

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

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

AP-20260000004088

WEHENGĀ
Under

Section 43, Te Ture Whenua Māori Act 1993

MŌ TE TAKE
In the matter of

Awarua 2C13C2B and other blocks

I WAENGĀ I A
Between

OPAE ASHER STEEDMAN AND TAIHI PAUL
Ngā kaitono
Applicants

ME
And

RICHARD STEEDMAN AND PIKI TE ORA
HIROA
Ngā kaiurupare
Respondents

Kōtitanga: 23 April 2026, 534 Aotea MB 85-99
Hearing (Heard at Whanganui)

Whakataunga: 28 May 2026
Judgment date

TE WHAKATAUNGA A KAIWHAKAWĀ A H C WARREN
Judgment of Judge A H C Warren

Tohea, tohea, ko te tohe i te kai.

Hei tīmatanga kōrero

Introduction

[1] Opae Steedman and Taihi Paul (the applicants) apply for a rehearing pursuant to s 43 of Te Ture Whenua Māori Act 1993 (the Act), arising from this Court’s earlier judgment dated 16 March 2026 (529 Aotea MB 53–60), in which they were removed as responsible trustees of the Awarua 2C13C2B & Others Trust (the Trust) under s 240 of the Act.

[2] The applicants seek a rehearing on the basis that the Courts earlier decision was affected by error and that a rehearing is required in the interests of justice. The application is opposed by the respondents, Richard Steedman and Piki Te Ora Hiroa.

[3] For the reasons that follow, the application for a rehearing is dismissed.

Te Horopaki

Context

[4] The underlying proceeding concerned the removal of the applicants as trustees for cause. In that decision, I found that there were sufficient concerns regarding the applicants’ conduct as trustees, including entering into arrangements inconsistent with Court oversight, failure to appropriately manage conflicts of interest, and conduct contributing to instability in the governance of the Trust.

[5] The rehearing application was filed on 17 March 2026. On 23 April 2026 I heard from the applicants as to why a rehearing should be granted.

[6] During that hearing, the parties agreed to participate in a confidential Judicial Settlement Conference (JSC) to explore a possible resolution. The JSC under s 40A was at my initiation consistent with s17(2)(c) and (f) of the Act. Due to miscommunication and availability issues, Richard Steadman was unable to participate. While a proposal for resolution was developed by the applicants, which involved the Court considering whether to amend the s 240 orders to s 239 orders, the proposal was subject to the support of the

respondents. Unfortunately, it was not supported. All parties understood that if there was no agreement then I could continue to determine the rehearing application.

Te Ture

Legal framework

[7] The following principles apply to an application for rehearing:¹

- (a) The Court has a discretion to grant a rehearing in circumstances which might otherwise give rise to a miscarriage of justice.
- (b) The circumstances in which a rehearing may be granted are many and varied, including (relevantly) where:
 - (i) material evidence has been discovered since the hearing which could not reasonably have been foreseen or known before the hearing; and
 - (ii) a rehearing appears necessary in order to avoid possible injustice to the applicant and there is no injury or prejudice to the opposing party.
- (c) A rehearing will not be granted merely for the purposes of repairing omissions in the presentation of the case or to reshape it.
- (d) While a rehearing will normally be granted where there are procedural defects denying natural justice and in instances where further evidence becomes available, these are not the only grounds for a rehearing.
- (e) Even where it is established that there has been a miscarriage of justice, a Court may very occasionally consider it inappropriate to grant a rehearing.
- (f) The ultimate question is whether the applicant has established circumstances which, in their totality, amount to a miscarriage of justice that justifies a rehearing. The onus to establish those circumstances is on the applicant.

¹ *Yulie v Smith – Tuahu* 6 (2022) 113 Tairawhiti MB 198 (113 TRW 198) at [14], citing *Henare v Māori Trustee – Parengarenga* 3G [2012] Māori Appellate Court MB 1 (2012 APPEAL 1).

[8] The jurisdiction is discretionary and must be exercised cautiously. Overall, it is considered an exceptional remedy.

Te Tātaritanga

My assessment

[9] The applicants advance several grounds in support of a rehearing. I address each in turn.

Alleged error in treatment of advice

[10] The applicants submit that I erred in my treatment of advice relied on by Opae Steedman when entering into a lease arrangement in circumstances where he was a trustee of both trusts involved. It is said that the Court improperly preferred conventional legal advice over advice grounded in tikanga Māori and constitutional principles.

[11] I do not accept that submission.

[12] The issue in the original decision was not the legitimacy or relevance of tikanga-based expertise. Tikanga may properly inform decision-making within Māori land governance. However, the question I was required to determine was whether the applicants, as trustees, discharged their fiduciary obligations, including the management of an actual conflict of interest.

[13] In that context, the critical issue was whether the applicants exercised independent judgement and acted in accordance with their legal duties as trustees. Even accepting the relevance of tikanga-based perspectives, those perspectives do not displace the baseline obligations imposed on trustees under the Act, including duties relating to conflicts and proper decision-making.

[14] The advice relied upon did not adequately address those obligations in a manner sufficient to discharge those duties. My original assessment did not turn on rejecting tikanga-based expertise, but on the failure to appropriately navigate a clear legal conflict of interest.

[15] I am not satisfied that any error of principle arises in this respect, nor that any miscarriage of justice is established.

Weight given to internal whānau conflict

[16] The applicants submit that undue weight was given to internal whānau conflict, thereby distorting the assessment of their performance as trustees.

[17] I do not accept that characterisation.

[18] The existence of conflict within the whānau was not determinative of the decision to remove the applicants. However, it was relevant to the extent that it affected the governance of the Trust, impaired decision-making, and undermined beneficiary confidence. These are matters directly relevant to trustee performance and the proper administration of a Māori land trust.

[19] The findings in the original decision were based on substantive conduct and governance concerns, not merely the existence of a disagreement.

[20] This ground does not establish any miscarriage of justice.

Alleged new evidence

[21] The applicants rely on additional material, including an unsigned affidavit, documentation relating to the lease, and lists of beneficiary support.

[22] I am not satisfied that this material meets the threshold required to justify a rehearing.

[23] Firstly, much of the material was available, or could reasonably have been obtained, at the time of the original hearing with the exercise of reasonable diligence.

[24] Secondly, and in any event, the material is not of such significance that it would have been likely to alter the outcome of the original decision, which turned on the applicants' conduct as trustees and their handling of conflicts of interest.

[25] Accordingly, this ground does not establish a miscarriage of justice.

Broader concerns regarding self-determination

[26] The applicants raise broader concerns regarding self-determination and the role of the Māori Land Court in overseeing Māori land, including concerns that the Court's intervention reflects a paternalistic approach.

[27] I acknowledge that such perspectives are held and reflect important conversations regarding rangatiratanga and the governance of Māori land.

[28] However, where land is administered under a Part 12 trust, the statutory framework provides for Court oversight, including the removal of trustees where appropriate. The Court's role in this respect is prescribed by the Act.

[29] These broader concerns, while sincerely held, do not provide a basis for concluding that a miscarriage of justice has occurred in the present case.

Natural justice considerations

[30] During the rehearing application, issues were raised regarding the participation of Taihi Paul in the original proceedings, including reference to illness at the time of the earlier hearing.

[31] I have considered whether this gives rise to procedural unfairness justifying a rehearing with respect to her removal.

[32] While it appears that Ms Paul was unwell at the time, no formal application for adjournment or supporting evidence was provided to the Court at that time, and the

proceedings were conducted in circumstances where the applicants had notice of the hearing and opportunity to participate through other means.

[33] Importantly, no material has been identified that Ms Paul would have advanced which, if considered, would have been likely to affect the outcome of the original decision.

[34] In those circumstances, I am not satisfied that any procedural defect or denial of natural justice has been established to justify a rehearing.

Overall assessment

[35] Having considered all of the grounds advanced, I am not satisfied that the applicants have established a miscarriage of justice, or that a rehearing is otherwise required in the interests of justice.

[36] Even if any individual matter raised could be said to engage concern, I am satisfied that, taken cumulatively, they fall well short of the threshold required to justify the exceptional step of granting a rehearing.

Whakataunga

Decision

[37] The application for a rehearing is dismissed.

Mauri ora

I whakapuaki i te 2:00 pm i Kirikiriroa, rua tekau ma waru o ngā ra o Mei 2026

Pronounced at 2:00 pm in Hamilton on the 28th day of May 2026.

A H C Warren
KAIWHAKAWĀ
JUDGE