



Te Kooti Whenua Māori
Māori Land Court

Te Kooti Pīra Māori
Māori Appellate Court



ANNUAL REPORT

Matariki 2022 – Matariki 2023

Te Kooti Whenua Māori



Māori Land Court

Mihi

*Nau mai e te ao
Haere mai i te pō
Kuhu mai e te wairua
Tū mai e te aroha
Tū atu e te pono
Hei arahi kia tika kia wātea kia ora
Koia rā e Rongo whakairia ake ki runga hai
Turuturu o whiti whakamaua kia tina, tina!
Haumie hui e, Taiki e!*

*He aha te tohu o te ringaringa? He kawakawa!
Waipuketia ngā awa e ngā roimata me te hupe ki ngā mate kua riro atu tua o te ārai. Auē te mamae me te ngaukino nei. Haere, wheturangitia ki te Waka o Rangi kia Taramainuk, u noho mai koutou hei whetū ārahi mo tātou ngā waihotanga. E kore te aroha o rātou mā e waikuratia.*

E ngā kāhui whetū e Matariki e Puanga, tū mai rā hei tohu mo te tau hou!

Kei ngā maunga whakahī kei ngā wai tuku kiri o tēnā awa o tēnā awa, ki tātou ngā waihotanga o rātou mā tēnā hoki tātou, e te Rangahaurunga e te Rangahauraro tēnei rā e mihi ana. Tēnā koutou e ngā ringa raupā e whiria te taurā here o te tangata, tēnā koutou e whāngai nei i ngā wawata o te mōrehu tangata o te mōrehu whenua.

Toitū te kupu, toitū te mana, toitū te whenua!

Te Kooti Whenua Māori



Māori Land Court

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Mānawatia a Matariki

Matariki Kāinga Hōkia

Kei ngā hapū, kei ngā iwi, kei ngā kaipupuri whenua puta noa i te motu, e mihi ana. E mihi ana i ā koutou mahi, i ō koutou whakaaro kia tau-tiakihia te whenua Māori mō ngā uri whakatupu, ā haere nei te wā. I a tātou e whakaaro nei ki ngā kāinga o te iwi Māori, mārakerake ana te kitea, kāhore e tawhiti ana ō tātou whakaaro i te whenua, i a Papatūānuku, ka mutu, i ā tātou mahi ki te tau-tiaki i a ia. Ko tētahi haepapa nui i ō mātou mahi katoa, waihoki, ko te taura matua pea e herehere nei te Kooti Whenua Māori ki Te Puni Kōkiri, ki te Tumu Paeroa, ki te Roopu Wakamana i te Tiriti o Waitangi anō hoki, ko ā tātou mahi ki te whakahoki i te whenua, ki te manaaki i te whenua hei kāinga mō te iwi Māori.

I runga i tērā whakaaro, i te ata o 10 Hūrae 2023 i whakarauika atu aua tari rā i runga i te karanga o tā tātou kaupapa i tēnei tau, “Matariki Kāinga Hōkia”. Nō reira e tika ana kia hui tahi tātou i tērā ata nā runga i te whakaaro o tō tātou Kaiwhakawā Matua Caren Fox me tana hiahia kia whakanuia tahitia a Matariki, a Puanga, kia tukuna hoki ngā karakia kia pai ai, kia tika ai ā tātou mahi i roto i tēnei tau.

E tika ana kia mihi ngā tumu o ngā tari i tuku tautoko ki te kaupapa, ko Greg Shaw nō Te Tumu Paeroa i tae atu hei kanohi kitea mō te Māori Trustee, Dr Charlotte Severne, ko te kāhui whakahaere o Te Puni Kōkiri, ka mutu, ki te Acting Secretary, Paula Rāwiri i tae atu hei kanohi kitea mō Dave Samuels te Secretary of Māori Development. Tae rā anō hoki ki ngā tumu o te Kooti Whenua Māori, ko Steve Gunson te Pae Matua o te Kooti Whenua Māori. Ka rere hoki ngā mihi ki ngā kaiwhakahaere o tā tātou rā, ki a Te Hāmua Nikora me Kaiwhakawā Alana Thomas.

Engari ko te aumihi nui tēnei e rere atu nei ki ō tātou rangatira, ō tātou tohunga i tae atu ki te hāpai i tā tātou kaupapa, kei ngā reo pāorooro o ngā pari kārangananga o Te Taitokerau: Eru Kapa Kingi, o te rohe o Waikato: Rahui Papa, o te Waiariki: Mataia Keepa, o Te Tairāwhiti: Mark Kopua, o te rohe o Takitimu: Dr Tatere Macleod, o te Wai Pounamu: Jymal Morgan me te rohe

o Aotea: Dr Ruakere Hond, i rangatira te ata i a koutou, anei mātou ko ō huānga e mihi atu nei, e mihi atu nei, Mānawatia a Matariki!

This is an acknowledgement to all the hapū, iwi and Māori landowners in Aotearoa and your efforts to care for our whenua for the generations to come, e mihi ana. When we reflect on what kāinga means to te iwi Māori, we instantly think about our connections to the land, to Papatūānuku and, of course, about the mahi we collectively advance to ensure we are looking after her, our land, our homes. It is that responsibility, to ensure our lands are cared for so that they remain as kāinga for te iwi Māori, that we all share at the Māori Land Court, at Te Puni Kōkiri, at Te Tumu Paeroa and within the Waitangi Tribunal.

It is that responsibility and collective whakaaro to care for our whenua that brought together our offices on the morning of 10 July 2023 to participate in a joint karakia to celebrate the start of the new year alongside the theme, “Matariki Kāinga Hōkia”. Chief Judge Caren Fox thought it was only right that we should celebrate Matariki and Puanga together in this way, to participate in a karakia ceremony for all of te iwi Māori that will assist our endeavours to achieve the goals we have set for the year to come.

We wish to acknowledge those who supported the idea from its inception, to Greg Shaw from Te Tumu Paeroa who was able to join us on the morning as a representative for the Māori Trustee, Dr Charlotte Severne, to the managers at Te Puni Kōkiri, and specifically Paula Rāwiri who attended as the representative for Dave Samuels, the Secretary of Māori Development, and of course, to the Pae Matua of the Māori Land Court Steve Gunson, a huge mihi to you all. We also thank our MCs for the morning, Te Hāmua Nikora and Judge Alana Thomas.

However, the main acknowledgement must be to our rangatira, to our tohunga who led us in our karakia to celebrate this auspicious occasion. From the district of Te Taitokerau: Eru Kapa Kingi, from Waikato: Rahui Papa, from Waiariki: Mataia

Keepa, from Te Tairāwhiti: Mark Kopua, from Tākitimu: Dr Tatere Macleod, from Wai Pounamu: Jymal Morgan and finally from the district of

Aotea: Dr Ruakere Hond, the wonderful start to our year could not have occurred without you all and we thank you, Mānawatia a Matariki!



Mānawatia a Matariki

*Mānawa maiea te putanga o Matariki
Mānawa maiea te ariki o te rangi
Mānawa maiea te Mātahi o te tau*

*Celebrate the rising of Matariki
Celebrate the rising of the lord of the sky
Celebrate the rising of the New Year*



Matariki – Puanga signals a time of remembrance of those who have gone before. It is a time to take stock and reset for the year ahead. We were honoured to be guided through this process on 10 July 2023 by iwi whatukura from around the seven districts of the Māori Land Court who undertook a virtual karakia for the land and waters of Aotearoa and Te Waipounamu, for the people of the land and for all of us who work for Māori landowners. It was an auspicious start to the Matariki - Puanga year. As a result, we discarded that which did not meet the needs of those we serve and then we sent our aspirations for the future to Hiwa-i-te-rangi. We acknowledge those with whom we have worked and who we lost during this last year. We receive some comfort from the fact that they have been gathered up by the star Pohutukawa.

Welcome to the inaugural *Annual Report of the Te Kooti Whenua Māori*. This new report is intended to reflect on the previous year and look forward to the next year, acknowledging the mahi of our Kaiwhakawā and our kaimahi. In this, our first report, we aim to share information about the bench and the processes that allow the Court to operate.

It has been a busy year for the judges who have worked in the Māori Land Court districts, the Waitangi Tribunal, the Environment Court and the Niue and Cook Island Courts. They have also presented at or engaged in education seminars and conferences on topics relevant to the work of the Court. For staff, the impact of cyclones and

extreme weather events, the continuing Covid-19 pandemic, and the introduction of Pātaka Whenua have hindered their ability to meet their usual work targets. All the courts of New Zealand are carrying backlogs for similar reasons. The good news is that things are improving. As we reflect upon the work year that was, we also move into a time when all is potential. It is exciting to think of what is to come.

We declare as a team of judges and Māori Land Court staff, our intention to address and reduce our backlog of existing applications by becoming more efficient in their disposal whilst continuing to serve Māori landowners to the best of our ability.

Nō reira e te iwi o te motu, haere mai, nau mai, tomokia mai i te tataua o Te Kooti Whenua Māori.

Chief Judge Fox and Pae Matua Steve Gunson



Whakanuia



Tribute to Chief Judge Wilson Isaac

On 30 April 2023, Chief Judge Wilson Isaac celebrated his 70th birthday, completing his term as Chief Judge of the Māori Land Court and Chairperson of the Waitangi Tribunal.

We honour the former Chief Judge, Judge Wilson Isaac for his leadership from 2009-2023 and we remember the work he completed for the Māori Land Court during his term. We are fortunate he continues to be part of our judicial team.

Judge Isaac was appointed as a Judge of the Court on 20 December 1993, and subsequently appointed as the Deputy Chief Judge of the Court on 8 September 1999. He was then appointed as Chief Judge of the Court on 13 August 2009, and sworn in at a ceremony at Pakirikiri Marae in Tokomaru Bay on 11 September that year.

Chief Judge Isaac was also appointed as the Chairperson of the Waitangi Tribunal in 2009, and holds a warrant as a Judge of the Niue High Court and the Land Division of the Cook Islands High Court.

Since his appointment in 1993, Judge Isaac has sat as one of the resident Māori Land Court judges in Tairāwhiti. He will continue to do so, having obtained an acting judicial warrant following the conclusion of his term as Chief Judge. We will be celebrating the completion of his term as Chief Judge and his thirty years of service to the Court and Māori landowners in a special sitting of the Court.

Judge Isaac marshalled the Court through various governmental reform programmes and the Covid-19 pandemic, ably leading the judges through these tumultuous events. He was and remains a well-respected judicial leader.

Judges of the Court/ Ngā Kaiwhakawā o te Kooti

The Māori Land Court bench is made up of 14 judges appointed by the Governor-General pursuant to Section 7 of Te Ture Whenua Māori Act 1993. Judges are appointed to the bench based on their knowledge and experience of te reo Māori, tikanga Māori and the Treaty of Waitangi.

Full biographies of the judges can be found on the Māori Land Court website, the following is a snapshot of the bench.

Chief Judge Caren Fox

Ngāti Porou

- ▶ Appointed 1 December 2000 (104th Māori Land Court Judge)
- ▶ Appointed Deputy Chief Judge 20 February 2010
- ▶ Appointed Chief Judge 5 July 2023
- ▶ Resident Judge, Tairāwhiti
- ▶ Waitangi Tribunal Chairperson (appointed 22 August 2023) and Presiding Officer: Porirua ki Manawatū Inquiry (Wai 2200), Te Rohe Pōtae Inquiry (Wai 898), Constitutional Inquiry (Wai 3300)
- ▶ Also holds a warrant as an Alternate Environment Court Judge



Judge Carrie Wainwright

- ▶ Appointed 17 November 2000 (103rd Māori Land Court Judge)
- ▶ Resident Judge, Tairāwhiti
- ▶ Waitangi Tribunal Presiding Officer: Te Rau o te Tika: The Justice System Inquiry (Wai 3060), Remedies phase of the Renewed Muriwhenua Land Inquiry (Wai 45), Wairarapa ki Tararua Inquiry (Wai 863)



Judge Wilson Isaac

Ngāti Porou, Ngai Tūhoe, Ngāti Kahungunu

- ▶ Appointed 11 March 1994 (100th Māori Land Court Judge)
- ▶ Appointed Deputy Chief Judge 8 September 1999
- ▶ Appointed Chief Judge 13 August 2009 (until 30 April 2023)
- ▶ Resident Judge, Tairāwhiti
- ▶ Waitangi Tribunal Presiding Officer: Military Veterans Inquiry (Wai 2500), National Freshwater and Geothermal Resources Inquiry (Wai 2358), Historical Claims Standing Panel (Wai 2800)
- ▶ Also holds a warrant as a Judge of the High Court of Niue and of the Cook Island High Court (Land Division)



Judge Stephanie Milroy

Ngāi Tūhoe, Ngāti Whakaue

- ▶ Appointed 18 October 2002 (106th Māori Land Court Judge)
- ▶ Resident Judge, Te Waipounamu
- ▶ Waitangi Tribunal Presiding Officer: Mangatū Remedies Inquiry (Wai 814)
- ▶ Also holds a warrant as an Alternate Environment Court Judge



Judge Craig Coxhead

Ngāti Makino, Ngāti Pikiao, Ngāti Awa, Ngāti Maru

- ▶ Appointed 25 January 2008 (109th Māori Land Court Judge)
- ▶ Resident Judge, Waiariki
- ▶ Waitangi Tribunal Presiding Officer: Te Paparahi o te Raki Inquiry (Wai 1040), Housing Policy and Services Inquiry (Wai 2750)
- ▶ Also holds a warrant as Chief Justice of the High Court of Niue, and as a Judge of the Cook Islands High Court (Land Division)



Judge Sarah Reeves

Te Ātiawa

- Appointed 10 December 2010 (110th Māori Land Court Judge)
- Appointed Deputy Chairperson, Waitangi Tribunal 24 November 2021
- Acting Chairperson, Waitangi Tribunal from 1 May to 22 August 2023
- Resident Judge, Te Waipounamu
- Waitangi Tribunal Presiding Officer: Mana Wāhine Inquiry (Wai 2700)
- Also holds a warrant as a Judge of the High Court of Niue



Judge Michael Doogan

- Appointed 25 January 2013 (111th Māori Land Court Judge)
- Resident Judge, Aotea
- Waitangi Tribunal Presiding Officer: North-Eastern Bay of Plenty Inquiry (Wai 1750)
- Also holds a warrant as an Alternate Environment Court Judge



Judge Miharo Armstrong

Te Whānau a Apanui

- Appointed 1 August 2014 (112th Māori Land Court Judge)
- Resident Judge, Te Taitokerau
- Waitangi Tribunal Presiding Officer: Marine and Coastal Area (Takutai Moana) Act Inquiry (Wai 2660)
- Also holds a warrant as a Judge of the High Court of Niue and of the Cook Island High Court (Land Division)



Judge Terena Wara

Waikato, Ngāti Raukawa ki te Tonga

- Appointed 1 March 2019 (113th Māori Land Court Judge)
- Resident Judge, Waiariki
- Also holds a warrant as an Alternate Environment Court Judge



Judge Damian Stone

Ngāti Kahungunu

- Appointed 25 March 2019 (114th Māori Land Court Judge)
- Resident Judge, Tākitimu
- Waitangi Tribunal Presiding Officer: Health Services and Outcomes Inquiry (Wai 2575)



Judge Rachel Mullins

Ngāti Kahungunu, Kai Tahu

- Appointed 27 October 2021 (115th Māori Land Court Judge)
- Resident Judge, Waikato Maniapoto
- Waitangi Tribunal Presiding Officer: Te Kura Kaupapa Māori Urgent Inquiry (Wai 1718)



Judge Aidan Warren

Rangitāne, Ngāti Kahungunu, Ngāi Tahu, Pākeha, Cherokee Nation

- Appointed 27 October 2021 (116th Māori Land Court Judge)
- Resident Judge, Aotea
- Also holds a warrant as an Alternate Environment Court Judge



Judge Te Kani Williams

Tūhoe, Whakatōhea, Ngāi Tai ki Torere, Ngāti Manawa, Ngāti Maniapoto, Tainui, Te Aupouri

- Appointed 9 December 2021 (117th Māori Land Court Judge)
- Resident Judge, Te Taitokerau
- Also holds a warrant as an Alternate Environment Court Judge



Judge Alana Thomas

Ngāpuhi, Ngāti Rēhia, Ngāti Kuri

- Appointed 20 May 2023 (118th Māori Land Court Judge)
- Resident Judge, Aotea



Special sitting of the Māori Land Court / Nohoanga Motuhake o Te Kooti Whenua Māori

Judges Mullins, Warren, and Williams

Judges Mullins, Warren and Williams were appointed and sworn in as judges of the Māori Land Court in 2021 while there were limits on in-person gatherings as a part of the Covid-19 Protection Framework. Accordingly, the Court sittings to swear in these new judges were conducted largely online using video-conferencing.

In 2022, with the adjustment of the rules under the Protection Framework, the Court held a series of special sittings to celebrate the appointment of these three new judges with their whānau, colleagues and friends. All events were auspicious occasions with people travelling from far and wide to attend the sittings. Both Judges Mullins and Warren returned to their kura, Taihape College (now Taihape Area School) and Te Aute College, for their sittings, in acknowledgement of the significant roles those kura and communities played in their journeys. Judge Williams' special sitting

was held at Waipapa Marae at Waipapa Taumata Rau/University of Auckland where His Honour completed his law degree. The speakers at all three special sittings shared kōrero that captured the unique characters of each of the judges and highlighted the attributes they would bring to the bench.

Judges Savage and Harvey

On 24 February 2023, the Māori Land Court held a special sitting in Waiariki to recognise the retirement of his Honour Judge Patrick Savage from the Māori Land Court, and the departure of the Honourable Justice Dr Layne Harvey from the Māori Land Court to the High Court bench. Both judges contributed significantly to the work of the Māori Land Court in Takitimu, Waiariki and Aotea. We wish Judge Savage well for his retirement and we know Justice Harvey will be a force to be reckoned with in the High Court.



Judge Mullins' special sitting at Taihape College



Judge Warren's special sitting at Te Aute College



Judge Williams' special sitting at Waipapa Marae



Special sitting recognising his Honour Judge Patrick Savage and the Honourable Justice Dr Layne Harvey, Waiariki

Judge Alana Thomas

On 22 March 2023, Minister for Māori Development the Honourable Willie Jackson announced the appointment of Alana Thomas as a

Judge of the Māori Land Court. Judge Thomas was sworn in as the 118th Judge of the Court in a special sitting held at Whitiara Marae in Te Tii. Judge Thomas' swearing-in was the first special Court sitting to be conducted entirely in te reo Māori.



Special sitting for Judge Alana Thomas at Whitiara Marae

Maori Land Court staff and services/ Te Kooti Whenua Māori kaimahi

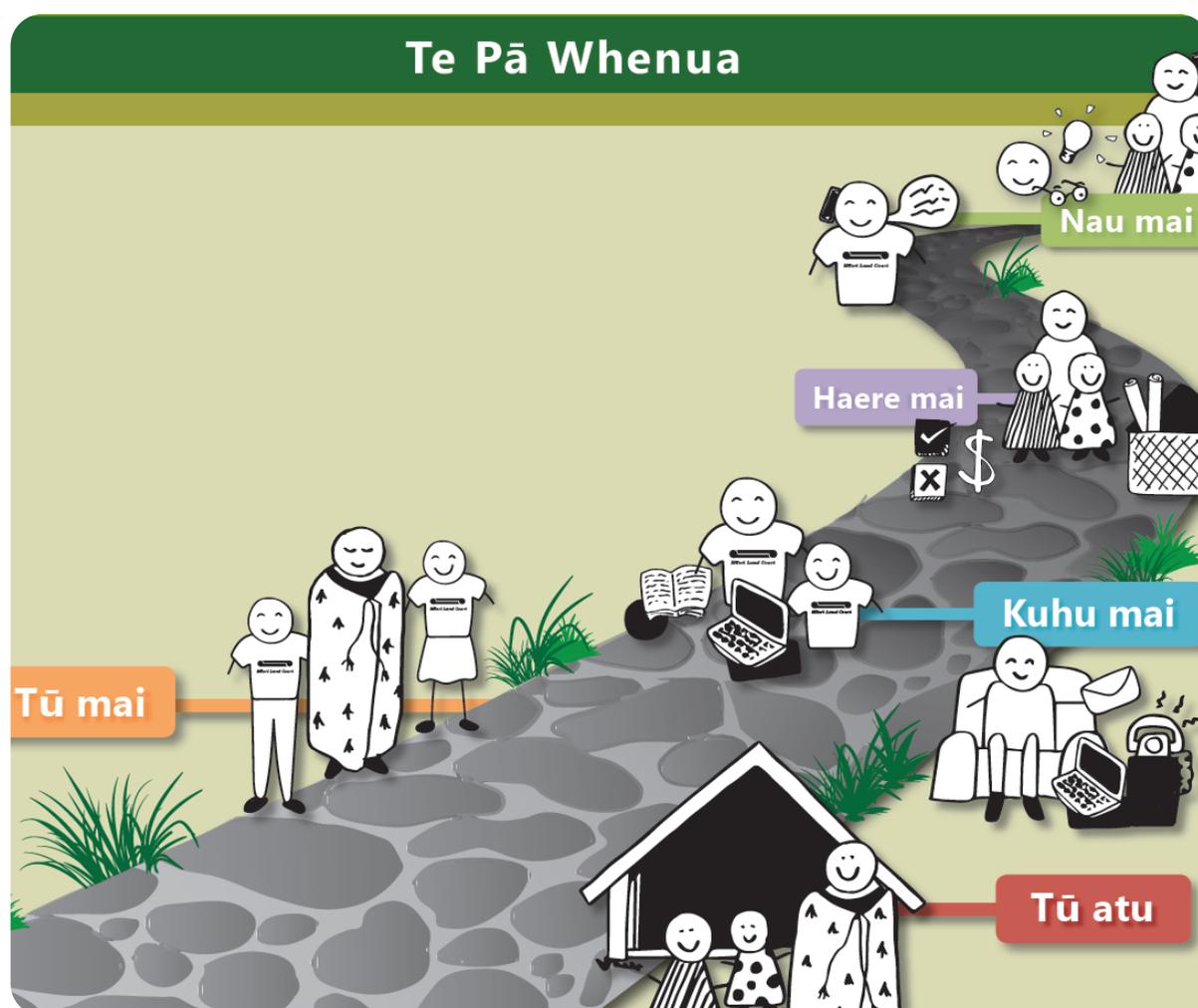
The Ministry of Justice provides operational and administrative support to the Judiciary. Its 183 kaimahi are spread across seven District Offices and two Information Offices across the motu. They deliver a comprehensive range of services promoting the retention, use, and development of Māori land as a taonga tuku iho by Māori landowners, their whanau and hapu, and their descendants.

The kaimahi also support the Judiciary by leading the delivery of services across its Courts, and care for the historic records which lie at the heart of the Māori Land Court as a court of record.

Each district office is made up of a variety of roles and positions to support the operations of the court. As well as providing support in Court proceedings, Māori Land Court staff deliver a range of services to Māori landowners and stakeholders.

These services are provided based on the Māori Land Court's customer journey model, modelled on the experience the Court wants for manuhiri when they visit the marae. It consists of five overarching themes as shown in the diagram below.

The Māori Land Court customer journey



Nau mai

This is where we prepare to receive manuhiri, and where information sharing takes place. Are we giving the right information, are we directing visitors to the right application, are we responding effectively to enquiries, and have we understood and articulated what our landowners and Court user needs are?



Haere mai

Karanga/reo pōwhiri takes place, this is when landowners and Court users file an application. Have we given them the right application, are we giving accurate guidelines on supporting documents, and are we clear what else they need to provide?



Kuhu mai

Whaikōrero takes place here, and is where most of the heavy lifting is done by our research. Here we communicate, make decisions, and prepare material for the Court. Purpose and tone have been set, and at this stage we continue to ensure a successful outcome for customers.



Tū mai

Waiata tautoko takes place here to affirm the decisions made. A change takes place in the Court, and an affirmation of the decision occurs in the Court record. At this stage, landowners and Court users have the intent and purpose of their application and/or enquiry affirmed.



Tū Atu

Taking the hui from a state of sacredness to a state or ordinary, this is where we want our landowners to be ready for the next chapter in their journey, whether this continues inside or outside of our Court. This is also where the preservation of our Court record takes place, concluding a vital part of the process.



Māori Land Court roles and responsibilities

The Māori Land Court's delivery of services to landowners and Court users is structured around the following key roles and responsibilities:

Pae Whakapā

Pae Whakapā will support all customer enquiries, application lodgement and the delivery of services to court users through all channels including online, email, telephone, mail and counter.

Pae Tukutuku

Pae Tukutuku are responsible for delivering quality information and customer service relating to the timely progression of application and cases.

Pae Manawa

Pae Manawa are responsible for providing specialist facilitation, analysis and information services to Māori landowners and customers of the Māori Land Court to enable them to access specialist resources and professional advice.

Pae Tohutohu

Pae Tohutohu are primarily engaged to support managers and frontline service delivery employees to deliver justice services in the Māori Land Court. The Pae Tohutohu applies broad and in-depth knowledge of tikanga, te reo Māori, Māori Land Court and Ministry processes and procedures to support enduring, customer-centric service excellence.

Pae Tukutuku Poutama

Pae Tukutuku Poutama are responsible for the registration of land titles, records integrity and storage including the data in system. A key function of this role is the on-going data and business information verification, maintenance and quality storage and care of all Court records including land titles, court orders, permanent paper records and other historical information of business and cultural significance.

Pae Tukutuku Purapura-Whetu

Pae Tukutuku Purapura-Whetu are responsible for the implementation of national systems and processes to ensure all Māori Land Court physical

records are managed, stored and accessed with integrity, in order to meet its obligations under Te Ture Whenua Māori 1993 and Public Records Act 2005.

Te Waharoa/Auckland Information Office

Te Waharoa is where landowners make an application or submit an enquiry to the Court through a national team of Pae Whakapā. The Auckland Information Office is also part of Te Waharoa and provides support to landowners and stakeholders who visit their office.

Te Whakamaene, Specialist Applications Team

Te Whakamaene, Specialist Applications team provide the administrative support for all applications that are specific to the Chief Judge (and by delegation, to the Deputy Chief Judge) of the Māori Land Court. The team also manage applications for determination by the Court under (matters referred to the Court under the Māori Fisheries Act 2004) and matters relating to representation of Māori groups. Te Whakamaene also provides the administrative support for all Notices of Appeal to the Māori Appellate Court across which the whole of the Māori Land Court sits.

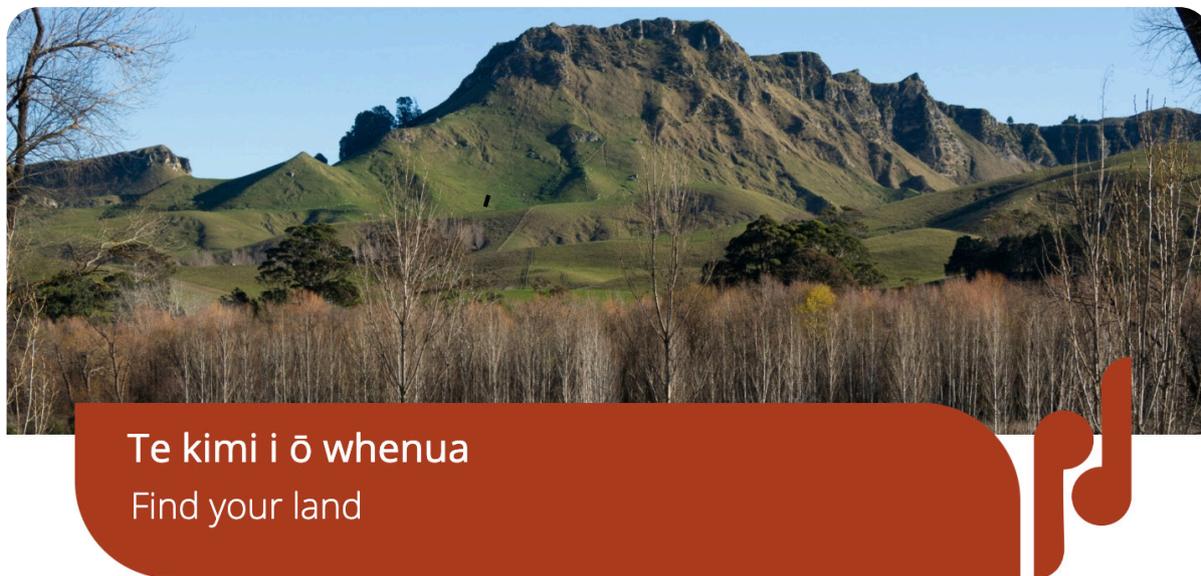
Te Tiratū

Te Tiratū is responsible for standing up the performance of the MLC and aligning MLC Services across the country. Te Tiratū are made up of a number of Puna Kōrero/Puna Kōrero Matua and District Administrators based in the district offices.

Te Tari o te Kaiwhakawā Matua, Chief Judge's Chambers

The Chambers of the Māori Land Court Chief Judge is a small unit with the prime responsibility for providing the Chief Judge of the Māori Land Court and Chairperson of the Waitangi Tribunal with the necessary administrative and legal support to allow the Chief Judge to fulfil the functions of their office. The chambers team comprises the judge's personal assistants, research counsel and the managers of both teams, Ara Taki and Judicial Administrator.

The Whenua Māori programme and Pātaka Whenua



Screen shot from the new Māori Land Court website

The Māori Land Court has implemented significant change over the past few years through the Whenua Māori Programme, which was jointly led by the Ministry of Justice and Te Puni Kōkiri. With direction from Cabinet, the programme sought to address four critical barriers for Māori landowners to retain, use, and develop their land: access to resources, variable governance capability, management and workforce capability, and effort outweighing benefits.

The Ministry led changes included legislative changes to Te Ture Whenua Māori Act 1993, a new dispute resolution service, improvements to succession processes in the Māori Land Court and changes to the Court's operating model. These changes aimed to:

- ▶ Improve access to Land and Owner Information and Services by providing a greater range of channels that are easier to navigate
- ▶ Improve access to Justice by operationalising a dispute resolution service
- ▶ Maintain the integrity of the Māori Land Court by implementing streamlined processes and a new technology solution.

More recently, the new application management system was implemented in May 2023. The Māori Land Court continues to embed the changes associated with Pātaka Whenua.

Hangarau o Te Kooti/Court's technology

On 29 May 2023 the Māori Land Court held a ceremony to launch the redesigned website and new technology solution.

Pātaka Whenua is the name of the technology and it accurately describes its purpose as a storage house; for the record, for landowner stories and for whakapapa which recount the tenuous and often tumultuous journey that Māori have had with their whenua and whānau.

The naming of the technology was an initiative commissioned to engage staff and begin the journey of responsibility to care for and maintain the technology. The Waikato Maniapoto office suggestion for the name was accepted following deliberation by a panel made up of former Chief Judge Wilson Isaac, Tā Pou Temara, Tā Hirini Mead and Justice Layne Harvey.

The intent of Pātaka Whenua is to allow landowners and other users to access the court record



Pātaka Whenua - tā tātou tomokanga tuihono

Pātaka Whenua - our online portal

any time of the day and from anywhere in the world. The expectation was that they could also apply and pay for their applications online.

The Court's redesigned website is the gateway for landowners/users to access Pātaka Whenua. The website has been refreshed with this purpose in mind.

The introduction of Pātaka Whenua marked the closing of MLIS (Māori Land Information System), the previous Māori Land Court technology system, which has served the court and landowners/users since 1999. The ceremony acknowledged that MLIS had operated in a manner akin to guardianship of the record paving the way for Pātaka Whenua.

The national event was attended online by judges and staff from across the country with the Whenua Māori Programme and Ministry of Justice staff, Te Puni Kōkiri and Te Tumu Paeroa representatives joining Wellington-based judges and staff in person.

The formal ceremony was designed to meet the obligations of tikanga in a modern setting, heralded by the sound of the pūtātara and weaving karakia and waiata through the veiling and unveiling ceremonies. A highlight of the ceremony was the blessing of the Pātaka Whenua mauri and distribution to each of the sites across the country. Online and in-person attendees welcomed the arrival of the Matariki Puanga season and rituals were performed by staff which affirmed the commitment of the court to the whakatauki, "kia tautāwhitia te pae whenua, te pae tangata me te whare kōrero".

The morning concluded with kaitahi shared in Wellington and at district sites across the country.

The change programme has touched all parts of the Māori Land Court and is one of the biggest change programme and technology upgrades in twenty years.

Establishing a new online portal will assist the Court to work towards ensuring better public access to information, engaging the court, and conducting proceedings. Thus, we have opened a new chapter in the history of the Māori Land Court.

As a consequence, we are in a transition phase between the old approach and new. Our staff and our customers are having to adapt to the new environment. We have seen a reduction in applications being registered and a slowing down in processing. The transition phase has required the migration of many thousands of applications.

The challenge has been to deal with enquiries and maintain application processing in the current environment. So please bear with us as we continue our journey. What is certain is that step-by-step we will improve as we realise Pātaka Whenua's full potential. Until then, we are focusing on addressing the applications backlog, and nursing inflight applications through the transition process.

Soon we will have left the transition part of the path towards a more efficient customer service behind us. For the year ahead, the Māori Land Court (staff and judges) will focus on little else.

As a result of transitioning to Pātaka Whenua, reporting data could only be established up to May 2023. To provide a full year of comparative data, we are reporting from May 2022 to May 2023. In the future, the reporting period will go from Matariki to Matariki.

Our work/ A tatou mahi

Ngā Pānui Mai i Te Waharoa

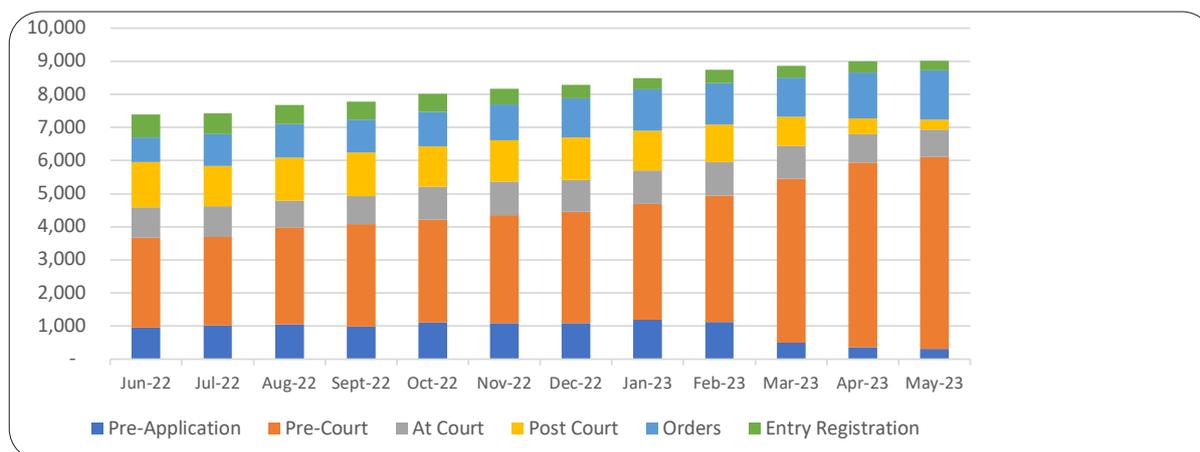
Haere mai rā e te iti, e te rahi ki Te Waharoa. Ko tēnei te paepae o te Kooti kia āhei ngā kaipupuri whenua ki te tono, ki te uia mai i ngā patapātai. Ka whakaritea e mātau i ō kōrero tuku iho kia tiaki. Ka whakapono mātau ki ō tātai hekenga kia manaaki. Hei oranga mo ngā uri kei te heke tonu mai.

Nō reira, ahakoa te maha o ngā mahi, ka mataara tonu mātau Te Waharoa kia tautāwhitia ki te pae tangata, ki te pae whenua, ki te whare kōrero hoki.

Te Waharoa is where landowners make an application or submit an enquiry to the Court. Te Waharoa is committed to the diligent preparation of, and care for, your information. We will do our utmost to treat that information with respect and honour the legacy you leave for future generations.

The tables below provide a snapshot of information relating to the Māori Land Court caseload from June 2022 to May 2023.

Inflight case numbers by month and processing step - June 2022 to May 2023*



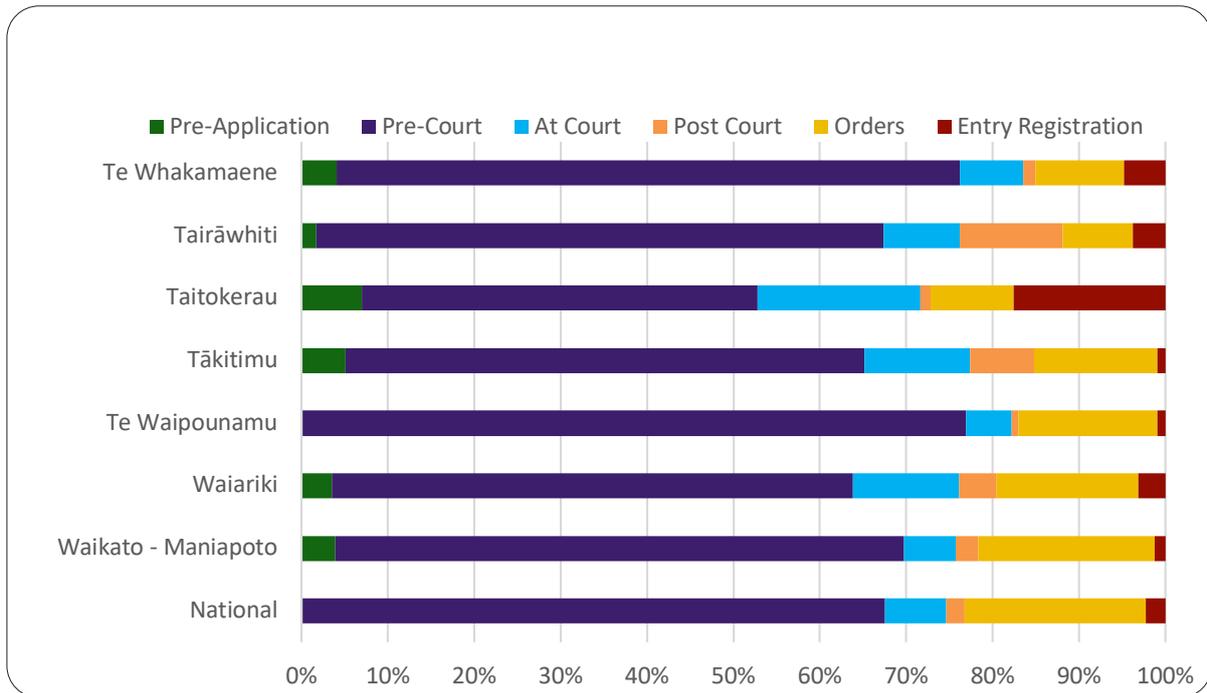
* Due to the transition to Pātaka Whenua, reporting data is only available for the period until 31 May 2023.

Average age of all applications on hand, by district as at 31 May 2023*

| District | Total | 12 months & less | 12 to 24 months | Over 24 months |
|-------------------|--------------|--------------------|--------------------|--------------------|
| Aotea | 1,058 | 675 (64%) | 185 (17%) | 198 (19%) |
| Tairāwhiti | 688 | 466 (68%) | 150 (22%) | 72 (10%) |
| Taitokerau | 1,919 | 1,039 (54%) | 462 (24%) | 418 (22%) |
| Tākitimu | 642 | 370 (58%) | 77 (12%) | 195 (30%) |
| Te Waipounamu | 1,053 | 481 (46%) | 323 (31%) | 249 (24%) |
| Waiariki | 2,150 | 1,025 (48%) | 398 (19%) | 727 (34%) |
| Waikato-Maniapoto | 1,504 | 811 (54%) | 288 (19%) | 405 (27%) |
| Total | 9,014 | 4,867 (54%) | 1,883 (21%) | 2,264 (25%) |

* Due to the transition to Pātaka Whenua, reporting data is only available for the period until 31 May 2023.

Phase of applications on hand, by district as at 31 May 2023*



* Due to the transition to Pātaka Whenua, reporting data is only available for the period until 31 May 2023.

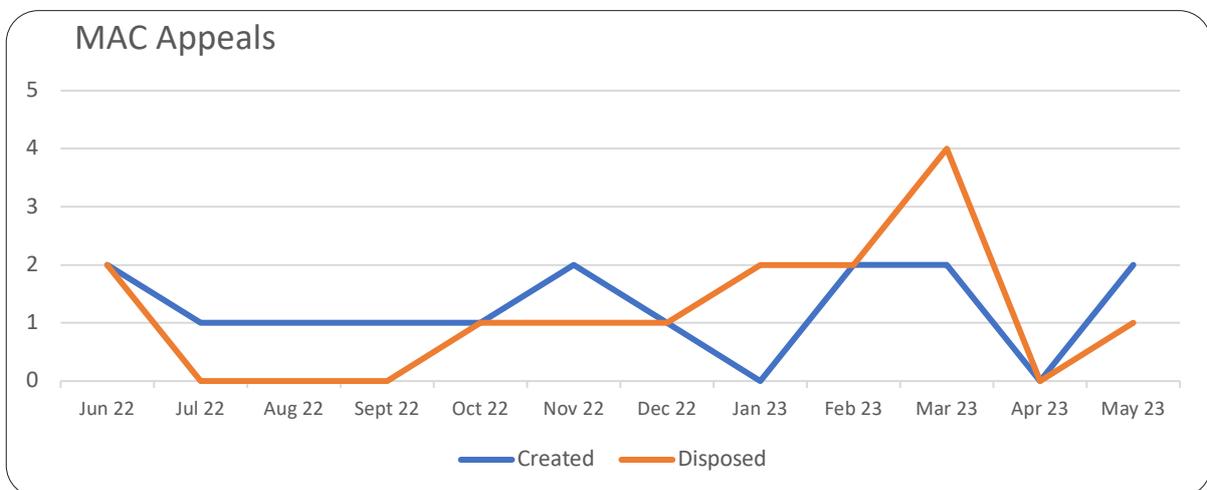
Ngā Pānui Mai i Te Whakamāene – Special Applications

The earlier part of the reporting year saw a team focus on progressing new applications to Court in a timely fashion in conjunction with progressing our oldest on hand applications (being those applications filed in 2013 or earlier). This produced

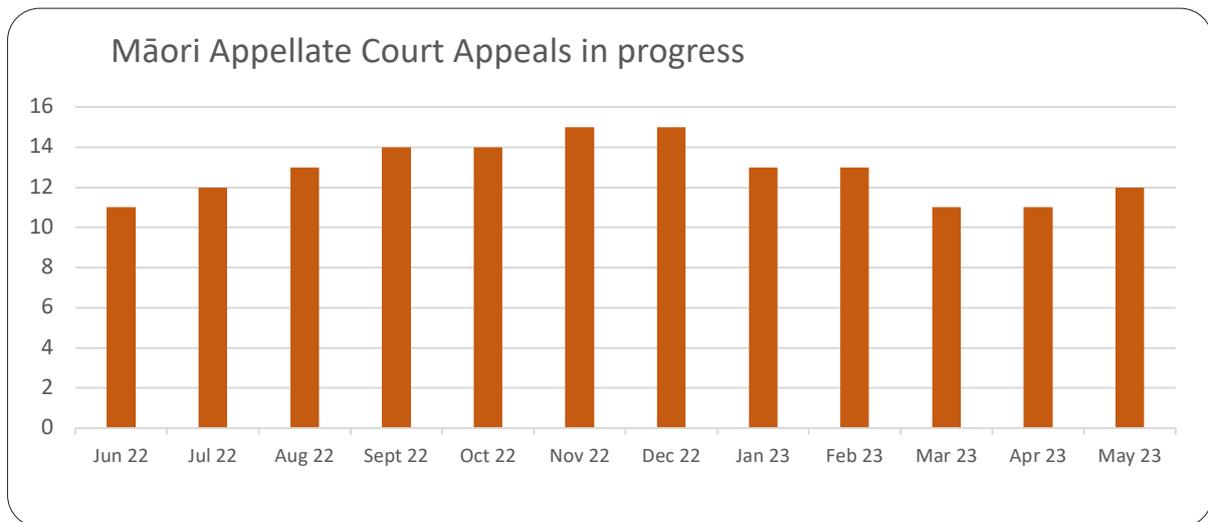
some pleasing results in both spaces with an increase in new applications to Court in the earlier part of the reporting year and the closure of some of our older applications.

The focus is to progress our oldest applications to a Court hearing, then eventual conclusion, whilst maintaining the incoming work.

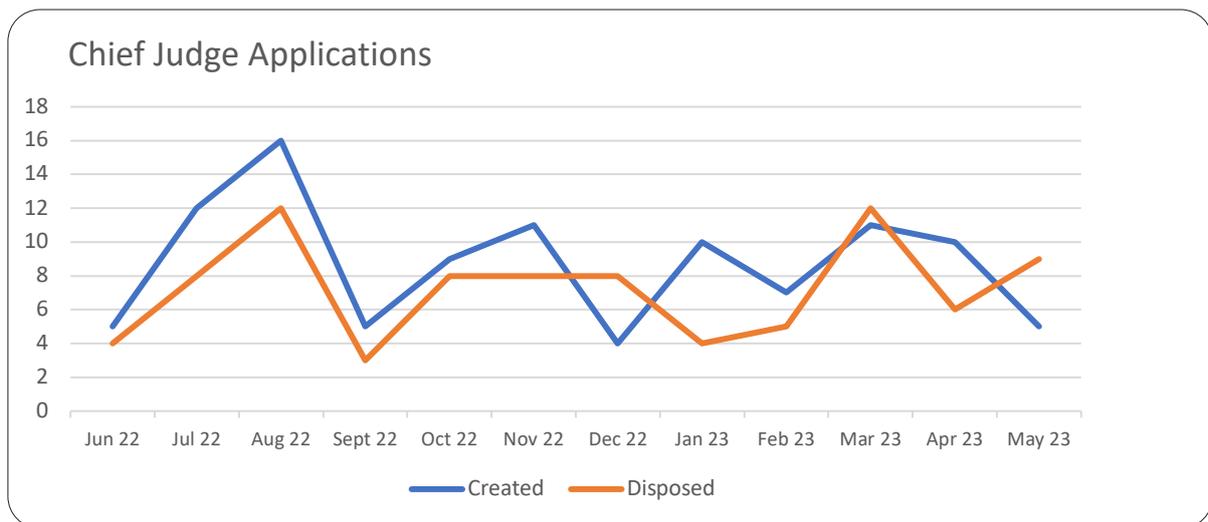
Throughput for the Māori Appellate Court as at 31 May 2023



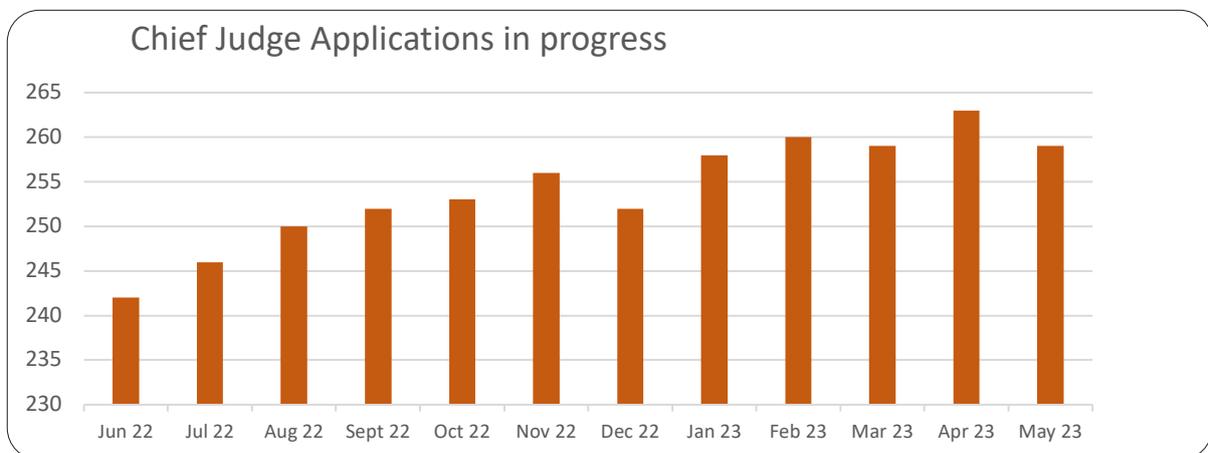
Māori Appellate Court appeals in progress by number of cases



Chief Judge applications between June 2022 and May 2023 by total numbers



Chief Judge applications in progress by number of cases



Ngā Pānui Mai i Ngā Tari

Te Taitokerau

Me Mihi

*Me mihi ki te rāngi
e tū iho nei
te whaea pāpātūānuku
e takoto nei
horahia te marino
i runga i te moana
hoea mai te waka ...
kumea mai
ki te takotoranga i
takoto ai te waka*

Me Mihi, is a waiata sung in the Taitokerau Registry in Whangārei. It is used in this report to welcome all to this district round up. However, staff in Whangārei have numerous waiata that they sing to honour the iwi of the district.

On 2 September 2022, Taitokerau Registry celebrated the opening of its new courtroom

and building in Whangārei. The event was well attended by the judiciary, the Honourable Minister for Treaty of Waitangi Negotiations Kelvin Davis and other distinguished guests. The Court heard important kōrero from dignitaries and tangata whenua from throughout the district.

The staff were involved in the special sitting of the Court held in Auckland for His Honour Judge Te Kani Williams.

The swearing-in ceremony for Her Honour Judge Alana Thomas was also hosted by Taitokerau Registry.

Extreme weather events in 2023 affected court sittings and access to the registry in Whangārei and the Auckland Information Office. The registry has resumed court sittings in Kaitaia, Kaikohe, Whangārei and Auckland but new venues are being investigated for Waitākere and Kaikohe.



Te Taitokerau Courtroom, Whangārei

Waikato Maniapoto

He Ao Hou

*He ao hou, kua puta mai
Me he kāhu, hāro i te rangi
Mai Hui te Rangiora
Ko tōnā karere, he reo mō te iwi e*

Ānei mātou o Te Kooti

*Hāpai ana, ko te manaakitanga, te whāinga
Kia tautāwhitia te pae tāngata e*

*Tautokona pū ana, ko te whenua
hei oranga mo tatou, te iwi e
Kia tautāwhitia te pae whenua*

Kotahi tonu te tuapapa

*Kia tautāwhitia te pae tāngata,
te pae whenua, te whare kōrero*

Whaia ana te pono, kia puāwai mai ko te tika

*Hei tūara mō ngā kaiwhakawā
Kia tautāwhitia te whare kōrero*

Kotahi tonu te tuapapa

*Kia tautāwhitia te pae tāngata,
te pae whenua, te whare kōrero*

*He ao hou, kua puta mai
Me he kāhu, hāro i te rangi
Mai Hui te Rangiora
Ko tōnā karere, he reo mō te iwi e*

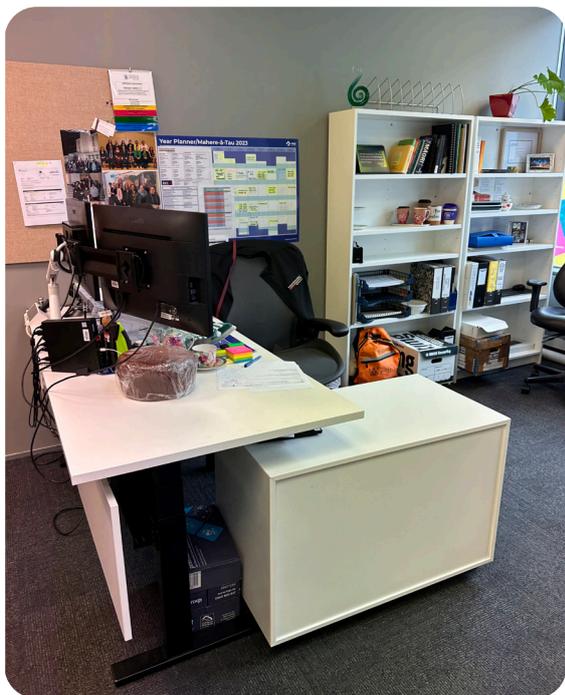
He Ao Hou was the waiata composed by Maria Graham for the Waikato-Maniapoto Registry to mark the special sitting of the Māori Land Court for the swearing-in of Her Honour Judge Mullins.

The staff assisted with Judge Mullins' special sitting as the resident judge in all courts of the district except Tauranga. Her Honour Judge Wara hears cases in Tauranga.

Land blocks and roads in the Hauraki or Coromandel area were affected by several weather events over the year but courts continued either remotely or in-person.

He maimai aroha ki a George Anthony Tutaki (Hori), 12 Pipiri 1970 – 6 Hui Tanguru 2023. Ka maumahara i onā tau e rua tekau he hoamahi mākohakoha, he tāngata mārīre. Moe mai rā e te whatukura. Mā te Atua tōnā korowai atawhai e ūwhia i runga i tōnā whānau, i tōnā hoa rangatira ā Mahiti ko ā rātou.

The Registry staff remember George Anthony Tutaki (Hori) after his passing in February 2023.



Waikato-Maniapoto Registry



Waiariki

Ko Io te Tīmatanga

Ko Io te Tīmatanga

Tuarua ko te ao, tuatoru he tangata

ki ngā kōrero i ahu mai a Te Arawa

mai i Hawaiki nui,

mai i Hawaiki roa,

Hawaiki pāmamao

i te mutunga ka hoki anō ki te hononga wairua

i a Kupe ngā waka e ono te hekenga nui e whitu e

mai i Maketu ki Tongariro maunga

Te Arawa te waka

Maketu te ihu

Rotorua te takere

Taupō te kei o te waka e

Ko Uenukukōpako, Pikiao, Tūhourangi

Ngāti Tahu, Ngāti Whaoa

kotahi tātau e

Ko Io Te Tīmatanga is sung by the Waiariki Registry to honour the people of the land upon which their building is located. Their Honours Judge Coxhead and Judge Wara are the resident judges.

The Waiariki Registry clerked the special sitting acknowledging the retirement of His Honour Judge Patrick Savage and the move of The Honourable Justice Dr Layne Harvey to the High Court. We acknowledge Judge Savage and thank him for his work over the years and wish him well for his retirement.

Notably, Judge Wara held a sitting at Omarumutu Marae in November last year. The feedback was so positive, she is investigating alternative marae venues for future sittings of the Court.

Staff also supported Judge Coxhead who was involved in staff training for Te Tumu Paeroa during this period.



Waiariki courtroom

Tairāwhiti

Te Whare o te Ra

Tērā te haeata

O te whare o te rā

Ko te Kaupapa

He whenua ka tipu

He tangata ka ora (repeat)

Ko te manawapou

He kākano ka hua, ka hua

He pitomata ka ora, ka ora

Hei purapura ora e

Tai o mihi mārino

Ki nga tokatū (toka tu moana)

Tai karanga

Ki nga maunga, e (Toka Whakairo)

O te Tairāwhiti, te Tairāwhiti

This waiata was composed in 2007 by Sir Derek Lardelli for the Tairāwhiti District.

Despite the words of this waiata, the weather has played havoc over the last year. The area has been affected by several extreme weather events including Cyclone Gabrielle.

Staff who live in Te Karaka and Ormond were evacuated during this event while former Chief Judge Isaac (who is one of the resident judges)

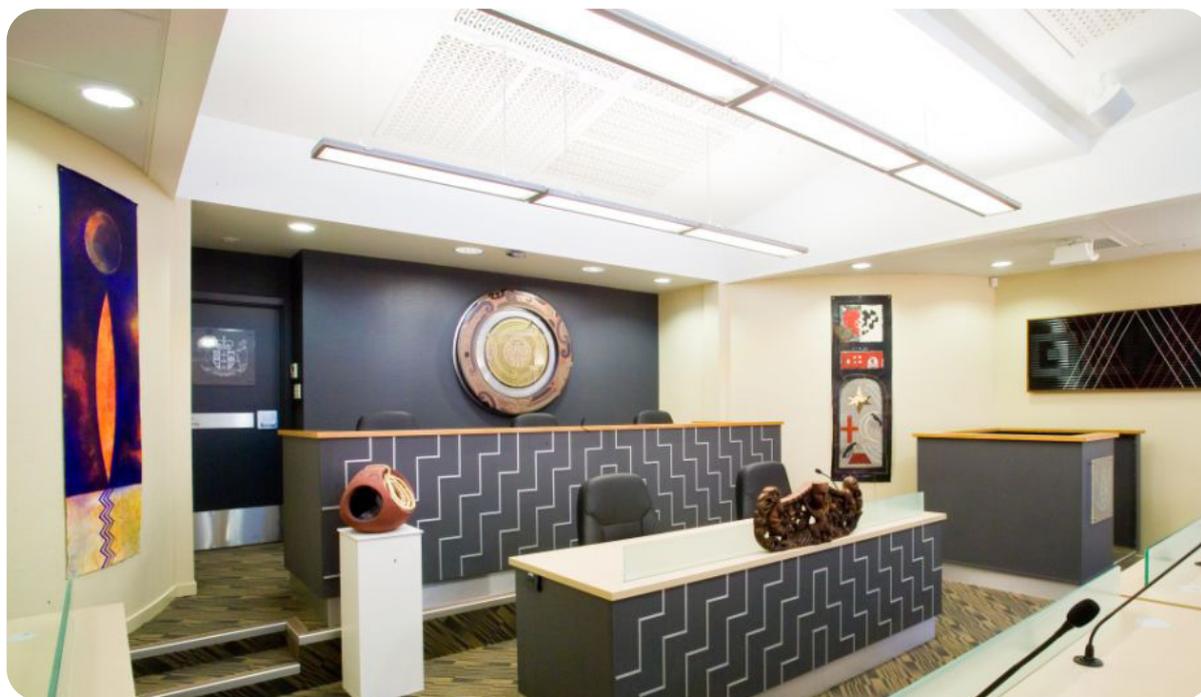
suffered property damage. Adding to concerns for staff and judges was the fact that many of their whānau members (who live north and south of Gisborne or in Wairoa) were evacuated or cut off by flooding, landslips and road closures.

The cyclone led to the closure of the Tairāwhiti Office for two weeks and there was no connectivity in the region for the same period. For many weeks after, there was no ability to conduct court in Wairoa and Ruatoria due to the state of the roads. This led to judges holding their courts via Zoom.

The Gisborne Court House also suffered weather damage. Court hearings were held in meeting rooms or via Zoom. Andrew Kibblewhite, the Secretary of Justice, concerned about staff well-being, spent time at the court to meet with them and hear their stories.

On a brighter note, a special sitting was held to honour Mr Keith Bacon's retirement after 45 years of service. We acknowledge and thank him for his work over the years and wish him well for his retirement.

The office held a morning tea and presentation to honour the end of former Chief Judge Isaac's tenure as Chief Judge. He remains a Judge of Tairāwhiti. Their Honours Judge Wainwright and Chief Judge Fox remain with him resident judges of the district.



Tairāwhiti courtroom

Tākitimu

Hūtia

Hūtia te rito

Hūtia te rito o te harakeke

Kei hea te kōmako e kō?

Kī mai ki ahau

He aha te mea nui?

He aha te mea nui o te ao?

Māku e kī atu

He tangata! He tangata! He tangata, hī!

The Takitimu Office proudly serve the people of Kahungunu, Rongomaiwahine, Rangitāne and other iwi of their district, as described by this waiata above. His Honour Judge Damian Stone is the resident judge.

Cyclone Gabrielle had a significant impact in Tākitimu on many Māori land blocks and

associated owners. It also led to the closure of the Tākitimu Registry office in Hastings, loss of connectivity and Court closures. One staff member also lost a whānau member during this traumatic event.

The Court is currently sitting in the District Court in Hastings until a new courtroom is built. The new court and counter will be in the building where the staff are currently located. During this year the previous building used by the registry was demolished. His Honour Judge Stone, as the resident judge, is working with the Ministry of Justice to progress the rebuild project.

Masterton Court continues to be held at the District Court, but alternative venues are being investigated.



The Māori Land Court Takitimu Registry building in Hastings

Aotea

Ko Aotea tāku waka

*Ko Tipua-Hororangi te tata
Te hoe ko Kautū ki te Rangi
Ngā tai e Rīwaru*

*Kimi mai e Rauru
Tēnei tō Hawaiki
I roto i te wā
o te motu nei e Rīwaru*

*Ko te kupu o Te Whiti
Ko Waru te Kairū
I te hā o te toto
o te motu nei e Rīwaru*

*Ko te kupu o Te Whiti
Papaki kau ana ringa
Ki te remu o taku waka
Aotea e Rīwaru*

Ko Aotea is one waiata used in the Aotea Registry. The Aotea district covers the territory of over 15 iwi and two waka (Mātaatua and Aotea). The staff and judges (their Honours Judges Doogan, Stone, Thomas and Warren) acknowledge all the iwi/hapū within Aotea. The staff do so through waiata and karakia from each iwi.

Staff and the judiciary farewelled those that have passed. In particular Isa Brownlie and the son (Kaydem) of a long-time staff member, Richard Bennett, were remembered at special sittings.

A special sitting was also held to acknowledge Caroline Green's retirement after over 40 years of service to the Court. We acknowledge and thank her for her work over the years and wish her well for her retirement.

A significant milestone for Aotea and Māori landowners was the Te Hanataua hearing. The Zoom interpretation of the te reo Māori component was managed by staff. This process was innovative and contributed to the success of the hearing.

The staff also welcomed Her Honour Judge Alana Thomas as the new resident judge for Levin and Porirua/Wellington.

A wānanga reo was held in Whanganui for Māori staff who work within the Ministry of Justice. The wānanga reo was hosted by Pirihira Cribb, Puna Hāpai and Amiria Joseph-Wiari, Ara Taki, in collaboration with Ātea a Rangi.

A Whenua Māori Summit was also held and hosted in Whanganui where Pae Manawa contributed. The summit was a collaborative approach from agencies that help Māori owners realise their aspirations for their whenua and whānau. Participants had the opportunity to hear from local iwi and trustees and participate in workshops designed and delivered by the Māori Land Court, Te Puni Kōkiri, Kainga Ora, Ministry Housing & Urban Development.



Aotea courtroom

Te Waipounamu

He waka eke noa

*E rere rā ki te ao uru, tākiri atu rā
Ka puta mai nei ko te waka whakarei
Ki te Moana-nui-ā-kiwa, ka rewa ai*

*Ko te Tauihu o te waka
Te ahi kai kōura a Tama ki te Raki e
Ki te Tai Rāwhiti, ka pou pou
Kā whatakai a Rākihouia
Ki te awa o Waihao, he kai tuna
Koia te wāhi o Te Tai Rāwhiti e*

*Kā Tiritiri-o-Te Moana
Kei kōrā te waka-ō-Aoraki e
Ka houhou a Tū Whakarōria
Ka Puna Karikari o Rākaihautū e*

*Ka Pakihi Whakatekata o Waitaha
Ka huri te tekateka o Tamaahua
Ki te Tai Hauāuru, Te Tūhua e
Ko te pikikōtuku o Waitaiki
Kia whakapapa pounamu o Arahura e
Koia te wāhi o Te Tai Poutini e*

*Topa atu kā tīti ki te ara a Kiwa
Ki te Taitoka, Ki Ruapuke e
Tiraki ana kā kohu kā motumotu*

Koia te wāhi o Rakiura e

*Ko wai mātou?
Ko kā pou whirinaki e*

*I tautoko atu i
kā haereka i te whenua Māori
Koia te waka mō tātou e*

He waka eke noa HI!

This waiata, composed by Casey Davis, Pae Whakaterere and Jake Thomas, Pae Tukutuku, is a tribute to the Te Waipounamu district drawing on the beauty of the landscape and its islands.

Te Waipounamu Registry have had a busy year. Among the many matters they attended to, they marked the retirements of long-term valued staff members Di Rutledge, who retired in December 2022, and Sharon Sugden in June 2023. We acknowledge and thank them for their work over the years and wish them well for their retirements.

Their Honours Judge Stephanie Milroy and Judge Sarah Reeves continue to be the resident judges. The judges and the administration are currently investigating alternative venues for Court sittings for the top of the South Island.

Casey Davis (Ngāpuhi) took over as acting Pae Whakaterere from July 2023 from Brendan Paris who has now returned to the High Court.

Staff continue to be challenged by inadequate and unsatisfactory physical working conditions in the Christchurch Justice Precinct. Efforts continue to find an interim solution until such time as a permanent site for the Registry outside the Justice Precinct Building can be found.



Te Waipounamu courtroom

Notable judgments from the Court

From July 2022 to June 2023 the Māori Land Court, Māori Appellate Court and Chief Judge issued 71 reserved judgments. All Court judgments are available on the Māori Land Court website.

A selection of significant judgments issued over the past year are summarised below.

Mercury NZ Ltd v Cairns – Pouakani River Bed

(2022) 277 Waiariki MB 174 (277 WAR 174)

Māori Land Court, Judge Coxhead

An application by Mercury NZ Ltd to strike out an application of Tuahuroa Cairns and others, together with the Pouakani Claims Trust No.2 (collectively, Pouakani). The Attorney-General supported the application to strike out. Pouakani opposed the application, as did interested parties Te Kotahitanga o Ngāti Tūwharetoa and the Raukawa Settlement Trust.

Pouakani have applied to the Court seeking a determination that land under three hydro dams and hydro lakes in the Pouakani area of the Waikato River is Māori customary land. In the alternative, they seek a declaration that, but for the issue of titles, the riverbed lands would be Māori customary land. Pouakani additionally sought declarations that current titles held by the Crown and Mercury are held in a fiduciary capacity, and that Pouakani have an interest in the water that flows over the riverbed.

Mercury hold a fee simple title to two of the hydro dams in question, and the Crown has title to the third, issued in 2002-2003. Mercury holds easements over the hydro lakes, but no fee simple title has been issued for the land under these lakes. Mercury submitted that this application should be struck out on the basis that the Māori Land Court cannot declare land registered under the Land Transfer Act 2017 (LTA) to be Māori customary land. They further submitted that the titles to the land under the dams are indefeasible; and that the Court does not have jurisdiction to consider fiduciary claims over General land or Crown land, to determine interests in water, or to make orders regarding constructive trusts over General or Crown land. Mercury submitted that it

had no knowledge of a prior interest in the land, that they were entitled to rely on the Crown warranty as to the Crown's right to sell the land, that their position must be assessed separately to that of the Crown, and that Crown actions cannot be imputed to Mercury.

Held, the application to strike out Pouakani's application was declined. The Pouakani application is not clearly untenable regarding tikanga and water ownership, which are developing areas of law; claims of Māori customary title which require further consideration; and the fiduciary claim aspect of the application.

Note: This decision is currently under appeal in the Court of Appeal.

Austen v Far North District Council – Okahu 3B2A

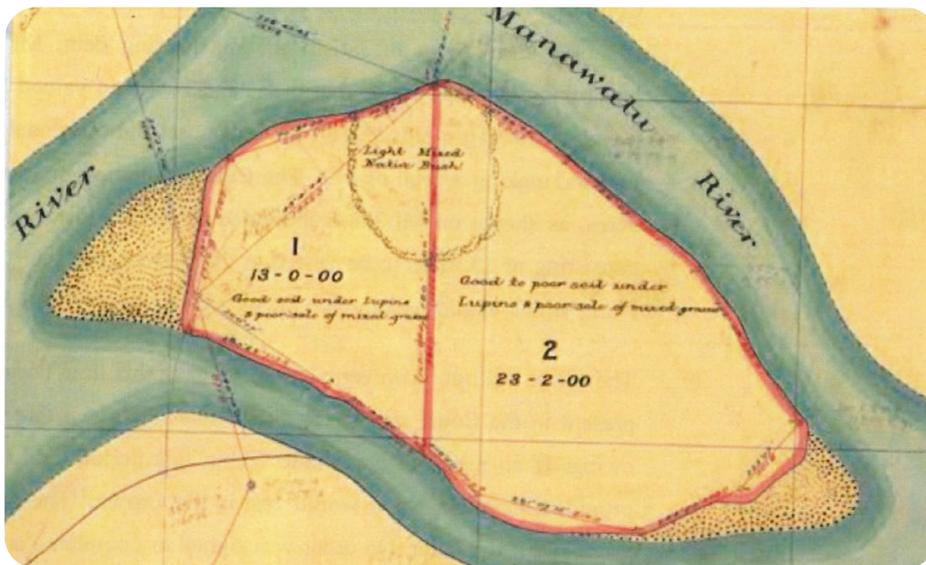
(2022) 252 Taitokerau MB 87 (252 TTK 87)

Māori Land Court, Judge Armstrong

An application by the trustees of the Ngakahu-Ngakohu Whānau Ahu Whenua Trust pursuant to s 18 seeking a determination that the agreement between them and the Far North District Council ("FNDC") was validly cancelled on the grounds of mistake or misrepresentation. The agreement related to an easement in favour of the FNDC over a ford which crosses a river on the Trust's land. It provided that the trustees would repair and maintain the ford. The decision addresses whether the Court has jurisdiction to determine such issues.

The FNDC submitted that s 24A limits the Court's power under s 18(1)(d), and that the Court can only exercise those powers in the Contract and Commercial Law Act 2017 ("CCLA") that are expressly referred to in s 24A. Contractual mistakes are provided for in subpart 2 of Part 2 of the CCLA, cancellation for misrepresentation is in s 37. As these provisions are not expressly referred to in s 24A of TTWMA, the FNDC contended the Court has no jurisdiction concerning such issues.

Held, the Court has jurisdiction to hear this application; the agreement relates to a contract regarding Māori freehold land, powers are not limited by the application of s 24A, and when applying s 24A the Court can determine whether



Section of early survey plan of Parahaki Island

a contract has been cancelled per s 37 of the CCLA in order to determine whether to grant relief per ss 43-48 of the CCLA.

In determining how s 24A applies, the Court examined the effect of s 24A and the legislative history of the provision. The Court identified that at the time s 24A was inserted into TTWMA, the relevant jurisdiction under the Contracts (Privity) Act 1982 (“CPA”) and Contractual Remedies Act 1979 (“CRA”) was conferred exclusively on the High Court, therefore s 24A was necessary to also confer those powers on this court, in relation to a proceeding that fell within s 18(1)(d) of TTWMA. The Court then found that as the CPA and CRA were amended, that was no longer the case. Jurisdiction under that legislation, and later the CCLA, was conferred on all courts generally, including this court. The Court found that the retention of s 24A without amendment is due to parliamentary oversight or error which should be referred to Parliament for review.

Karaitiana v Waka Kotahi – Parahaki Island

(2022) 454 Aotea MB 299 (454 AOT 299).

Māori Land Court, Judge Doogan

An application for orders adding certain areas of land to the title of Parahaki Island, by reason of accretion. Parahaki Island is a large island situated in the Manawātū River. Waka Kotahi appeared as an interested party, as the land in question was going to be impacted by the construction of a new bridge (part of construction to replace the Manawātū Gorge road).

Documents were filed in support of the application by an historian, surveyor, and archaeologist. Evidence was given in support of the argument that the title upon which the island boundaries are currently based is derived from an inaccurate map of the island drawn in 1869.

The Court set out three requirements for recognition of accretion:

1. the land in question has a moveable water boundary;
2. the doctrine of accretion was not excluded at the time of the original grant or conveyance of the land; and
3. the area over which accretion is claimed is stable and has formed gradually and imperceptibly.

The Court found that the first and second requirements were met. On the third requirement, the judge turned to the evidence given by the surveyor that the gravel line on the eastern end of the island was stable and had been gradually formed.

Held, application for accretion granted, conditional upon survey approved by LINZ. The eastern end of the island is accreted, along the line of the high water mark as shown on an aerial image (rather than from the historic map). For clarity, the accreted land has the status of Māori freehold land. Additionally, the survey plan will also be adjusted to account for erosion at the western end of the island.

Hill v Sherard – Otakanini Church Site Block

[2022] Māori Appellate Court MB 390 (2022 APPEAL 390)

Māori Appellate Court, Chief Judge Isaac, Judge Coxhead, Judge Mullins

An appeal of a decision finding the former trustees of the Otakanini Māori Reservation Trust (the Trust) jointly and severally liable to repay a sum arising from “serious and significant breaches of trust concerning the payment of funds”. The appellant was one of the trustees found liable.

The trustees resigned prior to the hearing in the lower Court, and did not attend this hearing. The appellant stated that this was because they were told by their lawyer that if they resigned, they would have no more liability, and they should not engage in trust matters anymore. The appellant argued that if the trustees had had an opportunity to present at the lower Court, they would not have presented evidence and submissions weighing against liability.

Held, appeal allowed. Natural justice was the central consideration of the judges. The judges stated that natural justice and fairness are synonymous. Natural justice requires that all interested parties be given a reasonable opportunity to appear in court and be heard. Notice of the proceedings to interested parties is a fundamental tenet of natural justice. There does not have to have been an error in the delivery of notice in order to qualify for a breach of natural justice.

The judges reached the conclusion that the former trustees were genuinely following the advice of their lawyer with an understanding, albeit misguided, that they were no longer involved in the Court proceedings and had no liability. They accepted that the trustees would have continued to participate in court proceedings had they been given accurate advice. Natural justice requires that the appellant and her co-trustees be given an opportunity to present their evidence before the Court. The matter was referred back to the Māori Land Court for consideration.

Aperahama v Anderson – Sections 57, 58, 70, 72, 100 of the Rātana Pā Block

[2022] Māori Appellate Court MB 424 (2022 APPEAL 424)

Māori Appellate Court, Judge Wainwright, Judge Wara, Judge Warren

This was an appeal against a decision of the Māori Land Court in which the Court found that it does not have jurisdiction to determine the representation of Te Haahi Ratana as between two competing representative bodies, as the Rātana Church do not meet the statutory requirement of being a “class or group of Māori” under s 30(1)(b) of the Act. The basis for the decision was that Te Haahi Ratana is a church, they are not exclusively Māori, and are faith- rather than land-based organisation.

Held, the Māori Appellate Court overturned the Māori Land Court decision. They found that the intention of parliament and the spirit of s 30 was to allow the Court to use its expertise to determine the proper representation for Māori groups. Te Haahi Ratana is a church founded in Māori society and culture, 97% of its members are Māori, and it manages Māori land. It is therefore an entity to which the Court’s jurisdiction under s 30 applies.

Pokere v Bodger - Ōuri 1A3

(2022) 459 Aotea MB 210 (459 AOT 210)

Māori Land Court, Judge Warren & Dr Ruakere Hond (Pūkenga)

He whakataunga tēnei e hāngai ana ki ngā tono kua whakatakotohia e Donna Pokere Phillips rāua ko James Phillips (kua mate). Ko ngā tono nei ko te arotake me te whakauruhi i ngā haepapa kaitaratī (e pā ana ki ngā tikanga Māori anō hoki), ko te wāhinga atu o te whenua hei whenua rāhui, waihoki kia iri tārewa te turakanga o te whare i runga i taua whenua.

I tū te kōtinga o ngā take nei ki Whanganui i te 1 me 2 o Mahuru 2022 i ngā reo e rua, nā Ms Thomas hei māngai mō ngā kaitono i tāpae mai i te reo Māori, ko Ms Hughes KC hei māngai mō ngā kaiurupare i tāpae mai i te reo Pākehā. Kua whakatū i a Tākuta Ruakere Hond hei Pūkenga mō te Kooti i te taha o Kaiwhakawā Warren.

Kua whārikihia e toru ngā tono e pā ana ki te taratī o Te Hanataua me tōna whare, ōna whenua hoki e tiaki ai ngā kaitaratī nā. Tuatahi he arotake taratī me he tono whakauruhi haepapa mā tikanga Māori anō hoki. Tuarua he wāhinga atu hei



Rātana Church, Raetihi

whenua rāhui te whare me ōna whenua. Tuatoru kia iri tārewa te turakanga o te whare i runga i taua whenua.

Kua panaia e ngā kaitaratī te tangata noho roa i te whare rā, kua tīmata ai i te turakanga o te whare anō hoki rātou. Nā te hirahira o te whare ki te iwi, nā te noho hei kaitiaki a Ms Warren i te whare, ka whakahē ngā kaitono ki ngā mahi a ngā kaitaratī. Waihoki, nā te Kaunihera Kaumātua kua iri rāhui hei rarawe i te whare.

I whakatau te Kooti i raro i ngā tikanga kua whārikihia, kua tika ngā tatūnga o ngā kaitaratī, kahore rātou i takahi tikanga, takahi haepapa kaitaratī rānei.

Kua whakamātauria e te Kooti te hirahira o te whare ki ōna horopaki me te kaitiakitanga o Ms Warren rātou ko tōna whānau ki te whare. Kahore te Kooti i whakakore i te tatūnga o ngā kaitaratī ki te turaki whare. Ki tā te Kooti, kia whakatū wānanga ngā kaitaratī ki ēnā rōpū e mou hononga ki te whenua, ki te whare rānei, hei whakawhiti kōrero mō o rātou wawata, hiahia mō te whenua, he aha rā e whakatūria ki te whenua nā.

I whakakore te Kooti i ngā tonu e toru, ka whakatau e pā ana ki te utu rōia mā ngā tāpaetanga a taua wā.

This judgment is in respect of applications brought by Donna Pōkere Phillips and the late James Phillips, to review and enforce trust obligations (including obligations at tikanga), to set aside land as a reserve, and for an injunction to restrain the trustees of Te Hanataua Ahu Whenua Trust from demolishing a whare on land they manage.

The matter was heard at Whanganui on 1 and 2 September 2022 and was heard bilingually, with Ms Thomas for the applicants submitting in te reo

Māori and Ms Hughes KC submitting in English. Dr Ruakere Hond was appointed by the Court as Pūkenga to hear the matter alongside Judge Warren.

Three applications were filed in respect of Te Hanataua Ahu Whenua Trust and the homestead and whenua it manages. The first application was for a review of trust and enforcement of trust obligations, including obligations arising under tikanga. The second was an application to set aside the homestead land as a reservation and the third was for an injunction to prevent demolition of the whare.

The trustees had taken steps to evict the long-time resident of the homestead and begin its demolition. The applications sought to prevent this on the basis of the importance to the iwi of the whare and the kaitiaki role of its resident Ms Warren. The Kaunihera Kaumātua had also placed a rāhui on the whare to prevent its destruction.

The Court reviewed the tikanga pleaded that apply to the situation and held that the trustees had made their decisions in a proper way, finding that they had not breached tikanga nor their statutory trustee duties.

The role of the whare within its context and the role of Ms Warren and her whānau were examined and the Court did not set aside the trust's decision to demolish the whare. The Court suggested a course of action to achieve ea in this situation, by holding wānanga to discuss with whānau, beneficial owners and those connected to the land about their aspirations for their whenua and what might replace the current whare.

Held, the three applications were dismissed and the issue of costs is to be determined on the papers in due course.

Allan v Thomas - Lot 1 Deposited Plan 64733

(2022) 255 Taitokerau MB 288 (255 TTK 288)

Māori Land Court, Judge Armstrong

A decision determining whether the Court has jurisdiction to grant an injunction in relation to a Māori reservation on Māori freehold land which is owned by Kaitaia Marae Incorporated (an incorporated society administered by a committee of management).

The applicant was a member of the committee. Following a special general meeting, it was purported to remove the applicant and appoint

new committee members. He sought an injunction preventing the new committee from acting in that role on the basis that the special general meeting was not properly held due to a breach in the Kaitaia Marae Incorporated Rules, and therefore the vote to remove him was invalid. He also sought that two people who are currently occupying a building on the land be removed.

Held, in relation to the application to restrain the committee from acting, the Court determined that it had no jurisdiction to make such orders under ss 18(1)(d), 19, 236, 237, or 238 of the Act. The Court held that the provisions of s 19 do not allow the grant of an injunction to restrain committee members of an incorporated society on the basis of an invalid election. Regarding s 18(1)(d), the Court found that the relationship between the Kaitaia Marae Incorporated rules and the land was not sufficiently direct to trigger s 18(1)(d); although the rules are a contract, the Court found that they do not relate to the land, but rather the management of Kaitaia Marae Incorporated. In terms of ss 236, 237, and 238, the Court held that a breach of the Kaitaia Marae Incorporated rules is not a breach of the reservation trust, and the workings of Kaitaia Marae Incorporated are not trustee issues which fall within the ambit of ss 236, 237, or 238.

In relation to the application to remove two people occupying the land, the Court found that it had jurisdiction to grant an injunction requiring the vacating of the land, but that this was not justified on the evidence presented to the Court.

Tyler – Succession to Pamela Lorna Te Ata Harris

80 Te Waipounamu MB 231 (80 TWP 231)

Māori Land Court, Judge Stone

Application to give effect to a family arrangement regarding Titi Island interests. The five siblings of the deceased were entitled to succeed to her Titi Island interests. Three of the siblings applied to succeed to the interests, and the other two wished to surrender their entitlement to the other three siblings. The Court requested confirmation from the children of the two siblings that they consented to the interests being surrendered. This confirmation was given.

Held, application granted. Pursuant to the continuing jurisdiction of the Court in s 6(4) of the 1983 Act, and the power in s 109 of the Māori

Purposes Act 1931 “to give effect to exchanges”, it was determined that it was within the Court’s jurisdiction to give effect to a family arrangement over Titi Island interests.

Wanoa v Wanoa – Succession to Rawiri Wanoa

[2023] Chief Judge’s MB 186 (2023 CJ 186)

Māori Land Court, Chief Judge Isaac

An application to the Chief Judge to cancel a succession order made in 2015 which awarded an absolute interest in Marangairoa A56 to the respondent. An application was made to cancel the order alleging that it contained an error of fact, with the applicant’s submission being that the respondent is not a member of the hapū associated with the land and should only have received a life interest in the land.

Held, the application to cancel the order fails. The whakapapa evidence clearly demonstrates that the respondent and the deceased share a common ancestor, that they are both of the same hapū and that this hapū is connected to this land. The decision confirms that a whakapapa connection is not diluted by increased distance of a tipuna.

Gilbert v Mulligan – Part 3 Lot Deposited Plan 3020 and Section 2 Survey Office Plan 339948 (Shelly Bay)

(2023) 466 Aotea MB 164 (466 AOT 164)

Māori Land Court, Judge Stone

A decision determining whether the Māori Land Court has jurisdiction to hear claims for knowing receipt per ss 18(1)(i), 237 and 238 of Te Ture Whenua Māori Act (the Act), alongside whether the application should be struck out for abuse of process. This decision concerns Shelly Bay, which falls within the rohe of Taranaki Whānui ki te Upoko o te Ika (Taranaki Whānui). Certain land within Shelly Bay was once Crown land that has since been returned to Port Nicholson Block Settlement Trust (PNBST) as part of their historical treaty claims settlement. PNBST received the land as a part of the settlement, and subsequently sold it to Shelly Bay Taikuru Limited (SBTL). SBTL was formed through the amalgamation of Shelly Bay Investments Limited and SBTL, both of which are associated with property development company Wellington Company Limited.

The application was filed by members of the Taranaki Whānui and beneficiaries of PNBST



Shelly Bay, Wellington

per ss 18(1)(i), 237, 238 and 240 of the Act. The claim was against PNBST, SBLT and Shelly Bay Investments Limited. The applicants submit that PNBST acted in breach of trust in entering or permitting the entry into agreement leading to the sale of the Shelly Bay land without the requisite support of Taranaki Whānui. Thus the trustees failed to consider and respect the views of Taranaki Whānui. On these grounds it was submitted that the sale should cease. Furthermore, the applicants submitted that SBTL received the land and with knowledge of the breach of trust by PSBST.

Held, in a preliminary judgment determining jurisdiction, the Court does not have jurisdiction to determine a matter concerning general land as this would be contrary to the Act and the findings in *Attorney-General v Maori Land Court* [1999] 1 NZLR 689. Pursuant to s 237 however the Court has jurisdiction to hear and grant equitable relief for breach of trust or fiduciary duties. Thus, the Court does have jurisdiction to hear and determine claims of knowing receipt. Section 237 was found to apply to common law trusts established to receive Treaty settlement assets, such as post-settlement government entities. It was also held that the applications were not an abuse of Court process, as the applicants have a right to have their claims heard and the Court has jurisdiction to hear them. The application was accordingly not struck out for abuse of process.

Subsequent directions were issued to further progress the claims made by the applications namely: whether there was a breach of trust; whether the elements of knowing receipt can be

made out; the impact of the respondents' development of Shelly Bay; whether High Court determinations can be utilised in the current proceedings; and whether the claims for removal of trustees were redundant given the trustees in office at the time of the sale no longer hold office; alongside other considerations.

Reserved Judgments

Under s 98A of Te Ture Whenua Māori Act 1993, the Chief Judge is directed to periodically publish information about the delivery of reserved judgments by the Court. On 17 June 2018 Chief Judge Isaac published the updated *Māori Land Court Judgment Delivery Guidelines*, where he noted that the Court expected that 90% of the Māori Land Court's reserved judgments would be published within 3 months of being reserved or receipt of the last submission in the case in question.

For the period of 1 June 2022 to 31 May 2023 in the Māori Land Court, reserved decision delivery timeframes were as follows:

| Total Reserved Judgments Issued | Issued within 3 Months | Issued within 6 months |
|---------------------------------|------------------------|------------------------|
| 50 | 64% | 86% |

In the Māori Appellate Court, the delivery timeframes for reserved decisions issued between 1 July 2022 and 31 May 2023 were as follows:

| Total Reserved Judgments Issued | Issued within 3 Months | Issued within 6 months |
|---------------------------------|------------------------|------------------------|
| 11 | 72% | 82% |

Māori Land Court judges and the Environment Court

In addition to their primary position on the Māori Land Court bench, a number of the judiciary hold warrants for other jurisdictions that complement the work in the Māori Land Court.

Six Māori Land Court judges hold warrants as Alternate Judges of the Environment Court:

- ▶ *Chief Judge Fox*: Was involved in a one-day judicial conference and site visit held on 11 July 2022.
- ▶ *Judge Milroy*: Has not assisted the Environment Court during this reporting year.
- ▶ *Judge Doogan*: Was involved with the Poutama Kaitiaki Trust. A strikeout application was lodged by First Gas against the appeal of Poutama on 10 November 2022, appealing the archaeological authority granted to First Gas by Heritage NZ. The strikeout application was granted, and a subsequent decision was issued 6 March 2023.
- ▶ *Judge Wara*: Has not assisted the Environment Court during this reporting year.
- ▶ *Judge Warren*: Is involved in an Environment Court hearing estimated to take 8 weeks.
- ▶ *Judge Williams*: Was involved in 3 days of hearing before the Environment Court. The matter was adjourned due to settlement negotiations. The Court is awaiting the outcome of those negotiations before looking at the next steps, if any.



The New Zealand Environment Court mostly deals with appeals about the contents of regional and district plans and appeals arising out of applications for resource consents.

Māori Land Court judges and Pacific Island courts

A number of Māori Land Court judges have been appointed to sit as judges of the High Court of Niue and the High Court of the Cook Islands (Land Division). Pacific Courts are seen as an extension of judges' Māori Land Court work rather than requiring additional skills and being additional work. Eighty-five percent of Niue applications and 100% of Cook Islands applications heard by judges who sit in these courts are land matters.

Judges accept appointment to the Niue and the Cook Islands Courts on the basis that they do not receive extra pay above that which they already receive as Māori Land Court judges. It is also on the basis that the work they do will not negatively impact on their core roles and core work of a Māori Land Court judge.

Four judges of the Māori Land Court sit as Judges of the Niue High Court. These are their Honours Judges Isaac, Coxhead, Reeves and

Armstrong. These judges are in addition to the local judiciary of four Justices of the Peace, eight Land Commissioners and two Criminal and Civil Land Commissioners. The Niue High Court sits twice a year for four days. Courts are rotated amongst the four judges so that each judge of the Niue High Court sits in Niue for four days every two years. The judges also sit on the Court of Appeal which sits every three or four years.

Three judges of the Māori Land Court, being their Honours Judges Isaac, Coxhead, and Armstrong, also sit as Justices of the Cook Islands High Court Land Division. There are a total of seven High Court judges of the Cook Islands along with a local judiciary of fourteen Justices of the Peace who sit regularly. The Cook Islands High Court Land Division sits for two weeks three times each year.



Cook Islands High Court

Judicial speeches and presentations

Over the past year, Judges of the Māori Land Court have spoken or given presentations at the following conferences and events:

| Event | Judges/ Ngā Kaiwhakawā |
|---|---|
| Speech to NZ Māori Police Women, 4 July 2022 | Deputy Chief Judge Fox |
| Wāhine in Law Panel, Victoria University of Wellington, July 2022 | Judge Reeves |
| Māori Moots Judge, Victoria University of Wellington, July 2022 | Judge Reeves |
| Māori Moots Judge, University of Canterbury, August 2022 | Judge Reeves |
| 38th Annual Conference of the Banking and Financial Services Law Association – 26 August 2022 | Judge Armstrong |
| National Māori Moots Judge, Supreme Court, August 2022 | Judge Reeves |
| Laws 334 Mana Wāhine Lecture, University of Canterbury, August 2022 | Judge Reeves |
| Symposium on Governing for the Future, 13-14 October 2022 | Deputy Chief Judge Fox |
| Australasian Conference of Planning and Environment Courts and Tribunals, October 2022 | Judge Williams |
| Te Kura Kaiwhakawā Tikanga Seminar, October 2022 | Judge Williams |
| Te Hunga Rōia Māori Waitangi Tribunal Seminar – Practice and Procedure, 28 October 2022 | Chief Judge Isaac, Judge Wainwright, Judge Stone, Judge Williams, Judge Coxhead, Judge Reeves |
| Melbourne Law School visiting delegation, November 2022 | Judge Doogan |
| Webinar on Diversity and the Judiciary, November 2022 | Judge Reeves |
| Te Kura Kaiwhakawā Diversity Seminar, November 2022 | Judge Stone |
| Presentation to the BNZ Credit Team, 17 November 2022 | Judge Armstrong |
| All Courts' Triennial Conference, 3 March 2023 | Chief Judge Isaac, Judge Mullins and Judge Wainwright |
| Waitangi Tribunal Members Conference, 7-8 March 2023 | Chief Judge Isaac, Judge Reeves, Judge Wainwright, Judge Milroy, Judge Stone |
| Te Kura Kaiwhakawā Decision-Making Seminar, April 2023 | Judge Stone |
| Presentation to Queensland Path to Treaty Bill 2023 - Community Support and Services Committee, April 2023 | Judge Reeves |
| Presentation to Queensland Minister for Aboriginal & Torres Strait Island People, April 2023 | Judge Reeves |
| Tikanga and Law Wānanga, 10 May 2023 | Chief Judge Fox and Judge Doogan |
| Te Hunga Rōia Māori Waitangi Tribunal Seminar – Tikanga and Te Reo Māori in the Courts and Tribunals, 26 May 2023 | Judge Reeves, Judge Williams, Judge Wainwright, Judge Thomas, Judge Warren |
| Canterbury Law School guest lecture, University of Canterbury, May 2023 | Judge Reeves |
| Senior Court Judges' Associates Conference, May 2023 | Judge Wainwright |
| Senior Court Judges' Clerks Conference, May 2023 | Judge Reeves |
| Administrative Law lecture, Victoria University of Wellington, May 2023 | Judge Stone |
| NZLS Trust Seminar, June 2023 | Judge Stone |
| Māori Moots Judge, University of Waikato, May 2023 | Judge Milroy and Judge Coxhead |
| Māori Moots Judge, University of Canterbury, May 2023 | Judge Reeves |
| Māori Moots Judge, Te Herenga Waka University of Wellington, May 2023 | Judge Stone |
| Presentation to the Reserve Bank of New Zealand, 24 July 2023 | Judge Armstrong |

Judicial education and conferences



Ākona kia tika, whāngaia kia pono,
ruia ki te motu. Kia āta whakawā
mārire i tēnā, i tēnā.

Teach the learner to be just, educate them to be true, and dispense this learning to the nation. So all may be judged with due care.

Screen shot from Te Kura Kaiwhakawā/ Institute of Judicial Studies, which provides judicial education

Māori Land Court judges are encouraged to attend seminars and conferences for professional development purposes. Members of the bench have attended one or some of the following courses below in 2022-23.

Judges regularly publish speeches and papers delivered in their judicial capacity on the Māori

Land Court website. The most recent speeches published on the website are Judge Williams' speech on the adequacy of laws for the protection of indigenous peoples' cultural heritage and customary rights in New Zealand, and Judge Thomas's speech at her swearing-in ceremony at Whitiara Marae.

Courses and seminars attended by MLC judges

- ▶ Progress and Transformation Seminar: Diversity in the Judiciary (23 June 2022)
- ▶ Te Kura Kaiwhakawā Oral Judgments seminar (July 2022)
- ▶ Tikanga & the roles of Wahine Māori wānanga (16-17 August 2022)
- ▶ National Māori Language Revitalisation Symposium: Kua huri te Tai (September 2022)
- ▶ Council for Legal Education, Tikanga Māori (September 2022 to March 2023)
- ▶ Symposium on the futures of Democracy, Law & Government (13-14 October 2022)
- ▶ Owen Woodhouse lecture, Victoria University (October 2022)
- ▶ Constitutional Kōrero Conference, Auckland University (November 2022)
- ▶ Seminar on the Legal Framework for Emergencies in Aotearoa NZ (29 November 2022)
- ▶ Te Rauhi i te Tikanga Companion Project (January 2023)
- ▶ District Courts Triennial Conference (27 February-2 March 2023)
- ▶ All Courts' Triennial Conference (3 March 2023)
- ▶ Te Kura Kaiwhakawā Te Reo Māori Course (March 2023)
- ▶ Te Reo Māori Judicial Wānanga (March 2023)
- ▶ Global Women Members Wānanga/workshop (6 April 2021)
- ▶ Te Kura Kaiwhakawā seminar on Judicial Decision-making (April 2023)
- ▶ Tikanga and Law Wānanga (10 May 2023)
- ▶ Te Kura Kaiwhakawā seminar on assessing expert witnesses (June 2023)
- ▶ Update on Trusts, Family Protection & Testamentary Promises (30 June 2023)

Matariki Puanga



Matariki Horahora kapa haka competition at St Paul's Cathedral, Wellington

On 11 July 2023 the Ministry of Justice held its first Matariki Horahora kapa haka competition at St Paul's Cathedral in Wellington. The event, organised by the Honourable Justice Joe Williams, saw two kapa made up of judiciary and staff competing.

The Māori Land Court head office joined staff and judges from the District Court, Waitangi Tribunal, Environment Court, Employment Court, Coroners Court and other Ministry staff as Puanga Pōtiki, competing against Matariki Mātāmua, made up of judges and staff from the Senior Courts and Office of the Chief Justice.

Our thanks to guest judges Poia Rewi and Toni Huata, to Justice Williams and his team for his organisation of the event, and to our fellow judges and staff who celebrated the arrival of Matariki alongside us.

In addition to the events held nationally, each registry and office of the Māori Land Court shared kai during the week and, in some offices, they made Matariki boards, leaving behind the old and focusing on their future aspirations for their work in the Court or in their personal lives.

During Matariki, the Chief Judge convened a meeting of the judges in Christchurch. Staff at the Christchurch Māori Land Court conducted a pōwhiri for many of the judges who had not been there before, followed by a tour of the Christchurch justice precinct. The judges with Claire Stirling-Hawkins, the Pae Ārahi, then held a whakawhanaunga session with staff before the judges moved into their meeting. Judges and staff also attended the Tōhunga Tūmau celebration of Matariki that night in Ōtautahi.



Tōhunga Tūmau celebration of Matariki in Ōtautahi

Te Tipuna Whare

We close our report with the new Māori Land Court waiata, *Te Tipuna Whare*, written by Tawhirimatea Williams and Kaa Williams which we will learn over the next year as we meet the challenge of serving Te Ao Māori.

*Tirotiro kau ana
Te tekoteko o tōku tipuna whare
Te Tiriti o Waitangi
E tipana ana, e tītaha ana
Te titiro ki te tiaki, ki te atawhai
Te mana o ngā iwi e*

*Tautokohia rā, manaakitia rā
Ngā ringa maihi o te tipuna whare
Te hiki, te hāpai, te tautoko
I te Rangatiratanga
Kia mahana kia awhitia
Te mana o ngā iwi e*

*Tiakina ngā tikanga tuku iho, te karanga ā
Te kaokao o te tipuna whare
Te whenua, te ūkaipō
Ngā moana hoe waka, ngā roto tipua
Ngā kōawaawa taniwha, ngā iwi motuhake
Te mana o ngā iwi e*

*Mahue ake ngā maunga kōrero
Ngā ruawhetū o te tipuna whare
Kua kore e rongō ngā kupu ā uki
Kua kore e rongō ngā kōrero tuku iho
Whakarerea iho te tarā ā whare
Ko te mana o ngā iwi e*

*Mokemoke ana te haukāinga
“Ka pū te ruhā, ka hao te rangatahi”
Kua huakina mai rā
Te Kooti Whenua Māori hei oranga mōku
I te mana o ngā iwi e*

*Whakatutukihia te herenga
Whitikitikihia mā te Ture
Kei konei ōku tūmanako
Kei konei ōku wawata
Ka tau te mauri o ngā tipuna whare
Ka tau te aiō o ngā iwi e*

Te Kooti Whenua Māori



Māori Land Court