I TE KOOTI WHENUA MĀORI O AOTEAROA
I TE ROHE O AOTEA
In the Māori Land Court of New Zealand
Aotea District

AP-20230000021276
CJ 2023/22

WEHENGA *Under*	Section 45, Te Ture Whenua Māori Act 1993
MŌ TE TAKE *In the matter of*	Succession to Rangihoia Paora also known as Rangihoia Tuira
NĀ *By*	JOSEPHINE NGAWAIATA TAI Te Kaitono *Applicant*

Kōtitanga: *Hearing*	18 March 2026, 2026 Chief Judge's MB 616-624 11 June 2026, 2026 Chief Judge's MB 1047-1049 17 September 2026, 2026 Chief Judge's MB 1491-1493 (Heard at Wellington via zoom)
Whakataunga: *Judgment date*	14 October 2026

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

Hei timatanga kōrero
Introduction

[1] Josephine Ngawaiata Tai filed this application pursuant to s 45 of Te Ture Whenua Māori Act 1993 (the Act) seeking the Chief Judge to exercise her jurisdiction under s 44 of the Act to amend the succession order made at 120 Ōtorohanga MB 186-189 on 29 October 2002 relating to the Māori Land interests of Rangihoia Paora or Rangihoia Tuira.

[2] Josephine claims that the order was incorrect due to a mistake, error or omission in the presentation of the facts of the case to the Court because her mother, Kerera Te Huia also known as Clara Taylor, the fourth child of the deceased was wrongly recorded as "unknown" and as having "died in infancy". Consequently, her mother was omitted from succession. She now seeks to amend the order to include Kerera Te Huia also known as Clara Taylor as a successor to the deceased.

Kōrero whānui
Background

[3] The Registrar's Preliminary Report and Recommendation (the Registrar's Report) dated 8 January 2026 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 Josephine Ngawaiata Tai (the applicant) seeks to amend the succession order at 120 Ōtorohanga MB 186-189 dated 29 October 2002 relating to Rangihoia Paora or Rangihoia Tuira (the deceased).
>
> [2] The applicant claims that the order is incorrect due to a mistake, error, or omission in the presentation of the facts of the case to the Court, as follows:
>
> (a) The summary of facts drawn from the application and court research records that one of the deceased's children (no. 4) is unknown and died in infancy;[1]

[1] 120 Ōtorohanga MB 186-189 (120 OTR 186-189) at folio 186.

(b) When the matter was heard before Judge S Te A Milroy, evidence was given that the fourth child of the deceased did not reach adulthood and died without any issue:[2]

> **Judge Milroy**: … Then we've got Maria Edwards, a child of the third marriage and she died with no issue, no children. We've got a fourth child unknown.
>
> **Celia Reid**: I know there was a child. I'm sure it was a girl but it was kind like before our time.
>
> **Judge Milroy**: Right, and she didn't grow to be an adult or have any children. Wikitoria Kingi and she's also deceased but has children.
>
> **Celia Reid**: Yes.

(c) The applicant claims that the fourth child listed as "unknown" is her mother, Kerera Te Huia/Kingi also known as Clara Taylor. She claims that no evidence was submitted to show that the unknown child died in infancy.

[3] The applicant is adversely affected by the order because her whānau was not acknowledged in the whakapapa and was omitted from succession.

He kōrero tuku iho
Background

[4] The deceased died on 19 September 1968 without a will. She had the following Māori land interests:

Te whakatakotoranga o ngā poraka whenua:
Table of land blocks

Te rohe o Waikato-Maniapoto:

Te poraka Block name	**Ngā hea** The shares
Tahawai Parish of Lot 12A (Papakainga) Reserve	0.1666
Tahawai Parish of Lot 12B	0.08334
Tahawai Parish of Lot 12A Sections 9, 16, 22, 26 and 32 (Residue)	150.0000
Ongaonga 1F1B2	0.74419
Whakamarama 3	577.77190

[5] On 29 July 2002, Celia Hiria Reid, on behalf of the Tanirau Stanley whānau filed an application for succession to the deceased. Celia is a granddaughter of the deceased from her first marriage.

[6] The matter came before Judge S Te A Milroy on 29 October 2002. The deceased was married five times and had the following children:

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2 120 Ōtorohanga MB 186-189 (120 OTR 186-189) at folio 188.

Issue of spouse 1 (Tanirau Stanley)

1	Koro Teao Tanirau Stanley	Md	Issue

Issue of spouse 2 (George Warren)

2	George Warren	Md	Issue

Issue of spouse 3 (Kingi)

3	Maria Edwards	Fd	No issue
4	*Unknown*	*Fd*	*Died in infancy*
5	Wikitoria Kingi	Fd	Issue

Issue of spouse 4 (Mark Douglas Ngaterangi)

6	Mark Douglas Ngaterangi	Md	Issue

Issue of spouse 5 (Tuira Rewiri)

7	David Te Kanawa Tuira	Md	Issue
8	Doc Tuira	Md	Issue
9	Jock Tuira	Md	No issue
10	Reney Palmer (Tuira)	Fd	No issue

[7] The Court determined that the persons entitled to succeed to the deceased are the following, in equal proportions, with substitution of issue for Koro Teao Tanirau Stanley:

1	Koro Teao Tanirau Stanley
2	George Warren
5	Wikitoria Kingi
6	Mark Douglas Ngaterangi
7	David Te Kanawa Tuira
8	Doc Tuira

[8] An order was made vesting the interests of the deceased as follows:

120 Otorohanga Minute Book Folio 186-189
of Vesting Order dated the 29th day of October 2002

SCHEDULE

Block	Shares held by deceased	Successors and Addresses	Sex	Proportion
Waikato-Maniapoto District				
Tahawai Parish of Lot 12B	0.08334	Wikitoria Kingi	Fd	1/6
Tahawai Parish of Lot 12A Sections 9, 16, 22, 26 and 32 (Residue)	150.00000	Mark Douglas Ngaterangi	Md	1/6
		David Te Kanawa Tuira	Md	1/6
Ongaonga 1F1B2	0.74419			
		Doc Tuira	Md	1/6
Whakamarama 3	577.77190			
		George Warren	Md	1/6
Tahawai Parish of Lot 12A (Papakainga) Reserve	0.16660			
		Rangi Hauata Nane and Koro Te Ao Taratu Tanirau Whanau Trust		1/6

Ngā kōrero taunaki
Supporting or other information

[9] In support of her application, the applicant submitted the following:

(a) Copy of the order complained of at 120 Ōtorohanga MB 186-189 dated 29 October 2002;

(b) Copy of the minute of the proceedings held at 64 Rotorua MB 12 on 29 May 1917 relating to the succession to Te Huia Te Hira. The minute records the following:

i. Te Huia Te Hira died on 13 December 1915 without a will, he had the following children:

Kerera Te Huia	f	6 yrs
Maria Te Huia	f	4 yrs
Wikitoria Te Huia	f	3 yrs

ii. Orders were made determining the above children as successors to Te Huia Te Hira in equal proportions, and appointing Kinihori Te Hira as their trustee.

(c) Copy of death certificate of Rangihoia Tuira Rewiri, recording the following:

Name:	Rangihoia Tuira Rewiri
Date of death:	19 September 1968
Name of father:	Paora Paratoenga
Name of Mother:	Kahu Raupo Paratoenga (nee Rorowai)

(d) Copy of death certificate of applicant's mother Clara Taylor, recording the following:

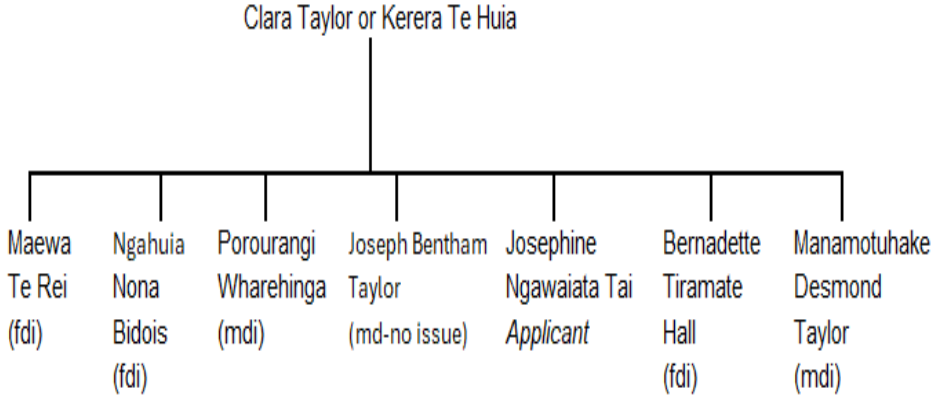
Name:	Clara Taylor
Date of death:	14 February 1975
Name of mother:	Rangihoia Te Huia
Name of father:	Hira Te Huia

(e) Whakapapa of Clara Taylor recording her children.

Te rangahau a te kooti
Court research

[10] Succession to Clara Taylor was ordered on 9 April 2015. Clara died without a will. At the time of her death she was married to Taiepa (Pepi) Taylor and had the following children.[3]

[3] 117 Waiariki MB 173-176 (117 WAR 173-176).



[11] Koro Teao Tanirau Stanley (no. 1 above) died on 31 January 1975. On 3 September 1996, his interests were vested in the trustees of Rangi Hauata Nane and Koro Te Ao Taratu Tanirau Whānau Trust.[4]

[12] David Te Kanawa Tuira (no. 7 above) died on 15 October 1975. Succession to David was ordered on 7 September 2005, vesting his interests in his children with substitution of issue for Mohi David Tuira.[5] On 22 October 2006, the interests of the beneficiaries of Mohi David Tuira were vested in the trustees of the Moses Tuira Whānau Trust.[6]

[13] The Māori land interests succeeded to by George Warren, Wikitoria Kingi, Mark Douglas Ngaterangi and Doc Tuira are currently held in their names.

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

[14] 110 Ōtorohanga MB 225-226 dated 3 September 1996, succession orders relating to the interests of Koro Teao Tanirua Stanley and the Rangi Hauata Nane and Koro Te Ao Taratu Tanirau Whanau Trust.

[15] 114 Waikato MB 95-97 and 114 Waikato MB 129 dated 7 September 2005 and 2 November 2005, respectively, succession order relating to the estate of David Te Kanawa Tuira.

[16] 86 Tauranga MB 282-283 dated 2 October 2006, vesting order relating to the Moses Tuira Whanau Trust.

Te utunga nā te putanga o te ōta
Payments made because of the order(s)

[17] There were no payments made as a result of the order complained of.

Ngā āhuatanga i rararu ai
Areas of difficulty

[18] The order complained of records the father of the child listed as "*unknown*" as

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4 110 Ōtorohanga MB 225-226 (110 OTR 225-226).
5 114 Waikato MB 95-97 and 114 Waikato MB 129 (114 W 95-97 & 114 W 129).
6 86 Tauranga MB 282-283 (86 T 282-283).

Kingi, the third husband of the deceased. On the other hand, the death certificate of Clara Taylor records her father as Hira Te Huia. Although the same certificate records her mother as Rangihoia Te Huia, the birth certificate is *prima facie* evidence and the burden of proof lies with the applicant to prove that Clara Taylor or Kerera Te Huia is the child listed as "*unknown*".

[19] The succession order dated 29 May 1917 relating to Te Huia Te Hira, Clara Taylor's father, does not record the mother of his children. It is noted however, that Clara or Kerera's siblings listed in the order are named Maria and Wikitoria, similar to the those listed at nos. 3 and 5 at paragraph [6] above, as the deceased's children with Kingi.

[20] Although the applicant gave address for service, the contact details given were that of the applicant's whānau, as such notice of the application was not sent to the persons who stand affected a result of this application.

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

[21] A hearing is required to give the court an opportunity to hear from the applicant and an opportunity to submit further evidence to show that Clara Taylor's mother is Rangihoia Paora, and for the Court to determine the final outcome of the application.

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

[22] I recommend that:

(a) A copy of the report be sent to the applicant;

(b) The applicant is to provide contact details of the persons affected by this application within 10 days from the date of this report, and the case manager is to send copies of this report to the affected parties upon receipt of their contact details.

(c) The applicant and persons affected by this application are to file their evidence or comment or respond to the application within 10 days of receipt of this report; and

(d) The matter be set down for hearing via Zoom at the Chief Judge's sitting for March 2026 to enable the Court to hear from parties. Time and date of the hearing will be advised in due course.

Ko te hātepe ture o te tono nei
Procedural history

[4] The application was first heard on 18 March 2026. Moana Hall (applicant's niece) and Jon Bidois appeared for Josephine Ngawaiata Tai (the applicant) who was unwell. The proceedings were adjourned to June 2026 to enable Ms Hall to provide further evidence in support of the application.

[5] When the application was heard on 11 June 2026, Ms Hall advised that she was unable to produce the birth certificate of Kerera Te Huia or Clara Taylor. A further adjournment was granted to enable Ms Hall to seek further information demonstrating that Kerera Te Huia also known as Clara Taylor was in fact the fourth child of the deceased.

[6] On 17 September 2026 the matter was heard again. For the various reasons cited at the previous hearing, no birth certificate was produced for Kerera Te Huia also known as Clara Taylor.

[7] Rather, Ms Hall relied on an email dated 17 September 2026 from Whitu Karauna, the son of Celia Reid. Celia made the original application ordered at 120 Ōtorohanga MB 186-189 on 29 October 2002. In that email Mr Karauna noted that his mother thought the unknown child mentioned in the Court minute died in infancy but that she changed her mind when the applicant visited with Ms Hall. His evidence was that they discussed their whakapapa connection and that he and his mother Celia "acknowledged that Aunty Josie was a mokopuna of Nanny Rangihoia ..." His mother passed away in 2025. Ms Hall also relied on a text from Clara Bonnar, daughter of David Te Karauna Tuira-Maihi. She described herself as Clara Taylor's namesake. Clara Taylor was one of her dad's sisters.

[8] I then reserved my decision.

Ngā Ture
The Law

[9] 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.

[10] In *Ashwell – Rawinia or Lavinia Ashwell (nee Russell)*, the principles to be applied in determining such applications made pursuant to s 45 of the Act were listed as follows: [7]

> - When considering section 45 applications, the Chief Judge needs to review the evidence given at the original hearing and weigh it against the evidence provided by the applicants (and any evidence in opposition);
>
> - Section 45 applications are not to be treated as a rehearing of the original applications;
>
> - 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; and
>
> - 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 section 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.

[11] Section 44 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 mistake or omission 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.

[12] 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 on 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.[8] This means that the applicant must establish on the balance of probabilities that there was a mistake or omission.

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7 *Ashwell – Rawinia or Lavinia Ashwell (nee Russell)* [2009] Chief Judge's MB 209 (2009 CJ 209) at [15].

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

[13] The Court of Appeal has confirmed that the power under s 44(1) falls into two parts:[9]

> 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.

Kōrerorero
Discussion

[14] 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?

[15] I consider that Ms Hall has produced all the evidence she can to demonstrate that the child said to have died in infancy, was in fact Kerera Te Huia also known as Clara Taylor who lived well beyond infancy. The problem is that the evidence of Mr Whitu Karauna and Ms Clara Bonnar was produced without sworn affidavits or declarations and without evidence being given in person.

[16] If sworn affidavits or declarations witnessed by a Justice of the Peace, are produced from both these witnesses, I consider that will be sufficient to establish on the balance of probabilities that a mistake was made in the presentation of facts to the Court leading to an error being made.

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

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

[17] If this evidence is produced in its correct form, and after taking into account the Preamble, ss 2 and 17 of the Act, I am prepared to grant the order under s 44 as I consider that it is necessary in the interests of justice to rectify the error made by the Court.

Kupu whakataunga me ngā ōta
Decision

[18] For the reasons given, the application is granted upon the condition outlined below.

[19] There is an order under s 44 of Te Ture Whenua Māori Act 1993 amending the orders made at 120 Ōtorohanga MB 186-189 on 29 October 2002 to include Kerera Te Huia also known as Clara Taylor.

[20] There is a further order made pursuant to s 47(4) making all consequential amendments to any other order needed to give effect to the order made under s 44 above.

[21] These orders are made conditional under s 73 upon Ms Hall filing sworn affidavits (witnessed by a solicitor) or declarations (witnessed by a Justice of the Peace) from Mr Whitu Karauna and Ms Clara Bonnar stating that the evidence produced as an email and text at the hearing in September 2026 were true and correct to the best of their knowledge within two months from the date of this judgment. Ms Hall may seek assistance from the case manager to complete this paper work. Failure to produce these documents within the stated time will result in the orders under ss 44 and 47 being cancelled.

[22] The case manager is directed to distribute a copy of this decision to all parties.

I whakapuaki i te 2.00 pm i Te Whanganui-a-Tara, tekau mā whā o ngā rā o Ōketopa i te tau 2026.
Pronounced at 2.00 pm in Wellington on this 14th day of October 2026.

C L Fox
CHIEF JUDGE