

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

In the Māori Land Court of New Zealand
Aotea District

AP-20230000030296
CJ 2023/42

WEHENGĀ Section 45, Te Ture Whenua Māori Act 1993
Under

MŌ TE TAKE Rakato B Ahu Whenua Trust
In the matter of

NĀ SHELLY MARIE PUOHOTĀUA
By Kaitono
Applicant

Kōtitanga: 10 September 2025, 2025 Chief Judge's MB 1593-1608
Hearing (Heard at Wellington via zoom)

Whakataunga: 18 December 2025
Judgment date

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

Hei tīmatanga kōrero

Introduction

[1] This application filed by Shelly Marie Puohotaua pursuant to s 45 of Te Ture Whenua Māori Act 1993 (the Act) seeks to cancel orders made at 423 Aotea MB 19-21 on 14 October 2020 and 463 Aotea MB 288-291 on 14 February 2023.

Kōrero whānui

Background

[2] The Registrar's Preliminary Report and Recommendation dated 1 July 2025 ("the Registrar's Report") sets out the background to the application. The Registrar's Report is reproduced in full as follows:

Te rīpoata me tana tūtohunga mā tētahi tono i raro i te wehenga 45 o Te Ture Whenua Māori Act 1993 ki te Kaiwhakawā Matua

Preliminary report and recommendation on an application under section 45 of Te Ture Whenua Māori Act 1993 to the Chief Judge

He kupu arataki

Introduction

[1] This application filed by Shelly Puohotaua ("the applicant") seeks to cancel an order appointing responsible trustees of the Rakato B Trust at 423 Aotea MB 19-21 dated 14 October 2020 and 463 Aotea MB 288-291 dated 14 February 2023.

[2] The applicant claims the order is incorrect due to a mistake, error, or omission on the part of the Court because:

(a) *"The order was not granted in accordance with the Trust Deed. The AGM held was not constituted as it did not meet the quorum of 15 beneficial owners present within one hour of the meeting. The Rakato B Ahu Whenua Trust minutes of the meetings confirms this. The Māori Land Court & Rakato B Trust is in criminal breach trust pursuant to s229 of the Crimes Act 1961 as the terms of the trust deed have been breached. The trustees at the AGM 2019 are also in breach of their duties by not calling another AGM within 20 days."*

[3] The applicant claims that they (beneficial owners) have been adversely affected by the order upon the grounds that, *"beneficial owners have not had the opportunity to vote a new committee in accordance with our Trust Deed. There have been legal decisions being made in relation to the land without informing the beneficial owners. A beneficial owner is also being trespassed from the land by Trustees they have not elected. Beneficial owners never received any information about the outcome of the 2019 AGM until 10 July 2023 by obtaining the documents via the Māori Land Court."*

[4] The applicant seeks to have the orders cancelled.

He kōrero tuku iho Background

- [5] The first matter was heard by Judge L R Harvey in Chambers at 423 Aotea MB 19-21 on 14 October 2020 and the minute is reproduced as follows:

423 Aotea MB 19

MĀORI LAND COURT

Place: Whanganui
Present: L R Harvey, Judge
 I Brownlie, Clerk of the Court
Date: 14 October 2020

Application No: A20200007383 **Trust File:** 215/440

Subject: Rakato B Trust - Replace Teresa Ranginui and 4 others with Taara Green and 4 others as trustees

Legislation: Section 239, of Te Ture Whenua Māori Act 1993

Details of the applicant are as follows:

Applicant	Address
Kim Ranginui	55 Cornfoot Street, Castlecliff, Whanganui 4501

Mrs Gemma Heke, Deputy Registrar: This application was advertised in the monthly pānui for a Court hearing on 14 October 2020, pānui 23, however due to the COVID-19 alert level restrictions and lockdown, the case was postponed from the advertised hearing.

This matter has been reviewed and is considered a straight forward application that can be processed in Chambers based on the papers filed, without the need for the appearance of the applicant and any interested parties at a hearing.

The applicant has filed an application on behalf of the Rakato B Trust to appoint replacement trustees. Details of the block and trust are as follows:

Block:	Rakato	
Type of Trust:	Ahu Whenua Trust	
Trust Name:	Rakato B Trust	
No of Owners: (as at 26 August 2020)	631	
Area:	<i>Ahu Whenua Trust</i>	20.883 hectares
	<i>Māori Reservation</i>	0.970 hectares
	Total	21.853 hectares
Location:	Papaiti Road, Whanganui	
District Council:	Whanganui District Council	
LINZ Ref:	508092 (Wellington Registry)	
Valuation:	<i>Ahu Whenua Trust only</i>	
	Capital value:	\$194,000.00
	Land value:	\$189,000.00
	Improvements	\$ 5,000.00

Memorial Schedule Entries:	20 Aotea MB 193-194 dated 22/08/1991 Ahu Whenua Trust – Rakato B Trust
Memorial Schedule Entries continued:	223 Aotea MB 98 dated 21/01/2009 Status determined to be Māori freehold land
Original Trustees:	20 Aotea MB 193-194 dated 22/08/1991 Ripeka Mary Green, Retihiamatikei Lorraine Cribb, Howard Moa Rozon, Teresa Henrietta Ranginui, Peggy Pikikore Pokiha, Cecelia Teterenga Whanarere and Gary William Puohotaua
Current Trustees:	331 Aotea MB 105-107 dated 17/12/2014 1. Cecelia Teterenga Whanarere 2. Retihiamatikei Lorraine Cribb 3. Teresa Henrietta Ranginui 4. Morrie Te Aorere Parareka Puohotaua 5. Clinton Peter Baker 6. Kim Jennifer Ranginui 7. Reuben Pokiha
Review of Trust:	402 Aotea MB 230-244 dated 11/07/2019 Next review due 11 July 2020

An annual general meeting was held on 7 December 2019 at Rakato. Details are as follows:

Meeting notified:	Yes, by way of public notice in Whanganui Chronicle on 23 September 2020 and 6 December 2020
Agenda	• Election of trustees
Minutes of the hui filed:	Yes, dated 7 December 2019
Trustees being replaced:	Numbers 1-5 above
Trustees resignation:	Yes, numbers 1-3 above with the exception of Morrie Puohotaua who resigned verbally at the AGM
Proposed trustees:	8. Amiria Teresa Paranihi 9. Mary Cecelia Whanarere 10. David Lyndsey Puohotaua 11. Taara Rebecca Janette Green 12. Matariki Cribb-Fox
Trustee consent filed:	No await Matariki Cribb-Fox consent
Trustees remaining:	Kim Jennifer Ranginui and Reuben Pokiha

An order is sought appointing replacement trustees for the Rakato B Trust.

Court: This application can be granted in chambers without the need for a hearing. However, should the applicant or any interested party object to this decision, they are entitled to seek a rehearing under section 43 of Te Ture Whenua Māori Act 1993 setting out the grounds relied upon. The rehearing would need to be set for a hearing at a later date.

The Court makes an order pursuant to section 239 of Te Ture Whenua Māori Act 1993 replacing Cecelia Teterenga Whanarere, Retihiamatikei Lorraine Cribb, Teresa Henrietta Ranginui, Morrie Te Aorere Parareka Puohotaua and Clinton Peter Baker who have resigned with Amiria Teresa Paranihi, Mary Cecelia Whanarere, David Lyndsey Puohotaua, Taara Rebecca Janette Green and Matariki Cribb-Fox of the Rakato B Trust. For the avoidance of doubt, the trustees are the newly appointed trustees together with Kim Jennifer Ranginui and Reuben Pokiha.

The foregoing order to issue immediately pursuant to rule 7.5(2)(b) of the Māori Land Court Rules 2011.

The appointment of Matariki Cribb-Fox as a responsible trustee is conditional upon her filing a trustee consent within one month of today's Court hearing

If the applicant or any interested party objects to this decision they may seek a rehearing of this application setting out the grounds relied upon.

Copy of minute to applicant and interested parties.

L R Harvey
JUDGE

- [6] Orders were granted in Chambers relating to the replacement of responsible trustees of the Rakato B Ahu Whenua trust, replacing Cecelia Teterenga Whanarere, Retihiamatikei Lorraine Cribb, Teresa Henrietta Ranginui, Morrie Te Aorere Parareka Puohotaua and Clinton Peter Baker who resigned with Amiria Teresa Paranihi, Mary Cecelia Whanarere, David Lyndsey Puohotaua, Taara Rebecca Janette Green and Matariki Cribb-Fox.

The responsible trustees of Rakato B Trust being, Amiria Teresa Paranihi, David Lyndsey Puohotaua, Kim Jennifer Ranginui, Mary Cecelia Whanarere, Matariki Cribb-Fox also known as Denise Matariki Cribb-Fox, Reuben Pokiha, and Taara Rebecca Janette Green.

- [7] The second matter was heard by the Court at 463 Aotea MB 288-291 on 14 February 2023 and the minute is reproduced as follows:

MĀORI LAND COURT

Place: Whanganui
 Present: A H C Warren, Judge
 I Kilmister, Clerk of the Court
 C Mears, Deputy Registrar
 L Reid, Senior Court Officer
 L Paerata, M McAllister, Court Assistants
 Date: 14 February 2023

Pānui No: 6 Application No: A20220015844 Trust File: 215/440

Subject: Rakato B Trust - Replace Reuben Pokiha with Richard Puohotaua as a trustee
 Legislation: Section 239, Te Ture Whenua Māori Act 1993
 Also present: Kim Ranganui, Mere Whanarere, Taara Green
 Apology: Amiria Paranihi

Details of the applicant are as follows:

Applicant	Address
Amiria Paranihi	26 Duncan Street, Whanganui East, Whanganui 4500

Miss Hinekorangi Taitapanui, for Deputy Registrar: An application has been filed by Amiria Paranihi on behalf of the Rakato B Trust to replace Rueben Pokiha who has resigned with Richard Puohotaua. Details of the trust are as follows:

Trust Name:	Rakato B Trust
Type of Trust	Ahu Whenua
Block Name:	Rakato
No. of owners:	657 – as at 12 December 2022
Area	Ahu Whenua Trust 20.883 hectares Māori Reservation 0.970 hectares Total 21.853 hectares
Location:	Papaiti Road, Whanganui
LINZ ref:	508092 (Wellington Registry)
Memorial schedule:	20 Aotea MB 193-194 dated 22 August 1991 Trust Order – Ahu Whenua Trust – Te Rakato B Trust Title Notice 12567 dated 28 November 1991 Gazette – NZ Gazette 181/3739 – Māori Reservation (4700m2)

	Title Notice 12568 dated 28 November 1991 Gazette – NZ Gazette – Māori Reservation (800m2) Title Notice 12569 dated 6 January 1992 Gazette – NZ Gazette 181/3738 – Māori Reservation (4200m2) 223 Aotea MB 98 dated 21 January 2009 Status of Land – Status determined o be Māori Freehold Land CFR 508092 dated 24 December 2009 Other – MFLR Completed
Original trustees:	20 Aotea MB 193-194 dated 22 August 1991 Ripeka Mary Green, Retihiamatikei Lorraine Cribb, Howard Moa Rozon, Teresa Henerietta Ranginui, Peggy Pikikore Pokiha, Cecelia Teterenga Whanarere, Gary William Puohotaua
Current Trustees:	423 Aotea MB 19-21 dated 14 October 2020 1. Kim Jennifer Ranginui 2. Amiria Teresa Paranihi 3. Mary Cecelia Whanarere 4. David Lyndsey Puohotaua 5. Taara Rebecca Janette Green 6. Matariki Cribb-Fox also known as Denise Matariki Cribb-Fox 7. Reuben Pokiha
Trust Order:	75 Aotea MB 233 dated 23 September 1997 Standard Ahu Whenua Trust order with amendments
Review of Trust	402 Aotea MB 230-244 dated 11 July 2019 Review due 11 July 2022 - overdue

An AGM was held on 13 February 2021. Details are as follows:

Meeting notified:	Yes, via newspaper notice published in the Whanganui Chronicle on 21 January 2021. Agenda includes election of a trustee.
Minutes of meeting filed:	Yes, dated 13 February 2021
Trustee being replaced:	Rueben Pokiha
Resignation filed:	Yes
Proposed new trustee:	Richard Puohotaua
Consents filed:	Yes

It should be noted that clause 7(a)(iii) of the trust order reads:

"No general meeting shall be deemed to be constituted unless at least 15 beneficial owners are present in person throughout the meeting."

	Title Notice 12568 dated 28 November 1991 Gazette – NZ Gazette – Māori Reservation (800m2) Title Notice 12569 dated 6 January 1992 Gazette – NZ Gazette 181/3738 – Māori Reservation (4200m2) 223 Aotea MB 98 dated 21 January 2009 Status of Land – Status determined to be Māori Freehold Land CFR 508092 dated 24 December 2009 Other – MFLR Completed
Original trustees:	20 Aotea MB 193-194 dated 22 August 1991 Ripeka Mary Green, Retihiamatikei Lorraine Cribb, Howard Moa Rozon, Teresa Henerietta Ranginui, Peggy Pikikore Pokiha, Cecelia Teterenga Whanarere, Gary William Puohotaua
Current Trustees:	423 Aotea MB 19-21 dated 14 October 2020 1. Kim Jennifer Ranginui 2. Amiria Teresa Paranihi 3. Mary Cecelia Whanarere 4. David Lyndsey Puohotaua 5. Taara Rebecca Janette Green 6. Matariki Cribb-Fox also known as Denise Matariki Cribb-Fox 7. Reuben Pokiha
Trust Order:	75 Aotea MB 233 dated 23 September 1997 Standard Ahu Whenua Trust order with amendments
Review of Trust	402 Aotea MB 230-244 dated 11 July 2019 Review due 11 July 2022 - overdue

An AGM was held on 13 February 2021. Details are as follows:

Meeting notified:	Yes, via newspaper notice published in the Whanganui Chronicle on 21 January 2021. Agenda includes election of a trustee.
Minutes of meeting filed:	Yes, dated 13 February 2021
Trustee being replaced:	Rueben Pokiha
Resignation filed:	Yes
Proposed new trustee:	Richard Puohotaua
Consents filed:	Yes

It should be noted that clause 7(a)(iii) of the trust order reads:

"No general meeting shall be deemed to be constituted unless at least 15 beneficial owners are present in person throughout the meeting."

463 Aotea MB 291

The Court makes an order pursuant to section 239 of Te Ture Whenua Māori Act 1993 replacing Rueben Pokiha with Richard Puohotaua. For the avoidance of doubt, the trustee is the newly appointed trustee together with No's 1-6 above.

The foregoing order to issue immediately pursuant to rule 7.5(2)(b) of the Māori Land Court Rules 2011.

There is a direction to the trustees that an application for a review of the Rakato B Trust be filed within twelve months of today's hearing.

There is a recommendation that the newly appointed trustee undertake the Māori Land Court trustee training within six months of today's hearing.

Copy of the Court minutes to applicant, trustees and interested parties.

A H C Warren
JUDGE

- [8] The Court granted orders relating to the replacement of responsible trustees of the Rakato B Ahu Whenua trust, replacing Rueben Pokiha with Richard Puohotaua.

The responsible trustees of Rakato B Ahu Whenua Trust being, Amiria Teresa Paranihi, David Lyndsey Puohotaua, Kim Jennifer Ranginui, Mary Cecelia Whanarere, Matariki Cribb-Fox also known as Denise Matariki Cribb-Fox, Richard Anthony Puohotaua, and Taara Rebecca Janette Green.

Ngā kōrero taunaki
Supporting or other information

- [9] The applicant has provided the following documents in support of their application:
- a) A copy of the Rakato B Ahu Whenua Trust Annual General Meeting, which was held on 8 December 2018, along with the attendance list
 - b) A copy of ANZ statement of accounts under the account name of Rakato B Trustees dated 28 September 2018
 - c) A copy of the Rakato B Ahu Whenua Trust Annual General Meeting which was held on 7 December 2019
 - d) A copy of the Rakato B Ahu Whenua Trustees Hui dated 13 February 2021

Te rangahau a te kooti
Court research

[10] Details of the trust are as follows:

Name of Trust:	Rakato B Trust
Type of Trust:	Ahu Whenua Trust
Block Name:	Rakato
No. of owners:	683 allocated owners as of 15 July 2025
Area:	Ahu Whenua Trust 20.883 hectares more or less Māori Reservation 0.970 hectares more or less Total 21.853 hectares more or less
Original Trustees:	20 Aotea MB 193-194 dated 22 August 1991 Ripeka Mary Green, Retihiamatikei Lorraine Cribb, Howard Moa Rozon, Teresa Henrietta Ranginui, Peggy Pikikore Pokiha, Cecelia Teterenga Whanarere, and Gary William Puohotaua
Current Trustees:	463 Aotea MB 288-291 dated 14 February 2023 Kim Jennifer Ranginui, Amiria Teresa Paranihi, Mary Cecelia Whanarere, David Lyndsey Puohotaua, Taara Rebecca Janette Green, Matariki Cribb-Fox also known as Denise Matariki Cribb-Fox, and Richard Anthony Puohotaua
Trust Order:	469 Aotea MB 172-175 dated 6 June 2023
Review of Trust:	469 Aotea MB 172-175 dated 6 June 2023 Review due 13 June 2028

[11] The record shows at 423 Aotea MB 19-21 dated 14 October 2020 due to covid restrictions in place at the time, the application was considered straight forward and could be processed in Chambers based on the papers filed without the need for a hearing. However, should the applicant or any interested party object to the decision they were entitled to seek a rehearing under section 43 of Te Ture Whenua Māori Act 1993.

Section 43 of the Act is as follows:

43 Rehearings

- (1) Subject to subsection (2), on an application made in accordance with the rules of court by any person interested in any matter in respect of which the court has made an order, the Judge by whom the order was made, or any other Judge may order a rehearing upon such terms as the Judge thinks reasonable, and in the meantime may stay the proceedings.
- (2) A rehearing under this section shall not be granted on an application made more than 20 working days after the order unless the Judge is satisfied that the application could not reasonably have been made sooner.
- (3) An application under this section shall not operate as a stay of proceedings unless the Judge so orders
- (4) The rehearing need not take place before the Judge by whom the proceedings were originally heard.

- (5) On any rehearing, the court may affirm its former determination, or may vary or annul that determination, and may exercise any jurisdiction that it could have exercised on the original hearing.
- (6) When a rehearing has been granted, the period allowed for an appeal to the Māori Appellate Court shall not commence to run until the rehearing has been disposed of by a final order of the court.
- (7) *[Repealed]*

Notice of the AGM was advertised in the Whanganui Chronicle on 23 September 2020 and 6 December 2020, there is no clause in the terms of trust which stipulates a timeframe for advertising of the AGM however the first advertisement on 23 September 2020 was ample notification.

Meeting minutes dated 7 December 2019 and the attendance list was filed with the substantive application.

The following is noted at number four of the meeting minutes *"In the kōrero a point was noted that despite an insufficient number of owners present to meet the required quorum of 15 (fifteen), permission was asked of the beneficial owners present for this hui to continue all seven owners present agreed to carry on with [the] hui."*

As per clause 7(a)(iii) of the Rakato B Residue Block terms of trust: *"No general meeting shall be deemed to be constituted unless at least 15 beneficial owners are present in person throughout the meeting."*

The application was ordered as sought.

- [12] At 463 Aotea MB 288-291 dated 14 February 2023 Richard Puohotaua replaced Rueben Pokiha as a responsible trustee of the Rakato B Trust.
Notice of the AGM was advertised in the Whanganui Chronicle on 21 January 2021, with a date of 13 February 2021 for the AGM.

Meeting minutes dated 13 February 2021 were filed with the substantive application, however no attendance list was provided to confirm if the quorum for the hui had been met.

It is also noted, at 463 Aotea MB 289 *"It should be noted that clause 7(a)(iii) of the trust order reads: No general meeting shall be deemed to be constituted unless at least 15 beneficial owners are present in person throughout the meeting."*

At 463 Aotea MB 290 the court minute reads: *"On 10 February 2023, the applicant advised the Court that despite efforts to track down an attendance register, she has not been able to get one, and that other trustees will be present at the hearing to speak to this matter."*

Although there was no discussion relating to the attendance register or if the quorum had been met, the application was ordered as sought.

Ngā taipitopito o ngā ōta e whai pānga ana ki te whenua e hāngai ana ki tēnei tono

Details of subsequent orders affecting lands to which this application relates

- [13] At 469 Aotea MB 172-175 on 6 June 2023 the Court made orders relating to the review and variation of the Rakato B Ahu Whenua Trust.

Ngā utunga nā te putanga o te ōta

Payments made because of the order(s)

[14] There have been no payments made relating to the orders complained of.

Ngā āhuatanga i rararu ai
Areas of difficulty

[15] There are no areas of difficulty.

Āe rānei, he take o tana haere ki tētahi kootitanga
Consideration of whether matter needs to go to hearing

[16] It appears that there was no mistake, error, or omission of the court.

The trustees were aware that the quorum was not reached at the 7 December 2019 AGM and permission was granted from the attending seven beneficial owners to continue with the hui.

At 463 Aotea MB 288-291 dated 14 February 2023 there was no discussion around the attendance register or if the quorum had been met, based on the outcome the Judge may have used his discretion based on the papers filed.

Not having met the quorum on either AGM could be considered in breach of the trust deed but is not an error, mistake, or omission on part of the court. The court was provided with the necessary information to make a determination which has occurred.

[17] The application should be set down for hearing to afford parties the opportunity to respond to the Report and Recommendation.

Te tūtohunga hei whai
Recommendation of course of action to be taken

[18] I recommend that:

- a) a copy of this report is sent to parties giving them an opportunity to comment or respond in writing.
- b) if there are no objections, I respectfully seek dismissal of this application.
- c) if objections are received, then the matter should be referred to Chief Judge for directions.

Ko te hātepe ture o te tono nei
Procedural history

[3] A copy of the Registrar's Report and notice of hearing was sent to the applicant and those parties we have contact details for on 25 July 2025 requesting feedback.

[4] The Court received a formal objection to the Registrar's Report from the applicant via email dated 15 August 2025, into which the trustees of Rakato B Ahu Whenua Trust were also copied.

[5] In that objection the applicant raised issues:

- (a) Of a historical nature more relevant to a review of trust rather than a s 45 application.
- (b) Concerning trustee management of the block.
- (c) Noting a previous review of trust application was completed and that an application for the removal of trustees was dismissed by Judge Harvey.¹
- (d) Attacking the content of those decisions.
- (e) Identifying the failure to address the quorum requirements in the trust order.
- (f) Concerning the Court accepting copies of bank statements and not originals.
- (g) Concerning the involvement of a Court employee.
- (h) Concerning a failure to satisfy the test in s 222(2)(b) that trustees be broadly acceptable to the beneficiaries, as only 7 owners were present.
- (i) Concerning a lack of minutes for the 2023 annual general meeting (AGM).
- (j) Concerning continuing mismanagement issues, including over a lease.
- (k) Seeking various orders for relief.

Te Nohonga a te Kooti

Court sitting

[6] The application was heard on 10 September 2025. The applicant claimed she was elected at the 2023 AGM, but no minutes were provided. She further noted that her brother resigned but that had not been to Court.

¹ See 394 Aotea MB 1-3 (394 AOT 1-3) and 402 Aotea MB 230-344 (402 AOT 230-344).

[7] Mere Whanarere stated the trustees had not had time to process the outcomes of the 2023 election. However, Matariki Cribb-Fox (no relation to me) stated that the reason for the delay was because the applicant had not returned her paperwork to accompany the application for appointment. She also claimed that due to the attack on the position of the trustees by the applicant, the trust work has stalled.

[8] In reply the applicant noted that she sent her consent form to Kim Ranginui in December 2023. Her brother Richard was with her when his resignation was sent from her computer.

[9] I reserved my judgment.

[10] A copy of 2025 Chief Judge's MB 1593–1608 dated 10 September 2025 was distributed to the applicant and affected parties on 20 October 2025 and 23 October 2025.

Ngā Ture *The Law*

[11] 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 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.

[12] I have previously set out the cases that determine how the jurisdiction of the Chief Judge is exercised in a separate judgment concerning the same applicant and Part Rakato B Māori Reservation issued today. I do not intend to repeat myself.

Kōrerorero

Discussion

[13] 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 or cancelling the order?

Was an error made?

[14] There were errors made regarding the orders made at 423 Aotea MB 19-21 on 14 October 2020 and 463 Aotea MB 288-291 on 14 February 2023. Both orders relied upon the minutes of the associated AGM. It is clear that no quorum was achieved for either hui.

[15] The Court had a discretion to waive the quorum requirement but did not explain in either 2020 or 2023 why it accepted that the quorum requirement in the trust order could be ignored. The Court's rationale should have been given. It was not.

[16] Therefore, an error was made in both cases.

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

[17] In terms of the Court order made at 423 Aotea MB 19-21 on 14 October 2020, the context was that COVID-19 was plaguing the community. Although restrictions were starting to ease, there was still unease about the virus. The Judge had a discretion to waive the requirement in the trust order. He just did not explain why he did so. Such an omission did not lead to any substantial unfairness for any of the beneficiaries of trust. When weighed against the need for the trust to continue to operate for the benefit of all the owners, I do not consider it is in the interests of justice to remedy the error.

[18] I also note that notice of the AGM was given noting that an election of trustees would take place. The applicant could have attended that meeting. In addition, the applicant had

the opportunity to seek a rehearing if she was unhappy with the decision. This is explicitly stated in the minute of the Court. She did not seek a rehearing, nor did she appeal.

[19] In terms of the order made at 463 Aotea MB 288–291 on 14 February 2023, I consider that an error should equally be measured against the need for the trust to continue its operation for the benefit of all the owners. The AGM was advertised. The applicant could have appealed. She did not.

[20] In addition, her case concerning both orders relies on historical matters unrelated to my s 44 jurisdiction. Alternatively, she is concerned about an unrelated AGM from 2023 where she was nominated to be a trustee.

Kupu whakataunga

Decision

[21] An error was made in relation to both orders complained of.

[22] However, I do not consider that it is in the interests of justice that the orders complained of be amended or cancelled.

Nga Ōta

Orders

[23] The application is dismissed.

[24] Pursuant to s 37(3) there is an order under s 86 amending the minute made at 423 Aotea MB 19–21 regarding the dates of the notice as set out by the Case Manager at 2025 Chief Judge's MB 1594.

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

I whakapuaki i te 3.00 pm i Te Whanganui-a-Tara, tekau mā waru o ngā rā o Tihema 2025.
Pronounced at 3.00 pm in Wellington on this 18th day of December 2025.

C L Fox

CHIEF JUDGE