

Matariki 2023

# **ANNUAL REPORT**

Matariki 2024

Te Kooti Whenua Māori  
Māori Land Court

Te Kooti Pira Māori  
Māori Appellate 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 whakamaui 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 Taramainuku, noho mai koutou hei whetū ārahi mo tātou ngā waihotanga. E kore te aroha o rātou mā e waikuratia.

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

Kei ngā maunga whakahi 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!

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# Foreword

*Kia tū hei Kooti Māori e tawharau nei  
I te pae tangata  
I te pae whenua  
I te pae whare kōrero*

E ngā mana, e ngā reo, e ngā iwi, tēnā koutou katoa i runga i te kaupapa o Matariki me Pūanga, ngā whetu rangatiratanga mō tātou katoa i runga i ngā tikanga o tēnā o tēna o tena o tātou. Ki ngā mate o te tau kua hinga atu, hinga mai, haere atu koutou kua wheturangitia, haere ki Pōhutakawa, ki Hawaiiki, ki ngā ringaringa o te atua.

Ki a tatou ngā mahuetanga o rātou mā, tēnā koutou, tēnā koutou, tēnā koutou katoa. Nau mai, kuhu mai.

Welcome to the year that was for the Māori Land Court. And what a busy year it was.

The judges have been working with the staff of the seven Māori Land Court registries to move through the backlog of cases before the Court. They have continued to deliver timely judgments where applications have come before them. They have also been active in the Māori Appellate Court and the Waitangi Tribunal. Some who are alternate judges in the Environment Court have been called upon to assist that court, and the judges who sit in the Pacific have been busy again there. Over and above these roles, they have all found time to deliver speeches, participate in seminars or conferences, contribute to the Māori Land Court's business operations including the development of draft rules for the Court, develop a Banking Practice Note (led by Judge Armstrong) and a Special Aid Practice Note (led by Judge Warren), and participate in judicial committees of the Chief Justice.

For the staff, we acknowledge their efforts over the last year moving backlogs and coping with technology challenges. We also know that steady progress is being made to reduce waiting times for applications to be heard and determined. This has largely been the result of additional resourcing provided by the Ministry of Justice to address the backlog of applications awaiting registration. Registration has resulted in a significant workload

as applications move to pre-court for processing. This load will eventually work its way through the system to completion. By next year, this effort should be reflected in an improved disposal rate of applications across districts. Our aspiration is to return to an 80% disposal rate per annum for applications received.

The Ministry also undertook a post implementation review of Pātaka Whenua. We will discuss this in more detail later in this report.

A huge effort has also been made to deal with aged section 45 applications, resulting in most being ordered or subject to reserve judgment. By this time next year the results of this effort from Te Whakamaene (the special applications team) will be reflected in our data reporting.

Owners in some districts have also been assisted this year by the developing Māori land service provided by different community law centres.

We note again what a great honour it is for us to lead this talented group of judges and our dedicated Māori Land Court staff. We know that with our different, but complimentary, roles comes great opportunity and responsibility for ensuring that Māori landowners enjoy the best possible outcomes from the service we provide. To do so, the Māori Land Court must be a truly Māori Court, where people are engaged respectfully and in a culturally appropriate way. That is why we consider it important to record our progress across all these matters in the pages that follow.



Te Kooti Whenua Māori Kaiwhakawā Matua, Chief Judge Caren Fox and Pae Matua, Steve Gunson

# Judges of the Court/ Ngā Kaiwhakawā o te Kooti



## 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), Constitutional Kaupapa Inquiry (Wai 3300)
- ◆ Also holds a warrant as an Alternate Environment Court Judge

- ◆ Waitangi Tribunal Presiding Officer: Military Veterans Inquiry (Wai 2500), National Freshwater and Geothermal Resources Inquiry (Wai 2358).
- ◆ Also holds a warrant as a Judge of the High Court of Niue and of the Cook Island High Court (Land Division)



## 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)



## Deputy Chief Judge Craig Coxhead

*Ngāti Makino, Ngāti Pikiao, Ngāti Awa, Ngāti Maru*

- ◆ Appointed Deputy Chief Judge 22 May 2024
- ◆ 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 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 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



## 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



- ◆ Resident Judge, Waikato Maniapoto
- ◆ Waitangi Tribunal Presiding Officer: Te Kura Kaupapa Māori Urgent Inquiry (Wai 1718) and the Education Services and Outcomes Kaupapa Inquiry (Wai 3310)



### 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) and the Natural Resource and Environmental Management Kaupapa Inquiry (Wai 3450)
- ◆ Also holds a warrant as a Judge of the High Court of Niue and of the Cook Island High Court (Land Division)



### Judge Aidan Warren

*Rangitāne, Ngāti Kahungunu, Ngāi Tahu, Pākehā, Cherokee Nation*

- ◆ Appointed 27 October 2021 (116th Māori Land Court Judge)
- ◆ Resident Judge, Aotea
- ◆ Waitangi Tribunal Presiding Officer Social Services and Social Development Kaupapa Inquiry (Wai 3460)
- ◆ 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*

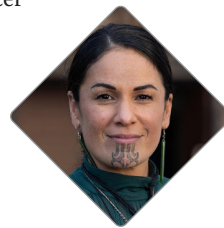
- ◆ Appointed 9 December 2021 (117th Māori Land Court Judge)
- ◆ Resident Judge, Te Taitokerau
- ◆ Waitangi Tribunal Presiding Officer Te Reo in the Public Sector Urgent Inquiry (Wai 3327) and the Economic Development Kaupapa Inquiry (Wai 3550)
- ◆ Also holds a warrant as an Alternate Environment Court Judge



### 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
- ◆ Waitangi Tribunal Presiding Officer Historical Claims Standing Panel (Wai 2800)



### Judge Alana Thomas

*Ngāpuhi, Ngāti Rēhia, Ngāti Kuri*

- ◆ Appointed 20 May 2023 (118th Māori Land Court Judge)
- ◆ Resident Judge, Aotea
- ◆ Waitangi Tribunal Presiding Officer Identity and Culture Kaupapa Inquiry (Wai 3500)



### 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 Nathan Milner

*Ngāti Porou, Kai Tahu*

- ◆ Appointed 22 May 2024 (119th Māori Land Court Judge)
- ◆ Resident Judge Gisborne and Ruatorea

### Judge Rachel Mullins

*Ngāti Kahungunu, Kai Tahu*

- ◆ Appointed 27 October 2021 (115th Māori Land Court Judge)

## New judicial appointments



Chief Judge Caren Fox's swearing in at The Pa, University of Waikato

Judge Caren Fox (Ngāti Porou, Rongowhakaata) was sworn in as the Chief Judge of the Māori Land Court on Thursday 24 August 2023, at The Pā in Hamilton. The ceremony

presided over by Chief Justice Helen Winkelmann, was attended by judicial colleagues, members of the legal profession, and iwi representatives of Te Tairāwhiti and Waiairiki.

Chief Judge Fox is the seventeenth Chief Judge of the Māori Land Court, and the first wāhine Māori appointed as a Chief Judge. She was first appointed as a judge of the Māori Land Court in 2000, before becoming Deputy Chief Judge in 2010.

When announcing Chief Judge Fox's appointment in July 2023, the Hon. Nanaia Mahuta, Associate Minister of Māori Development stated, "This is a monumental achievement for Māori women whose leadership continues to broaden perspectives across the judiciary".

## New Resident Judge for Tairāwhiti



Judge Milner's swearing in on 30 July 2024

In 2024 the new Minister of Māori Development advised the appointment of Nathan Milner, of Ngāti Porou and Ngāi Tahu, as a new Judge of the Māori Land Court. Judge Milner was a solicitor, senior associate and special counsel. He graduated from Victoria University with an LLB, BA in Māori and BA Hons (First Class) in Political Science and International Relations. Prior to his admission to the bar he was an assistant investigating

officer, at the Office of the Ombudsman. He has been a special counsel at Kāhui Legal, a specialist Māori law firm. He acted for clients across the country on a wide range of issues affecting whānau, hapū and iwi. He has specialised in Māori legal issues including Māori land law, Treaty settlements, post-settlement governance advice for iwi groups, Waitangi Tribunal, and general public law disputes and legislative developments.

Judge Milner is well-versed in the work of both the Māori Land Court and Waitangi Tribunal through his extensive work representing landowners and claimant groups in both jurisdictions, alongside his work in Treaty settlement negotiations and experience in resource management, intellectual property and Marine and Coastal Area cases.

This is also a return to the Court and Tribunal for Judge Milner, who worked early in his career as a Research Counsel for the Māori Land Court and as an Assistant Registrar for the Waitangi Tribunal. A swearing-in ceremony for Judge Milner was held at Poho-o-Rawiri Marae in Gisborne at the close of Matariki and he is now one of the resident judges for Te Tairāwhiti.

## Deputy Chief Judge appointed



Waiairiki kaimahi celebrating the appointment of Judge Coxhead as Deputy Chief Judge of the Māori Land Court.

On 22 May 2024 the Honourable Tama Potaka, Minister for Māori Development, announced the

appointment of Judge Craig Coxhead as the Deputy Chief Judge of the Māori Land Court.

Judge Coxhead was appointed to the Māori Land Court in 2008 and is one of the resident judges in Waiairiki, as well as a Presiding Officer in the Waitangi Tribunal, Chief Justice of the High Court of Niue and a Justice of the High Court of Cook Islands. Judge Coxhead has had 16 years of judicial service. He brings to his new role his extensive experience and knowledge of law and tikanga.

## Matariki and Pūanga karakia



The newly appointed Deputy Chief Judge Craig Coxhead (seated left) celebrating with district kaimahi from the Māori Land Court, Te Tumu Paeroa and Te Puni Kōkiri

*Mānawa maiea te putanga o Matariki  
Mānawa maiea te ariki o te rangi  
Mānawa maiea te Mātahi o te Tau  
Whano, whano  
Haramai te toki ata huakirangi  
Haumi e  
Hui e  
Tāiki e!*

*Celebrate the rising of Matariki  
Celebrate the lord of the skies  
Celebrate the new year  
Unite, unite  
And bring forth the dawn  
Together  
In union  
We are one!*

The nine stars of the Matariki Constellation (Pleiades) - Waipunarangi, Hiwaiterangi, Waiti, Waitā, Pohutukawa, Ururangi, Matariki, Tupuārangi and Tupuānuku, along with Pūanga (Rigel, brightest star in Orion), heralded in the Māori new year for 2024 signalling the start of another round of seasons to come.

As is fast becoming tradition, we commemorated those whom we lost over the year before sending our aspirations to the heavens for the new

seasons to come. This was done through karakia (led by Te Hamu Nikora), waiata and by embracing the contribution of Māori land to our well-being and to kai production. This year we were hosted on 21 June, by Dr Charlotte Severne and her staff of Te Tumu Paeroa. Our coming together took place online, joining offices located in all the seven Māori Land Court districts. We were also joined by those who work on Māori land issues from Te Puni Kōkiri.



# Matariki and Pūanga Horahora

On Tuesday 25 June 2024, the second annual Matariki Horahora waiata celebration was held at Pipitea marae. The two teams competing were Matariki Mātāmua (senior Courts) and Puanga Pōtiki (Māori Land Court, Waitangi Tribunal, District Court, Environment Court, Employment Court, Court of the Court Martial, Coroners Court, Ātea-a-Rangi, Te Whare and Te Ao Mārama programme team). this is an edited version of the night written by Bronwyn Wilde



Members of Puanga Pōtiki and Matariki Mātāmua at Matariki/ Pūanga Horahora

Puanga Pōtiki performed first, singing “Wiremu Te Māngai”, a powerful lament to the founder of the Rātana religion – Tahu Pōtiki Wiremu Rātana – composed by his wife, Te Urumano Rātana. They then sang “Tomo Mai e Tama Mā” – a remembrance song composed by Henare Waitoa at the request of Sir Apirana Ngata to welcome home survivors of the 28th Māori Battalion. The group ended with the beautiful harmonies and flawless ā-ringā of “Te Ao Mārama” – a waiata gifted by Dave and Molly Para to Chief District Court Judge Heemi Taumaunu to the kaupapa of Te Ao Mārama.

Matariki Mātāmua then performed “Tērā Te Kahui” – a mōteatea written by Justice Joe to acknowledge those who have passed over the last year. The group carried on stage with them photos in remembrance of Sir Michael Hardie Boys and former Supreme Court clerk, Mitch East. Matariki Mātāmua then sang “E Te Hokowhitu a Tū”, a waiata ā-ringā written by Tuini Ngawai during WWII, another song in honour of the Māori Battalion. Their final waiata was “Nei Rā Te Kaupapa”, a modern song by Tawhiro Maxwell and Te Okeroa Huriwaka with powerful harmonies which has gone viral on the internet and captured the minds and hearts of listeners throughout the motu me te ao whānui.

Our esteemed judges Poia Rewi and Toni Huata commented on the incredible vocals and enthusiasm from both kapa, awarding three spot prizes. One to Judge Alana Thomas of the Māori Land Court and Waitangi Tribunal for her ability to capture the essence of the kaupapa of Matariki Horahora. Another to Marama Ellis for her stage presence. And the third to the trio from Matariki Mātāmua in “Nei Rā Te Kaupapa”, consisting of Justice Cooke, Alexandra Briscoe and Bronnie Wilde. Despite the attempts at sweet-talking and flattery by Chief Judge Taumaunu and Justice Joe, the celebrity judges remained impartial and the real winner on the day was the kaupapa of Matariki.

To finish the evening, all the performers, their friends and whānau joined together to sing the waiata “Tō Aroha”, before ending the night with everyone sharing some delicious kai. E rere ana ngā mihi mahana ki Ngāti Pōneke Māori Arts, for their manaakitanga in hosting our Matariki Horahora kaupapa during their week of Matariki festivities.

Thank you to Puanga Pōtiki for doing such a stellar job organising this year’s event, and to all those who took part or came to support.

*Mānawatia a Matariki*

# Planning for the future - “Hangaia te whare”

For the first time in the history of the Court, both the judiciary and the business unit developed our first joint vision for Te Kooti Whenua Māori. As part of putting ourselves on the right track to achieve that vision, we propose to develop annual business plans. Our first plan was titled “Hangaia te whare.” To that end, we have been preparing protocols and plans to sharpen our focus towards “Hei Kooti Māori”.

Each year we will refresh our business plan and drill further into achieving our vision.

Some of the specific achievements this year have included:

- ▲ A mahi tahi protocol
- ▲ Hauora plans for each district
- ▲ An environmental sustainability policy
- ▲ A premises protocol for when new or refurbished court facilities are required
- ▲ A move towards alternative court rooms for our circuit courts, such as marae and other iwi owned spaces

## Pae Matua operations update

The rising of Matariki is an appropriate time to reflect on the past and look towards the future.

It has been a big year for kaimahi of the Māori Land Court, and I would like to thank all for their mahi. E mihia ana te kaha o te hiringa, te raungāwari me te manawanui o te kāhui kaimahi o Te Kooti Whenua Māori i roto i ngā tau. He kokonga whare e kitea, he kokonga ngākau kāore e kitea.

In May 2023 we launched a redesigned website and a new online portal – Pātaka Whenua. The introduction of the Pātaka Whenua technology was part of a wider Whenua Māori Programme of change which also included implementing legislative change and introducing new ways of working. Unfortunately, some of these changes have not gone as well as anticipated.

The Māori Land Court would like to acknowledge that the changes have caused disruption to the work of the Court leading to a poor experience for landowners, whānau, applicants, and other users of the Court’s services.

A Post Implementation Review (PIR) was initiated six months after the final deliverable of the Whenua Māori Programme, Pātaka Whenua, was implemented to assess how well all changes were working in practice. The PIR was

completed in June 2024 and made 42 recommendations for improvements, 15 of which were already underway when the report was finalised.

Additional resource and a dedicated team were established to work on resolving outstanding enquiries, and to progress the backlog of applications through the initial registration process.

We are making improvements to Pātaka Whenua and the associated guidance based on feedback provided by users. We are working to make it easier for all users to access the technology’s features, including accessing information about your whenua, search and viewing the court record, download reports and making an application or enquiry online.

You may also notice positive changes when contacting or visiting our offices. We have introduced changes to ensure we have people dedicated to providing the information and advice you need at our Offices, whether you come in to see us in person, email, or phone us.

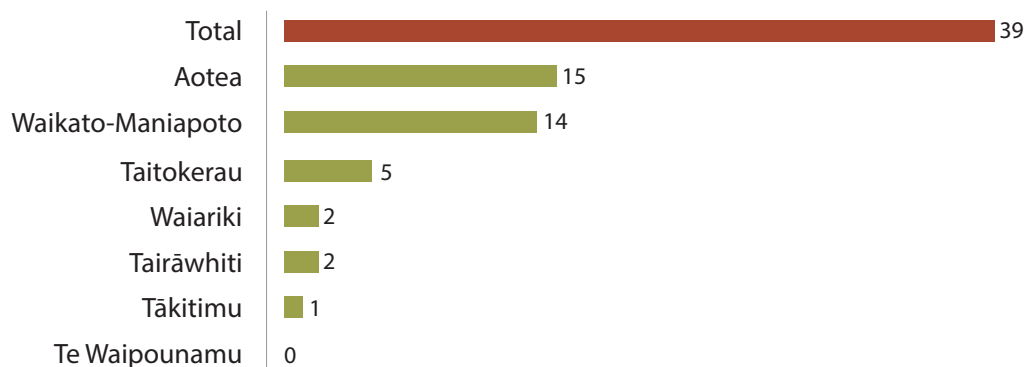
More work is underway to improve the customer experience (Kua whai ora te tangata), make services more accessible (Kua huakina te tatau) and make the technology more user friendly (Kua puta mai he ao hau).

Te Kooti Whenua Māori, Pae Matua, Steve Gunson

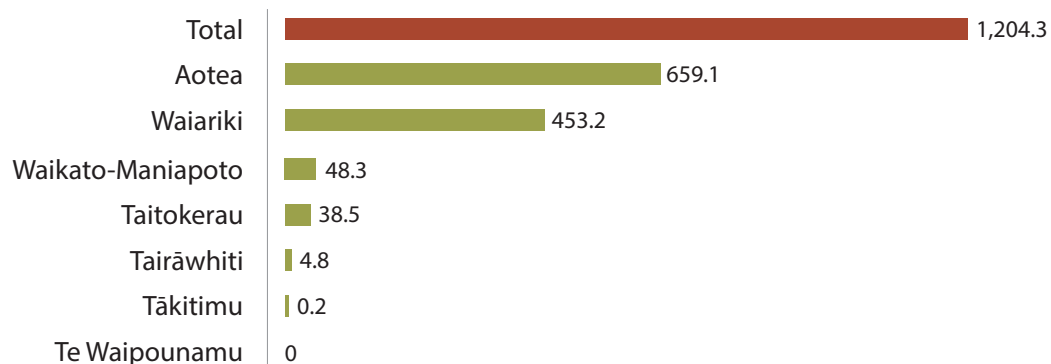
# Māori land data updates

The court publishes an annual Māori land update. This data provides a high-level summary to share with owners, organisations, and government agencies key characteristics of Māori Customary and Māori Freehold Land. This includes the number and types of management structures and the area they are responsible for managing. The graphs and tables following show the data as of 30 June 2024.

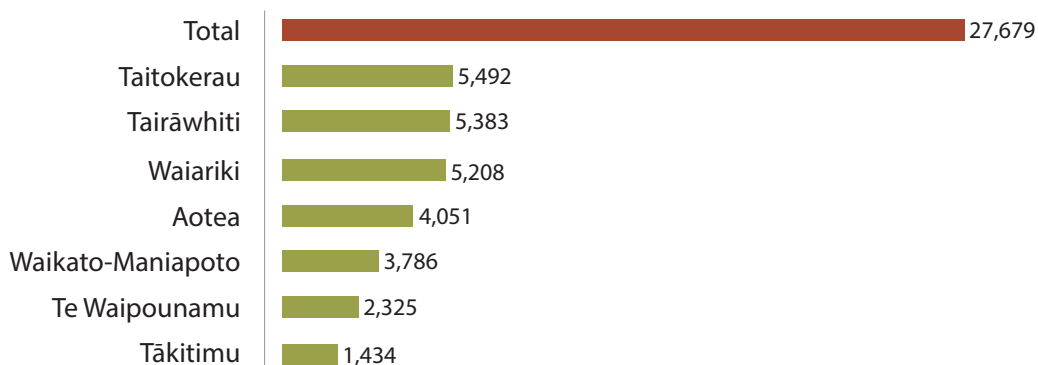
## Number of Māori Customary Land Titles by District



## Area (ha) of Māori Customary Land Titles by District

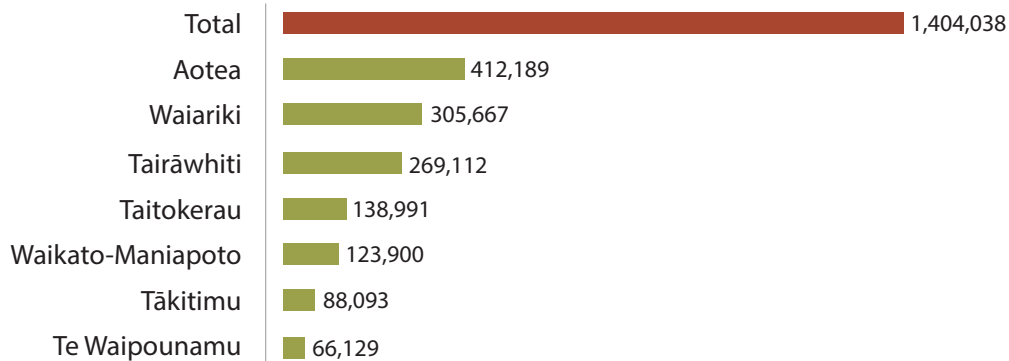


## Number of Māori Freehold Land Titles by District





### Area (ha) of Māori Freehold Land Titles by District



### Management structures\*

Rohe	Structures	Blocks with structures	Blocks without structures	Area vested (ha)	Area not vested (ha)
Taitokerau	1,139	1,537	4,135	82,938 (58%)	60,109 (42%)
Waikato-Maniapoto	1,272	1,751	2,246	98,480 (77%)	29,363 (23%)
Waiairiki	2,155	2,588	2,815	289,087 (89%)	34,585 (11%)
Tairāwhiti	1,402	1,916	3,653	234,282 (82%)	51,262 (18%)
Tākitimu	534	766	741	76,332 (83%)	15,170 (17%)
Aotea	1,220	2,283	2,055	441,396 (92%)	38,810 (8%)
Te Waipounamu	563	1,453	973	55,805 (68%)	26,495 (32%)
<b>Total</b>	<b>8,285</b>	<b>12,294</b>	<b>16,618</b>	<b>1,278,323 (83%)</b>	<b>255,797 (17%)</b>

\* This includes management structure types of Ahu Whenua Trusts, Whenua Tōpū Trusts, Pūtea Trusts, Māori Incorporations, Māori Reservations, and other trusts.

### Management structure details

Rohe	Structures	Māori Incorporations	Ahu Whenua Trusts	Māori Reservations	Whenua Tōpū Trusts	Pūtea Trusts	Other Trusts
Taitokerau	1,139	14	506	616	1		2
Waikato-Maniapoto	1,272	13	955	291	6		7
Waiairiki	2,155	27	1,576	538	7		7
Tairāwhiti	1,402	59	1,049	271	4		19
Tākitimu	534	6	412	110	4		2
Aotea	1,220	21	837	350	11		1
Te Waipounamu	563	6	426	124	2		5
<b>Total</b>	<b>8,285</b>	<b>146</b>	<b>5,761</b>	<b>2,300</b>	<b>35</b>	<b>0</b>	<b>43</b>

### Other statistics

- ▲ Blocks with a management structure have an average size of 112.84ha and average 207 beneficial owners.
- ▲ Blocks without a management structure have an average size of 15.39ha and average 45 owners.
- ▲ Overall, an average Māori land block has a size of 53.06ha and 114 owners.
- ▲ The total number of allocated ownership records recorded in all blocks is 3,287,810.

## National performance



The Waiariki Court presided over the largest percentage of new applications

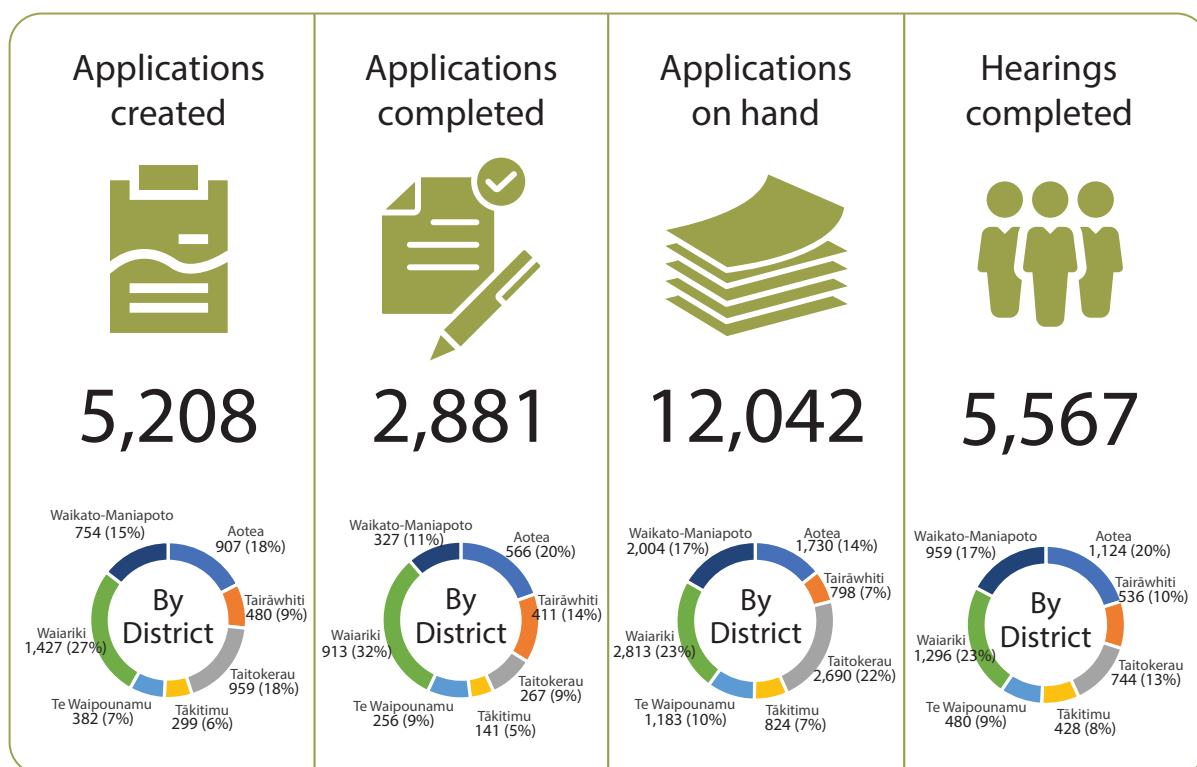
Since Matariki last year, the work for the Court has grown. Over the period, the total number of active applications nationally has increased by 17 per cent, an additional 2,085 applications. This mahi is shared across the motu between districts of the Court, but Waiariki with 23 per cent and Te Taitokerau with 22 per cent of applications on hand respectively have the largest share of the Court's workload, as was the case in previous years.

Against this backdrop of a growing volume of mahi, all districts have been working hard to progress applications through to final outcomes for Court users. A total of 5,208 new applications

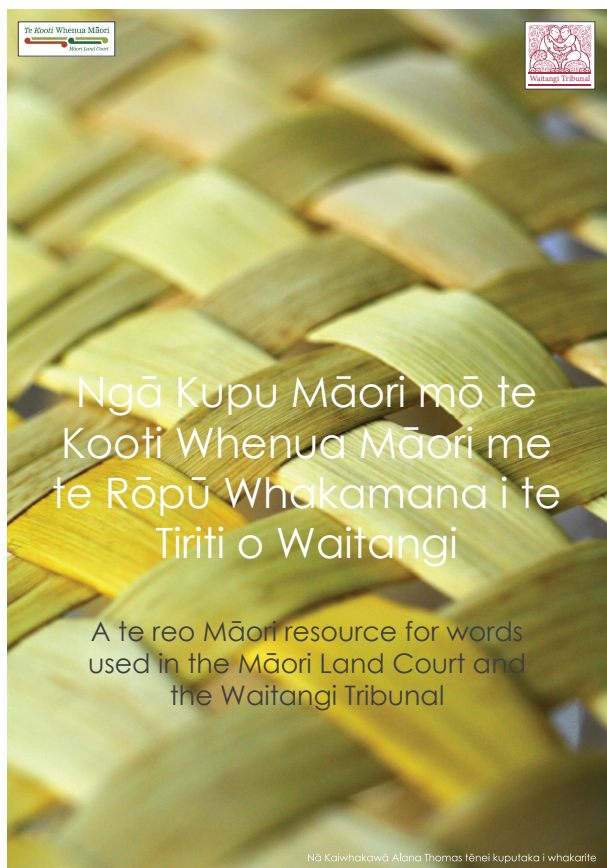
were registered over the period, a four per cent decrease on the year prior. Of the districts, Waiariki received the largest share of new applications, with a total of 1,427 or 27 per cent of all new applications received nationally.

The Court sat at a number of new alternative hearing venues this year, as well as at traditional courthouses. The Court also continued to use Zoom to facilitate remote participation in hearings. Over the year, a total of 5,567 hearing were completed, with the Waiariki (23%) and Aotea (20%) districts conducting the bulk of hearings.

Overall, this year 2,881 applications were completed.



## Te Ao Māori strategy



In March 2024 we welcomed the appointment of a new Puna Hāpai (Cultural Advisor – Te Ao Māori). The Puna Hāpai is leading and supporting the development of initiatives that advance the Court's vision "Kia Tū Hei Kooti Māori".

The promotion and development of te reo Māori me ōna tikanga across the Court are central to the Puna Hāpai work programme, as is the provision of support, guidance, and advocacy for the embedding of whakaaro Māori (perspectives) across the work of the Court at both strategic and operational level. A key area of focus for the Puna Hāpai work programme has been to identify and develop mechanisms to support the delivery of some of the key strategic priorities of the Court. To this end, the establishment of a cross-rohe ‘roopū tautoko’ (steering group) to support te reo Māori promotion, to develop and drive activity across

[illegible]

the Court in partnership with the MLC judiciary, was proposed and agreed in June 2024. The roopū, which invites involvement from kaimahi from all district offices, will be instrumental in supporting the on-going development and normalisation of te reo Māori within the Court.

There has already been an immense amount of activity happening in the language space across the Court. For example, the utilisation of bilingual templates supporting court business, the adoption of a national karakia for use in court proceedings, District offices holding regular waiata Māori and mātauranga Māori development sessions, and the ongoing adoption of te reo Māori names for Court strategies/policies, work programmes, project teams, and roles. The next year will see the ongoing strengthening, consolidation, and celebration of this work.

# Te Reo Māori in the Māori Land Court

## KO TE REO MĀORI KI TŌ TĀTOU KOOTI

I te rewanga o Matariki i tērā tau, i tuku ai te Kooti Whenua Māori i te pūrongo ā-tau tuatahi i roto i ngā reo e rua. I taua pūrongo hoki rā te kōrero mō te kaupapa hou, mō “Hangaia te Whare” me tana aro atu ki te aronga matawhānui o te Kooti Whenua Māori, arā, kia tu hei Kooti Māori e tawharau nei i te pae tangata, i te pae whenua, i te whare kōrero. Waihoki i whakamanahia e te Kooti te oati, me noho mātāmua ko te reo Māori me ngā tikanga. Nō reira, i aha tātou i tēnei tau kua hipa nei kia tata ai tātou ki tēnā whāinga?

Mātua rā ko te kaupapa here, ko te mahere mō te whakawhanake i te reo Māori ki te kähui kaiwhakawā, ko reira tātou kite ai i te hiahia o ngā kaiwhakawā kia poipoia te ngākau titikaha ki te whakapuaki i te reo kia puawai haere i ngā tau e haere ake nei. E mea ana ngā kaiwhakawā, nā konā ka pakari haere te whakapono o te hapori whānui ki te Kooti hei Kooti Māori e āki nei i te reo Māori kia rere, kia ora. Waimarie ana hoki te kähui kaiwhakawā i te piri mai o ngā mātanga reo nō roto i a Tupa Ora ki te whakahaere i tētahi wānanga, ki te tuku hoki i ō rātou whakaaro mō te huarahi whakapakari reo i roto i te Kooti Whenua Māori.

I tēnei tau hoki, i kite tātou i te whānautanga mai o ngā tātauira hou o te Kooti. E tika ana kia mihia ngā ringa kaha i oti ai ēnā mahi, Kaiwhakawā Wainwright rātou ko Zeniff Haika, ko Te Wehenga Christensen. Nā ā rātou mahi i noho tangata whenua ai ngā kupu me ngā rerenga Māori ki ngā tāpaetanga hukihuki me ngā miniti o te Kooti. Ka haere tonu tērā āhuatanga o te reo rua ki ā tātou mahi o ia rā, tae atu ki ngā kupu whakahau, ki ngā imēra, ki te whārangi ipurangi, ka mutu, kua waia haere ō tātou Kooti ki te whakaputa i ngā whaka-taunga reo rua, kua rima ināiane. Me whakanui tātou i ērā whakapaunga kaha ka tika.

I te marama o Maehe, i piri mai ai a Candice Benson, hei Puna Hāpai ki tō tātou Kooti. He pūkenga rau tēnei wahine nō Maniapoto ki te taha o ngā rautaki me ngā mahere whakarauora reo. Ko tētahi o ana mahi tuatahi, tana hiahia anō



Te Taitokerau Courtroom, Whangārei

hoki, kia waihanga mai i tētahi rautaki reo mō ngā tari, mō ngā rohe katoa pērā i te mahere mō ngā kaiwhakawā. E huri haere ana ia tēnei wā nei ki ngā rohe kia rangona ngā hiahia me ngā wawata o ngā kaimahi mō tēnei ara hou o tātou.

A kāti, e kitea ana te pakari haeretanga o tā te Kooti whakamahi i te reo, e kitea ana hoki te whānui haeretanga o ngā kupu hou e whai take nei ki te ao ture. Nō reira, i toko ake te whakaaro kia whakaritea tētahi kuputaka mō aua kupu hou rā e hāngai pū nei ki te ao o te ture, ka mutu, ki te ao o te Kooti Whenua Māori. Ko te whakaaro ia, kia māmā ai tā te tangata tiki ake i te kupu Māori e tika ana mō ngā kupu tino ture nei, pērā i te persons entitled to succeed / te hunga e ahei ana ki te whiwhi. Ka noho tūwhera tēnei tuhinga ki ngā kupu hou e puta haere nei i ā tātou mahi. Ka puta ana he kupu hou, ka whakahou anō ai te kuputaka.

Nō reira, e tika ana te kōrero, mā te huruhuru ka rere te manu. Ko ngā huruhuru tāku e kōrero nei, ko ngā rauemi, ko ngā ratonga ko ngā hangarau anō hoki kia pai ai tā te manu rere, arā ā tātou tuku noa i te reo Māori ki ngā Kooti. Me pēnei tātou ka tika ā haere nei te wā me kore noa e rere māori nei tō tātou reo ki ō tātou Kooti katoa e kī ai tātou he Kooti Māori tēnei.



## TE REO MĀORI IN OUR COURT

During the Matariki celebrations last year, we produced our very first bilingual annual report. As we will remember, the annual report set out the new strategy “Hangaia te Whare” which made specific mention to the newly created vision of the Court, to be a Māori Court that provides a shelter for the people, their land and their kōrero. We also saw the commitment within that vision for te reo Māori and tikanga Māori to become paramount within the mahi we do. So, what are some of the initiatives that have been progressed during this past year to achieve our vision?

Firstly, we have seen the establishment of the Judges’ te reo Māori strategy and development plan, which sets out the commitment to ensure that those who are working hard to promote the use of te reo Māori within the Courts are recognised and supported so that the use of te reo Māori will grow even more in the coming years. The strategy notes that it is from this recognition, support and wider use of te reo Māori, that the belief our Māori communities have in us to be a Māori Court for the people, will be strengthened. The Judges have also been extremely fortunate to have Tupu Ora join us to facilitate numerous wānanga focusing on the avenues that we can follow within the Māori Land Court to strengthen the use of te reo Māori.

Within this year, we have also seen the release of the new Court templates. A huge acknowledgement to those that ensured these documents came to fruition, Judge Wainwright, Zeniff Haika and Te Wehenga Christenson. It is because of their mahi that te reo Māori words and phrases have become normalised in our draft submissions and minutes. We have continued with our initiatives in the bilingual space and with the use of te reo Māori in all of the mahi we produce, whether it be court directions, emails or our bilingual website and of course, we are becoming more accustomed to producing bilingual decisions, having a total of 5 decisions written in both languages. Congratulations to all who have worked hard to achieve these goals.

In March of this year, we welcomed our new Puna Hāpai, Candice Benson from Maniapoto. Candice has a lot of expertise and skill in creating language plans and strategies. One of the first projects Candice is undertaking is the production of a language strategy for each of our offices; much



Aotea courtroom

like the plan that was developed for the Judges. Candice is currently visiting each of the rohe to discuss what are their specific goals and ideas for this new pathway forward for the Court.

It is from these initiatives that we are seeing an increased use of te reo Māori within the Court, and of course, this has seen a large volume of new words being used that relate to the work that we do. We therefore decided to create a glossary of those words, words that relate directly to the legal space and more particularly, the Māori Land Court. We hope that this resource will make it easier for everyone to access these words and to understand what the best phrases are to use within our mahi, for example, “persons entitled to succeed” - “te hunga e ahei ana ki te whiwhi”. This resource will be a living document. When a new word emerges that has not been used before, the glossary will be updated. While this is currently just an internal resource, the hope is that the glossary is published on our website so that all Court users can access the reo Māori kupu we use.

To conclude, we draw on the phrase: “mā te huruhuru ka rere te manu”. The huruhuru can be attributed to the resources, services and technology we implement to ensure that the manu or, in this case, te reo Māori can flourish within our Courts. The hope is that these initiatives continue to be implemented in the years to come so that te reo Māori is normalised and we truly achieve the title of the Māori Court.

# District operational updates

## Taitokerau

### Retaining capacity is pressuring delivery

This year was characterised by capacity and capability challenges. The District experienced higher than usual staff turnover this year. Thus, resourcing has been a significant limiting factor in our ability to finalise the volume of applications planned for the reporting year, and contributed to frustration amongst Māori landowners. To address this challenge, kaimahi established and worked to clear priorities to maximise the quality of service provided to landowners.

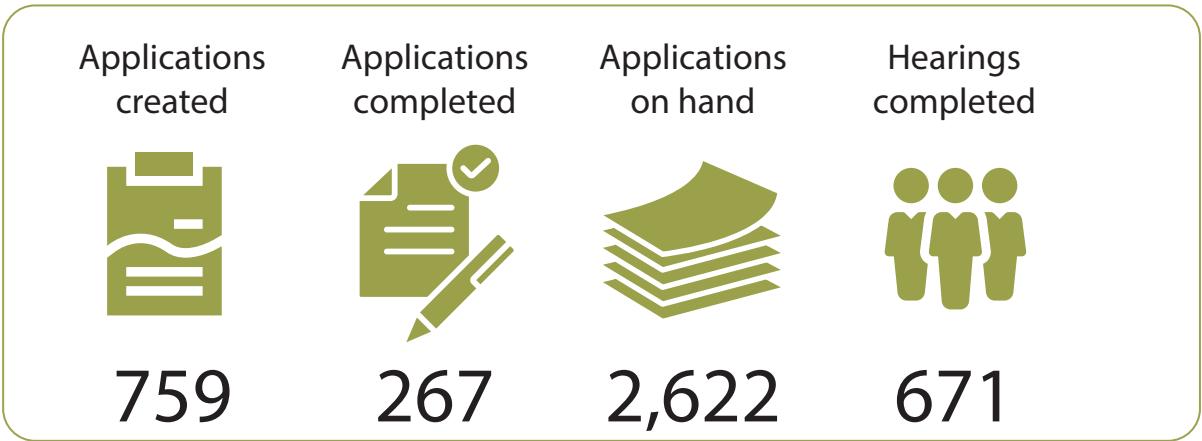
### Te Hiku Iwi Development Trust

We have started working with Te Hiku Iwi Development Trust, formed by Ngāi Takoto, Te

Apōuri, and Te Rarawa, on developing a joint action plan. This plan will further improve the services provided and benefits generated by the Māori Land Court for Whenua Māori, particularly in the far north.

### Growing knowledge to maintain a quality service

Throughout the year, we successfully recruited to several administrative roles, focusing on induction and training to improve capability across the team. In time, this will help us with processing a higher volume of applications and enquiries in a timely manner, and improve the service we provide to our Māori landowners and stakeholders.



### Marine and Coastal hearing

The Māori Land Court in Taitokerau had the privilege to host Justice Harvey, the High Court, and tangata whenua from the Whangārei region for the Marine and Coastal Area (MACA) Act hearing. In a facility built in consultation with tangata whenua, kaimahi were welcoming hosts, making this occasion special for all participants. This occasion was further characterised by a spirit of collaboration, with kaimahi within the Ministry of Justice and across Ministries working seamlessly together to ensure a smoothly running and productive hearing.



Ngatiwai Trust Board

The pōwhiri taking place at the MACA hearing



## Waikato-Maniapoto

### Supporting national projects

As for the Māori Land Court in general, the year was a challenging one for the Waikato District. Embedding Pātaka Whenua was not as seamless as we had hoped, and those sentiments were echoed by Māori landowners and stakeholders. Adding to this, the District lost some highly experienced staff to national projects, impacting on our front-line capability to progress applications through the Court. Their involvement was crucial to the delivery on national priorities aligned to Pātaka Whenua, and we acknowledge the contributions and sacrifices made throughout the year.

### Delivering on recruitment

After a year of growing their knowledge of the new system, kaimahi have become considerably more comfortable and efficient with Pātaka Whenua. To support their efforts by maintaining high work capacity, timely recruitment was a priority. As a result of these efforts, only a single vacant position is still to be filled. Our ongoing challenge will be to retain capacity whilst growing capability across our team, which will help improve the service we provide for our stakeholders and Māori landowners.

Applications  
created



614

Applications  
completed



369

Applications  
on hand



1,949

Hearings  
completed



707



### Supporting the swearing in of our new Chief Judge

The most significant occasion for us was supporting Chief Judge Fox's swearing in, held at The Pā at the University of Waikato in Hamilton on 24 August 2023. An acknowledgment from Chief Justice Helen Winkelmann was testimony to the warmth, calm, and professionalism demonstrated by our kaimahi who provided support to ensure the day ran smoothly. Waikato District Office kaimahi were extremely grateful for the opportunity to participate, and to celebrate this highly significant event.

## Waiariki

*Te hunga kua ngaro i waenganui i a tātau, haere rā koutou, e moe.*

*Hoki mai ki a tātau te hunga ora, tēnā tātau katoa.*

### Embracing the new for the benefit of Māori landowners

This year we experienced significant change, largely driven by the introduction of Pātaka Whenua. We showed ourselves flexible, adopting our new way of working with confidence and embracing our new tool to serve Māori landowners. We also made positive changes to our way of working, ensuring that processes and practices are aligned and meeting operational needs. In addition to their district duties, kaimahi also supported national programmes, initiatives, and the wider MLC whānau by offering assistance and flexibly supporting the running of courts.

### Training was the key to delivery

With the support of the local judiciary, kaiwhakaako, and pūkenga, our kaimahi were supported by means of a training programme throughout the year, designed to make the transition to our new way of working as seamless as possible. The programme consisted of Ākina,

Pae Tohutohu led sessions, subject matter expert stand-up sessions, and one-on-one focus sessions based on individual needs. The three focus areas for training were Pātaka Whenua, legislation, and administrative processes and practices, all of which succeeded in supporting our kaimahi.

### Using our principles to drive engagement

He Aronga Matawhānui and Hangaia te whare are our pou and tūāpapa for decision-making, particularly when working closely with the judiciary and engaging with the community. It is in this context that we succeeded in compiling a list of Pūkenga, secured alternative venues for all Waiariki courts, and, using the Mahi Tahī approach, regularly engaged with the local judiciary to discuss ways to deliver outcomes for court users. To engage with communities face-to-face, we had a monthly presence at REAP Aotearoa offices in Kawerau, Ōpōtiki, Murupara, and Tūrangi. Despite the busy year, we actively encouraged whanaungatanga, manaakitanga, kotahitanga, and hononga to foster a collaborative and inclusive working culture.

*E eke ai te waka ki uta, kia kotahi te hoe.*

Applications  
created



1,170

Applications  
completed



931

Applications  
on hand



2,685

Hearings  
completed



1,204

### Resident Judge appointed to deputy role

Waiariki kaimahi celebrated the appointment of Judge Coxhead as Deputy Chief Judge of the Māori Land Court. With 16 years of judicial service, Judge Coxhead was appointed to the role of

Deputy Chief Judge in May 2024. Judge Coxhead is Resident Judge for the Waiariki District of the Māori Land Court.

## Tairāwhiti

### Wellbeing to thrive in challenging times

The last year was characterised by a challenging work environment for kaimahi, maintaining quality services during transformational change. A big focus was thus to look after ourselves and each other, specifically our health and wellbeing. For example, in November 2023, several Tairāwhiti staff members demonstrated their dedication to hauora by completing the IronMāori triathlon event, supported by their colleagues. A remarkable achievement, this not only underscored

our commitment to the physical well-being of kaimahi, but also to foster camaraderie and team spirit across our registry.

### Collaborating with the community

We were honoured to join forces with Te Puni Kōkiri in celebrating Matariki, a significant event that heralds new beginnings and calls for community unity. Such collaborations not only strengthen our connections across government agencies working for the benefit of Māori, but also connects us to the wider community and reflects our commitment to promoting cultural awareness and unity. As we look forward to the year ahead, we remain steadfast in our dedication to promoting hauora, celebrating cultural diversity, and enhancing community collaboration. We look forward to achieving even greater milestones in the coming year.

Applications  
created



688

Applications  
completed



432

Applications  
on hand



758

Hearings  
completed



462

### 'Maungarongo' on the Tamararo stage

Actively participating in cultural events throughout the year, we happily accepted the wero (challenge) put out by Gisborne Police to kaimahi at the Māori Land Court and District Court to join forces for the Tamararo regional kapa haka competition in April 2024. Showcasing our commitment to cultural preservation and collaboration across Government sectors, the team was gifted the name of Te Maungarongo. The name was originally given by one of Northland's Police Sergeant and Iwi Liaison Officers to a working group committed to working together to build community relationships and pathways to peace using dialogue, education, and non-violent conflict resolution strategies to help communities heal from conflict and reduce crime. Our kapa haka roopu upholds the spirit of Te Maungarongo as representation of Māori kaimahi working for the Police, District Court, and the Māori Land Court in Turanga-nui-a-Kiwa, dedicated to



The whole team assembled and rearing to perform at Tamararo Kapa Haka

helping Māori communities achieve peace. For most of our roopu it was the first time performing on stage, being on the Tamararo Kapa Haka stage making it special and scary all at the same time, with strong bonds established between Māori Land Court, District Court, and Police along the way.

## Tākitimu

A key priority over the last year was to experience enriching experiences as a team. Remaining committed to our values of community involvement, cultural celebration, and educational outreach, we are grateful for the year's opportunities to contribute positively to our community, and looking forward to further strengthening these partnerships in the year ahead.

### Educational outreach in the community

In mid-April 2024, our team actively engaged with the community at the PukeAute Papakāinga Housing Expo. As housing-related applications are one of three types of priority applications for the Māori Land Court, we connected directly with the community by hosting workshops directly at site. Focussing on court processes, these were designed to empower Māori landowners by growing their knowledge of navigating legal procedures. This

initiative underscores our commitment to education and community empowerment, to making a difference on the ground, beyond core business activities.

### Supporting our youth at the world stage

In May 2024, Tākitimu staff enthusiastically participated in the Waka Ama Corporate Challenge, hosted by Te Rau Oranga o Ngāti Kahungunu Waka Ama Club. This event together various Māori, government, and community agencies in a spirited competition aimed at raising funds for the Club's Ruamano J19 and J16 boys teams. Both teams have earned the honour of representing Aotearoa at the 2024 World Va'a Club Championships in Hilo, Hawaii, in August 2024. Our involvement not only showcased team spirit, but also contributed to supporting local rangatahi in pursuing their athletic dreams on a global stage.

Applications  
created



657

Applications  
completed



155

Applications  
on hand



798

Hearings  
completed



354

### A vibrant cultural display

Tākitimu staff participated in the Maranga Mai kapa haka event at Omahu Marae, joining forces with Te Puni Kōkiri and NZ Police in a vibrant display of Māori culture and unity. Other participating agencies included the Ministry of Education, Ministry of Social Development, Oranga Tamariki, Te Whatu Ora, Ara Poutama, and the Napier City Council. This event in early March 2024, exemplifies our dedication to celebrating and preserving cultural heritage while fostering strong connections and collaboration across different sectors.



MLC kaimahi at Maranga Mai kapa haka with members of TPK Hastings, Hastings DC, and Hastings Police.



## Aotea

2023-24 was a big year for Aotea. The introduction and bedding in of Pātaka Whenua has been the driver of significant change, along with the implementation of our new operating model and organisational changes.

There have been significant milestones along the way, and we celebrated 90 years' service for two of our longstanding kaimahi on 7 February. Marie Waldren and Richard Bennett completed 50 and 40 years respectively with Te Kooti Whenua Māori o Aotea. A Special Court Sitting was held with Judges Warren, Doogan and Thomas presiding, and Justice Harvey in attendance. Whānau came from far and wide to mark the occasion and

celebrate this amazing achievement with kōrero, waiata and kai.

We have embraced mahi-tahi, and on 19 June, Aotea's judiciary, Judges Doogan, Warren and Thomas, along with Te Taurahere (Aotea's Leadership Team), held a combined presentation for all Aotea kaimahi. Recognising Puanga, the team looked back at what has been achieved and set focus areas and goals for the new year. The development of a Hauora Strategy was on the agenda, as was a Pae Manawa update on community engagement and progress towards our seven offsite Court venues.

Applications  
created



925

Applications  
completed



638

Applications  
on hand



1,450

Hearings  
completed



855



The Special Court sitting and celebration acknowledging Marie Waldren and Richard Bennett's combined 90 years' service.

## Te Waipounamu

Navigating challenges and pursuing opportunities in what has been a challenging year, a particular focus of ours was reaching out and engaging with others. Not only do connections make us stronger, but they also have the potential to make us achieve more positive outcomes for Māori Land Court customers.

### External collaborations

Māori landowners have diverse needs and ambitions, which must be reflected in the services the Māori Land Courts provides. This year, our commitment to external collaborations remained steadfast as we continued to work closely with Te Puni Kōkiri, Te Arawhiti, councils, banks, and other government and community agencies. These partnerships have proven essential in responding to the diverse needs of our Māori landowners, and in ensuring comprehensive support across various collaborators. At the same time, underscoring the District's commitment to shaping policy discussions and advocating for our community's interests at a national level, we were honoured to host, alongside Precinct staff, the Minister of Courts and Associate Minister of Justice Nicole McKee.

### Early support of professional development

In July 2023, our Te Waipounamu staff welcomed two interns from the University of Canterbury, who over a three-month period will support our frontline kaimahi and gain first-hand experience in the functioning of the Māori Land Court and the challenges faced by Māori landowners. This initiative not only provides valuable learning opportunities for the interns, but also enriched our team with fresh perspectives and new skills. We also hosted two Moot courts for Māori law students, simulated court proceedings to practice their delivery of cases, the most recent taking place in front of Judge Milroy and Judge Hicks.

### Bringing the Chatham Islands closer

The Chatham Islands are physically removed from New Zealand's main islands. However, this should not result in Māori Land Court service being less accessible and efficient. This year we successfully re-established strong connections with Māori landowners on the islands through proactive engagement. As part of a planned initiative, staff conducted pre-planned meetings, wānanga, trustee training sessions, and paneke in-between scheduled court sittings. Locals appreciated our dedication to assisting them in managing their lands effectively. We are looking forward to the coming year.

Applications  
created



512

Applications  
completed



260

Applications  
on hand



1,138

Hearings  
completed



463



### Connecting across the Registry

Throughout the year, kaimahi embraced cultural enrichment activities through regular te reo and waiata sessions, which fostered a strong sense of connection, well-being, and cultural identity across the registry. In addition, through the Ātea a rangi wānanga, our staff build a strong connection to Wairewa, one of the local hapū. Furthermore, presenting short Whakaari on Te Waipounamu district's paramount chiefs and natural beauty of its landscape provided a rewarding challenge and deepened our appreciation for local heritage.



The Te Waipounamu team

## Te Whakamaene

This year, the Specialist Applications Team focused on its commitment to excellence and innovation in pursuit of customer satisfaction.

### Keeping the team engaged

In times of change it is of great importance to keep kaimahi engaged in their work, it is a key success factor. This year, we maintained a strong connection between kaimahi and the mission, implementing several new initiatives focused on learning about our colleagues and on fostering team cohesion and morale. Not only did these

initiatives boost team spirit, but they did also cultivate a work environment essential for productivity and creativity by furthering communication and collaboration across the team and beyond.

### Strategic leadership change

Influenced directly by Chief Judge Fox, this year saw a particular drive towards improving efficiency and the streamlining processes. This shift led to a decrease in the number of reported applications remaining outstanding in the office of the Chief Registrar.

#### Māori Appellate Court applications on hand

58/93 or 59/93 cases

**18**

Associated cases

**22**

#### Chief Judge applications on hand

58/93 or 59/93 cases

**309**

Associated cases

**86**

#### Māori Appellate Court applications created

58/93 or 59/93 cases

**18**

Associated cases

**17**

#### Chief Judge applications created

58/93 or 59/93 cases

**123**

Associated cases

**33**

#### Māori Appellate Court applications disposed

58/93 or 59/93 cases

**7**

Associated cases

**1**

#### Chief Judge applications disposed

58/93 or 59/93 cases

**22**

Associated cases

**21**

## Te Waharoa

*Hoki mai ra ki te tomokanga o te pā whenua, ko Te Waharoa tērā. Ko te paepae tēnei kua pōwhiritia ki te morehu tangata kia uru mai ki te pā i ngā marama kua taha ake ra.*

### Providing specialist support where it makes most difference

The number of applications to the Māori Land Court have been steadily increasing, and the timely registration of those applications can be challenging. Delays to register an application slow the court process, and the timely registration of applications has been a priority for kaimahi. Our specialised national team, established in 2021, manages the registration of applications regardless of where they were filed or which channel they were filed through. This improves access to services for landowners no matter where they live,

and provides them with additional ways in which they can interact with the court.

The team regularly receives highly complex applications, reflecting the layered and multi-faceted nature of whānau and whenua. Getting it right at the front end is critical to the court being well positioned to make informed and fair decisions. In such cases, much work is to be done before an application is filed, and services across the country have been improved to ensure access to that support and information results in the filing of accurate applications. This way, landowners should receive timely and positive decision enabling them to realise their ambitions whenua.

*Oti noa, Puanga kai rau, Mānawatia a Matariki. Kia huri taku titiro ki te tau hou hei ora mo te tangata mo te whenua anō hoki.*



Māori Land Court Judges' first visit to the Auckland Information Office

### A small office with important role

Throughout the year, Auckland Information Office kaimahi provided a quality customer service even when faced with staff shortages and illness. In our Ellerslie office, we established an appointment system and continue to encourage landowners and court users to phone ahead

to make an appointment. This enabled us to better prepare and plan the service provided, maximise staff time, and acknowledge the generosity and value of time given by customers. The coming year we look forward to reinstating and extending services to our Auckland landowner communities.

## Māori Land Court districts of Aotearoa



# Ngā Whakataunga a ngā Kooti/ Notable judgments of the Court

From July 2023 to June 2024 the Māori Land Court, Māori Appellate Court and Chief Judge issued 69 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.

## *Leef – Panguru A61B1*

**(2023) 267 Taitokerau MB 107 (267 TTK 107)**

Māori Land Court, Judge Armstrong

Applications for succession and to enforce a testamentary promise under the Law Reform (Testamentary Promises) Act 1949 ('Testamentary Promises Act') to enforce the applicant's father's promise and to determine ownership of the family home. The applicant, Haimona, is a son of the deceased. The deceased, George, had five children and a stepson who was raised as a whāngai.

George received land from his brother so he could build a house in 1988. George then built the home and lived there from 1991. In 2004 Judge Spencer determined that the home was owned by George and granted an occupation order. In 2012 the home was in disrepair, and George at the time was retired and struggling with maintenance. It was submitted that during this time Haimona entered into an agreement with George whereby Haimona would pay the mortgage, repair and improve the family home, and in return for this work and payment would receive the home and George's interests in the land when he died. George prepared a will giving effect to the agreement, however it was never signed, leading to Haimona's applications under the Testamentary Promises Act. The evidence before the Court was that most of the whānau agree and supported Haimona's applications.

In this decision Judge Armstrong outlined the conventional approach as to the test to be satisfied under s 3 of the Testamentary Promises Act in order for the applicant to have a successful claim as follows: (a) He or she provided work or services to the deceased during their lifetime; (b) The deceased made a promise to provide for the applicant in their will (this can be express or implied and can be made before, during or after

the services or work are carried out); (c) There is a nexus between the work or service and the promise; and (d) The promise was not honoured. Judge Armstrong further noted that there are no decisions currently, in any court, that consider the application of the Testamentary Promises Act to Māori freehold land. It is only through s 95(2) of Te Ture Whenua Māori (Succession, Dispute Resolution, and Related Matters) Amendment Act 2020 that the Court now has jurisdiction to consider applications under the Testamentary Promises Act.

It was also noted that under s 106(1) of Te Ture Whenua Māori Act 1993 an order under the Testamentary Promises Act cannot be granted where it would have the effect of alienating Māori freehold land to a person who could not succeed to that interest by will, but that did not apply in the current circumstances. Although the matter concerned exercising the Court's powers under the Testamentary Promises Act it was noted that the kaupapa of Te Ture Whenua Māori Act is applicable to the extent that the principles under the Act are consistent with the Testamentary Promises Act.

Held, applications granted. It was clear that a testamentary promise was made as Haimona made significant financial contributions to the family home, carried out extensive repairs and renovations to the family home and filed receipts and invoices proving this. Alongside that, the arrangement was also known and accepted by the whānau. It could therefore be said that such contributions go beyond the normal expectation of a father-son relationship. There is also a clear nexus between the promise and the work in this case. Orders were made under s 18(1)(a) declaring that George owned the house and it is now owned by Haimona, and under s 3(1) of the Testamentary Promises Act and ss 113 and 118 of Te Ture





Kōriniti Marae

Whenua Māori Act vesting the beneficial interests owned by George in Panguru A61B1 and the house in Haimona solely. An order was also made per s 109A determining Haimona as entitled to succeed to the occupation order granted to George and vesting the occupation order in him.

***Nicholson v Pene – Tauakira No. 2M No. 4 (2023) 477 Aotea MB 140 (477 AOT 140)***

Māori Land Court, Judge Warren

An application to enforce a settlement agreement, arising from earlier applications for determination of ownership of whare on Kōriniti Marae Māori Reservation Trust land. When the whare ownership applications were first received Judge Harvey (as he then was) held a hearing to explore the possibility of mediation, at which all parties agreed to mediate. At the mediation an ownership agreement was reached, whereby one of the whare (H3 house) would go to the Petaera and Potaka-Osborne whānau and two other whare (H2 and G houses) situated on the block would go to the Ngātoa whānau. The Ngātoa whānau had interests in the whare that went to the Petaera and

Potaka-Osborne whānau. To resolve this a compensation agreement was made to pay a sum of money to the Ngātoa whānau. After the mediation a settlement agreement was made and signed.

However, one of the applicants declined to take steps to have her s 18 application to determine ownership of the whare dismissed (as had been agreed in the mediation and settlement agreement) and sought that the s 18 applications be determined. This created a contractual dispute. The issues for the Court were whether there was jurisdiction to enforce or set aside the settlement agreement and if the agreement is a legally binding contract; if the mediation was private or a part of Court process; and if there was undue influence justifying setting aside the agreements reached.

It was accepted that the Court has jurisdiction to hear the matter under s 18 of the Act, and the mediation was conducted with the consent of all parties involved. It was a private mediation, as it was not conducted under the statutory powers in the Act (it is noted that this mediation occurred before the enactment of Part 3A of the Act, giving the Court broad mediation powers).

It was accepted that all parties intended for their agreements to be final and binding therefore

the Court could be satisfied that the settlement agreement constituted a legally enforceable contract. In terms of the claim of undue influence, this was not accepted by the Court, as the claim relied on a letter that was distributed before the mediation took place and there was enough time for all parties to consider the letter. It was found that such a letter could not be a reasonable ground to invalidate the legitimate agreements reached.

Tikanga was considered as a foundation and principal consideration regarding contract law. Allowing whānau to work through ownership issues as between themselves is consistent with tikanga. Judge Warren noted that care needs to be taken when advancing claims based under tikanga, especially in situations where tikanga is a novel consideration and untested. Regardless of the forum, the principles of tikanga, whanaungatanga, manaakitanga and ea (among others) remain applicable to dispute resolution and can play a role when it comes to exercising the Court's discretion for remedies regarding contractual disputes.

Held, the s 18 applications were dismissed and two separate s 18(1)(a) applications are to be filed by the Deputy Registrar to give effect to the ownership arrangements set out in the settlement agreement. Whānau and trustees were invited to file evidence and make submissions in support of these respective applications when they came before the Court in early 2024.

### ***Julian v Inia – Succession to Moehuarahi Te Ruuri***

**(2024) 209 Waiāriki MB 197 (209 WAR 197)**

Māori Land Court, Judge Warren

Multiple Family Protection Act 1955 (FPA) claims were filed by children and grandchildren of the deceased, Moehuarahi Te Ruuri. Moehuarahi died in 1994 at 89 and left a will gifting her entire estate to her two eldest living children, Te Pakiorangi Ruri Inia (Paki) and Te Oriwa Clarke. The applicants applied under the FPA on the basis the Moehuarahi breached her moral duty to adequately provide for their maintenance and support by not leaving any of her whenua Māori to them. Their claims were opposed by uri of Paki on the basis that Moehuarahi had the autonomous power of testamentary disposition, was exercising rangatiratanga in leaving the whenua Māori to

whom she wished to, and that Paki and Te Oriwa provided greater support to Moehuarahi than her other tamariki, justifying her testamentary dispositions.

An issue for determination by the Court was whether there was any duty under tikanga to provide adequate maintenance and support in the manner claimed. Counsel submitted that consideration process for an owner in deciding to whom interests should be gifted should be consistent with the structural principles of whakapapa and whanaungatanga. The Court found that the goal should be a consensus on who should carry the responsibilities of the land in the future and, failing that, "all uri should be given the ability to enjoy the tikanga responsibilities and rights imposed by whenua Māori at some point in their lives."

The Court found that whanaungatanga and whakapapa do not necessarily dictate that a parent should leave an equal amount of interests in whenua Māori to all children or uri, even if tikanga dictates that everyone should realise their birthright. Utu and ea may dictate that an unequal outcome is tika. Further, the Court found that in applying the structural norms of whakapapa and whanaungatanga, tikanga is not necessarily compromised if mokopuna are not directly provided for by a grandparent.

In determining whether there had been a breach of the duties under tikanga in this instance, the Court found that the standards of a wise and just testatrix must naturally provide for an objective Māori lens. Counsel for the respondents contended that there was only a duty for Moehuarahi to consider her children in her decision about the gifting of interests, and that the Court's approach should not render the rangatiratanga of Moehuarahi nugatory. The Court, however, was not satisfied that rangatiratanga could override the wider tikanga responsibilities associated with whakapapa and whanaungatanga. Judge Warren found that there were, in principle, sufficient lands to provide for all children, even if Paki and Te Oriwa were to receive more for their awhi. The decision to leave all whenua Māori to Paki and Te Oriwa created a significant imbalance for the excluded children. Judge Warren found that the decision to leave all whenua Māori to Paki and Te Oriwa was inconsistent with tikanga duties and thus a breach of her moral duty to her other living children.

The final issue for determination was what the appropriate remedy was. Judge Warren discussed the fact that the remedies available are statute-based, but that the FPA gives a broad discretion as to the terms of any order. Judge Warren stated that it is not the Court's role to rewrite Moehuarahi's will, but rather to just remedy the breach. He also found that he did not have explicit jurisdiction to provide for all children (or their surviving uri) if they have not participated in the proceedings, even though, at tikanga, he was of a view that they should be provided for.

Judge Warren made a starting point for proposed orders that the estate be shared across all of Moehuarahi's children living at the time of her death in 1994. This would require all uri of children of Moehuarahi who have died to confirm they would like a share in the estate. Regardless of their responses, Judge Warren confirmed that his final orders would provide Paki (through his uri) more interests in the estate than the other children or mokopuna, consistent with the wishes of Moehuarahi, but without the exclusionary effect of her Will. Judge Warren stated that, consistent with tikanga, he would leave space for the whānau to reach a consensus on how Paki is provided for, as well as to consider how Judge Warren may deal with the interests of Te Oriwa.

Held, the application under the FPA is successful. Judge Warren stated that he has found a breach of moral duty in respect of the applicant, and that what remains for determination is how to remedy the breach. A judicial conference was directed to discuss these remedies and the final orders to be made.

***King – Rangitikei Manawatu Part B4  
being Lot 1 DP 4102 (Old Post Office)***  
**(2024) 480 Aotea MB 242 (480 AOT 242)**

Māori Land Court, Judge Doogan

An application made under s 239 to replace the trustees of three trusts known as “the Rangimarie Trusts” with those elected at an AGM in 2023. Objections were made by three beneficiaries to the appointment of Sarah Larkins as a trustee, and the participation of her and her father George Larkins in the voting process.

The basis of the objection was that a clause in the Charter states that trustees must be direct

descendants of the named tupuna, or such other person that may be decided by the descendants of the tupuna at a properly convened hui. George Larkins is the whāngai son of Joe Larkins, who is a direct descendant of the named tupuna of the trust. As the daughter of a whāngai child, the objectors claim that Sarah Larkins does not fit the criteria to be appointed a trustee. They also raised questions as to whether George Larkins can claim the status of a whāngai of Joe Larkins.

The applicants submitted that the AGM was correctly convened and that a motion for whāngai to participate in the election at the AGM was passed correctly.

Held, the election at the AGM was correctly set up, and orders were made to appoint the proposed trustees. The motion to include whāngai at the election was passed with sufficient support from the descendants of the named tupuna at the AGM to meet the criteria of clause 3 of the Charter to appoint a non-descendant as a trustee. The issue of whāngai will continue to be an issue for the trust to work through.

***Reti v Smith - Part Lot 7 Deposited Plan  
3351 and Part Lot 8 Deposited Plan 3351***  
**(2024) 109 Tākitimu MB 1 (109 TKT 1)**

Māori Land Court, Judge Stone

Petane Marae was significantly affected by Cyclone Gabrielle. Trustees of the Petane Marae Trust received a payment from the trust funds to reimburse them for time and effort spent on trust matters in response to the effects of the cyclone. An application was made to the Court for review of trust to determine whether trustees received these payments in breach of trust.

Judge Stone stated that there is clear law on trustee remuneration - trustees cannot benefit from being a trustee, unless the trust order expressly allows it. In this case, neither the trust order nor the marae charter included a provision that allows trustees to be remunerated. The Court acknowledged that, in the context of Cyclone Gabrielle, “I accept that the trustees were required to deal with several significant and urgent matters in that remarkable and tragic context. I also accept that the time and effort required to deal with those matters was significant. That said, trustees must act gratuitously. Options were available to the





Petane Marae

trustees if they wished to be remunerated for that work.” Such options included seeking court directions or amending the trust order and charter to authorise the payments.

Held, application granted. Trustees had received payments in breach of trust while they held trustee positions. A further hearing required to determine trustee liability. In relation to other grounds of review, including alleged failures in trust decision-making processes and meetings, Judge Stone declined to take these grounds further, noting that “[t]he trustees appear to have taken a pragmatic approach to the circumstances they

faced after 14 February 2023. It seems that, at least informally, they were comfortable for the chairperson to deal with urgent trust matters. This meant that some, but not all, trustees attended some meetings. Although not ideal, in some instances it was unavoidable.... Given that the trustees worked cohesively before Cyclone Gabrielle hit, I consider that the difficulties experienced between the trustees and any flaws in their internal processes after 14 February 2023 resulted largely from the very real and existential circumstances they faced at the time.”

## Judgment delivery

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 updated Māori Land Court Judgment Delivery guidelines were published, where the Chief Judge noted that the Court expected that 90 per cent of the Māori Land Court’s reserved judgments would be published within three months of being reserved or receipt of the last submission in the case in question.

In the Māori Land Court, the delivery timeframes for reserved decisions issued in the past year were as follows:

Total Reserved Judgments Issued	Issued within 3 Months	Issued within 6 months
47	72%	83%

In the Māori Appellate Court, the delivery timeframes for reserved decisions issued in the past year were as follows:

Total Reserved Judgments Issued	Issued within 3 Months	Issued within 6 months
6	83%	100%



# Judicial speeches and presentations

Event/ Kaupapa	Date/ Rā	Judge/ Ngā Kaiwhakawā
Waitangi Tribunal and Te Tiriti o Waitangi (Churchill Fellowship, Reconciliations, Truth Telling, Healing and Sustainability)	6 July 2023	Judge Stone and Judge Wainwright
Legal Pluralism in Aotearoa	8 July 2023	Chief Judge Fox
Urgencies (WT Members conference)	10 July 2023	Judge Reeves
Speech for Te Pa - swearing-in of Chief Judge Fox	24 August 2023	Chief Judge Fox
Guest speaker at Wāhine Rōia Māori Mentoring Breakfast	25 August 2023	Chief Judge Fox
Presentation Te Hunga Roia	1 September 2023	Judge Armstrong
Vic Uni WT lecture	15 September 2023	Judge Reeves
Fijian Ministers Delegation (WT)	10 October 2023	Judge Reeves
Giving expert advice before WT (WT Research tīma)	11 October 2023	Judge Doogan
Presentation for Open Justice Project	18 October 2023	Chief Judge Fox
Maori legal, business and governance forum	18 October 2023	Judge Thomas
Invitation to speak at Tikanga Wānanga, Rotorua on Te Tiriti o Waitangi	19 October 2023	Chief Judge Fox
Pharmacy Council Mātauranga speaker series	31 October 2023	Judge Doogan
Queensland Ministers, Churchill Fellowship - Waitangi Tribunal	16 November 2023	Judge Reeves
British Columbia Treaty Commission Delegate	1 December 2023	Chief Judge Fox and Judge Reeves
Waikato University - Dispute Resolution lecture	8 December 2023	Judge Warren
27th Anniversary of the Council of Indigenous Peoples, Taipei	7-15 December 2023	Chief Judge Fox
Kaimanawa	11 January 2024	Judge Mullins
Tuakana-Teina Whakawhiti Korero, an article for the NZ Womens Law Journal. Topic - Pay heed to the power of Women	24 January 2024	Chief Judge Fox
Visit by Fiji Delegation - Tikanga in the Māori Land Court & the Waitangi Tribunal	15 February 2024	Chief Judge Fox
Police Iwi Liaison Group (Tai Tokerau)	14 March 2024	Judge Armstrong and Judge Williams
Koinei Tatou	18 March 2024	Judge Mullins
New Zealand Womens Leadership Symposium	2 May 2024	Judge Thomas
Canterbury Laws344 Gender and the Law	20 May 2024	Judge Reeves
Public Defence Service Aotearoa	17 June 2024	Judge Williams
Presentation to Reserve Bank - Banking Practice	26 June 2024	Judge Williams

## Practice notes



### Lending on Māori Land

On 29 February 2024, the Māori Land Court, under the leadership of Judge Armstrong working with the Chief Judge, issued a practice note for lending against Māori freehold land. The need for this practice note was identified after discussions with relevant stakeholders which demonstrated that many misconceptions are held about whether you can secure lending against Māori freehold land and the process for doing so. The purpose of the practice note is to debunk those misconceptions, and to provide a clear guide to assist landowners, lawyers and the banking sector with lending against Māori freehold land. The practice note addresses the following issues:

- ▲ How do owners of whenua Māori approve a mortgage?
- ▲ How is a mortgage registered against whenua Māori?
- ▲ Can a mortgage be registered against the leasehold estate of whenua Māori?
- ▲ How does a mortgagee exercise its power of mortgage sale in relation to whenua Māori?
- ▲ What are the Court's powers under the Property Law Act 2007 in relation to whenua Māori?

### Special Aid

One of the unique features of Te Kooti Whenua Māori is its special fund established. The fund, subject to certain criteria, may be accessed to pay for professionals and out of pocket expenses relating to applications that come before the Court. Whether someone receives special aid, is at the direction of the judge hearing the case. To provide structure and consistency for applicants and professionals such as lawyers, the Court, under the leadership of Judge Warren in consultation with the Chief Judge, has revised its current special aid practice note. This was done to ensure it remains fit for purpose and to ensure that it continues to guide lawyers and owners on what judges need to be satisfied of, before granting special aid.

A link to both these practice notes can be found on the Te Kooti Whenua Māori website.

# Judges in the Environment Court

*Ka noho ētahi ō ngā Kaiwhakawā ō te Kooti Whenua Māori hei Kaiwahakawā Kīnakinaki i roto i te Kooti Taiaroa ō Aotearoa. Anei rā he karanga whakarāpopo totanga mō ā rātau mahi.*

There are several Māori Land Court Judges who, in addition to their primary roles as Māori Land Court Judges, sit as Alternate Judges in the Environment Court of New Zealand. We set out here in summary, who those Judges are, the cases they have been involved in for the last year and what stage those cases are at.

There are six Māori Land Court judges who hold warrants as Alternate Judges of the Environment Court.

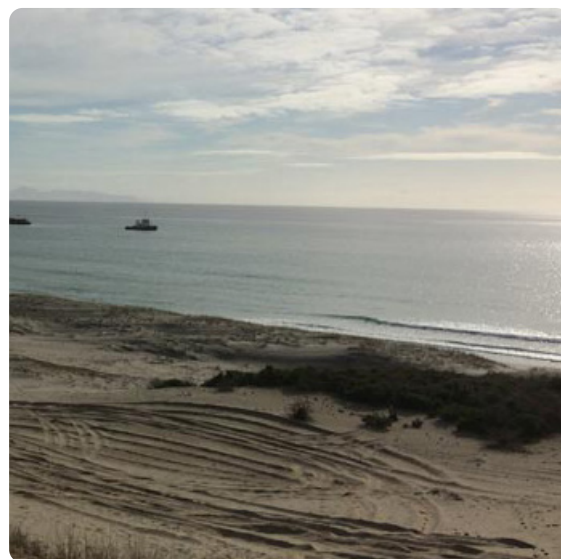
Chief Judge Fox: Has not been involved in any Environment Court matters this reporting year.

Judge Milroy: Has not been involved in any Environment Court matters this reporting year.



Judge Doogan: Judge Doogan has been involved in *Ngāti Whātua v Auckland City Council & Ors* (various Hauraki iwi). This case involves mana whenua status issues around resource consent conditions for some Americas cup developments. The matter was referred to a Judicial Settlement Conference that was unsuccessful and has now been set down for hearing in November 2024.

Judge Wara: Was involved in the Judicial Settlement Conference outlined in Judge Doogan's matter, involving Ngāti Whātua, Auckland City Council and various Hauraki iwi. As reflected, that process was unsuccessful, and the matter has been referred to the Court for hearing.



Judge Warren: Was involved in the Sand Mining case at Pakiri, held over a seven-week period that involved iwi, community and environmental NGO groups. The Environment Court refused an Appeal by McCallum Bros to continue to dredge sand at Pakiri beach between Leigh and Mangawhai. The 164-page judgment said (amongst other things) "These economic benefits to Auckland and to McCallum Bros and others have occurred at a direct cost to mana whenua and the embayment itself".

Judge Williams: Has been involved in hearings, held over a six-week period, involving the Waikato Regional Council proposal to implement Plan Change 1. Plan Change 1 is the starting block to implement Te Ture Whaimana which is the Waikato River Authorities vision to restore and protect the health and wellbeing of the Waikato River. Further hearings are to be held and an interim decision is expected before the end of the year.



## MLC judges in the Pacific Courts



Judges Isaac, Reeves Coxhead and Armstrong with newly appointed Niue Justices of Peace Anthea Harding and Hetututama Hetutu

Māori Land Court Judges continue to play a very supportive and vital role in the Courts of Niue and the Land Division of the High Court in the Cook Islands.

### Cook Islands

There are a total of eight High Court Judges of the Cook Islands along with a local judiciary of twelve Justices of the Peace who sit regularly. The Cook Islands High Court Land Division sits for two weeks three times each year. Judges Isaac, Coxhead, and Armstrong sat in the Cook Islands High Court Land Division during the past year in Rarotonga and Aitutaki. Judge Isaac also held Court on Atiu.

### Niue

Judges Coxhead, Reeves, Armstrong and Isaac travelled to Niue in March 2024 for the sitting of the Niue Court of Appeal. This was the first sitting of the Court of Appeal since 2019 - before Covid. The Niue Court of Appeal sits every three to four years and will next sit in Niue in 2027. The High Court of Niue sits twice a year, normally in March and November. The March hearings saw three Judges sitting in the Court of Appeal while the other Judge sat in the High Court.

All Judges attended the swearing in ceremony of two new Justices of Peace, Anthea Harding and Hetututama Hetutu. They join the other members to make up the local Niue judiciary of seven (7) Land Commissioners, four (4) Justices of the Peace, and three (3) Civil and Criminal Commissioners. The ceremony was attended by Hon. Sonya M. Talagi, Minister for Social Services, Land Commissioners, Civil and Criminal Commissioner and Justices of the Peace of the High Court of Niue, family and friends.

At the swearing in ceremony the contribution and retirement of Justice Isaac was acknowledged. Justice Isaac was appointed to the Niue High Court and the Niue Court of Appeal in September 2007. The March 2024 sitting was his last time sitting in Niue as a Judge. Not only has Judge Isaac left his mark in Niue in terms of his judicial judgments.

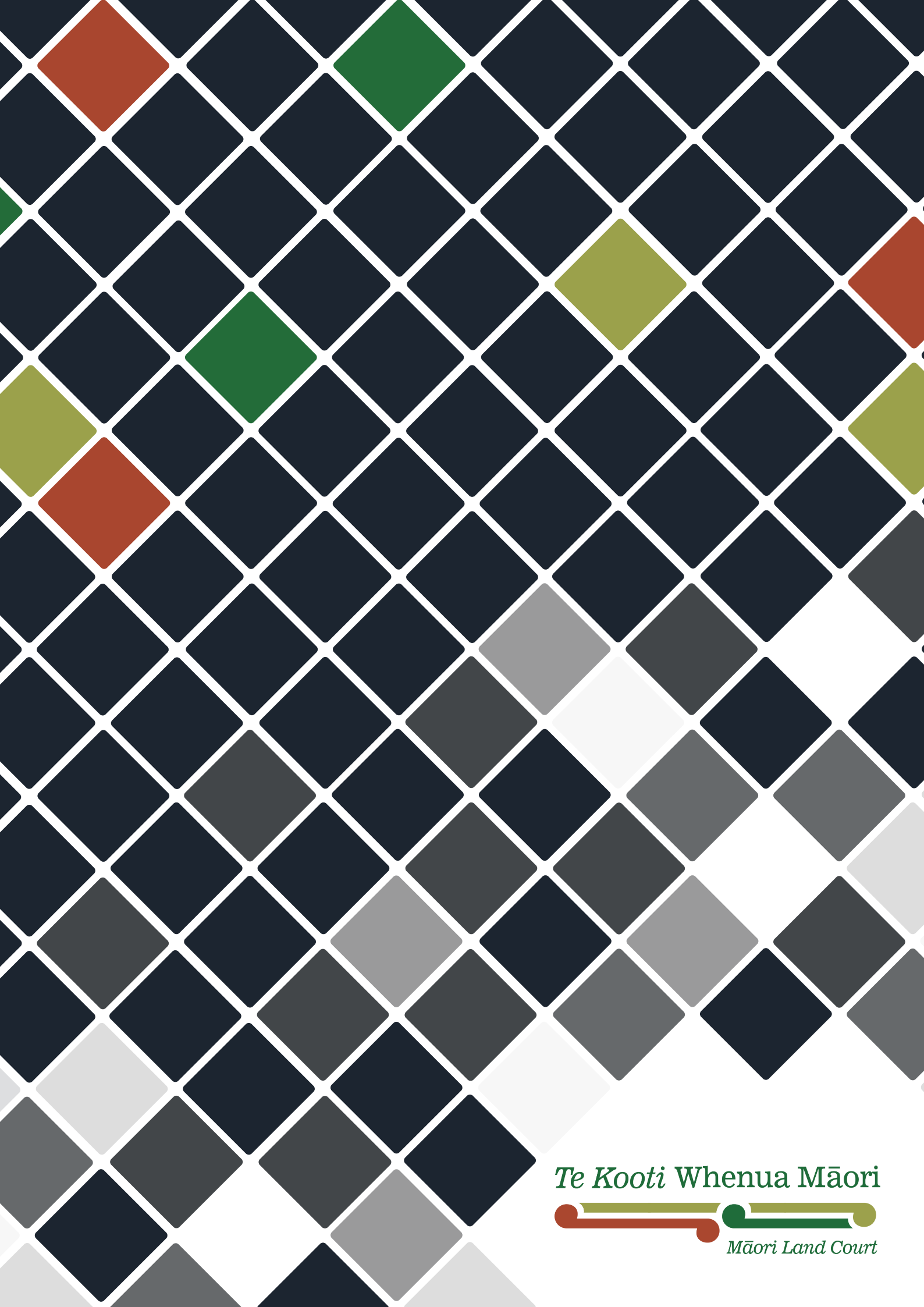
Justice Isaac's appointment to Niue, like all appointments, reinforces the long-standing relationship between the judiciary of Niue and the Māori Land Court of Aotearoa/New Zealand.



*Te Kooti Whenua Māori*



*Māori Land Court*



*Te Kooti Whenua Māori*



*Māori Land Court*