

**I TE KOOTI WHENUA MĀORI O AOTEAROA
I TE ROHE O AOTEA**

*In the Māori Land Court of New Zealand
Aotea District*

**AP-20240000001384
CJ 2024/14**

WEHENG <i>Under</i>	Section 45, Te Ture Whenua Māori Act 1993
MŌ TE TAKE <i>In the matter of</i>	Succession to Kararaina Tame Wiremu also known as Kararaina Ngahuia Beazley
NĀ <i>By</i>	LOUIS HARRIS Te Kaitono <i>Applicant</i>

Kōtitanga: 10 September 2025, 2025 Chief Judge’s MB 1563-1576
Hearing 10 December 2025, 2026 Chief Judge’s MB 110-112
18 March 2026, 2026 Chief Judge’s MB 514-519
(Heard at Wellington by Zoom)

Whakataunga: 13 April 2026
Judgment date

TE WHAKATAUNGA A KAIWHAKAWĀ MATUA C L FOX
Judgment of Chief Judge C L Fox

Hei tīmatanga kōrero

Introduction

[1] This application, filed by Louis Harris seeks an order pursuant to s 44 of Te Ture Whenua Māori Act 1993 (the Act) to amend a succession order made at 3 Kaikohe Succession MB 72-73 on 8 December 1999 concerning Kararaina Tame Wiremu or Kararaina Ngahuia Beazley, and to amend another succession order made at 29 Kaikohe MB 40-41 on 8 December 1999 concerning the Pirikotaha Whānau Trust.

Kōrero whānui

Background

[2] The Registrar's Preliminary Report and Recommendation (the Registrar's Report) dated 10 June 2025 sets out the background to the application. The Registrar's Report is reproduced in full as follows:

Te rīpoata me tana tūtohunga mā tētahi tono i raro i te wehenga 45 o Te Ture Whenua Māori Act 1993 ki te Kaiwhakawā Matua

Preliminary report and recommendation on an application under section 45 of Te Ture Whenua Māori Act 1993 to the Chief Judge

He kupu arataki

Introduction

- [1] This application filed by Louis Harris ("the applicant") seeks to amend a succession order at 3 Kaikohe Succession MB 72-73 and 29 Kaikohe MB 40-41 dated 8 December 1999 relating to the Māori land interests of Kararaina Tame Wiremu or Kararaina Ngahuia Beazley (the applicant's paternal grandmother).
- [2] The applicant claims the order is incorrect due to an omission in the presentation of the facts of the case to the court because:
- (a) *"Reweti Hare Kauwhata is my father, one of his sibling[s] said Dad had no issues, my aunty Ani."*
- [3] The applicant claims that he has been adversely affected by the order upon the grounds that he is unable to proceed with succession and occupation until the matter has been resolved.
- [4] The applicant seeks to have the order amended by including Reweti Hare Kauwhata as a successor to Kararaina Tame Wiremu or Kararaina Ngahuia Beazley with substitution of issue.

He kōrero tuku iho
Background

- [5] The matter was heard by the Court at 29 Kaikohe MB 40-41 and Kaikohe Succession MB 72-73 on 8 December 1999 and the minutes are reproduced as follows:

- 8 DEC 1999

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Extract from minute book: 29 KH * 40 + 41 + 3 KH(S) 72-73.
KII(S)
Place: Kaikohe
Present: P J Savage, Judge
Mrs Parker, Clerk of the Court
Date: Wednesday 8 December 1999

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S.118/93 - KARARAINA TAME WIREMU or KARARAINA NGAHUIA
BEAZLEY DECEASED

COURT Would you like to come forward Ani Martin. Kia ora please be seated.

Ani Martin on oath

COURT We're here about your late mother aren't we.

Ani Martin - Not only my late mother. There's several issues on the same thing.

COURT Well we'll deal with your mother first. Your mother died at Okaihau on the 22 July '91.

Ani Martin - Yes.

COURT She left no will.

Ani Martin - No.

COURT She was married twice to Hare Reweti and then to Fred Beazley is that right

Ani Martin - To Hare Reweti Kauwhata.

COURT She and Hare had 7 children, you're the 4th

Ani Martin - Yes

COURT She and Fred had no issue

Ani Martin - No issue

COURT So your mum's shares are going to go 7 ways is that right. But your share you want to put into whanau trust

Ani Martin - That's right

COURT I determine that the 7 children of Kararaina are entitled to succeed and I make orders vesting. So far as the shares of Ani Whare Martin are concerned with her consent I now constitute a whanau trust. The whanau trust is for the benefit of her Uri down through the generations. The Whanau trust will be known as the Te Pirikotaha Whanau Trust. The named tupuna of the trust is Ani Martin. The trustees are to be Harold Robert Martin, Ani Martin, Henry Baker, William Tuwhai Baker, Dave Vincent Baker, Hope Elvina Baker, Lucy Anne Baker-Hendry, Aperere Baker, Kay.

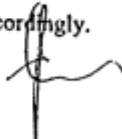
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- 8 DEC 1999

Natalie Janine Baker, Patricia Toia Baker, Makaurangi Baker and
Gul William Baker and I now vest those interests in those trustees
in their capacity as trustees.

Congratulations on having being able to set up a whanau trust like
this. It's a good thing, everything stays in the one basket.

Orders accordingly.

A handwritten signature, likely of the judge, is written over the text "Orders accordingly.".

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MB Ref: 3 KH(S) 72-73 and 29 KH 40-41
 Place: Kaikohe
 Present: P J Savage, Judge
 T Edwards and M Parker, Clerk of the Court
 K Hardstaff and M Vance, Succession Office
 Date: 8 December 1999
 Case No.: 60
 Est File: 2671
 Appln: A19990011520

SECTION 113, 118/93 - KARARAINA TAME WIREMU or KARARAINA BEAZLEY - DECEASED

Present: Harold Martin, Kay Baker and Hope Baker
 Sworn: Ani Martin

The deceased was my Mother. Who died at Lake Road, Okaihau on 22 July 1991 as evidenced by copy of death certificate filed. I was present at the funeral. The deceased did not leave a will. The deceased was married twice only to Hare Reweti Kauwhata of Omapere and then to Fred Beazley of Auckland who predeceased the deceased and have since died.

Kararaina and Hare Reweti Kauwhata

They had the following issue:

Name	Sex	Address
1. Leslie Burbidge Kauwhata	m	State Highway 1, Ohaewai
2. Mei Hare Wihongi	f	PO Box 488, Kaikohe
3. Jim Hare Kauwhata	m	Rosyth Road, RD2, Waipu
4. Ani Hare Martin	f	PO Box 488, Kaikohe
5. Te Pihi Hare Kauwhata	m	8 Ripi Street, Kaikohe
6. Te Aroha Juanita Harding	f	Australia
7. Reweti Hare Kauwhata	md	No issue

Kararaina and Fred Beazley

They had no issue

COURT

According to searches, the deceased owns the following land interests:

Block(s)	Shares	Value
Papakauri D2B1	0.909	\$2636.00
Papakauri D1A	0.909	\$1090.00
Punakitere 2D	0.058	Unavailable
Awarua A25	9.433	\$13152.00
Rangihamama X3A and Omapere Taraire E	326.445	Unavailable

Succession Officer: There are funds held by the Maori Trustee on beneficiary rent card 1181874 all totalling the sum of \$6.62 to be paid to the applicant for expenses.

Ani Hare Martin, beneficiary to the deceased wishes to form a whanau trust over her shares in all land interests. I ask that this application now be varied to a whanau trust pursuant to Section 214/93. A copy of the minutes of the family meeting of 24/10/99 consents of the proposed trustees and draft whanau trust order have been produced.

COURT In accordance with Section 113/93, number(s) 1-6 above are determined entitled to succeed equally.

Order under Section 118/93 vesting all Maori land interests in number(s) 1-6 equally.

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There is an order under Sections 214 and 219/93 creating a whanau trust over the interests of Ani Hare Martin with the name "Te Pirikotaha Whanau Trust" and declaring terms of trust in accordance with the standard whanau trust order used by the Court.

The tupuna is to be: Ani Martin

The trustees are to be:

Name	Address
Harold Robert Martin	PO Box 488, Kaikohe
Ani Martin	PO Box 488, Kaikohe
Henry Wellington Baker	5 Halsten Rd, Balmoral, Auckland
William Tuwhai Baker	3/35 Shifnal Drive, Manurewa
Dave Vincent Baker	c/- PDC, Waimamaku, Hokianga
Hope Elvina Baker	c/- PO Box 488, Kaikohe
Lucy Anne Baker-Hendry	59 Prospect Terrace, Pukekohe
Aperere Baker	2 Cameron Place, Kaikohe
Kay Natalie Janine Baker	28 Clifford St, Kaikohe
Patricia Toia Baker	PO Box 27, Waimamaku Sth, Hokianga
Makaurangi Baker	c/- PO Box 488, Kaikohe
Gul William Baker	Australia

and they are appointed under Section 222/93 and there is also an order under Section 220/93 vesting all the Maori land interests and Maori Incorporation interests in them.

Order under Section 242/93 for payment of money held by the Maori Trustee and all dividends on account number 1181874 to be paid to Ani Martin, applicant,

Copy of minutes to the applicant

Judge

- [6] The Court made orders relating to Kararaina Tame Wiremu, vesting the interests of the deceased in successors:

Te whakatakotoranga o ngā poraka whenua:

Table of land blocks

Te rohe o Te Taitokerau:

Te poraka Block name	Te tohutoro LINZ LINZ title reference	Te kaihiwhi onāiane Current owner	Ngā hea The shares
Awarua A25	NA90D/514	Kararaina Tame Wiremu	9.4333
Papakauri D1A	367026		0.909
Papakauri D2B1	367023		0.909
Punakitere 2D	490772		0.058
Rangihamama X3A and Omapere Taraire E (Aggregated)	--		326.445

Te whakatakotoranga o ērā e āhei ana ki te whiwhi:
Table of successors that are beneficially entitled

	Te ingoa Name	Te ira Male/Female/ Gender Diverse	Te ōwehenga Proportion
1	Leslie Burbidge Kauwhata	M	1/6
2	Mei Hare Wihongi	F	1/6
3	Jim Hare Kauwhata	M	1/6
4	Ani Hare Martin	F	1/6
5	Te Pihi Hare Kauwhata	M	1/6
6	Te Aroha Juanita Harding	F	1/6

Ngā kōrero taunaki

Supporting or other information

- [7] The applicant has provided the following documents in support of their application:
- a) A copy of the death certificate for Davis Kauwhata (Maunsell);
 - b) A copy of the birth certificate for Louis Harris;
 - c) A copy of the minute and order complained of;
 - d) A copy of 163 Taitokerau MB 234-235 dated 28 November 2017 in relation to Muriel Barnes or Muriel Veliste Barnes or Muriel Harris succession;
 - e) A copy of 169 Taitokerau MB 278-285 dated 1 February 2018 in relation to Queenie Peri Kauwhata or Queenie Peri or Kuini Enoka Peri succession and Hemi Hare Manihera Kauwhata or Timi Kauwhata or Jim Kauwhata or Jimi Kauwhata succession.

Te rangahau a te kooti

Court research

- [8] The record shows that Tame Wiremu Williams passed 19 July 1937, was married once to Pine Pere Williams (nee Wihongi) and they had 11 (eleven) issue including Kararaina Tame Wiremu.
- [9] Kararaina Tame Wiremu or Kararaina Ngahuia Beazley (the applicant's paternal grandmother) derived her shares from her father Tame Wiremu Williams at 7 CNBI (consolidation Bay of Islands) 76 dated 22 November 1937 and 3 Auckland Succession MB 52-56 dated 8 May 1991.
- [10] Kararaina Tame Wiremu or Kararaina Ngahuia Beazley had two marriages, first to Hare Rewiti Puatata Kauwhata, date of death 17 November 1995 and second to Fred Beazley. Kararaina and Hare Rewiti Kauwhata had (7) seven issue, as shown above in the table of successors, and Reweti Hare Kauwhata. No issue has been recorded with Fred Beazley.

Kararaina passed on 22 July 1991.

- [11] Ani Martin submitted four applications with the court, succession to Hare Reweti Puataata Manihera (father of Ani Martin), succession to Kararaina Tame Wiremu Beazley, (mother of Ani Martin), succession to Tupari Tame Wiremu (maternal uncle of Ani Martin, brother of Kararaina) and to constitute Te Pirikotaha Whānau Trust. Upon both succession applications to Kararaina and Hare, Ani Martin has written Reweti Hare Kauwhata deceased with no issue, Reweti Hare Kauwhata passed on 22 July 1991.
- [12] At 3 Kaikohe Succession MB 86 dated 8 December 1999 succession to Hare Reweti Puataata Kauwhata or Hare Reweti Puataata or Hare Reweti or Hare Reweti II or Haretini Reweti was determined in favour of Leslie Burbidge Kauwhata, Mei Hare Wihongi, Jim Hare Kauwhata also known as Jim Hare Martin, Ani Hare Martin, Te Pihī Hare Kauwhata and Te Aroha Juanita Harding as devisees in terms of the will.

Clause 3 and 5 of the will which states as follows:

3. ***I GIVE AND DEVISE** to my daughter **ANI BAKER** free of all duties all that freehold property comprising 3035 square metres more or less being the Papakauri D4B1 Block comprised and described in Partition Order of the Maori Land Court dated the 24th day of February 1956.*

5. ***I DIRECT** my trustees after payment of my just debts funeral and testamentary expenses and all duties upon the whole of my dutiable and notional estate to hold the residue (hereinafter referred to as "my residuary estate") **UPON TRUST** for such of them my child or children as shall survive me and if more than one equally between them **PROVIDED HOWEVER** that if any child of mine shall die in my lifetime leaving a child or children the such child or children of any deceased child of mine shall take equally between them the share which his her or their parent would have taken in my residuary estate had he or she lived to attain a vested interest therein.*

- [13] At 3 Kaikohe Succession MB 83-85 dated 8 December succession to Tupari Tame Wiremu or Paddy Thomas Williams was determined in favour of Ani Hare Martin and Jim Hare Kauwhata equally as devisees in terms of the will dated 31 July 1991. It was noted that Tupari Tame Wiremu had no issue but left brothers and sisters.

Clause 2 and 3 of the will which states as follows

2. ***I APPOINT** my niece ANN MARTIN of Kaikohe Married Woman and my nephew JIM KAUWHATA of Waipu Retired (or the survivor of them) as Executors and Trustees of this my will*

3. ***I GIVE DEVISE AND BEQUEATH** the whole of my estate of whatsoever nature and kind and wheresoever situate or which I shall be possessed or to which I shall be entitled or over which I shall have any disposing power at the date of my death unto my Trustee **UPON TRUST** to pay thereout my just debts funeral and testamentary expenses and duties payable in respect of any part of my dutiable estate and to hold the balance for themselves my said Trustees in equal shares.*

- [14] At 3 Kaikohe Succession MB 72-73 and 29 KH 40-41 dated 8 December 1999 succession to Kararaina Tame Wiremu was determined in favour of her six children

listed at number 6 in the table of successors, excluding Reweti Hare Kauwhata as he is noted as having no issue.

- [15] Ani Martin advised the court by way of letter dated 11 October 2000 of an error at 3 KH(S) 86 and 29 KH 91 dated 8 December 1999. Hare Reweti and Hare Kauwhata or Manihera are not one in the same person, and the lands in Aotea were to be returned to the rightful Hare Reweti. Further court research found this to be true. At 91 Whangārei MB 149 dated 31 October 2000 pursuant to section 86 of Te Ture Whenua Māori Act 1993, an order to amend this error was granted. It appears that these shares are still sitting with the successors who were determined at 3 KH(S) MB 86 and 29 KH 91 dated 8 December 1999, and also Te Pirikotaha Whānau Trust. Te Pirikotaha Whānau Trust has two organisation ID'S – 64541 and 66738, organisation ID 66738 still holds land interests in Aotea.

Ngā taipitopito o ngā ōta e whai pānga ana ki te whenua e hāngai ana ki tēnei tono

Details of subsequent orders affecting lands to which this application relates

- [16] At 91 Whangārei MB 149 on 31 October 2000 relating to Hare Kauwhata or Manihera, erroneous court orders made at 3 Kaikohe Succession MB 86 and 29 Kaikohe MB 91 dated 8 December 1999.
- [17] At 169 Taitokerau MB 278-285 on 1 February 2018 the court made a succession order relating to Hemi Hare Manihera Kauwhata or Timi Kauwhata or Jim Kauwhata or Jim Kauwhata or Jimi Kauwhata or Jim Hare Kauwhata or Jim Hare Martin.
- [18] At 287 Waiariki MB 254-258 on 8 December 2022 the court made a succession order relating to Te Aroha Juanita Harding and to constitute the Kelly-Harding Whānau Trust

Ngā utunga nā te putanga o te ōta

Payments made because of the orders

- [19] Te Tumu Paeroa office of the Māori Trustee have confirmed payment to successors at: 3 KH(S) 142 relating to Hare Reweti, under client record number CLI-00092492; and 3 KH(S) 72-73 & 29 KH 40-41 relating to Kararaina Ngahuia Beazley also known as Kararaina Tame Wiremu, under client record number CLI-00106901.

Ngā āhuatanga i rararu ai

Areas of difficulty

- [20] The applicant has advised that Ani Martin is the only living sibling of Reweti Hare Kauwhata;

The applicant's birth certificate does not name his father, mother is Muriel Harris;

The death certificate of Davis Maunsell or Davis Kauwhata provided by the applicant does not show evidence he had issue and does not identify Reweti Hare and Davis Maunsell also known as Davis Kauwhata are one in the same person.

The death certificate of Davis Maunsell also known as Davis Kauwhata shows date of death 30 April 1978, married to Kataraina Paikarahihi Otene.

No contact details for affected parties.

Āe rānei, he take o tana haere ki tētahi kootitanga

Consideration of whether matter needs to go to hearing

- [21] From the court records, it appears no error was made on part of the court, an omission of the facts of the case to the court may have occurred if the applicant can substantiate his claim.
- [22] The application should be set down for hearing to give the applicant an opportunity to provide further evidence based on his claim.

Te tūtohunga hei whai

Recommendation of course of action to be taken

[23] I recommend that:

- a) a copy of this report is sent to parties giving them an opportunity in which to comment or respond in writing.
- b) if the applicant can provide sufficient evidence showing that he is an issue of Reweti Hare Kauwhata, the Chief Judge makes an order under section 44(1) of Te Ture Whenua Māori Act 1993 amending the orders at 3 Kaikohe Succession MB 72-73 and 29 Kaikohe MB 40-41 dated 8 December 1999 by including Reweti Hare Kauwhata as a successor to Kararaina Tame Wiremu or Kararaina Ngahua Beazley with substitution of issue.
- c) the Chief Judge makes further orders under section 47(4) of Te Ture Whenua Māori Act 1993 for any other changes required to give effect to the orders made above.
- d) if the applicant is unable to provide evidence to substantiate his claim, the Chief Judge may decline to exercise her jurisdiction under section 44 of Te Ture Whenua Māori Act 1993 to correct mistakes and omissions of the Court and is not satisfied that an error was made or that it is in the interests of justice to cancel or amend the order complained of. The application will be dismissed.
- e) if objections are received, then the matter should be referred to Chief Judge for directions.

Ko te hātepe ture o te tono nei

Procedural history

[3] A copy of the Registrar's Report dated 10 June 2025 was sent to those parties we have contact details for, requesting feedback. No feedback was received.

[4] Notice of the hearing and a copy of the draft submission were sent via post on 22 May 2025 and via email on 23 July 2025 to those parties we have contact details for.

[5] The application was heard as Special Pānui 11 on 10 September 2025, and adjourned with the following directions:

“Well, my suggestion and I direct actually just to bring this to a conclusion is that you do get a DNA test done, and it'll be commissioned through the Māori Land Court. You can work with Ms Young the case manager to get it commissioned, so that we can get some proof of the fact that you are the son of the deceased.”

[6] The hearing minute 2025 Chief Judge's MB 1563-1576 dated 10 September 2025 was distributed to parties via email on 20 October 2025.

[7] The application was heard as Special Pānui 22 on 10 December 2025. The case manager engaged the services of IGENZ Limited and DNA Diagnostics Limited to undergo DNA testing for Louis Harris and Ani Martin (biological sister of Reweti Hare Kauwhata), as testing was yet to be completed the application was adjourned until the next sitting of the Chief Judge in March 2026.

[8] 2026 Chief Judge's MB 110-112 dated 10 December 2025 was distributed to parties via email on 11 February 2026.

[9] The DNA test results were sent to the case manager via email on 20 February 2026, in summary the results from the analysis were inconclusive as to whether a full brother of Ani Martin is the biological father of Louis Harris or unrelated.

[10] The applicant filed a letter of support, acknowledging that he is the biological son of Reweti Hare Kauwhata and he is the rightful descendant, it was signed by the following:

- (a) Elizabeth Harrison nee Maunsell-Kauwhata (daughter of Leslie Burbridge Kauwhata – brother of Reweti Hare Kauwhata);
- (b) Arnold Bruce Maunsell-Kauwhata (son of Leslie Burbridge Kauwhata – brother of Reweti Hare Kauwhata);
- (c) Dave Vincent Baker (son of Ani Hare Martin-sister of Reweti Kauwhata);

- (d) Donnay Joy Kauwhata (daughter of Te Pihi Hare Kauwhata – brother of Reweti Kauwhata);
- (e) Patricia Toia Baker (daughter of Ani Hare Martin-sister of Reweti Hare Kauwhata); and
- (f) Hineapa Mei Ling Peri Kauwhata (daughter of Jim Hare Kauwhata-brother of Reweti Hare Kauwhata)

[11] Notice of the hearing was sent to parties on 11 February 2026 via email.

[12] The application was heard as Special Pānui 15 on 18 March 2026, where it was adjourned for my reserved decision.

[13] The case manager subsequently received an email from the applicant on 20 March 2026. Attached to the email was a letter signed by Ani Hare Kauwhata dated 19 March 2026. Paragraphs two and three are reproduced as follows:

I make this letter in support of the application of Michael louis Harris to succeed to the shares of my brother, Reweti Kauwhata.

Based on my knowledge of my brother and our whānau, I understand and accept that Michael Louis Harris is the son of my brother, Reweti Kauwhata.

[14] The hearing minute, 2026 Chief Judge's MB 514-519 dated 18 March 2026, was distributed to parties via email in April 2026.

Ngā Ture *The Law*

[15] The Chief Judge's jurisdiction to amend or cancel an order of the Māori Land Court is set out in s 44(1) of the Act:

44 Chief Judge may correct mistakes and omissions

- (1) On any application made under section 45 of this Act, the Chief Judge may, if satisfied that an order made by the Court or a Registrar (including an order made by a Registrar before the commencement of this Act), or a certificate of confirmation issued by a Registrar under section 160 of this Act, was erroneous in fact or in law because of any mistake or omission on the part of the Court or the Registrar or in the presentation of the facts of the case to the

Court or the Registrar, cancel or amend the order or certificate of confirmation or make such other order or issue such certificate of confirmation as, in the opinion of the Chief Judge, is necessary in the interests of justice to remedy the mistake or omission.

[16] In *Ashwell – Rawinia or Lavinia Ashwell (nee Russell)*, the principles to be applied in determining such applications made pursuant to s 45 were listed as follows:¹

- When considering s 45 applications, the Chief Judge needs to review the evidence given at the original hearing and weigh it against the evidence provided by the applicants (and any evidence in opposition);
- Section 45 applications are not to be treated as a rehearing of the original application;
- The principle of *omnia praesumuntur rite esse acta* (everything is presumed to have been done lawfully unless there is evidence to the contrary) applies to s 45 applications. Therefore, in the absence of a patent defect in the order, there is a presumption that the order made was correct;
- Evidence given at the time the order was made, by persons more closely related to the subject matter in both time and knowledge, is deemed to have been correct;
- The burden of proof is on the applicant to rebut the two presumptions above; and
- As a matter of public interest, it is necessary for the Chief Judge to uphold the principles of certainty and finality of decisions. These principles are reflected in s 77 of the Act, which states that the Court orders cannot be declared invalid, quashed, or annulled more than 10 years after the date of the order. Parties affected by orders made under the Act must be able to rely on them. For this reason, the Chief Judge's special powers are used only in exceptional circumstances.

[17] Section 44 explicitly refers to situations where the Court has made an incorrect decision due to a flaw in the evidence presented, or in the interpretation of the law, and it is necessary in the interests of justice to correct its record. For this reason, s 45 applications must be accompanied by proof of the flaw identified, either through the production of evidence not available or not known of at the time the order was made, or through submissions on the law.

[18] As stated in *Tau v Nga Whānau o Morven and Glenavy – Waihao 903 Section IX Block*, the Chief Judge must exercise their jurisdiction by applying the civil standard of proof on the balance of probabilities, having regard to that standard's inherent flexibility that takes

¹ *Ashwell – Rawinia or Lavinia Ashwell (nee Russell)* [2009] Chief Judge's MB 209 (2009 CJ 209) at [15].

into account the nature and gravity of the matter at issue.² This means that the applicant must establish on the balance of probabilities that there was a mistake or omission.

[19] The Court of Appeal has confirmed that the power under s 44(1) falls into two parts:³

The first is an evaluative decision as to whether the order made was “erroneous in fact and law because of any mistake or omission on the part of the court or the Registrar or in the presentation of the facts of the case to the court or the Registrar.” The second is a power, which is likely in most cases to involve discretion, to “cancel or amend the order ... or make such other order as, in the opinion of the Chief Judge, is necessary in the interests of justice to remedy the mistake or omission.” We note that in making that decision, and exercising that power, the preamble to the Act and ss 2 and 17 are of particular significance.

Kōrerorero

Discussion

[20] The issues for determination are:

- (a) Was an error made in fact or in law or in the presentation of the evidence to the Court which led to an error in the order complained of?
- (b) If so, is it necessary in the interests of justice to remedy the error by amending or cancelling the order?

Was an error made?

[21] Despite the finding of the Registrar that it appears no error was made on the part of the Court, I now have before me a copy of a letter by Ani Hare Kauwhata or Ani Hare Martin dated 19 March 2026 in which she acknowledges the applicant as a son of Reweti Kauwhata.

[22] That acknowledgement, coming from the original applicant before the Māori Land Court on 8 December 1999 and as the sole surviving sibling of Reweti Kauwhata shifts the balance of proof in the applicant’s favour. Therefore, I find that the applicant has been able to demonstrate on the balance of probabilities that he is the son of Reweti Kauwhata. Therefore, an error was made in the presentation of facts to the Court.

² *Tau v Nga Whanau o Morven & Glenavy – Waihao 903 Section IX Block* [2010] Māori Appellate Court MB 167 (2010 APPEAL 167).

³ *Inia v Julian* [2020] NZCA 423 at [10].

Is it necessary in the interests of justice to remedy the error?

[23] After taking into account the Preamble, ss 2 and 17 of the Act, I find it is necessary in the interests of justice to correct this error.

Kupu whakataunga

Decision

[24] The order sought is granted.

Nga ōta

Orders

[25] I make an order under s 44 of Te Ture Whenua Māori Act 1993 adding the applicant as a successor to the deceased, through his late father, Reweti Kauwhata and adjusting the shares among the other successors accordingly.

[26] A further order is made pursuant to s 47(4) authorising any consequential amendments to any related orders to reflect the intention of Court.

[27] The case manager is directed to distribute a copy of this decision to all parties.

I whakapuaki i te 11.00 am i Te Whanganui-a-Tara, i tekau mā toru o ngā rā o Āperira i te tau 2026.

Pronounced at 11.00 am in Wellington on this 13th day of April 2026.

C L Fox

CHIEF JUDGE