

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

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

**AP-20230000027514
A20210011242
CJ 2021/40**

WĀHANGA <i>Under</i>	Section 45, Te Ture Whenua Maori Act 1993
MŌ TE TAKE <i>In the matter of</i>	Succession to Te Wetini Ngatai also known as Wetini Ngatai
I WAENGA I A <i>Between</i>	MATE HEITIA, KIPOUAKA PUKEKURA, AROHA MANE AND WILLIAM WATERS Ngā kaitono <i>Applicants</i>
ME <i>And</i>	HELEN DOWNS Te kaiurupare <i>Respondent</i>

Nohoanga: 26 March 2024, 2024 Chief Judge's MB 333-347
Hearing (Heard at Wellington via Zoom)

Kanohi kitea: J Gear for Respondent
Appearances

Whakataunga: 13 January 2025
Judgment date

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

Hei tīmatanga kōrero*Introduction*

[1] This application was filed on 8 September 2021 by Mate Heitia, Kipouaka Pukekura, Aroha Mane and William Waters pursuant to s 45 of Te Ture Whenua Māori Act 1993 (the Act). The applicants seek to cancel an order made on 8 June 2021 recorded at 223 Waikato Maniapoto MB 51-52 relating to additional Māori land interests of Te Wetini Ngatai (the deceased). The order resulted in the interests being vested in only two of his sons' estates (Te Pou and Te Rou) and both sons left wills. Te Rou's will only provides for four of his 10 children. The order complained of follows that scheme for distribution of the additional interests. The applicants claim they have been alienated from their land as a result.

Kōrero whānui*Background*

[2] The Registrar's Preliminary Report and Recommendation (the Report) dated 30 November 2023 sets out the background to the application. The Report is reproduced in full below:

APPLICATION UNDER SECTION 45 OF TE TURE WHENUA MĀORI ACT 1993
PRELIMINARY REPORT AND RECOMMENDATION

Introduction

1. This application, filed by Mate Heitia, Kipouaka Pukekura, Aroha Mane and William Waters, nominated trustees of the proposed Wetini & Te Hiki Kotau Ngatai Whānau Trust, seeks to cancel the succession order made on 8 June 2021 at 223 Waikato Maniapoto MB 51-52 relating to the estate of Te Wetini Ngatai also known as Wetini Ngatai (the deceased).
2. Below is a brief background to the application:
 - (a) On 25 August 2016, Mate Heitia filed an application under s 45 of the Act, seeking to amend the orders made on 16 August 1991 at 7 Registrar's MB 35, and on 3 September 1991 at 221 Rotorua MB 154, to vest the following Māori land interests belonging to the deceased in those who whakapapa directly to him:

Blocks	Shares
Kokohinau	47.15000
Matata Lot 72B No. 3V No. 1C	0.14286
Matata Parish Lot 72B No. 3V No. 1E No. 3	4.16286

- (b) On 3 June 2020, the Court found that the orders of 16 August 1991 and 3 September 1991 were erroneous as the above interests were

incorrectly vested in the descendants of Wetini Mapu Ngatai, a grandnephew of the deceased. Pursuant to s 44(1), the orders were amended and the said interests were re-vested in Te Wetini Ngatai.¹

- (c) On 11 October 2020, the descendants of Te Rou Ngatai met and decided to set up a whānau trust over the above land interests. The trust was to be known as the “Wetini and Te Hiki Kotau Ngatai Trust”. Mate Heitia, Kipouaka Pukekura, Aroha Mane and William Waters (the applicants) were nominated as trustees to the proposed trust.
- (d) Following the hui, on 12 February 2021, the applicants filed with the Māori Land Court an application to constitute a whānau trust over those interests under s 214. The application was docketed as A20210007148.
- (e) On 26 July 2021, the Court dismissed A20210007148 on the ground that those interests had been succeeded by an order made on 8 June 2021 at 223 Waikato Maniapoto MB 51-52 (the order complained of).²
- (f) On 8 September 2021, the applicants filed this application to cancel the 8 June 2021 succession order.

- 3. The applicants claim that the order is incorrect due to a mistake, error, or omission on the part of the Court and in the presentation of the facts of the case to the Court. They claim that because of the order, the applicants have been alienated from their tipuna whenua again.

Concise history of Order sought to be amended/cancelled

- 4. On 2 October 2020, Helen Ethel Downs, a great granddaughter of the deceased filed an application for succession to the following Māori Land interests under ss 113 and 118:

Blocks	LINZ ref	Current Owner	Shares
Kokohinau	506282, 506281, 506280	Te Wetini Ngatai	47.15000
Matata Lot 728 No.3V No.1C	382062	Te Wetini Ngatai	0.14286
Matata Parish Lot 72B No.3V No.1E No.3	392764	Te Wetini Ngatai	4.16286

- 5. On 8 June 2021, an order was made pursuant to s 118(6) vesting the above interests in Te Rou Ngatai and Te Pou Ngatai equally, with substitution of legally entitled successors, as follows:³

No	Name	Sex	Address	Proportion
1.	Te Ao Whakairi Ngatai	M		1/8
2.	Te Raungaiti Lawson (Mrs)	F		1/8

¹ 2020 Chief Judge's MB 417-429 (2022 CJMB 417-429).

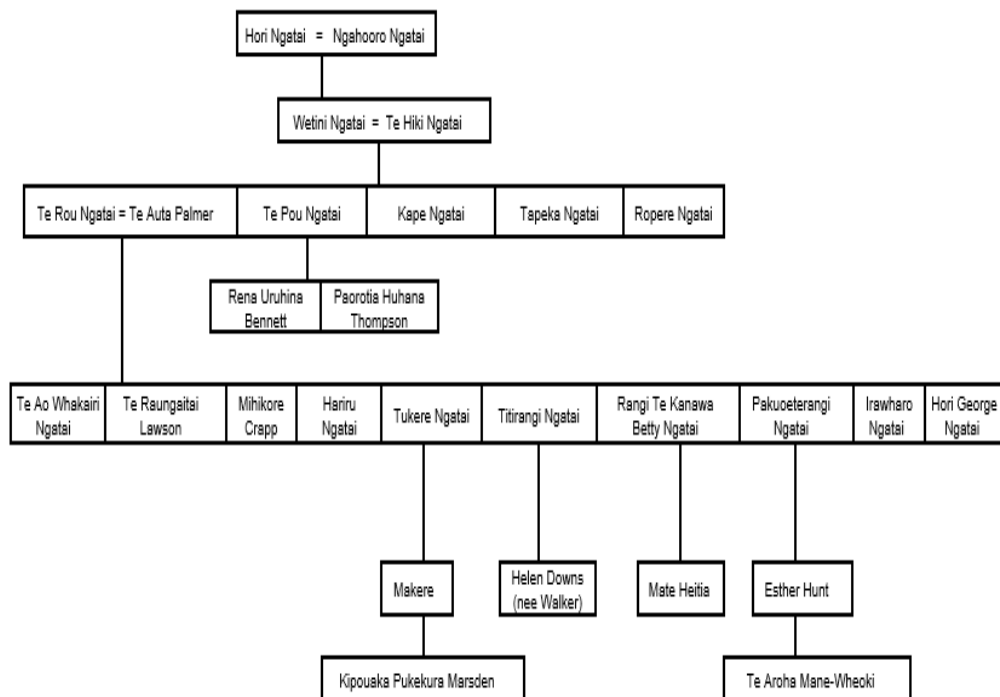
² 259 Waiariki MB 56 (259 WAR 56).

³ 223 Waikato Maniapoto MB 51-52 (223WMN 51-52) at 52.

3.	Te Hariru Ngatai	M	1/8
4.	Mihikore Crapp (Mrs)	F	1/8
5.	Rena Uruhina Bennett	F	1/4
6.	Paorotia Huhana Thompson	F	1/4

Court Research:

6. The deceased died on 8 May 1939.⁴ He was married to Te Hiki Kotau Ngatai and had six children.
7. Based on court records and on the evidence presented, the following is the whakapapa of the deceased (as updated):

*Te Wetini Ngatai*

8. When the deceased was succeeded on 20 August 1941,⁵ and on 22 May 1947,⁶ Tapeka, Ropere and Titirangi had passed away without leaving any issue. Thus, orders were made in favour of the surviving children, as follows:

Names
Te Rou Ngatai
Kape Ngatai
Te Pou Ngatai

⁴ 14 Tauranga MB 240 (14 T 240).

⁵ As above.

⁶ 15 Tauranga MB 320 (15 T 320)

9. On 3 October 1950, Kape Ngatai died intestate without any issue. His interests were vested in his siblings Te Rou and Te Pou.⁷
10. On 8 February 1956, at 19 Tauranga MB 145, Te Rou and Te Pou were named as successors to the deceased.⁸
11. On 24 February 1971, at 31 Tauranga MB 106,⁹ the Court determined that those entitled to the deceased's interests were the beneficiaries of Te Rou Ngatai and Te Uruhina Ngatai, the sole beneficiary under the will of Te Pou Ngatai. The beneficiaries were:

Names	Sex	Proportion
Te Uruhina Ngatai	f.a.	1/2
Te Ao Whakairi Ngatai	m.a.	1/8
Te Raungaiti Lawson (Mrs)	f.a.	1/8
Mihi Crapp (Mrs)	f.a.	1/8
Hariru Ngatai	m.a	1/8

12. On 22 March 1971, at 51 Whakatāne MB 70-72, the Court held that the persons entitled to succeed to the deceased were those previously determined at 14 Tauranga MB 240 with substitution of devisees of the wills of Te Rou Ngatai and Te Pou Ngatai, as follows:¹⁰

Names	Sex	Proportion
Te Ao Whakairi Ngatai		1/8
Te Raungaiti Lawson		1/8
Mihi Crapp		1/8
Hariru Ngatai		1/8
Te Uruhina Ngatai	f.	1/2

Te Rou Ngatai

13. Te Rou Ngatai died on 27 July 1965. He had 10 children. He left a will dated 9 August 1964 with a codicil dated 12 January 1965. He devised the rest and residue of his estate unto his four children, namely, Te Ao Whakairi Ngatai, Te Raungaiti Lawson, Mihi Crapp, and Hariru Ngatai. Relevant portion of the will reads as follows:

And the Rest and Residue of my Estate which I may stand possessed at the time of my death I, GIVE DEVISE AND BEQUEATH unto those of my children:

Te Ao Whakairi Ngatai

Te Raungaiti Lawson

⁷ 17 Tauranga MB 174 (17 T 174).

⁸ 19 Tauranga MB 145 (19 T 145).

⁹ 31 Tauranga MB 106 (31 T 106).

¹⁰ 51 Whakatāne MB 70-72 (51 WHK 70-72). At folio 70 and 71, 14 T 240 is dated as 1.5.41. The correct date of 14 Tauranga MB 240 is 20 August 1941.

Mihi Crapp

and Hariru Ngatai for them in equal shares absolutely.

14. Probate of Te Rou's will was granted on 9 May 1967.¹¹ Succession to Te Rou was ordered on 18 June 1969 in accordance with the devises made, vesting the residue of his estate equally in the four children named in the will.¹²
15. Further successions to Te Rou were ordered on 12 September 1969¹³, 14 December 1969,¹⁴ and on 21 November 2018,¹⁵ vesting his interests in Te Ao Whakairi Ngatai, Te Raungaiti Lawson, Te Hariru Ngatai and Mihikore Crapp in equal proportions.

Te Pou Ngatai

16. The minutes of proceedings held on 20 August 1941 at 14 Tauranga MB 240, records that Te Pou had two adopted children:

110 Watini Ngatai died. Chukai 15 - 30.0.26p.
husb. (Dead - sole owner)

Te Pou Ngatai - *husb.*
 Dead. was my father. Died 8th Army 1939.
 No will. Issue:-

<u>Te Pou Ngatai</u>	m.a.	1/3	✓
<u>Kape</u>	m.a.	1/3	✓
<u>Te Pou</u>	m.a.	1/3	✓
<u>Titirangi</u>	f. a. dead name but name dead.		
(other dead without name)			

Decd
no will no issue

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was ordered on 4 October 1991¹⁸ and on 5 February 1992.¹⁹ She was succeeded to by Rena Uruhina Bennett and Paorotia Huhana Thompson.

Identification of evidence that may be of assistance in remedying the mistake or omission

20. In support of the application, the following documents were submitted:
- (a) Minutes of the Wetini Ngatai land shares hui dated 11 October 2021 records the following:
 - i. Mate Heitia moved that Te Wetini Ngatai's share be put in a trust. Of the total attendees, 24 agreed, four voted against and one abstained.
 - ii. 24 Agreed that the trust be named "Wetini and Te Hiki Kotau Ngatai Trust".
 - iii. The following were nominated trustees of the proposed trust:
 - Kipouaka Pukekura
 - William Waters
 - Mate Heitia
 - Aroha Mane
 - (b) Wetini Ngatai attendance register dated 11 October 2020 recording 28 attendees.
21. Letters from the nominated trustees were also submitted in support of the application:
- (a) Kipouaka Pukekura-Marsden's letter dated 1 September 2021. Kipouaka is a great-great-granddaughter of the deceased. She wrote that Helen Ethel Downs' application for succession to the land interests of the deceased was successful, and that their application to constitute a whānau trust was cancelled as it was superseded by Helen's succession order. She noted that Helen was present at the hui and that Helen was the only whānau member who opposed the setting up of a whānau trust.
 - (b) Te Aroha Mane-Wheoki's letter dated 1 September 2021. Te Aroha is a great-great-granddaughter of the deceased. She wrote that in 2020, the descendants of Te Rou and Te Auta Paama met at Whareroaroa marae to discuss the lands belonging to the deceased, majority of those present agreed to set up the Wetini and Te Hiki Kotau Trust and to elect its trustees. They have submitted their application to succeed the whenua, only to find that the Māori Land Court ignored the Chief Judge's order and succeeded the shares to a select few.
 - (c) William Waters' letter dated 30 August 2021. William is a great-great-grandson of the deceased. He was nominated as a trustee of the whānau trust. He wrote that it is a great disappointment that MLC

¹⁸ 5 Registrar (Waikato Maniapoto) MB 91 (5 RGWM 91).

¹⁹ 221 Rotorua MB 166 (221 ROT 166).

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Waiariki has ignored the Chief Judge's order and vested the whenua to the other descendants with no consultation.

22. A whakapapa was also submitted on 20 October 2023.
23. On 18 October 2021, Helen Ethel Downs sent a letter on behalf of the uri of Titirangi Walker (nee Ngatai). Helen is a great granddaughter of the deceased. Her mother Titirangi Ngatai was the daughter of Te Rou Ngatai. She filed an application for succession to the deceased after the interests of Te Wetini were re-vested in his name. Her family strongly objects to the making of a trust order over the deceased's interests.
24. Ms Downs noted that, by will, Te Rou left his interests to his four children, namely, Te Ao, Te Raungaiti Lawson, Hariru Ngatai, and Mihikore Crapp (nee Ngatai).

Details of subsequent Orders affecting lands to which this application relates

25. There are no subsequent orders made. The interests are currently held in the names of the following successors:

SUCCESSORS 233 WMN 51-52 (8 June 2021)		Proportion	Kokohinau 47.15 shares	Matata Lot 72B No 3V No 1C 0.14286 shares	Matata Parish Lot 72B No 3V No 1E No 3 4.16286 shares
1	Te Ao Whakairi Ngatai	1/8	5.8938	0.01785	0.52036
2	Te Raungaiti Lawson (Mrs)	1/8	5.8938	0.01785	0.52036
3	Te Hariru Ngatai	1/8	5.8937	0.01786	0.52036
4	Mihikore Crapp (Mrs)	1/8	5.8937	0.01786	0.52036
5	Rena Uruhina Bennett	1/4	11.7875	0.03572	1.04071
6	Paorotia Huhana Thompson	1/4	11.7875	0.03572	1.04071
TOTAL SHARES			47.15	0.14286	4.16286

Details of payments made as a result of the Orders

26. There are no payments made as a result of the order complained of.

Reference to areas of difficulty

27. There are no areas of difficulty in this matter.

Consideration of whether matter needs to go to full hearing

28. Te Rou and Te Pou were the only successors to the deceased as the other children died without any issue or living issue, as in the case of Titirangi Ngatai. Te Rou and Te Pou both died leaving a will. The order complained of was made pursuant to s 118(6) and is consistent with previous succession orders determining Te Rou and Te Pou as the persons entitled to succeed, with substitution of legally entitled successors.
29. Based on the information available, there is insufficient evidence to show that an error was made in the order complained of due to a mistake or error on the part of the Court, or in the presentation of the facts of the case to the Court.

30. The Chief Judge must be satisfied that there was a mistake or error in the order complained of and the burden of proof lies with the applicants to prove that an error was made.
31. A Court hearing is necessary to afford parties an opportunity to present their case to the Court.

Recommendation of course of action to be taken

32. If the Chief Judge is of a mind to exercise her jurisdiction, then it would be my recommendation that:
 - (a) A copy of this report be sent to all affected parties, with known contact details to give them an opportunity to comment or respond in writing on the matters raised by 3 January 2024.
 - (b) This matter be set down for hearing by the Māori Land Court at Waiairiki via zoom in March 2024, the date and time to be confirmed, to enable parties to be heard.
 - (c) If no objections are received, this matter be dismissed upon the grounds that there was no error made by the Court or in the presentation of the facts of the case to the Court.

Ko te hātepe ture o te tono nei

Procedural history

[3] The Registrar's report was sent to the parties on 30 November 2023 for comment or submission. Comments were received from Mate Heitia (for the nominated trustees) and Helen Downs.

[4] Mrs Heitia did not support the Registrar's report. She wants the Court to support the establishment of a whānau trust. She did not understand why her cousin, Ms Downs, made the application in October 2020 resulting in the order complained of. She also queried Ms Downs right to bring the application in the Māori Land Court.

[5] Ms Downs claimed that Titirangi, her mother, was a natural daughter of Te Rou Ngatai and a granddaughter of the deceased. She also sought to correct the mistake made in the report where it was stated that her mother Titirangi died without issue. She submits that the whakapapa chart in the report is also wrong as it records that Titirangi had one child. Ms Downs advised that her mother married Isaac Paul Walker and had 21 children, 16 of whom survived to adulthood, and of those 13 had children. There are now more than 400 of Titirangi's descendants alive today. She supported the finding in the Registrar's report of

there being no error in the 2021 order. She did not support the establishment of the trust promoted by the applicants.

Te Nohonga a Te Kooti

The Hearing

[6] The hearing of this application was held on 26 March 2024. The applicants were self-represented, and Ms Downs was represented by counsel, Joshua Gear. After hearing from the parties, I reserved my decision, and called for submissions on the Family Protection Act 1955. Those submissions were filed in April and May 2024. The file was referred to me for judgment on 12 June 2024.

Ngā kōrero a ngā Kaitono

Applicants evidence and submissions

[7] Mrs Heitia referred to the effort the whānau put into the previous s 45 application, only to have their success undermined by Ms Downs, who made the application for succession to additional interests in October 2020 resulting in the orders complained of. The applicants were upset that Ms Downs did not advise them of her application. Mrs Heitia also claimed that the applicants did not receive notice of that application. Her claim of lack of notice was supported by William Waters.

[8] Aroha Mane supported the need for a whānau trust and was concerned for the generations that would miss out, if the order complained of was not cancelled. She claimed she received no notice of the application filed by Ms Downs.

[9] Kipouaka Pukekura expressed the same concern.

Ngā kōrero a ngā kaiurupare

Respondents evidence and submissions

[10] Mr Gear confirmed his client's position regarding the Registrar's report and requested that the mistakes in the report relating to Ms Down's mother passing away without issue be noted. He could not comment on the issue of notice but noted that it may be a natural justice issue.

[11] Ms Downs added that she did not realise that she had to inform anyone of her application. She acknowledged that she knew that Mate Heitia had been through the s 45 process because she had seen it in the Māori Land Court Pānui. She was not directly informed of that s 45 application and clearly, she was upset about that. All she did, Ms Downs contended, was follow up with the succession in favour of her mother.

[12] Mr Gear filed final submissions on 19 April 2024. He noted that legally the application filed by Ms Downs was consistent with the wishes expressed in the wills of Te Rou and Te Pou. Vesting those interests in a whānau trust becomes difficult if there is no unanimous support for such a trust or a family arrangement providing for the vesting of these shares in a trust. Mr Gear noted that cancelling the order complained of will not necessarily achieve what the applicants are seeking to achieve.

[13] Mr Gear addressed the Family Protection Act 1955 (FPA), noting that the Māori Land Court has jurisdiction to deal with a claim under that Act. He noted that pursuant to s 9 of the FPA, the default period to bring an application is within 12 months from the date of grant of administration. However, he acknowledged that the Court has the power to extend the time for making an application after hearing from the parties affected. It was submitted that an extension may only be granted before the final distribution of the estate and cannot disturb any prior distribution.

[14] Mr Gear noted that in deciding whether or not to grant an extension of time, the Court will consider whether other parties to the will could be prejudiced, and whether those parties had been made aware that an application under the FPA was made.

[15] Mr Gear then noted that the wills for Te Pou and Te Rou were granted probate on 26 July 1963 and 9 May 1967. He noted the options available to the Chief Judge are to cancel the order and revert the interests back to the deceased's estate or leave the order in place and then it would be up to the descendants of Te Rou, who were omitted, to seek relief under the FPA.

Ngā Ture
The Law

[16] The Chief Judge's jurisdiction to amend or cancel an order of the Māori Land Court is set out in s 44(1) of Te Ture Whenua Māori Act 1993 (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.

[17] In *Ashwell – Rawinia or Lavinia Ashwell (nee Russell)*, the principles to be applied in determining such applications made pursuant to s 45 of the Act were listed as follows:²⁰

- (a) 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 Applicant (and any evidence in opposition);
- (b) Section 45 applications are not to be treated as a rehearing of the original applications;
- (c) 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;
- (d) 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;
- (e) The burden of proof is on the applicant to rebut the two presumptions above; and
- (f) 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.

²⁰ *Ashwell – Rawinia or Lavinia Ashwell (nee Russell)* [2009] Chief Judge's MB 209 (2009 CJ 209) at [15].

LA

[18] 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.

[19] 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 into account the nature and gravity of the matter at issue.²¹ This means that the applicant must establish on the balance of probabilities that there was a mistake or omission.

[20] The Court of Appeal has confirmed that the power under s 44(1) of the Act falls into two parts:²²

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...

Ngā Take Issues

[21] The issues for determination are:

- (a) Was an error (due to mistake or omission) 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?

²¹ *Tau v Nga Whanau O Morven & Glenavy – Waihao 903 Section IX Block* [2010] Māori Appellate Court MB 167 (2010 APPEAL 167).

²² *Inia v Julian* [2020] NZCA 423 at [10].

Was an error made?

[22] I consider that based upon the evidence presented by all parties, it appears there was no notice given to the applicants and other interested parties of the application that was heard and determined on 8 June 2021. While it is standard practise for the Court to follow earlier succession orders where previous administration has been granted, this was not a standard case. The Court should have been advised of the previous s 45 application and the decision made in favour of the applicants under s 44 of the Act. The Registrar, through the case manager, omitted to provide this information. Had the Court been advised, notice could have been directed to the applicants as potential interested parties. Therefore, while the Registrar's report at paragraph 28 is technically correct, it did not address the lack of notice.

[23] Natural justice is a fundamental tenet of our legal system.²³ This means that the applicants should have been given notice so they could present their case for a whānau trust and, if properly advised, seek relief under the FPA. They may not have been successful, but at least they would have exercised their right to be heard. This omission by the case manager led the Court to make the succession order covering the additional interests of the deceased in error.

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

[24] Taking into account the Preamble, s 2 and s 17 of the Act and the fact that previous succession orders to the deceased's estate occurred before the Māori Land Court's jurisdiction was extended to include Family Protection claims, I consider that it is in the interests of justice to correct the error made.

Kupu whakatau

Decision

[25] The order made on 8 June 2021 recorded at 223 Waikato Maniapoto MB 51-52 is cancelled pursuant to section 44 of Te Ture Whenua Māori Act 1993.

²³ *Tioro v McCallum - Estate of Ngapiki Waaka Hakaraia* [2015] Māori Appellate Court MB 483 (2015 APPEAL 483) at [20]-[25], which was endorsed by *Reihana v Benedito – Punakitere* 4J2B2B [2018]. māori Appellate Court MB 32 (2018 APPEAL 32).

[26] I consider the applicants need to obtain legal advice before they file a fresh application to the Māori Land Court. If they do, or if Ms Downs files another application, all parties should receive notice.

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

I whakapuaki i te 3.00 pm ki Turanganui-a-Kiwa, tekau ma toru o ngā rā o Hanuere i te tau 2025.

Pronounced at 3.00pm in Gisborne on this 13th day of January 2025.

A handwritten signature in black ink, appearing to read 'C L Fox', with a stylized flourish at the end.

C L Fox
CHIEF JUDGE