

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

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

AP-20250000015706

AP-20250000016407

WEHENGĀ
Under

Section 19(1)(b) Te Ture Whenua Māori Act 1993
Regulation 21, Māori Reservations Regulations
1994

MŌ TE TAKE
In the matter of

Mangatuna 1G

I WAENGA I A
Between

ASHLEIGH KRISTA TE AOTAWARIRANGI
WAWATAI
Kaitono
Applicant

ME
And

HAKARAIA IHAKA HOROMIA, CHANTAL
KEELAN-HOOPER, KELLY HARIATA
KEELAN BLACKMAN, MASON RAPAEA
HONE TE MIMI O PAOA WETINI, RICKY
TAKENA TUARI, STACY HAEATA MAITAI
AND WAYNE JAMES NGATA AS TRUSTEES
OF THE HINEMAUREA KI MANGATUNA
MARAE
Ngā kaiurupare
Respondents

Kōtitanga: 13 April 2026
Hearing (Heard at Gisborne)

Whakataunga: 30 April 2026
Judgment date

TE WHAKATAUNGA A KAIWHAKAWĀ N R MILNER
Judgment of N R Milner

Hei kōrero tīmatanga

Introduction

[1] Hinemaurea ki Mangatuna Marae (Hinemaurea), is located on Mangatuna 1G, a block of Māori freehold land at Uawa. Mangatuna 1G is set aside as a Māori Reservation for the purpose of a meeting place and for papakainga purposes.

[2] The destruction caused by Cyclone Gabrielle in February 2023 included flooding of Hinemaurea, along with many other areas in the wider Tairāwhiti rohe. Hinemaurea has been flooded and damaged by further severe weather events since Cyclone Gabrielle.

[3] Since Cyclone Gabrielle the Gisborne District Council has categorised Mangatuna 1G as “Category 3” land. This means that future severe weather event risks cannot be sufficiently mitigated and while some land uses may remain acceptable residential use carries an intolerable risk of injury or death.

[4] Hinemaurea is part of a major project to relocate five marae in Tairāwhiti from land now classified as Category 3 land to safer ground.

[5] It is proposed that parts of the marae and associated infrastructure will be relocated to a new location, or incorporated into structures at a new location, while other parts may be buried, burnt or otherwise disposed of.

Kua ahatia?

What has happened?

[6] Ashleigh Wawatai (the Applicant), and others, are opposed to the relocation of Hinemaurea. The Applicant argues that the trustees of Hinemaurea (the Trustees) have failed to adequately consult with the beneficiaries of the marae regarding the proposed relocation and related matters.

[7] On 9 December 2025 the Applicant filed an application seeking an inquiry into the administration of the Māori Reservation, under Regulation 21 of the Maori Reservations Regulations 1994. At the same time the Applicant also filed an application for an interim injunction, under s 19(1)(b) of Te Ture Whenua Māori Act 1993 (the Act), to restrain the Trustees from any further steps towards the relocation of Hinemaurea.

[8] By minutes and directions dated 19 December 2025¹ and 2 March 2026² further detail or clarification was sought from the Applicant. The Applicant subsequently filed further memoranda, evidence and materials on 23 and 30 January 2026 and 23 March 2026.

[9] By minute and direction dated 2 April 2026 the application for an interim injunction was set down for hearing in Gisborne on 13 April 2026. This minute also directed the Trustees to respond to the application.³

[10] The Trustees filed a written response to the application for an interim injunction on 13 April 2026. In addition, a submission and supporting documents in support of the application were filed by Mr Whetu Hautapu on 12 April 2026.

[11] A hearing took place at Gisborne on 13 April 2026. The Applicant and Mr Hautapu were given a fulsome opportunity to speak to the application and the materials they had each filed.

Kupu whakataki

Preliminary Comments

[12] At the start of the hearing, I noted a number of preliminary points that generally apply to Māori Reservations. I addressed these points since some of the materials filed in support of the application suggested, or raised a concern, that the proposed relocation of the marae would lead to the sale of Mangatuna 1G or that the sale of Mangatuna 1G was a condition or requirement of the government funding for the relocation. This is not correct. I briefly summarise these points as follows.

[13] While it has the status of a Māori Reservation, Mangatuna 1G is not able to be alienated, which includes being sold.⁴ For example, the trustees cannot sell Mangatuna 1G

¹ 137 Tairāwhiti MB 3-4 (137 TRW 3).

² 140 Tairāwhiti MB 72-74 (140 TRW 72).

³ 141 Tairāwhiti MB 43-44 (141 TRW 43).

⁴ See Te Ture Whenua Māori Act 1993, s 338(11), which provides:

(11) While land is set apart as a Maori reservation,—

(a) the land or an interest in the land cannot be alienated, or vested or acquired under an Act; but

(b) the beneficial ownership of the land may continue to change by succession or otherwise (but this does not change the persons for whose common use or benefit the reservation is held, unless it is held for the beneficial owners).

(emphasis added)

even if they wished to. No evidence of any intention on the part of the Trustees to sell Mangatuna was presented to the Court.

[14] In addition, while it has the status of a Māori Reservation Mangatuna 1G cannot be taken, for example, under the Public Works Act 1981.⁵

[15] Material filed in support of the application by the Applicant states that if Hinemaurea is moved “mana whenua authority at that original site [Mangatuna 1G] may be undermined, opening it to crown or council reclassification as a public, reserve or non-Maori land.”⁶ The jurisdiction to cancel Māori Reservation status of land, or to change the status of Māori freehold land to General land sits with the Māori Land Court and not central or local government.⁷

[16] I have confirmed with the Registrar that there are currently no applications before the Court seeking to cancel the Māori Reservation status of Mangatuna 1G. Such applications are rare.⁸ If the Māori Reservation status of Mangatuna 1G was to be cancelled then the land would be returned to the former owners, or the successors to the former owners, as required by s 338(9) of the Act.⁹

Te Ture *The Law*

[17] The Applicant seeks an interim injunction per s 19(1)(b) of the Act to prevent any further steps being taken toward relocation of the marae pending conclusion of the inquiry into the administration of Hinemaurea also sought by the Applicant, per Regulation 21 of the Māori Reservation Regulations 1994.

⁵ *Grace v Minister for Land Information* [2014] NZEnvC 82 (8 April 2014).

⁶ See email from the Applicant to the administrator for the Trustees, dated 20 October 2025, 23:43, at [5], recorded as Exhibit “Z” to the Memorandum of the Applicant, dated 23 March 2026.

⁷ Te Ture Whenua Māori Act 1993, ss 135, 338(1) and 338(5).

⁸ *Tatana v Matthews - General Land Lot A DP 83617* (2023) 471 Aotea MB 209 (471 AOT 209), at [11]; *Winitana - Mokau Reserve* (2018) 77 Tairāwhiti MB 187 (77 TRW 187), at [19].

⁹ See Te Ture Whenua Māori Act 1993, s 338(9), which provides:

(9) Upon the exclusion of any land from a reservation under this section or the cancellation of any such reservation, the land excluded or the land formerly comprised in the cancelled reservation shall vest, as of its former estate, in the persons in whom it was vested immediately before it was constituted as or included in the Maori reservation, or in their successors.

[18] In determining whether to grant an interim injunction, I must first decide whether there is a serious question to be tried.¹⁰ In determining whether there is a serious question, I must consider the applicable law and associated facts, ascertain where the issues lie, and determine whether there is a tenable combination of resolutions of the issues of law and fact on which the Applicant's application for an inquiry could succeed.

[19] I must then consider all relevant factors and decide where the balance of convenience lies.¹¹

[20] Overall, I must consider the overall justice of the case, in light of the kaupapa and principles of the Act.¹²

Kōrerorero

Discussion

Is there a serious question to be tried?

Allegation: Trustees' failure to consult, including give proper notice of hui

[21] The Applicant alleges, in summary, that the Trustees have failed to properly consult with whānau in relation to the issue of the relocation of Hinemaurea. The Applicant further submits that the Trustees failed to provide sufficient notice of hui, and, it is alleged, withheld key information and documents, including demolition requirements and associated funding arrangements, which were not disclosed prior to decision-making.

[22] Mr Hautapu in his written submission, and at the hearing, similarly expressed his concern that notice given by the Trustees, in respect of relevant hui, is inadequate to properly inform those whanau who live away from Tairāwhiti. Mr Hautapu lives in Taumarunui.

[23] In their initial response to the application the Trustees provided the Court with a schedule of meetings and hui that have discussed the proposed relocation. I directed that this schedule be provided to the Applicant in order for her to clarify how these meetings did

¹⁰ *Meroiti v Meroiti – Owata No. 1J No.2B* [2025] Māori Appellate Court MB 142 (2025 APPEAL 142) at [31].

¹¹ *Patena v Cook – Paora Poha Ti Raha Trust* (2023) 468 Aotea MB 265 (468 AOT 265) at [11].

¹² *Pihema v Pihema – Lot 18 Deposited Plan 28604* (NA31C-254) (2020) 209 Taitokerau MB 175 (209 TTK 175) at [14].

not constitute a sufficient opportunity for whānau of the marae to consider the issue of relocation.¹³

[24] In response to this schedule of meetings, the Applicant's memorandum dated 23 March 2026 records:

18. The Applicant acknowledges that meetings and hui have been held where proposed relocation of Hinemaurea ki Mangatuna Marae has been discussed.

19. However the Applicant remains concerned that not all beneficiary lines may have been directly informed or consulted regarding matters affecting the marae.

20 In attempting to determine whether consultation had occurred with the Hautapu descendant lines connect with the land, the Applicant contacted members of that whanau.

21. Mr Whetu Hautapu subsequently responded and advised that he had not recently been informed of any proposal concerning the release of the land or any title change affecting Hinemaurea ki Mangatuna Marae.

22. Mr Hautapu indicated that the Applicant's contact was the first time he had become aware of the proposal.

23. This correspondence contributed to the Applicant's concern that some beneficiary lines may not have been directly informed of matters affecting the marae prior to the relocation planning progressing.

[25] The Marae Charter for Hinemaurea, as filed by the Applicant, records (at [3.18]) that for annual or special general meetings the Trustees are to give notice on the Marae Facebook Page, advertisement in the local newspaper, advertisement in local pānui (where necessary) and/or announcement over iwi radio. I did not identify in the Applicant's submissions or those of Mr Hautapu any allegation or evidence that the Trustees were not complying with the requirements in the Marae Charter. It is clear however that the Applicant and Mr Hautapu wish for there to be more significant notice requirements for such meetings, perhaps to the level of private notice to certain individuals. This is not currently required of the Trustees but may be an issue the Applicant and Mr Hautapu wish to revisit via amendment to the Marae Charter.

[26] On the evidence before the Court I am satisfied that the Trustees have discharged their obligation to consult on this issue, including in terms of giving notice in accordance with the terms of the Marae Charter.

¹³ 137 Tairāwhiti MB 3-4 (137 TRW 3) at [9] and 140 Tairāwhiti MB 72-74 (140 TRW 72).

Allegation: Trustees' failure to respond to the Applicant or provide information to Applicant on request

[27] The Applicant has asserted that the Trustees have failed to disclose relevant information and adequately respond to her requests for information in relation to matters such as minutes of meetings, copies of reports and other details relating to the proposed relocation, the Marae Charter and details of amendments that have been made to that Charter, financial information and related matters.

[28] The Trustees' response to this allegation is that they consider they have made "reasonable efforts" to respond appropriately to the Applicant's requests and acknowledge that "not all responses may have met the expectations of the Applicant; however, this must be considered in the context of the volume, frequency, and scope of communications received." The Trustees have provided evidence of meetings, and corresponding notice given in accordance with the Marae Charter.

[29] The Applicant has filed copies of a number of email exchanges with the Trustees. There has been a lot of correspondence. I have reviewed all of the supporting materials filed by the Applicant, her requests to the Trustees and the copies of the responses she has provided to the Court. Generally, the Trustees appear to have responded to this correspondence and requests for information. I also note the Trustees have made a number of requests to the Applicant to attend hui that have been scheduled to discuss these issues.

[30] In my minute and directions of 2 March 2026¹⁴ I directed the Applicant to identify which specific emails and requests for information she considered the Trustees had not responded to. No specific correspondence was identified but copies of several exchanges were provided as part of the Applicant's 23 March 2026 response. Some of the Applicant's emails and correspondence to the Trustees are more in the nature of commentary or complaint, and in some cases abuse, rather than requests for information.¹⁵

[31] Overall, my assessment of the evidence filed is that the Trustees have responded to the Applicant's correspondence and her requests for information.

¹⁴ 140 Tairāwhiti MB 72-74 (140 TRW 72), at [6].

¹⁵ See for example emails of 20 October 2025 and 27 October 2025, to administrator, Trustees, Exhibit Z October Email Chain, Memorandum of Applicant, dated 23 March 2026.

[32] I note that robust discourse is to be expected in these circumstances, given the significance of the issues and strength of emotions involved. However, it is important that dialogue does not digress into abuse. This applies equally to all involved.

Allegation: disposal of structures and materials unable to be relocated or repurposed

[33] Of particular concern to the Applicant and Mr Hautapu appears to be that some parts of the marae complex and associated structures, that are unable to be relocated or repurposed at the new location, may be buried at Mangatuna 1G, or perhaps burnt.

[34] At the hearing the Trustees advised that final decisions on those parts of the marae and related structures that are unable to be relocated or repurposed and incorporated into the new location, and which may therefore be buried at Mangatuna 1G or may be burnt or otherwise disposed of, are yet to be made. This mitigates against any argument that there is a situation of urgency present that warrants injunctive relief. In their written response to the application the Trustees state:

No decisions have been made to demolish or dispose of structures in a manner inconsistent with tikanga or without due consideration. Any such matters will be subject to appropriate process, including engagement with whānau and relevant experts.

Conclusion

[35] In light of the points addressed above, I therefore determine that there is not a serious legal question to be tried here for the purposes of an interim injunction. It is important to note that this conclusion does not in any way suggest that the issue of relocating Hinemaurea is not serious or significant to the whānau. It is unquestionably serious and significant.

[36] Because of my conclusion that there is not a serious question to be tried I do not need to address the balance of convenience or overall justice of the case.

Whakataunga
Decision

[37] I decline to grant an interim injunction.

[38] The application for an interim injunction is dismissed.

[39] The application for an inquiry under Regulation 21 is adjourned. A lot of what is recorded in that application relates to, or refers to, proceedings at the 28 December 2025 AGM, at which an election for trustees was conducted. My preference is to deal with the application for an inquiry alongside the application for appointment of trustees under s 239 of the Act following the election at the AGM. The Trustees are directed to file an application, under s 239 of the Act, within 20 working days of this decision, and it will be advanced alongside the application for an inquiry.

[40] Further in relation to the application for an inquiry, the issue of an audit was raised. However, no specific transactions of concern were identified by the Applicant. The Marae Charter includes audit requirements. The Trustees are directed to advise the Court in writing, within 20 working days of this decision of the date of the most recent audit.

I whakapuakina i te 2.00 pm i Te Whanganui-a-Tara, i toru tekau o ngā rā o Āperira i te tau 2026.

Pronounced at 2.00 pm in Wellington on this 30th day of April 2026.

N R Milner
JUDGE