necessity to distribute this decision quickly, we do not intend to rehearse all the jurisprudence about applications to appeal outside the two months prescribed in section 58(3) of Te Ture Whenua Māori Act 1993 (the Act). The parties' submissions were helpful, and enable us to, as the saying goes, cut to the chase.



[6] This is a case where the arguments of the appellants and those of the respondents are fairly evenly balanced. The appellants' arguments might loosely be characterised as largely procedural in nature, while the respondents invite the court to concentrate on the substance of the matters before us.

[7] The leading case on applications to appeal out of time is *Matchitt v Matchitt*.¹ According to the Māori Appellate Court in that case, the overarching consideration is to ascertain where the interests of justice lie. A number of matters feed into the exercise of the court's discretion. We must weigh the factors involved and use our judgment to come to a conclusion.

Ko te whakataurite i ngā meka

Weighing the factors

[8] The factors are the length of the delay and the reasons for it, the parties' conduct, the extent of prejudice caused by the delay, the prospective merits of the appeal, and whether the appeal raises any issues of public importance.²

[9] Under the circumstances, we do not consider that the appellants' delay in filing the application was excessive, and nor has the parties' conduct been exceptionable. Against that, there are no issues of public importance at stake here if we decline the application. The proposed appeal concentrates principally on alleged irregularities in the voting process at the AGM.

[10] Meanwhile, since the Māori Land Court appointed the current trustees, they have been meeting regularly, passing resolutions, trying to sort out the trust funds, and generally getting on with the job of running this trust well. The respondents say: "The public interest lies in certainty and effective governance of Māori land trusts".³ We support this proposition. It is especially a value to be upheld when there has been a period of difficulty between trustees and beneficiaries or between trustees that has stood in the way of the effective administration of a trust.

¹ *Matchitt v Matchitt – Te Kaha* 65 [2015] Māori Appellate Court MB 433 (2015 APPEAL 433).

² *Hona v Marino – Oruanui A* [2025] Māori Appellate Court MB 296 (2025 APPEAL 296) at [8]-[10], citing *Matchitt v Matchitt*, above n 1.

³ Respondents' submissions at [15(g)].



[11] On the matter of prejudice resulting from the grant of leave, the respondents say:⁴

Granting leave would undermine the work already undertaken by the current trustees, creating uncertainty for third parties dealing with the Trust, delaying the recovery of Trust funds and Trust records, disrupting lease administration, and impacting the trustees' ability to fulfil their statutory and fiduciary obligations to the beneficial owners.

These are important elements in our consideration of where justice lies.

[12] Finally, as to the appellants' prospect of success in their appeal, we do not and nor do we need to discount the possibility that there was a flaw or flaws in procedure leading to the appointment of these trustees. The compelling point is that none of those possible defects is in our judgment of sufficient moment to outweigh the importance of the trust being allowed to press on with the proper administration of this whenua on behalf of the beneficiaries.

[13] We have therefore decided to decline the appellants' application for leave to appeal out of time in respect of the court's decision appointing April Bush, Donna Ingley, Thomas Pira, Amiria Talo and Sabrina Wattie as trustees on 16 October 2025.

Ko te whakaaetanga kia pīratia tōmuri te whakataunga a te Kooti Whenua Māori i te 3 o Tihema 2025

Leave to appeal out of time in respect of the lower court's decision of 3 December 2025

[14] The appeal lodged on 13 February 2026 was only 10 days late as regards the lower court's 3 December 2025 decision to appoint Kelli Wattie. The Māori Appellate Court would ordinarily regard that degree of lateness as inconsequential and would grant leave to appeal out of time.

[15] However, the timeframe legislated in section 58(3) is there for a reason. It allows the court to manage its business in a timely and certain fashion. In this case, it is appropriate that we adhere to that requirement as regards the appeal from the lower court's decision to appoint Kelli Wattie. It would be perverse for us to conduct an appeal to consider the procedural flaws alleged only in relation to Kelli Wattie's election and appointment.

⁴ Respondents' submissions at [15(h)].



[16] Our consideration of the overarching interests of justice permits us to take all these circumstances into account. As a result, we have decided also to decline leave for that appeal to proceed outside the legislated timeframe.

Te otinga

Conclusion

[17] We decline the appellants' applications for leave to appeal out of time for all the lower court's decisions to appoint trustees to the Maungatautari 5A1C3B Block, whether made on 16 October 2025 or 3 December 2025. The application for leave to appeal is accordingly dismissed.

I whakapuakina i te 4.00 pm i Ōmarumutu, i te waru o ngā rā o Hūrae i te tau 2026.
Pronounced at 4.00 pm in Ōmarumutu, on Wednesday this 8th day of July 2026.

Three handwritten signatures in blue ink, corresponding to the judges listed below.

C M Wainwright
PRESIDING JUDGE

C L Fox
CHIEF JUDGE

N R Milner
JUDGE