

I TE KOOTI WHENUA MĀORI O AOTEAROA
I TE ROHE O TE WAIPOUNAMU
In the Māori Land Court of New Zealand
Te Waipounamu District

AP-20240000007105
CJ 2024/52

WĀHANGA <i>Under</i>	Section 45, Te Ture Whenua Māori Act 1993
MŌ TE TAKE <i>In the matter of</i>	Succession to Ranginui Morgan
NĀ <i>By</i>	WIREMU KAHUKURA Te Kaitono <i>Applicant</i>

Nohoanga: <i>Hearing</i>	10 September 2025, 2025 Chief Judge's MB 1693-1711 (Heard at Wellington via Zoom)
Kanohi kitea: <i>Appearances</i>	M Brooke for Interested Party W Kahukura in person
Whakataunga: <i>Judgment date</i>	18 December 2025

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

Hei tīmatanga kōrero

Introduction

[1] On 11 July 2024 Wiremu Kahukura also known as William Anthony Kahukura (the applicant) filed this application pursuant to s 45 of Te Ture Whenua Māori Act 1993 (the Act) seeking to amend an order pursuant to s 213A of the Māori Affairs Act 1953 made at 52 South Island MB 164 on 23 December 1976 concerning the Māori land interests of Ranginui Morgan.

[2] The applicant claims that the order is incorrect due a mistake, error or omission in the presentation of the facts of the case to the Court, in that it did not include all six biological children of the deceased. He says Beanie Kahukura was excluded from the succession, with the order vesting in favour of her siblings James Morgan, Jack Morgan, Marjorie McManamon, Violet Ruru and Maureen Spice.

Kōrero whānui

Background

[3] The Registrar's Preliminary Report and Recommendation (the Report) dated 22 April 2025 sets out the background to this application. The Report is reproduced in full as follows:

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

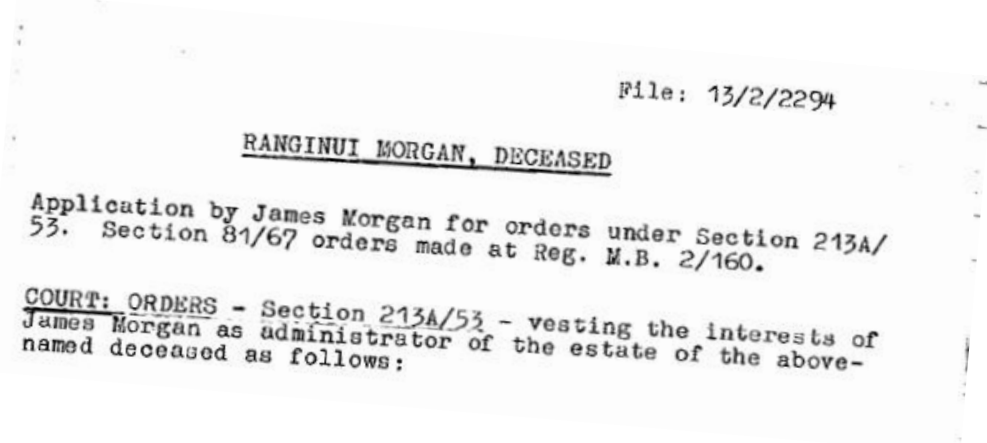
Introduction

1. This application has been filed by Wiremu Kahukura also known as William Anthony Kahukura (the applicant) and seeks to amend the succession order made at 52 South Island MB 164 on 23 December 1976, relating to the interests of Ranginui Morgan (the deceased).
2. The applicant claims that the said order is incorrect due to a mistake, error or omission in the presentation of the facts of the case to the Court, in that:
 - a) It didn't include all six biological children of the deceased;
 - b) The applicant's mother, Beanie Kahukura, was excluded from the succession with the order vesting in favour of her siblings James Morgan, Jack Morgan, Marjorie McManamon, Violet Ruru and Maureen Spice; and
 - c) It should be noted that Beanie was included, alongside her siblings, in the succession to her father's interests in various other blocks at 88 Taranaki MB 228.

3. The applicant claims that he is adversely affected by the order because:
- The order issued by the Court prevents his whānau from upholding their Tinorangatiratanga to their whenua, their kāinga and their taonga to an extent, severing their ties to their whakapapa and leaving his whānau alienated from their whenua in Te Taihū; and
 - They have lost the ability to fully participate in the decisions around matters relating to their whenua and the management of assets, while other whānau and whānau have benefitted financially for almost over 40 years.

History of Order sought to be amended

4. The application for succession to Ranginui Morgan was heard by the Court on 23 December 1976 at 52 South Island MB 164 and the evidence transpired as follows.



<u>Block</u>	<u>Shares</u>
✓ Motueka Section 127	0.02343 out of 50.00000
✓ Motueka Pt. Section 160 Lots 25, 26, Pt. 27, 28-32 D.P. 1599	0.07221 out of 8.84000
✓ Motueka Pt Section 161 Lots 1-19 and 33-42 D.P. 4650	0.02336 out of 5.71584
✓ Motueka Pt Section 161 Lots 1-4, Pt 5, 6-9 D.P. 339 and D.P. 4363	85.407 out of 2645.855
✓ Motueka Pt Section 162 Lots 9 and 10 D.P. 1704	0.15781 out of 5.05000
✓ South Island Tenths	122.625 out of 107,312.204

in James Morgan, Mountain Road, Waitara, m.a.
 Jack Morgan, C/- Mountain Road, Waitara, m.a.
 Marjorie McManamon, 143 Aro Street, Wellington, f.a.
 Violet Ruru, Ninia Road, Bell Block, New Plymouth, f.a.
 Maureen Spice, 9 Lucienne Place, Opawa, Christchurch, f.a.
 equally

5. The effect of the order, made under section 213A of the Māori Affairs Act 1953, was to vest the land interests of Ranginui Morgan as follows:

Te Waipounamu District

<u>Block</u>	<u>Share</u>
Motueka Section 127	0.02343
Motueka Pt Section 160 Lots 25, 26, Pt 27, 28-32 D.P. 1599	0.07221
Motueka Pt Section 161 Lots 1-19 and 33-42 D.P. 4650	0.02336
Motueka Pt Section 161 Lots 1-4, Pt 5, 6-9 D.P. 339 and D.P. 4363	85.407
Motueka Pt Section 162 Lots 9 and 10 D.P. 1704	0.15781
South Island Tenths	122.625

Beneficiaries/Successors

<u>Name</u>	<u>Sex</u>	<u>Proportion</u>
James Morgan	M	
Jack Morgan	M	
Marjorie McManamon	F	
Violet Ruru	F	
Maureen Spice	F	Equally

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

6. The applicant has provided the following documents in support of his application:
- a) A copy of the subject Court minute and order made at 52 South Island MB 164 on 23 December 1976;
 - b) Death certificate (No 1970050127) for Beanie Kahukura dated 8 July 2021, which shows:
 - i. Date of Death: 4 November 1970
 - ii. Age: 47 years
 - iii. Mother: Kitty Rangi Morgan (nee Whakateka)
 - iv. Father: James Morgan
 - c) 'Death Registration - Data Printout' (No 1972/47423) for James Ranginui Wehi Morgan or Ranginui Wehi Mokena dated 21 November 1972, which shows:
 - i. Date of Death: 15 November 1972
 - ii. Birth Date: 11 September 1896
 - iii. Age at Death: 76 years
 - iv. Age of each Daughter: 47, 44, 40

- v. Age of each Son: 49, 48
- d) 2024 Chief Judge's MB 535-545 dated 27 March 2024; and
- e) 'Response of Ashley Rangi Kura Riwai Mokena to section 45 application by Wiremu Anthony Kahukura' being a statement dated 11 March 2024.

Court Research

7. Court research shows that:

- a) All six land blocks the deceased was an owner in, as succeeded to at 52 South Island MB 164 on 23 December 1976, became part of the 'Wakatū Incorporation' by an order in council dated 1 August 1977.
- b) By email, the Wakatū Incorporation advised that the current owners of the affected shares in the incorporation are:
 - i. James Morgan 7,050.87 shares
 - ii. Jayvine Kura Morgan Boyce 1,850.87 shares
 - iii. Larry Robin Morgan 28,754.31 shares (2,350.29 affected)
 - iv. Sandra Rose Davy 28,754.31 shares (2,350.29 affected)
 - v. Shirley Ann Mitchell 28,754.30 shares (2,350.29 affected)
- c) The Wakatū Incorporation also advised that the following shares have been 'sold':
 - i. David Nevil Spice 7,050.87 shares
 - ii. Jayvine Kura Morgan Boyce 5,200.00 shares
 - iii. Rangi Charles Ruru 7,050.87 shares
- d) Most transfers of the affected shares, since 1977, have been made directly through the Wakatū Incorporation itself, rather than by any order of the Court. Accordingly, such transfers are beyond the jurisdiction of the Chief Judge, however recommendations could be made that the incorporation amend its records.
- e) I also note that any interests acquired for value (sold) and in good faith will in most cases be left undisturbed, with their current owners.
- f) A previous application to the Chief Judge (A20210011350 - AP-20230000027515), made pursuant to section 45 of Te Ture Whenua Māori Act 1993 (the Act), was ordered at 2024 Chief Judge's MB 535-545 on 27 March 2024 as follows:
 - i. Pursuant to section 44(1) of the Act, amending the succession order for Tamati Morgan or Tamati Mokena or Tamatea Riwai or Tamatea Morgan made at 15 Nelson MB 306 on 8 May 1978 (this deceased's father), by including Beanie Kahukura as a descendant of Ranginui Mokena (this deceased); and
 - ii. Pursuant to section 47(4) of the Act, making all consequential amendments necessary.
- g) That order amended by the Chief Judge relied upon the succession evidence that is now the subject of this application, namely 52 South Island MB 164 dated 23

December 1976. At the hearing on 27 March 2024 parties raised the possibility of this order also being amended, however the Chief Judge commented as follows:

i. Folio 542 (top half)

The Court: It would have to be the subject of a new section 45 application

ii. Folio 543 (bottom)

The Court: He needs to file a new section 44 application. If he does that in the next three months, I will waive the fee.

h) On succession to Ranginui Mokena or Ranginui Morgan or Rangi Morgan or Rangi Wehi or Rangi Mokena, at 81 Taranaki MB 91 on 2 March 1976, Beanie Kahukura was named as a child of the deceased and entitled to succeed equally. Part of the evidence given by her brother, James Morgan, was as follows:

James Morgan (sworn): Deceased was my father. He was known by all above names. This application filed by Mr Reeves, solicitor, who asked me to prosecute myself. Deceased died 15.11.72 at Waitara aged 76. No will. His wife died before him. He had five living children: viz:-

1. James Morgan	m.a.	Mountain Road, Waitara
2. Jack Morgan	m.a.	C/- Mountain Road, Waitara
3. Marjorie McManamon	f.a.	143 Aro Street, Wellington
4. Violet Ruru	f.a.	Ninia Road, Bell Block, New Plymouth
5. Maureen Spice	f.a.	9 Glamis Place, Opawa, Christchurch

and one deceased child, viz:-

6. Beanie Kahukura f. deceased near Wairoa about 10 years ago. She left quite a family. And I'm not sure of the names.

i) The next occasion where the Court record identifies Beanie Kahukura as being a child of the deceased was on his succession recorded at 88 Taranaki MB 228 on 25 May 1987. Part of the evidence given by the deceased's son-in-law, Rangi Charles Ruru, was as follows:

Rangi Charles Ruru, Sworn
 I am the applicant. I live at Bell Block.
 The deceased was my father-in-law who died at New Plymouth on the 15th day of November 1972. The deceased left no will.
 - The deceased was married once only to Rangi Edwards and all children are listed Nos. 1 - 6 herein. No other marriages and no children by adoption.

	<u>Name</u>	<u>Sex/Age</u>	<u>Address</u>
-	1. James Morgan	md issue	John Wayne Morgan and Lance Ronald Morgan - Executors
-	2. Jack Morgan	m	
-	3. Margorie McMannamon	fd issue	(7) - see Mr up Wellington 1-2
-	4. Violet Ruru	fd issue	
-	5. Maureen Spice	f	1/6
-	6. Beanie Kahukura	fd issue	1/6
-	7. Wayne Trevor Morgan	m	1/6

4. 24/11/76

- j) As the Court had previously determined on 2 March 1976 that Beanie Kahukura was a child of the deceased, and entitled to succeed equally, it is unclear why she was omitted in the further succession order made at 52 South Island MB 164 on 23 December 1976.

Details of subsequent Orders affecting lands to which this application relates

- 8. The subsequent Court orders affected by this application are as follows:
 - a) Succession order for Jack Morgan or Tiaki Morgan or Tiaki Rua Potonia Ngatea or Teaki Rua Potinia, made at 100 Hauraki MB 191 on 6 August 1999 (Section 118 of the Act); and
 - b) Succession order for Wayne Trevor Morgan, made at 6 Te Waipounamu MB 133-135 on 1 December 2010 (Sections 113 and 118 of the Act).

Details of payments made as a result of the Order

- 9. No details have been sought from the Wakatū Incorporation regarding any payments made or received, by the successors, since the succession order made.

Reference to areas of difficulty

- 10. In respect of the claim being made, there are no areas of difficulty other than those already identified in paragraphs 7(c) - (e) above.

Consideration of whether matter needs to go to full hearing

- 11. After considering relevant evidence in Court records, and that provided by the applicant, it is clear that an error was made by the Court in making the succession order at 52 South Island MB 164 on 23 December 1976.
- 12. On 12 July 2024 this application was referred to the Chief Judge for consideration and she accepted the following recommendations:
 - a) Once completed, the Registrar's Preliminary Report and Recommendation be sent to all parties for feedback; and
 - b) Subject to receiving no objections from the affected parties, this matter be dealt with in Chambers by making the required amendments as sought.
- 13. Accordingly, unless any objections are received, there is no reason for this application to be set down for a hearing and it can be decided on the papers in Chambers.

Recommendation of course of action to be taken

- 14. 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 **those affected parties, for whom we have contact details for, giving them an opportunity to comment or respond, in writing, within 28 days of the date this Report is sent to them.**

- b) If no objections are received, then an order be made, pursuant to section 44(1) of the Act, amending the succession order made at 52 South Island MB 164 on 23 December 1976 by including Beanie Kahukura as an equal successor.
- c) A further order be made, pursuant to section 47(4) of the Act, making any consequential amendments necessary to give full effect to the above order.
- d) A recommendation be made to the secretary for Wakatū Incorporation to amend their current shareholder register as follows:

<u>Share</u>	<u>Current Share</u>	<u>Amended</u>
i. James Morgan	7,050.87	5,875.73
ii. Jayvine Kura Morgan Boyce	1,850.87	675.73
iii. Larry Robin Morgan	28,754.31	28,362.60
iv. Sandra Rose Davy	28,754.31	28,362.59
v. Shirley Ann Mitchell	28,754.30	28,362.59
vi. Beanie Kahukura	Nil	3,525.42
	<u>95,164.66</u>	<u>95,164.66</u>

Ko te hātepe ture o te tono nei

Procedural History

[4] On 23 April 2025, a copy of the Report was sent to the applicant and interested parties for whom contact details were held.

[5] Feedback to the Report was provided by:

- (a) An affected party, who identified themselves as ‘Koda’, on 2 May 2025;
- (b) Ashley R K Riwai Mokena on 18 May 2025;
- (c) Ripeka Ruru Brightwell on 20 May 2025 and 22 August 2025;
- (d) Jayvine Morgan-Boyce on 30 June 2025.

[6] The response from Koda on 2 May 2025 was received by voicemail. The response primarily queried why a second additional application was required. The response included the statement:

I read through your primary now and going by the ... Chief Judge and her recommendations to contact Wakatu directly, we accept that.

[7] The written response from Ashley R K Riwai Morgan dated 18 May 2025 was received by email. The response canvassed many factors, including:

- (a) That he supported the correction of an error through the inclusion of Beanie Kahukura in the succession to the Motueka land interests of Ranginui Morgan.
- (b) The Report's recommendation at paragraph 14(d) to decrease the shareholding of Jayvine Morgan-Boyce and James Morgan by 1,175.14 shares each puts the burden of making good the error on those two small shareholders.
- (c) The Report does not appear to consider that Jayvine's shareholding in the Wakatū Incorporation does not derive through their mother, Maureen Spice, but through their cousin, Trevor Morgan. Trevor Morgan is the only child of Majorie McManamon, a child of Ranginui Mokena.
- (d) The approach taken with this application contrasts with a decision of the Court at 2014 Chief Judge's MB 314-330 dated 1 July 2014. In that decision, whilst it was acknowledged that the order complained of was erroneous in fact and law, the Court dismissed the application as it had not been demonstrated that amending the order was necessary in the interests of justice.
- (e) That he recommends that the proper course of action is for the Court to rule that it is not in the interests of justice to penalise the small shareholders in the way proposed and that there be a discussion within the whānau about how best to make good the wrong done to the Kahukura whānau.

[8] The response from Jayvine Morgan-Boyce dated 30 June 2025 was received by email. Her submission notes that she has transferred Wakatū Incorporation interests to

the whānau of the applicant and objects to the application on the basis that there was no mistake or omission in the order.

[9] The responses from Ripeka Ruru Brightwell of 20 May 2025 and 22 August 2025 were received by email. The email of 20 May 2025, amongst other matters, supported the inclusion of Beanie Kahukura. The email of 22 August 2025 notes:

- (a) She has sighted and agrees with a minute referred to by Jayvine Morgan-Boyce that points out that Beanie Kahukura was not left out of the hearing in that Beanie Kahukura was noted and it was recorded that she left children for whom names were not known. It was the fault of the Court not considering the evidence provided at the time.
- (b) She is currently in High Court proceedings involving the Wakatū Incorporation shares of Violet Ruru (a sister of Beanie Kahukura) sold by Rangi Charles Ruru.

Te Kōtitanga
The Hearing

[10] The application was heard before me via Zoom on 10 September 2025. The hearing was well attended. Submissions and evidence were provided by many parties including John Wilson (as representative for Jayvine Morgan-Boyce), Renee Kahukura Iosefa, Marama Kahukura (through Elizabeth Chase), Violet Kahukura, applicant Wiremu Kahukura, Mia Brooke for Jody Morgan, and Hori Kahukura.¹

[11] At the hearing the applicant stated he wanted to give the shares back to Jayvine and Ashley, but he was not supported by his siblings.

[12] John Wilson announced that Jayvine and Ashley accept that Beanie should have been included in the 1976 succession to the interests of their grandfather, Ranginui and:

... both want the Court to acknowledge that an error was made and to have it on record that Beanie was a daughter of Ranginui. They also sympathise with the harm and disadvantage the Kahukura family suffered as a result of the Court's error.

¹ 2025 Chief Judge's MB 1693-1711 (2025 CJ 1693-1711)

Both strenuously opposed to the recommendation of the Court officers, that Jayvine's shareholding in Wakatū Incorporation be reduced but are not opposed to the Court making any orders that will restore to the Kahukura whānau, their connection to their whenua in Te Tauihu and give them the ability to participate in the affairs of the Wakatū Incorporation.

Jayvine's sympathy for the Kahukura whānau, prompted her some years ago, to gift a small parcel of shares in the Wakatū Incorporation to a member of the Kahukura family. ...

[13] The person to whom Jayvine gifted shares was Renee Iosefa, a daughter of the applicant. It was John's submission that it is not in the interests of justice to require Jayvine to surrender a significant part of her interest, when the error flowed from mistakes made by the Court.

[14] John repeated the claim that the shares held by Jayvine were derived from her cousin Trevor Morgan, who inherited his shares from his mother, Majorie McManamon, a daughter of Ranginui Morgan and Jayvine's aunty. He contended that any shares held as a result of the succession to her mother were sold by her stepfather after her mother's death. He submitted that it is not fair or in the interests of justice that Jayvine suffer this additional loss. He added *inter alia* that this would result in irreparable harm to her and Ashley's relationship with the Kahukura whānau. He also noted Ashley's role in identifying the errors relating to Beanie being omitted.

[15] Ms Brook of Ngāi Tahu Law appeared for Jody Morgan, an interested party. He supported the inclusion of Beanie. However, he did not want his family disadvantaged by her inclusion. He wanted to ensure that his father, James Morgan, continues to hold 1/16th of Ranginui shares or 5,875.73 shares. This is what James would have received if succession to Ranginui had originally included Beanie. He understood Jayvine's position, noting that she relies on the income she receives from her shares.

[16] Elizabeth Chase advised that the Kahukura whānau did not know that Jayvine had gifted shares to the applicant's daughter, and that it has caused some division. Renee Kahukura Iosefa noted that the 200 shares she received from Jayvine were gifted to her daughter, not the entire Kahukura whānau.

[17] At the conclusion of the hearing, I reserved my decision.

Te Ture
The Law

[18] 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, 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.

[19] In *Ashwell – Rawinia or Lavinia Ashwell (nee Russell)*, the principles to be applied in determining applications made pursuant to s 45 were set out as follows:²

- 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).
- 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.

² *Ashwell – Rawinia or Lavinia Ashwell (nee Russell)* [2009] Chief Judge's MB 209 (2009 CJ 209).

- 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] 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.

[21] 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 of 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.³ This means that the applicant must establish on the balance of probabilities that there was a mistake or omission.

[22] The Court of Appeal has confirmed that the power under s 44(1) falls into two parts:⁴

The first is an evaluative decision as to whether the order made 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.” 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.

³ *Tau v Nga Whānau O Morven & Glenavy – Waihao 903 Section IX Block* [2010] Māori Appellate Court MB 167 (2010 APPEAL 167).

⁴ *Inia v Julian* [2020] NZCA 423 at [10].

Kōrerorero

Discussion

[23] 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 the order?

Was an error made?

[24] It is clear from the case manager's research that the applicant is able to demonstrate a mistake, error or omission in the presentation of the facts of the case to the Court with respect to the initial succession order made pursuant to s 213A of the Māori Affairs Act 1953 (52 South Island MB 164 dated 23 December 1976).

[25] That mistake was that the applicant's mother was omitted from succession.

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

[26] As I have found there to be an error in the original order, it is important to ask whether it is necessary in the interests of justice to remedy the error by amending or cancelling the order (52 South Island MB 164 dated 23 December 1976).

[27] I note in his submissions to the Court, Mr John Wilson relied on a 2014 decision of the Chief Judge: *Mokena v Riwai Morgan Whānau Trust*.⁵ That case involved some of the parties before me. When examining the phrase "in the interests of justice," the Chief Judge referred to case law stating that it is important "to strike a just balance between the interests of all the parties involved including the interests of the general public, the hidden parties to the proceedings."⁶ The Chief Judge proceeded to answer

⁵ [2014] Chief Judge's MB 314 (2014 CJ 314).

⁶ *R v L* [1994] 2 NZLR 54.

the issue in that case by balancing the rights of the parties and the adversity suffered by each.

[28] In this case, whether it is “necessary in the interests of justice” to remedy the error turns on what the impact of making an order will be on Jayvine. That must be assessed against the Preamble, ss 2 and 17. Those provisions of the Act would favour amending the order complained of by including Beanie, given that her children have not been able to enjoy a relationship with their mother’s whānau land managed by the Wakatū Incorporation. I balance that against Mr Wilson’s submissions regarding the derivation of the shares now held by Jayvine. If he is correct, then she will shoulder a disproportionate burden if the Registrar’s report is followed.

[29] Considering all these matters, I am unable to complete the balancing exercise without a further report. Therefore, I will issue the following directions.

Kupu whakahau

Directions

[30] The Case Manager is directed to complete within two months a supplementary report on the derivation of the shares in the Wakatū Incorporation currently held by Jayvine Morgan-Boyce.

[31] The parties are to respond in writing to that report within one month of receipt. I will finalise my decision on the papers by issuing a minute.

[32] The Case Manager is directed to distribute a copy of this preliminary judgment to all parties.

I whakapuaki i te 11.00 am i Te Whanganui-a-Tara, tekau mā waru o ngā rā o Tihema 2025.

Pronounced at 11.00 am in Wellington on this 18th day of December 2025.

C L Fox
CHIEF JUDGE