

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

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

AP-20260000005325

WEHENG
Under

Section 19, Te Ture Whenua Māori Act 1993

MŌ TE TAKE
In the matter of

Te Komiti 2A1A

I WAENGA I A
Between

MIKAERA MIRU
Te kaitono
Applicant

ME
And

GEORGINA TE AWA, JOSEPHINE MIRU,
NATHAN TANA AND KEREAMA TE AWA
Ngā kaiurupare
Respondents

Kōtitanga: On the papers
Hearing

Whakataunga: 20 April 2026
Judgment date

TE WHAKATAUNGA A KAIWHAKAWĀ T K T A R WILLIAMS
Judgment of Judge T K T A R Williams

Hei tīmatanga kōrero*Introduction*

[1] This decision follows on from a decision I issued on the 9th of March 2026 making orders that Georgina Te Awa, Nathan Tana and Joseph Miru have acted in breach of trust and dispersed funds from the marae reservation account in breach of their trustee obligations.¹

[2] In that decision I also indicated that the Court may of its own volition make orders seeking to remove those three trustees from Te Komiti 2A1A Māori Reservation also known as Waiotea Aotea Marae (the Trust) and provided them with an opportunity to file submissions to the Court within 14 days of that decision outlining their position on the proposal to remove them from the trust.

[3] Those 14 days have expired, and responses have been received from Mr Joseph Miru, in opposition to being removed and from Mr Mikaera Miru, in support of the proposition to remove the three trustees from the trust.

[4] This decision now addresses the proposal to remove trustees.

Kōrero whānui*Background*

[5] By way of summary the Trust held funds in a marae reservation trust account.

[6] On or about the 6th of November 2019 a withdrawal of \$20,000.00 was made from the marae reservation trust account.

[7] Subsequent investigations established that Georgina Te Awa and Nathan Tana had issued a cash cheque on that date with the support of Joseph Miru in the amount of \$20,000.00.

[8] The three respondent trustees acknowledged that those funds were then provided to Mr Kereama Te Awa who was not a trustee of the Trust but is a beneficiary of the land in the Trust.

¹ *Miru v Te Awa – Te Komiti 2A1A* (2026) 309 Taitokerau MB 300 (309 TTK 300).

[9] The payment was not properly authorised by the trustees and should never have been paid. The payment was contrary to the Māori Reservation Regulations 1994 and the Trusts Act 2019 and in breach of their trustee obligations.

Mikaera Miru's position

[10] Mr Mikaera Miru was the applicant seeking orders for the reimbursement of the \$20,000.00 that had been inappropriately paid by the three trustees to Kereama Te Awa. His position on the application to remove the three trustees is that he considers that the trustees have breached the fundamental principles of the Trust. He says their breach of trust has negatively affected the mana and wairua of the whānau whānui and the state of their marae.

[11] He also says that they should be removed as trustees so that the trust may move forward with transparency and accountability and that new trustees would be able to work together to build a new marae as had been planned for years.

Joseph Miru's position

[12] Mr Joseph Miru says that this matter should be dealt with on the marae and not within the Court. He then asserts that Mr Mikaera Miru has acted unlawfully and instead of responding to the proposal for his and his co-trustees' removal he has instead suggested that Mr Mikaera Miru is at fault. This is consistent with the statements that were made at the substantive hearing.

[13] He goes on to suggest that all documents provided by Mr Mikaera Miru were unlawful and that he had submitted false records to the Court.

[14] The rest of his email indicates that he considers the Court to be at fault and that the colonial procedures of the Court are, in short, inappropriate. Therefore, he declines the Court's offer to relieve him of his seat as a trustee as he says he is the only true descendant of Manuka Mikaera Miru.

[15] There was no response from Georgina Te Awa or Nathan Tana.

Te ture
The law

[16] Section 240 of Te Ture Whenua Māori Act 1993 (the Act) empowers the Court to remove trustees for cause. It provides:

240 Removal of trustee

- (1) The court may at any time, in respect of any trustee of a trust to which this Part applies, make an order for the removal of the trustee, if it is satisfied that—
 - (a) the trustee has lost the capacity to perform the functions of a trustee; or
 - (b) the removal is desirable for the proper execution of the trust, and 1 or more of the following grounds for removal are met:
 - (i) the trustee repeatedly refuses or fails to act as trustee:
 - (ii) the trustee becomes an undischarged bankrupt:
 - (iii) the trustee is a corporate trustee that is subject to an insolvency event:
 - (iv) the trustee is no longer suitable to hold office as trustee because of the trustee’s conduct or circumstances.
- ...
- (3) A person may no longer be suitable to hold office as trustee, for example, because of the following conduct or circumstances:
 - (a) the trustee is convicted of an offence involving dishonesty:
 - (b) it is not known where the trustee is and the trustee cannot be contacted:
 - (c) the trustee is prohibited from being a director or promoter of, or being concerned or taking part in the management of,—
 - (i) a company under the Companies Act 1993; or
 - (ii) an incorporated or unincorporated body under the Financial Markets Conduct Act 2013 or the Takeovers Act 1993.

[17] The current application engages ss 240(1)(b)(i) and 240(1)(b)(iv).

[18] The Court of Appeal in *Henderson v Brooking* confirmed that the test for removal under s 240(1)(b) involves two steps:²

² *Henderson v Brooking* [2025] NZCA 368 at [94], citing *Wynyard v Waata – Manawakore C1 and D* (2022)

- (a) First, the Court must be satisfied that one of the prescriptive grounds under s 240(1)(b) are met.
- (b) Secondly, the Court must determine whether removal is “desirable for the proper execution of the trust”.

[19] Despite amendments to s 240 in 2020, earlier principles concerning the removal of trustees continue to apply, including:³

- (a) removal is a serious step and is not undertaken lightly;
- (b) the trustee(s) at risk must be properly notified in advance;
- (c) technical breaches of trust and governance instruments may not lead to removal unless the trust assets have been put at risk or there has been serious loss or malfeasance; and
- (d) generally, the Court must be satisfied that there is evidence of real abuse, failure or malfeasance and the absence of any tenable defence.

Section 238

[20] In addition, s 238 of the Act provides as follows:

238 Enforcement of obligations of trust

- (1) The court may at any time require any trustee of a trust to file in the court a written report, and to appear before the court for questioning on the report, or on any matter relating to the administration of the trust or the performance of his or her duties as a trustee.
- (2) **The court may at any time, in respect of any trustee of a trust to which this section applies, enforce the obligations of his or her trust (whether by way of injunction or otherwise).**

(Emphasis added)

247 Taitokerau MB 4 (247 TTK 4) at [19] and *Gray v Paikea – Otara* 5D2 (2022) 252 Taitokerau MB 210 (252 TTK 210) at [21].

³ *Henderson v Brooking – Wharekahika* A47 [2023] Māori Appellate Court MB 17 (2023 APPEAL 17) at [28], affirmed by the Court of Appeal in *Henderson v Brooking*, above n 2 at [99].

[21] In *Paki v Māori Land Court* the High Court confirmed that the Māori Land Court has a duty to look at the enforcement of obligations of the trust even in the absence of an application.⁴

[22] While there has been no formal application pursuant to s 240, I consider that I have a duty to look at the enforcement of the obligations of the trust, which also includes consideration as to whether or not these trustees should be removed for acting in breach of trust. As such I am able to review what has occurred and make orders that are required in order to enforce the obligations of the trust.

[23] Therefore, I proceed on that basis.

Kōrerorero

Discussion

[24] I have considered the actions of the three trustees which I indicated in the substantive decision dated 9 March 2026 were inappropriate and in breach of trust.

[25] The evidence in that hearing indicated to me that they sought to justify their conduct, which was unjustifiable and in breach of their trustee obligations.

[26] Secondly, they were given an opportunity to respond to the suggestion about their removal and they have either not responded (Georgina Te Awa and Nathan Tana) or have responded belligerently in the case of Mr Joseph Miru. In each case neither the response nor the non-response support any valid rationale for retaining them as trustees on the Trust.

[27] Mr Mikaera Miru has indicated that their removal is required and justified.

[28] Nothing has been filed to persuade me that there is any reason not to remove them. I have also considered their responses both in the substantive hearing and subsequent to the substantive hearing as to whether or not it is desirable for these trustees to be removed.

[29] It is clear to me that their views illustrate that they are incapable of understanding what the appropriate role as trustees of the Trust are.

⁴ *Paki v Māori Land Court* [1999] 3 NZLR 700.

[30] I consider that these trustees are no longer suitable to hold office as trustees because of their conduct and the circumstances surrounding their conduct.

[31] Therefore, I consider it is both necessary and desirable to remove them as trustees.

[32] I am aware that with the removal of these trustees that only Mikaera Miru is left as a trustee. That is unacceptable.

[33] Therefore, I also determine that a special general meeting is to be held within 2 months to elect new trustees alongside Mr Mikaera Miru, none of whom shall be the three trustees who have just been removed.

[34] I will also appoint a facilitator to assist Mikaera Miru to hold this SGM and he will be advised of who that person will be as soon as one is appointed.

Kupu whakataua

Decision

[35] I make orders pursuant to s 240 of Te Ture Whenua Māori Act 1993 removing Georgina Te Awa, Nathan Tana and Joseph Miru as trustees of the Te Komiti 2A1A Maori Reservation Trust.

[36] An SGM is to be held within two months of these orders. A court appointed facilitator will be appointed to assist Mikarea Miru to convene that SGM.

I whakapuakina i te 4:30pm i Whangārei, i te rua tekau o ngā rā o Āperira i te tau 2026.

Pronounced at 4:30pm in Whangarei, on this 20th day of April 2026.

T K T A R Williams
JUDGE