

I TE KOOTI PĪRA MĀORI O AOTEAROA
I TE ROHE O TE WAIARIKI
In the Māori Appellate Court of New Zealand
Waiariki District

AP-20250000006969
APPEAL 2025/12

WEHENG <i>Under</i>	Section 58, Te Ture Whenua Māori Act 1993
MŌ TE TAKE <i>In the matter of</i>	Paenoa Te Akau
I WAENGA I A <i>Between</i>	Paenoa Te Akau Te kaitono pira <i>Appellant</i>
ME <i>And</i>	ARIANA FRANCIS HUNIA, BRENDA CHANEL ROSELY HUNTER, CHERYL MATEWAI RAMEKA, DAVID DENNISTON GREY, EMERINA DOROTHEA ADAMS, JOHN RANGITUEHU TUPARA AND PAULA ALICE RAKATAU AS RESPONSIBLE TRUSTEES OF THE PAENOA TE AKAU TRUST Ngā kaiurupare pira <i>Respondent</i>

Nohoanga: <i>Hearing</i>	12 February 2026, 2026 Māori Appellate Court MB 76 (Heard at Zoom)
Kooti: <i>Court</i>	Judge D H Stone (Presiding) Judge R P Mullins Judge A M Thomas
Whakataunga: <i>Judgment date</i>	27 February 2026

TE WHAKATAUNGA A TE KOOTI
Judgment of the Court

Kōrero tīmatanga

[1] I whakamana te Kooti Whenua Māori i tētahi ōta tāria e tohutohu ana i te kaitono, Sara Hona, kia nekehia tētahi whare me ngā taputapu mai i te whenua e mōhiotia nei ko Paenoa Te Akau balance block (“te poraka”).¹ E whakahaeretia ana te poraka e te Taratī o Paenoa Te Akau (“te taratī”).² I tuku ā-waha te Kooti Whenua Māori i tana whakataunga i te 4 o Āperira 2025. Kāhore te whakataunga ā-waha i āta tuku i ngā whakamāramatanga mō te ōta tāria, waihoki, i te angawā kia nekehia te whare me ngā taputapu. I te rā 19 whai muri i te tukunga ā-waha, nā te tuhinga kape kōrero o te whakataunga ā-waha i tuku aua whakamāramatanga. Ko tētahi o aua take e mea ana me neke te whare me ngā taputapu i roto i te 3 marama mai i te rā o te kōtitanga. E kimi whakapuakanga ana a Ms Hona mō taua whakataunga.

Whakarāpopototanga

[2] Ka whakakāhoretia te pīra.

Kōrero whānui

[3] I mea atu a Ms Hona, i te tau 2022, i whakaae atu tētahi tarahitī o mua kia noho

Introduction

[1] The Māori Land Court granted an injunction to require the appellant, Sara Hona, to remove a building and objects from land known as Paenoa Te Akau balance block (“the block”).¹ The block is managed by the Paenoa Te Akau Trust (“the trust”).² The Māori Land Court decision was delivered orally in court on 4 April 2025. The terms of the injunction, including the timeframe within which the building and objects were to be removed, were not stipulated in the oral decision. The formal transcript of the oral decision, released 19 days after the oral decision was delivered, set out those terms. One of those terms required the building and objects to be removed within 3 months of the court date. Ms Hona seeks declaratory relief in relation to this decision.

Summary

[2] The appeal is dismissed.

Background

[3] Ms Hona says that, in 2022, a former trustee gave her and her husband, Daniel

¹ 336 Waiariki MB 290-303 (336 WAR 290-303), dated 4 April 2025.

² The Paenoa Te Akau Trust manages 64.1921 hectares located along the shores of Lake Taupō. There are over 2,500 beneficiaries of this trust.

rāua ko tana hoa rangatira, arā ko Daniel Tauru, ki te poraka. I mea atu ia, i whakatūria e ia me tana hoa rangatira tētahi whare ki runga i te poraka, e tata ana ki te roto o Taupō, nā, mai i taua wā, kua whai nohoanga rāua me ā rāua tamariki tokorua ki reira.

[4] I te tau 2023, i whakatūria e Ms Hona tētahi whare anō ki runga i te poraka, e tino tata ana ki te whare tuatahi. Kāhore ngā tarahitī o te taratī i whakaae ki te whakatūranga o te whare tuarua ki runga i te poraka. I tonoa e rātou tētahi ōta tāria kia nekehia ia. I te 4 o Āperira, whai muri i ā ngā hunga tuku kōrero, i tuku te kaiwhakawā o te Kooti Whenua Māori i tētahi whakataunga ā-waha. Mutu ana tana whakarāpopoto i ngā take me ngā tūranga o ngā hunga, i mea atu te Kaiwhakawa, “the order for the injunction is granted”. Kāhore ngā whakamāramatanga mō taua ōta tāria i tukua ā-wahatia i te Kooti.

[5] Nā runga anō i ngā tikanga a te kōti, whai muri hoki i te kōtitanga, i timata ngā kaimahi ki te whakarite i te ōta tāria tūturu. Inā hoki kāhore te whakataunga ā-waha a te Kooti i tuku i te rā kia nekehia te whare tuarua (me ētahi “taputapu”), i tukua tēnei take e ngā kaimahi o te Kooti ki ētahi o ngā tarahitī o te taratī kia kōrerotia, me tā rātou i whakaaro ai, e tika ana tētahi angawā 3

Tauru, permission to reside on the block. She says that she and her husband established a house on the block, close to the shoreline of Lake Taupō, and have been living there since with their two children.

[4] In 2023, Ms Hona placed a second building on the block, in reasonable proximity to the first house. The trustees of the trust did not consent to this second building being located on the block. They applied for an injunction to have it removed. After hearing from the parties on 4 April 2025, the Māori Land Court judge gave an oral decision. Following a summary of the issues and the parties’ positions, the Judge said, “the order for the injunction is granted”. No injunction terms were expressed orally in Court.

[5] After the hearing and as is customary, the Court staff set about drawing the formal injunction order. Having identified that the oral decision of the Court did not specify a date by which the second building (and any “objects”) were to be removed, the Court staff communicated about this issue directly with some of the trustees of the trust, who

marama. Kāhore ngā kaimahi o te Kooti i tuku kōrero ki a Ms Hona.

[6] I whāia hoki tētahi anō tikanga a te Kooti, arā, ko te whakatūturu i te tuhinga kape kōrero nā te kōtitanga (tae atu ki te whakataunga ā-waha i tuku i te kōtitanga) whai muri iho me tana whai tohu i te pukapuka miniti o te Kooti Whenua Māori. I rerekē te tohutoro o te pukapuka miniti i te whakataunga ā-waha inā hoki kua whai wāhi atu ngā whakamāramatanga o te ōta tāria, tae atu ki te 3 marama kia nekenekēhia e Ms Hona te whare tuarua me ngā taputapu.

Ngā take

[7] He taurangi te āhua o ngā take kia whakatauhia. Kāhore ngā take tuatahi o te pīra, i tukuna rā i te 29 o Mei 2025, i āta whakamārama i ngā kaupapa. Whai muri i ētahi kupu whakahau kia whakatikaina, i te 3 o Pēpuere 2026, i tuku māramatanga a Ms Hona ki ana take pīra. I te rā whai mai, i whakarerekē ia i te āhua o te rongoā e kimi nei ia. I te kōtitanga, i te 12 o Pēpuere 2026, i whakarerekē anō a Ms Hona i ana take pīra me tōna rongoa. Arā, i whakatahangia tana wero ki te whakaurutanga atu o te angawā 3 marama ki te ōta tāria. Heoi anō, tāna e whai nei, ko tētahi whakapuakanga e mea ana, i

indicated that a 3-month timeframe would be appropriate. The Court staff did not communicate with Ms Hona.

[6] As is also customary, the transcript of the injunction hearing (including the oral decision given at the hearing) was finalised after the hearing and referenced in the Māori Land Court minute book. The minute book reference differed from the oral decision, in that it included the precise terms of the injunction, including a 3-month timeframe for Ms Hona to remove the second house and objects.

Issues

[7] The issues for determination have been fluid. The initial grounds of appeal, filed on 29 May 2025, raised several issues that were not properly pleaded. Following a direction to replead, Ms Hona clarified her grounds of appeal on 3 February 2026. The following day, she changed the nature of the relief she seeks. At the hearing of this appeal on 12 February 2026, Ms Hona again refined her grounds of appeal and associated relief. Specifically, she withdrew her challenge to the inclusion of the 3-month timeframe in the injunction order. Instead, she seeks a declaration that the Māori Land Court relied on an untrue

whakawhirinaki atu te Kooti Whenua Māori ki ētahi kupu tika kore (i oatitia) i a ia e whakamana ana i te ōta tāria.

[8] Nā konā, e mea nei ko ngā take kia whakatauhia:

- (a) Āe rānei, i whakawhirinaki atu te Kooti Whenua Māori ki tētahi oati tika kore i a ia e whakamana ana i te ōta tāria?
- (b) Mehemea i pērā ia, he aha tētahi hua e tika ana kia tukua?

[9] Me tuku kōrero mātou mō te āhua o te tukunga atu o ngā take pīra me te rongoā. I te kōtitanga, he maha hoki ngā taima i mua i tērā, i kimi a Ms Hona kia whakamāramatia, kia whakahoutia, kia whakarereketia ana take pīra me te rongoā. He tino rerekē tērā inā hoki, he mōreareatanga ka puta mēnā kāhore ngā kaiurupare i whai wā ki te āta whakautu i te pīra. Nā runga i te mōhio he rōia kore tā Ms Hona tū, i whai mātou kia ngākau tuwhera engari, i pērā hoki mātou nā runga anō i tā ngā tarahitī o te taratī aro ngawari ki te whakautu i ngā take pīra i te wā e putaputa haere nei i te kōti.

[10] I tuwhera tonu taua ngākau ki a Ms Hona kia panonitia ana take pīra ki te

statement (made under oath) in granting the injunction order.

[8] Accordingly, the issues to determine are:

- (a) Did the Māori Land Court rely on an untrue oath in granting the injunction order?
- (b) If so, what relief should be granted?

[9] The manner in which the grounds of appeal and the relief were pleaded and argued before us requires comment. Ms Hona sought to clarify, update and refine her appeal grounds and relief on various occasions, including at the hearing. This is highly unusual, particularly because it means the respondents were at risk of not being able to respond appropriately to the appeal. We provided Ms Hona with a significant degree of latitude here, as she is a lay litigant, but also because the trustees of the trust took a pragmatic approach and responded as best they could to the appeal as it unfolded.

[10] The latitude extended to allowing Ms Hona to amend her appeal grounds at

kōtitanga tūturu. Hei toai noa, ahakoa tana whakamāramatanga o 3 Pēpuere 2026 e mea ana ko tana take pīra anahe ko te whakaūtanga o te angawā 3 marama (whai muri i te whakataunga ā-waha) kia nekehia te whare tuarua me ngā taputapu, tae atu ki te 12 o Pēpuere 2026, i te whai ia kia mukua katoatia taua take pīra. Ko tā mātou i kite ai, i pērā ia inā hoki, e whakawhirinaki atu ana ia ki taua take kia kimi rongoā ki tētahi whakahaerenga arotakenga ā-ture ki te Kōti Matua e hāngai pū nei ki tēnei whakataunga ake a te Kooti Whenua Māori, kāhore hoki ia i te hiahia kia hanumi ngā take kei mua i a mātou me ērā ki te Kōti Matua.

[11] Ahakoa tērā āhua o te whai i ngā whakahaerenga ā-ture ki ngā kōti rerekē engari kotahi tonu te whakataunga a te kōti, i te whakaaro kē mātou, hāunga tētahi horopaki motuhake, e tika ana mā tēnei Kooti e whakatau mēnā āe rānei e tika ana te whakataunga a te Kooti Whenua Māori. A kāti, kei reira tonu te huarahi ki te arotake i tētahi whakataunga whakawā, engari i tēnei horopaki, he tika kē atu tā tēnei kōti whakamahi i tōna ake mana ā-pīra, me te mōhio ake, nā Ms Hona ake i hīmata ai. Nō reira, kāhore mātou i te tino mōhio ki te take o tā Ms Hona whakarerekē i ngā whakapae kua tukuna ki mua i a mātou, ko ērā pū e hāngai nei ki te angawā

the hearing. As noted, although she clarified on 3 February 2026 that her appeal grounds related solely to the imposition of the 3-month time frame (after the oral decision was pronounced) to remove the second building and objects, by 12 February 2026 she had decided to withdraw this ground entirely. It appears that she did so because she is relying on this ground to seek relief in concurrent High Court judicial review proceedings relating to this very decision of the Māori Land Court and does not wish for the issues before us and the High Court to overlap.

[11] Putting aside the veracity of conducting proceedings in different appellate jurisdictions relating to the same court decision, we would have thought that, absent special circumstances, it is for this Court to decide whether a decision of the Māori Land Court is correct or not. Of course, judicial review proceedings are always available, but in the present circumstances, it would seem appropriate for this Court to exercise its appellate jurisdiction, particularly because it has been invoked by Ms Hona. It is therefore unclear to us why Ms Hona changed her pleadings before us, particularly in relation to the 3-month timeframe included in the

3 marama ki roto i te ōta tāria. Mehemea i hiahia ia kia kauparetia tō mātou mana ā-ture, he takahitanga tērā ki runga i ngā hātepe ā-ture.

[12] Ka kite hoki mātou, i aro pū ngā kerēme mō te angawā 3 marama (i whakatahangia ai) a Ms Hona ki ngā take manatika. Inā noa nei, i puta i tēnei Kōti ētahi whakaaro mō taua take rā o te manatika.³

Natural justice means that every person who appears before the Māori Land Court is entitled to a fair hearing and decisions must be made using fair processes. Natural justice includes the doctrine of *audi alteram partem*, meaning “listen to the other side.” It is the principle that no person should be judged without an opportunity to be heard and respond to the evidence against them.

[13] I te kōtitanga o te tono ōta tāria, i whakamōhio atu te Kooti Whenua Māori ki ngā hunga i reira, mā rātou kē e matapaki te angawā e tika ana kia nekenekia te whare tuarua me ngā taputapu mai i te poraka. Ahakoa tērā kīnga, i tuku noa te ōta tūturu a te Kooti i tētahi angawā 3 marama. I tā rātou whakatau i taua angawā, i rongo te Kooti i ngā kōrero a tētahi tarahitī o te taratī. Kāhore ia i rongo i ngā kōrero a Ms Hona. He tika tā Ms Hona whai reo ki tēnei take. Kāhore ia i whai reo. I te āhua nei, he takahitanga tēnei ki ngā ture o te manatika. Mehemea e ora tonu ana taua

injunction order. If it was to prevent us from exercising our jurisdiction, that would be an abuse of process.

[12] We observe, further, that Ms Hona’s claims (which were withdrawn) regarding the 3-month timeframe focussed on natural justice. This Court has recently made the following observations about natural justice:³

[13] When the injunction application was heard, the Māori Land Court indicated to the parties that the timeframe within which to remove the second house and objects from the block was to be discussed between the parties. Contrary to this indication, the final order of the Court imposed a 3-month timeframe. In setting that timeframe, the Court heard from the trustees of the trust. It did not hear from Ms Hona. Ms Hona was entitled to be heard on this issue. She was not. On its face, this appears to have been a breach of natural justice. Had the issue remained live

³ *Tana v Gilbert – Pukahakaha East 5B4* [2023] Māori Appellate Court MB 206 (2023 APPEAL 206), at [10].

take rā ki mua tonu i a mātou, tērā pea kua puta te ihu o tēnei pira.

Ae rānei, i whakawhirinaki atu te Kooti Whenua Māori ki tētahi oati tika kore i a ia e whakamana ana i te ōta tāria?

[14] I mea atu a Ms Hona, nā tētahi o ngā tarahitī, nā Paula Rakatau i tuku ki te Kooti Whenua Māori tētahi whakapuakanga ā-ture e mea ana ehara a Ms Hona i te kaupuri whenua o tēnei poraka. I kī a Ms Hona, kāhore tērā i te tika. I mea atu a Ms Hona, nā tā rātou whakaae kia noho tonu taua kōrero ki te rekoatatanga, i hē ai tā te Kooti Whenua Māori koke tonu, me te aha he ture kore te ōta tāria.

[15] Hei tā Ms Rakatau, i kōrero te whakapuakanga ā-ture ki te āhua o ngā rekoatatanga a te Kooti Whenua Māori e mea ana, ehara a Ms Hona i tētahi kaupuri whenua kua rēhitatia. Ehara i te mea e kī ana kāhore ōna pānga ki te whenua. Hei whakamāhara noa, i whakaae mai ngā tarahitī o te taratī, a Ms Rakatau me Mr Grey, i ō rāua tū ki mua i a mātou, he whakapapa tō Ms Hona ki te rohe e noho nei te poraka.

[16] He tika te kōrero, nā te miniti o te kōtitanga 4 o Āperira 2025 i whakarāpopoto te tono, tae atu ki te

before us, the appeal may have been successful.

Did the Māori Land Court rely on an untrue oath in granting the injunction order?

[14] Ms Hona argues that a statutory declaration was filed with the Māori Land Court by one of the trustees, Paula Rakatau, stating that Ms Hona is not an owner in the block. Ms Hona says this is factually incorrect. By allowing that statement to remain on the Court record, Ms Hona says the Māori Land Court proceeded on a flawed basis and, as a result, the injunction order is invalid.

[15] Ms Rakatau says the reference in her statutory declaration reflects that Ms Hona is not a registered owner in the block according to the Māori Land Court records. It does not go so far as to say that she does not have interests in the block. Indeed, Ms Rakatau and Mr Grey, trustees of the trust who appeared before us, confirmed that Ms Hona has whakapapa interests in the rohe in which the block is located.

[16] It is true that the minute of the 4 April 2025 hearing summarises the application, including the assertion that Ms

whakapae, ehara a Ms Hona i tētahi “owner in this block”. Heoi anō, ehara tērā i tētahi kitenga a te Kooti. Kāhore hoki tētahi tangata, a Ms Hona anō hoki, i tuku kōrero ki te kōtitanga mō te take o tana tū hei kaupupuri whenua o te poraka. Kāhore ia i kimi whakatikanga mō tētahi rangiruatanga pea i puta mō tana pānga ki te poraka. Kāhore he take o tana pērā, inā hoki kāhore te Kooti i tahuri ki te take o te kaupupuri i a ia e tuku nei i tana whakataunga. Heoi anō tāna i whai ai, nā runga i ngā mātāpono ā-ture, ko te tahuri ki te whakaaetanga kore o ngā tarahitī o te taratī kia whakatūngia tētahi whare tuarua me ngā taputapu ki runga i te poraka, me tana whakaae kia whakamanahia ngā ōta tāria. Nō reira, kāhore i whai wāhi mai te take o tō Ms Hona tūranga hei kaupupuri whenua ki te whakataunga a te Kooti. Kāhore te ihu o tēnei take pīra, arā ko te take anahe e toe ana whai muri i tā Ms Hona whakarerekē i ana kerēme, i puta.

He aha ngā hua?

[17] Kāhore te ihu o tā Ms Hona pīra i puta, kāhore hoki ō mātou take hei whai whakaaro ki ngā rongoā.

[18] I te kōtitanga, i tuku mātou i te wā ki a Ms Hona kia kōrerotia ōna whakaaro mō ngā whakamāramatanga o te ōta tāria, ki te whakaaetia tana tū tonu. Me te mea

Hona “is not an owner in this block”. However, that is not a finding of the Court. Nor was the issue of whether Ms Hona is an owner in the block raised during the Court hearing, including by Ms Hona herself. She did not seek to correct any potential misapprehension about her standing in relation to the block. She did not have to, because the Court did not base its decision on whether Ms Hona was an owner in the block or not. Instead, and relying on orthodox legal principles, the Court determined that the trustees of the trust had not granted permission for the second house and objects to be located on the block and that the injunction should be granted. Thus, whether Ms Hona was an owner in the block was irrelevant to the Court’s decision. We see no issue with this approach. This appeal ground, being the only ground remaining after Ms Hona refined her pleadings, fails.

What relief should we grant?

[17] Ms Hona’s appeal fails, we need not consider relief.

[18] During the hearing, we provided Ms Hona with an opportunity to make submissions on the terms of the injunction, should it be upheld. In particular, we

nei, i tuku mātou i te wā ki a ia kia tukuna ngā tāpaetanga mō tētahi angawā e tika ana ki tana titiro kia nekehia te whare tuarua me ngā taputapu. He aheinga tērā ki a ia ki te kimi i ētahi anō taima kia nekehia te whare tuarua me ōna taputapu. Kāhore ia i whai pērā, nā runga i tana whakaū tonu he ture kore te ōta tāria. I te mea kāhore tēnei pīra i angitu, ka tū tonu te ōta tāria kua whakamanatia kētia.

provided her with an opportunity to make submissions on a reasonable timeframe within which to remove the second building and objects. It was an opportunity for her to seek more time to remove the second house and associated objects. She declined to do so, on the basis that she maintained that the injunction order was erroneous. Given that the appeal fails, the injunction, as granted, remains live.

Whakataunga

Decision

[19] Ka whakakāhoretia te pīra.

[19] The appeal is dismissed.

I whakapuaki i te 3.00 pm i Te Whanganui a Tara, i te 27 o ngā rā o Pēpuere i te tau 2026.
Pronounced at 3.00 pm in Wellington, on this 27th day of February 2026.

D H Stone (Presiding)
JUDGE

R P Mullins
JUDGE

A M Thomas
JUDGE