

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

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

AP-20250000011912

APPEAL 2025/21

WEHENG
Under

Section 58, Te Ture Whenua Māori Act 1993

MŌ TE TAKE
In the matter of

Haumingi 15 Block and others

I WAENGA I A
Between

SARA TEREHIA HONA
Te kaitono pira
Appellant

ME
And

ANTHONY JAMES MARINO, CATHERINE TE
WAKA, DAVID HEREWINI, GEOFFREY
KEITH MARINO, JACQUELINE DENISE
PAUL, JAMES NGATAI THEODORE, MARAEA
THEODORE, SANDRA PATRICIA WEBB AS
TRUSTEES OF THE ORIWA HEREA
KA
WHĀNAU TRUST
Ngā kaiurupare pira
Respondents

Kōtitanga:
Hearing

12 February 2026, 2026 Māori Appellate Court MB 95-107
(Heard by Zoom)

Kooti:
Court

Judge D H Stone (Presiding)
Judge R P Mullins
Judge A M Thomas

Whakataunga:
Judgment date

27 February 2026

TE WHAKATAUNGA A TE KOOTI
Judgment of the Court



Kōrero tīmatanga

[1] Nā ngā tarahitī o te Taratī Whānau o Oriwa Hereaka (“te Taratī”) i tuku tētahi tono ki te Kooti Whenua Māori kia whakahekea a Sara Hona hei tarahitī ki runga i te Taratī (“te tono whakaheke”). I te 10 o Mei 2025, i tuku tono ai a Ms Hona kia whakakorehia te tono whakaheke. I tētahi kōtitanga i te 15 o Hepetema 2025, i whakakāhoretia taua tono whakakore.¹ Kāhore anō te tono whakaheke kia whakatauhia.

[2] E pīra ana a Ms Hona i te whakatau kia whakakāhoretia tana tono whakakore, e kimi ana hoki ia i tētahi ōta kia whakatārewahia te whakatau whakakore, kia whakahokia atu anō hoki te whakatau whakakore ki te Kooti Whenua Māori hei titiro anō, ko tētahi atu huarahi ko te tuku whakapuakanga e mea ana i whai tikanga kore te tono whakaheke.

Whakarāpopototanga

[3] Ka whakakāhoretia te pīra.

Introduction

[1] The trustees of the Oriwa Hereaka Whānau Trust (“the Trust”) filed an application in the Māori Land Court to remove Sara Hona as a trustee of the Trust (“the removal application”). On 10 May 2025, Ms Hona filed an application to strike out the removal application. This strike out application was dismissed at a hearing on 15 September 2025.¹ The removal application has yet to be determined.

[2] Ms Hona appeals the decision to dismiss her strike out application and seeks an order setting aside the strike out decision and remitting the matter back to the Māori Land Court for reconsideration, or alternatively declaratory relief that the removal application is procedurally invalid.

Summary

[3] The appeal is dismissed.

¹ 347 Waiariki MB 65-78 (347 WAI 65-78).

Ngā take

[4] He maha ngā take i puta ake i ngā tāpaetanga a te kaitono. I maha ngā taima i te ngana mātou kia whai māramatanga i āna take pīra. Ko ngā take tuatahi o tana pīra e mea ana, kāhore te kaiwhakawā o te Kooti Whenua Māori i tuku i ngā take mō tana whakakāhore i te tono whakakore, ka mutu, i whakahāweatia te kaitono e te whakakāhoretanga inā hoki i whakaaetia te haere tonu o tētahi tono ture kore, tikanga kore rānei mō tana whakaheke tūranga tarahitī. I ngā rā tae atu ki te 26 Hānuere 2026, i puta anō i te kaitono ētahi take e mea ana kāhore te Taratī i whai i te ōta o te Taratī i te korenga o te whakatū i tētahi hui ā-whānau i mua i te tuku tono whakaheke. I ana tāpaetanga whakamutunga, i te 9 Pēpuere 2026, i puta anō i te kaitono tētahi take e mea ana, mō te take o tā te tono whakaheke whai tikanga, i hē te Kooti Whenua Māori nā te korenga o tana tuku whakatau i tētahi ‘central and determinative issue’.

[5] I te wā o te kōtitanga, i te 12 o Pēpuere 2026, i uiuitia ia mō tana whakapae, kāhore te ōta taratī i whāia, i mea atu te kaitono, ehara taua kaupapa i tētahi take ināianei. I whakaū hoki ia, kāhore ō te Kooti Pīra Māori take hei titiro

The issues

[4] The submissions filed by the appellant raise many issues. We sought to clarify on multiple occasions the grounds for her appeal. The initial grounds for appeal were that the Māori Land Court judge failed to provide reasons for dismissing the strike out application, and that the dismissal caused prejudice to the appellant by allowing an unlawful or procedurally defective application for her removal as a trustee to proceed. By 26 January 2026, the appellant also raised issues with non-compliance with the trust order for the Trust due to an alleged failure to hold a whānau hui prior to the filing of the removal application. In her final submissions filed on 9 February 2026, the appellant also raised that the Māori Land Court failed to determine a ‘central and determinative issue’ going to the procedural validity of the removal application.

[5] During the hearing on 12 February 2026, when directly questioned on the alleged failure to adhere to the trust order, the appellant stated that this was no longer an issue. She also confirmed that the procedural validity issue no longer

ki tana whakapae mō te kaupapa o te whai tikanga kore. I tuku tāpae ia, ko te take anahe e toe ana hei tirotiro mā tēnei kōti, ko te kite atu mēnā i whai te whakataunga mō te tono whakakore i te whakamātautau ā-ture e tika ana. Koirā anahe te take hei whakatau mā mātou.

I whakamahia e te Kooti Whenua Māori te paerau tika mō te whakakore?

[6] I kitea i te wā o te kōtitanga, ko tā Ms Hona tohe matua ko te whakaaro e kore rawa e angitu te tono whakaheke. I mea atu ia, e kore ngā take i puta ai i roto i te tono whakaheke e whakatutuki i te whakamātautau taimaha mō te whakaheke i tētahi tarahitī, nā konā e kore rawa ia e angitu, nā kua mahue te whakaae atu ki te tono whakakore. Ko te pūtake o tana tohe e mea ana, kāhore te kooti i whai whakaaro ki te āhua o ngā whakapae i tukuna rā i te tono whakaheke, arā ko te tukituki noa o ngā whakaaro me ngā raru ā-whānau, me tā Ms Hona kī, kei te hē aua whakapae.

[7] Kāhore a Ms Hona i whai rōia i te kōtitanga, ka mutu, i te otinga o ngā uiui mō te take, arā he aha te whakamātautau e tika ana kia whakakorehia tono, i māraakerake te kitea atu kāhore ia i tino mōhio he aha te whakamātautau tika. I puta tētahi rangiruatanga i ana whakautu mō te āhua o te tuku i te whakamātautau

required the attention of the Appellate Court. She submitted that the only remaining ground for this court to consider is whether the strike out application was determined based on the correct legal test. That is the sole issue for us to determine.

Was the correct test for a strike out applied by the Māori Land Court?

[6] During the hearing, Ms Hona's primary argument was that the removal application had no chance of success. She submitted that the high threshold for removal of a trustee could not be met on the grounds raised in the removal application, and therefore it could not succeed and the strike out application should have been granted. The basis of her argument was that the court failed to consider that the allegations made in the removal application concerned mere personality clashes and whānau disputes, and are all allegations Ms Hona disputes.

[7] Ms Hona was not represented by counsel at hearing, and after questioning on the correct test for a strike out application, it was clear that she was uncertain what the correct test is. Her responses showed some confusion about how the threshold for strike out of an

whakakore tonu, nā konā i raru hoki tana
tuku tohe.

application operates, which affected the
way she presented her arguments.

[8] I te whakataunga e pīratia nei, i ātaT
whakatakotohia katoatia te
whakamātautau ā-ture, mātāpono anō hoki
a te Kooti Whenua Māori me te Kooti Pira
Māori mō te tonu whakakore. I mea atu te
Kooti Whenua Māori, me whai whakaaro
ki ēnei, e whai ake nei:²

[8] The legal test and principles for a
strike out application, as applied in the
Māori Land Court and the Māori Appellate
Court, were set out in full in the decision
under appeal. The Māori Land Court stated
that factors to be considered include:²

- (a) pleaded facts in the statement of claim are assumed to be true,
whether or not these are admitted;
- (b) the causes of action must be so clearly untenable they cannot
possibly succeed;
- (c) the jurisdiction to strike out must be exercised sparingly and only
where the Court is satisfied it has the requisite material;
- (d) where applications to strike out raise difficult questions of law and
require extensive argument, jurisdiction is not excluded; and
- (e) Particular care is required in areas where the law is confused or
developing.

[9] I tuku te Kooti Whenua Māori i ngā
taipitopito mārika mō te take o tā rātou kī
atu he kiko kei roto i ngā take o te tonu
whakaheke, mehemea e whakaae ana
mātou ki ngā meka i roto i ngā take mō te
tonu whakaheke, me te tika kia pērā mātou,
he tika te kī a te kōoti, arā he pitomata kei
roto i ngā take o te tonu whakaheke e

[9] The Māori Land Court provided
detailed reasonings on why causes of
action in the removal application were
tenable. Assuming, as required, that the
facts as stated in the grounds for removal
were true, the court found that if proven,
there were a number of grounds in the

rokohanga ai tētahi whakahekenga removal application that could potentially
tūranga.² result in removal.²

...For example, if the allegation that Ms Hona cannot work with fellow trustees is proven then that could potentially lead to her removal – therefore that is tenable and could possibly succeed.

The grounds that Sara Hona is not performing duties as secretary, has threatening and aggressive behaviour towards fellow trustees, advertised and held hui where trustees were elected without authority to do so, cannot work alongside anyone that may have a different opinion and a lack of trust in Ms Hona, all appear to me to be tenable grounds, tenable causes of action.

[10] Hāunga tā mātou whakaae ki tā Ms Hona tohe mō te whakamātautau taimaha kia whakahekea he tarahitī, he maha ngā horopaki hei whai kia whakahekea he tūranga, tae atu ki ngā whakaaro tukituki me ngā raru ā-whānau.³ I tika tō te Kooti Whenua Māori whakaaro he kiko kei roto i te tono whakaheke a ngā kaiurupare, ā, ehara i te mea he tono angitu kore te tono.

[10] While we agree with Ms Hona that the threshold for the removal of a trustee is high, there are many circumstances that can lead to removal, including personality clashes and whānau disputes.³ The Māori Land Court was correct to consider that the removal application advanced by the respondents was a tenable one, and not one that had no prospect of success.

[11] I mea atu a Ms Hona, kāhore te Kooti Whenua Māori i whai whakaaro ki āna tohe i tukuna rā hei tautoko i tana tono whakakore. Kāhore mātou i te whakaae. I tahuri pū te Kooti Whenua Māori ki ngā take i rārangitia ai i tana tono. I tae atu ēnei whakaarotanga ki tana whakapae, kāhore ngā tarahitī i tuku i ngā taunakitanga hei tautoko i te tono whakaheke, waihoki, kua kitea tētahi takahitanga i ngā

[11] Ms Hona submitted that the Māori Land Court failed to consider her arguments made in support of the strike out application. We disagree. The Māori Land Court directly addressed the relevant grounds set out in her application. These include allegations that the trustees had failed to provide evidence in support of the removal application, and there had been an abuse of process/procedural fairness in the Court proceedings to that point.

² 347 Waiariki MB 65-78 (347 WAI 65-78) at 78.

³ See *Edwards v Tauī – Lot 3 DP South Auckland 19992* (2025) 344 Waiariki MB 9 (344 WAR 9); *Poutu v McDonald – Kaipakopako 2C2* (2024) 487 Aotea MB 78 (487 AOT 78); *Fruean v Knuckey – Waitara West 52D* (2023) 475 Aotea MB 284 (475 AOT 284); *Nepata v Karaitiana – Runanga 2D* (2023) 299 Waiariki MB 8 (299 WAR 8).

hātepe/tukunga rānei i roto i ngā whakahaerenga o te Kooti.

[12] Hei whakautu i ā Ms Hona tāpaetanga mō te korenga o ngā taunakitanga, i mea atu te Kooti Whenua Māori, ko tā rātou hātepe whānui, ehara i te mea e kī ana me tuku taunakitanga hei tautoko i ngā take i te wā tonu o te tuku tono. Ko te nuinga o te wā, ka tukua ēnei taunakitanga whai muri i ētahi hui whakatau angawā e whai wāhi ai te tuku i ngā rā ki ngā hunga mō te whakatakoto taunakitanga. Kāhore mātou i te kite i te hē.

[13] I kī hoki te Kooti Whenua Māori, i te wā o tā Ms Hona tuku i tana tono whakakore, kāhore e roa ana te haere o te tono whakahaere, nō reira, kāhore ia i kite i tētahi takahitanga i ngā hātepe, i ngā mōtika manatika rānei o Ms Hona. Kāhore ēnei take e whai mana ana kia taea ai te kī, e whakaaetia ana te tono whakakore.

[14] Nō reira, e whakaae ana mātou ki tā te Kooti Whenua Māori kōwhiri i te whakamātautau e tika ana kia whakakāhoretia te tono whakakore a Ms Hona, ka mutu, i āta whai whakaaro, i āta tahuri ia ki ngā take i puta ake i a Ms Hona hei tautoko i tana tono. Kāhore mātou i te kite i te hē i taua whakataunga. Nā konā, kāhore i puta te ihu o tēnei pīra.

[12] In response to Ms Hona's submissions regarding the absence of supporting evidence, the Māori Land Court stated that it is standard process that evidence supporting the grounds or allegations submitted in applications may not be filed at the time of filing an application. Such evidence is commonly filed following timetabling conferences where parties are given timeframes to file evidence. We see no flaw in this reasoning.

[13] The Māori Land Court also found, as the application had not progressed past an early stage, there had been no abuse of process or violation of Ms Hona's rights to natural justice at the time she filed her strike out application. Neither of these grounds could justify granting the strike out application.

[14] We therefore find that the test applied by the Māori Land Court in determining Ms Hona's strike out application was correct, and that it appropriately considered and addressed the grounds raised by Ms Hona in support of her application. We can see no error in the decision. The appeal accordingly fails.

[15] Ahakoa, kua whakakāhore mātou i tēnei pīra, hei whakamōhio noa, ehara i te mea e kī ana mātou ka angitu te tono whakaheke. E mārama ana te kitea atu, kāhore a Ms Hona i te whakaae ki tā ngā tarahitī whakatau kia tukua tētahi tono ki te whakaheke i a ia. E tika ana me tuku atu ngā tarahitī o te Taratī i ngā taunakitanga hei tautoko i ā rātou whakapae i puta i tā rātou tono whakaheke, ka mutu, ka whai reo ngā hunga mō ngā take o te tono ki mua tonu i te Kooti Whenua Māori. Hei taua kōtitanga, ka whai wāhi a Ms Hona ki te tuku i āna kōrero mō tana whakapae, kāhore te whakamātautau taimaha mō tana whakahekenga i whakatutukihia.

Whakataunga

[16] Ka whakakāhoretia te pīra.

[15] Notwithstanding that we have dismissed this appeal, we note that it does not mean that the removal application will necessarily be successful. Ms Hona clearly disagrees with her fellow trustees' decision to bring an application for her removal. The trustees of the Trust will need to provide evidence in support of the allegations raised in their removal application and both parties will be heard by the Māori Land Court on the merits of that application. Ms Hona will have the opportunity to set out the reasons why she considers the high threshold for her removal has not been met at that hearing.

Decision

[16] 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