

**THE MĀORI LAND COURT OF NEW ZEALAND
WAIĀRIKI DISTRICT**

**A20140009320
CJ 2014/24**

UNDER Section 45, Te Ture Whenua Māori Act 1993
IN THE MATTER OF Paora te Hiko also known as Ngamotu Paora or
Te Koti Paora
CONCERNING IVY WAITANGI KAPUA
Applicant

Hearing: 14 May 2019, 2019 Chief Judge's MB 704-718
(Heard at Rotorua)

Judgment: 4 November 2019

FURTHER DIRECTION OF DEPUTY CHIEF JUDGE C L FOX

Introduction

[1] Ivy Waitangi Kapua (the applicant – since deceased) sought an order under s 45 of Te Ture Whenua Māori Act 1993 (the Act) to amend a succession order made on 24 September 1975 at 178 Rotorua MB 128-129 (order complained of) relating to the estate of Paora te Hiko also known as Ngamotu Paora or Te Koti Paora (the deceased).

[2] Miringa Kameta filed a notice of intention to appear.

[3] The applicant claimed that the said orders are incorrect due to a mistake, error or omission in the presentation of the facts of the case to the Court,

- (a) The Court staff incorrectly merged the interests of the deceased and Ngamotu Paora (the applicant's grandfather) in Tuaropaki D2 together; and
- (b) The applicant believes the orders complained of included shares that did not belong to the deceased

[4] The applicant claimed the errors have denied her the right to succeed to her grandfather's land interests.

Background

[5] The Registrar's Preliminary Report and Recommendation dated 14 March 2019 sets out the background to the application. The report is reproduced in full as follows:

PRELIMINARY REPORT AND RECOMMENDATION

Introduction

1. This application filed by Ivy Waitangi Kapua, (the applicant) seeks to amend an Order made at 178 Rotorua MB 128 – 129 (24 September 1975) pursuant to 136 of the Maori Affairs Act 1953 in respect of Paora te Hiko also known as Ngamotu Paora or Te Koti Paora, deceased.
2. The applicant claims the order is incorrect because the Court staff incorrectly merged the shares of Paora te Hiko and the shares of Ngamotu Paora (the applicant's grandfather) in Tuaropaki D2 together. The applicant believes that the order made at 178 Rotorua MB 128 – 129 included shares that did not belong to the deceased.

3. The applicant claims these errors have denied her the right to succeed to her grandfather's land interests.

Concise history of Orders sought to be amended/cancelled

4. On 14 March 1974 at 2 Registrar's (Rotorua) MB 183 - 184 a Deputy Registrar considered an application pursuant to Section 81 of the Maori Affairs Amendment Act 1967 to vest the interests of Paora te Hiko in the Maori Trustee as the administrator of his estate. The minute is reproduced below:

Estate Paora Te Koti Te Hiko or Paora Ngamotu Te Koti Te Hiko or Ngamotu Paora or Paora Te Koti or Paora Ngamotu Te Hiko or Paora Te Hiko or Paul Te Hiko or Paora Ngamotu Te Koti or Ngamotu Paora Te Hiko – Dec.

Sec 81/67

Deceased died 10th January 1973 – intestate
Maori Trustee certificate of administration dated 4th March 1974

Maori Trustee (Rotorua) administrator
Sec 81/67 Orders vesting in administrator

Tuaropaki D2

Whakamaru Maungaiti P
Whakamaru Maungaiti T
Whakamaru Maungaiti V
Whakamaru Maungaiti Z
Waipapa 4

Deputy Registrar
14.3.74

5. On 24 September 1975 at 178 Rotorua MB 128 - 129 the Court considered an application pursuant to Section 213A of the Maori Affairs Act 1953 to vest the interests held by the Administrator of the estate in the persons entitled. The minute is reproduced below:

Estate Paora Te Koti Te Hiko or Paora Ngamotu Te Koti Te Hiko or **Ngamotu Paora** or Paora Te Koti or Paora Ngamotu Te Hiko or Paora Te Hiko or Paul Te Hiko or Paora Ngamotu Te Koti or Ngamotu Paora Te Hiko – Dec.

Mrs Sumner – for Deputy Registrar
Maori Trustee (Rotorua) administrator
Sec 81/67 Orders made Reg MB 2/183-184

Section 213(A) Orders in terms of application are sought as follows:

Tuaropaki D2

Whakamaru Maungaiti P
Whakamaru Maungaiti T
Whakamaru Maungaiti V
Whakamaru Maungaiti Z
Waipapa 4

To.

Fraser Ngamotu te Hiko	m	Tokoroa
Paul William Napia	m	Hamilton
Puawai Jacobs	f	Tokoroa
Susan Kirituia Hay	f	Tokoroa
William Huirama te Hiko	m	Tokoroa

Equally

Court: Orders accordingly

K Gillanders Scott
Chief Judge
24/9/75

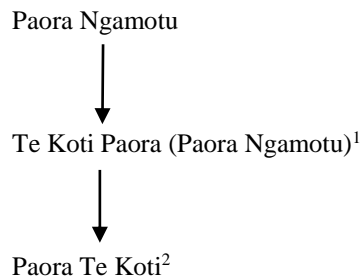
Identification of evidence that may be of assistance in remedying the mistake or omission

6. In support of her application the applicant has provided the following information:

On the 24th day of September 1975 at 178 Rotorua MB 128 – 129 the Court vested the interests belonging to Paora Te Koti Te Hiko or Paora Ngamotu Te Koti Te Hiko or **Ngamotu Paora** or Paora Te Koti or Paora Ngamotu Te Hiko or Paora Te Hiko or Paul Te Hiko or Paora Ngamotu Te Koti or Ngamotu Paora Te Hiko, –deceased in Fraser Ngamotu te Hiko and four others equally.

In exhibit A an entry has been made on the ownership schedule for Tuaropaki D2 dated 12/4/73. This entry has been entered against an existing entry for successor to Hakopa Te Hiko dated 20/4/1972. This error has combined the interests belonging to Paora te Hiko and Paora Ngamotu¹ or Koti Paora son of Paora Ngamotu died 1887, and Paora te Koti² a son of Koti Paora who died 21/3/18 at 30 Taupo MB 289 – 290.

The order dated 24 September 1975 at 178 Rotorua MB 128 – 129 has included the names of 2 other persons with the name Paora – as numbered above have also had their interests included in the same succession, in error



There are undoubtedly consequential orders and we ask that they be amended accordingly.

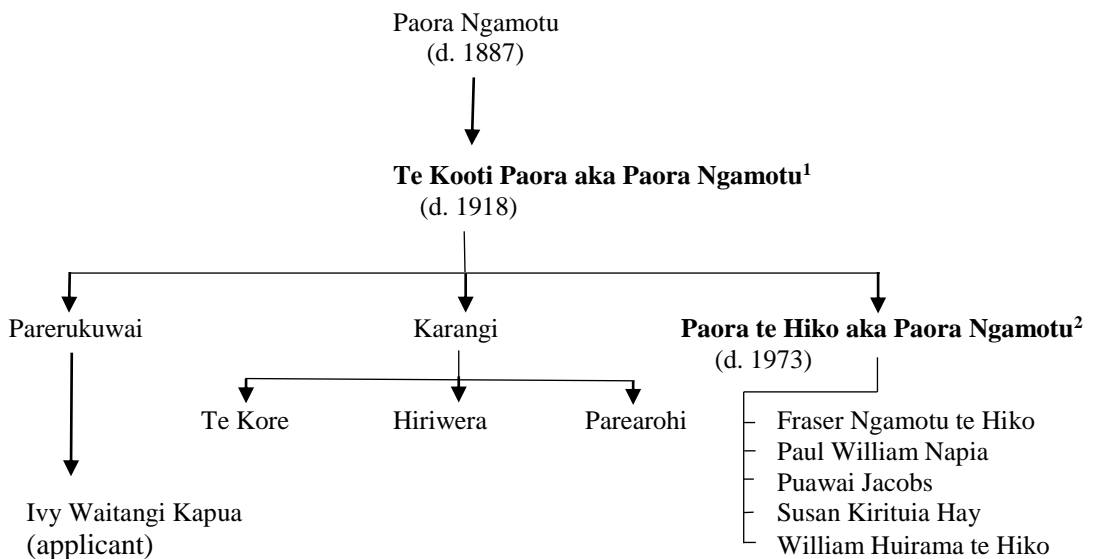
7. As evidence, the applicant has submitted an extract from a schedule of historical owners (page 23). The schedule shows that the shares of Paora te Koti (2.14781 shares), Ngamotu Paora (60.00000 shares) and Paora te Hiko (2.65463 shares) merged together to form a total shareholding of 64.80244 shares.

DECEASED OR TRANSFEROR	HAKOPA	TE HIKO	DATE	SHARES	M.B. REF
DATE 15/01/74			20/11/1973		
ENTERED BY [Signature]	No. 65	SHARES 53927			M.B. REF 60/11/1974
CHECKED BY [Signature]					
ORDER	SEX	DATE	SHARES	M.B. REF	
668 PAORA te HIKO Ngamotu Paora or kotu Paora te Koti	m	1/2	330	60.0000	64.80244
669 HUIA SEYMOUR	f	1/14	119	14.9269	3.6285
670 MARGARET HINLSTON	f	1/14	263	14.9269	3.7923
671 DONALD te HIKO	m	1/14	168	14.9269	3.7924
672 HARIPONO te HIKO	m	1/14	395	14.9269	3.7924
673 KARANGI HAPIB	f	1/14	191	14.9269	3.7923
674 KAME te HIKO	m	1/14	182	14.9269	3.7923
675 DENIS te HIKO	m	1/14	A1	14.9269	3.7924

- The applicant has also submitted whakapapa information labelled “Descendants of Paora Ngamotu”.

Court research

- According to evidence sourced from the Court record and from whakapapa submitted by the applicant the following simplified whakapapa is set out:



The Derivation of Tuaropaki D2

- The interests recorded at 178 Rotorua MB 128 - 129 included 64.80244 shares of the “deceased” in Tuaropaki D2.
- The name “Paora Te Hiko or Ngamotu Paora or Paora Te Koti” appears as Number 392 holding 64.80244 shares on a schedule of historical owners compiled on 23 November 1973. These shares were transferred to the Maori Trustee (No. 699) in accordance with 2 Registrar’s (Rotorua) MB 183 – 184.
- A total of 2.65463 shares (under the name Paora te Hiko) were received on succession to Hakopa Te Hiko recorded at 49 Taupo MB 194 (20 April 1974). The determination of beneficiaries was based upon previous evidence recorded at 110 Rotorua MB 261 (12 March 1959).
- The evidence recorded at 110 Rotorua MB 261 sets out the persons entitled to succeed to the interests of Hakopa Te Hiko were Paora Te Hiko (1/2) and the

issue of Reweti Te Hiko (1/2). Sworn evidence was given by Paora Te Hiko asking for his entitlement under the estate to be vested in his children as follows:

- i. Te Hiko Te Rangi (aka **Fraser Ngamotu Te Hiko**)
- ii. Rangi Tiriata Napier (issue – **Paul William Napia**)
- iii. Puawai Emery (aka **Puawai Jacobs**)
- iv. Kirituia Hay (aka **Susan Kirituia Hay**)
- v. Huirama te Hiko (aka **William Huirama te Hiko**)
- vi. Teokahu Rangi Hodge
- vii. Taiawhio Hodge

14. The remaining 62.14781 shares were acquired prior to partition in former title Tuaropaki D2.

Tuaropaki D1 & Tuaropaki D2

15. On 13 May 1966 at 40 Taupo MB 194 -195 the Court partitioned Tuaropaki D into the following blocks:

- i. Tuaropaki D1 (443 owners)
- ii. Tuaropaki D2 (443 owners)

16. In the title order for Tuaropaki D1 and for Tuaropaki D2, Ngamotu Paora and Paora te Koti appear as the following individual entries:

- i. No. 223 Ngamotu Paora M 60.00000 (shares)
- ii. No. 243 Paora te Koti M 2.14781 (shares)

Tuaropaki D

17. On 23 August 1962 at 119 Rotorua MB 87 – 94 the Court created Tuaropaki D by way of combined partition order. The title for Tuaropaki D was comprised of the following former titles:

- i. Pouakani B6B4A**
- ii. Pouakani B6B4B1
- iii. Pouakani B6B4B2
- iv. Pouakani B6B4B3
- v. Pouakani B6B4C
- vi. Pouakani B6B4F1
- vii. Pouakani B6B4F2
- viii. Pouakani B6B4G
- ix. Pouakani B6B6D3A
- x. Pouakani B6B6D3B
- xi. Pouakani B6B6D3C
- xii. Pouakani B6B7
- xiii. Pouakani B6B8
- xiv. Pouakani B6F4E
- xv. Pouakani B6F4F1
- xvi. Pouakani B6F4F2
- xvii. Pouakani B6F4F3
- xviii. Pouakani B6F4F4
- xix. Tuaropaki A**

18. In the title order for Tuaropaki D, Ngamotu Paora and Paora te Koti appear as the following individual entries:
- | | | | | |
|-----|---------|---------------|---|-------------------|
| i. | No. 194 | Ngamotu Paora | M | 60.00000 (shares) |
| ii. | No. 212 | Paora te Koti | M | 2.14781 (shares) |
19. The 2.14781 shares of Paora Te Hiko in Tuaropaki D can be split between the following former titles:
- | | | |
|-----|--|-------------------------|
| i. | Pouakani B No.6B Sec.4A | (1.66105 shares) |
| ii. | Tuaropaki A | (0.48676 shares) |
| | Total shareholding of <u>2.14781 shares.</u> | |
20. The shares held in former title **Pouakani B No.6B Sec.4A** were derived on succession to Paora te Koti on 20 January 1921 with his shares being distributed in equal shares to: -
- | | |
|-------------|----------------------|
| i. | Karangī te Koti |
| ii. | Parerukuwai te Koti |
| iii. | Paora te Koti |
21. On 9 April 195 at 34 Taupo MB 44 - 51 the Court created **Tuaropaki A** by way of combined partition order. The title for Tuaropaki A was comprised of the following former titles:
- | | |
|------------|---|
| i. | Pouakani B No. 6D ¹ & ² |
| ii. | Pouakani B No. 6F Section 5 |
| iii. | Pouakani B No. 6F Section 2 |
| iv. | Pouakani B No. 5B³ |
| v. | Pouakani B No. 6F Section 4J |
| vi. | Pouakani B No. 6F Section 4K1 |
| vii. | Pouakani B No. 6F Section 4K2 |
| viii. | Pouakani B No. 6F Section 4H |
| ix. | Pouakani B No. 6F Section 1C |
| x. | Pouakani B No. 6F Section 3A |
| xi. | Pouakani B No. 6F Section 3B |
| xii. | Pouakani B No. 6F Section 3C |
| xiii. | Pouakani B No. 6F Section 3D |
| xiv. | Pouakani B No. 6F Section 3E |
| xv. | Pouakani B No. 6C No. 1 |
| xvi. | Pouakani B No. 6C No. 2 |
| xvii. | Pouakani B No. 6C No. 3 ⁴ |
| xviii. | Pouakani B No. 6C No. 4 |
| xix. | Pouakani B No. 6C No. 5 |
| xx. | Pouakani B No. 6C No. 6 |
| xxi. | Pouakani C No. 4A |
| xxii. | Pouakani C No. 4B |

¹ Shares acquired by Hirawea te Momo and Mare te Momo on succession to Ngaroata Ngahika (under terms of will) at 98 Rotorua MB 33 dated 8 March 1951.

² Shares acquired by Parerukuwai te Koti, Te Kore te Momo and Parearohi te Momo on succession to Piriana Mamae at 97 Rotorua MB 214 dated 6 September 1949

³ Shares acquired by Te Kore Momo (1/6), Hiriwera te Momo (1/6) & Parearuhe te Momo (1/6) on succession to Te Hiko te Aonui at 32 Taupo MB 173 dated 16 December 1936.

⁴ Shares acquired by Te Kore Momo (1/6), Hiriwera te Momo (1/6) & Parearuhe te Momo (1/6) on succession to Hiko te Aonui at 32 Taupo MB 173 dated 16 December 1936.

- xxiii. Pouakani B No. 6B Section 1
- xxiv. Pouakani B No. 6B Section 2A
- xxv. Pouakani B No. 6B Section 2B
- xxvi. Pouakani B No. 6B Section 2C
- xxvii. Pouakani B No. 6B Section 2D
- xxviii. Pouakani B No. 6B Section 2E
- xxix. Pouakani B No. 6B Section 3B1
- xxx. Pouakani B No. 6B Section 3B2
- xxxi. Pouakani B No. 6B Section 4G
- xxxii. Pouakani B No. 6B Section 5
- xxxiii. Pouakani B No. 6B Section 7

- xxxiv. **Pouakani B No. 6B Section 8⁵ & ⁶**
- xxxv. Pouakani B No. 6B Section 9A
- xxxvi. Pouakani B No. 6B Section 10
- xxxvii. Pouakani B No. 6F Section 1A
- xxxviii. Pouakani B No. 6F Section 1B
- xxxix. Pouakani B No. 6B Section 3A**
- xl. Pouakani B No. 6B Section 9B

22. The prior shareholding of Paora te Hiko in Tuaropaki A is derived from former titles **Pouakani B No. 5B** and **Pouakani B No. 6B Section 8**.

23. The shares in Pouakani B No. 6B Section 8 were derived on succession to Te Koti Paora on 20 January 1921 (31 Taupo MB 258) with his shares being distributed as follows: -

- i. Karangi te Koti (1/3)
- ii. Parerukuwai te Koti (1/3)
- iii. **Paora te Koti (1/3)**

24. The shares in Pouakani B No. 5B were derived on succession to Te Koti Paora on 11 June 1931 (31 Taupo MB 258) with his shares being distributed as follows: -

- iv. Parerukuwai te Koti (1/3)
- v. **Paora te Koti (1/3)**
- vi. Te Kore Karangi (1/9)
- vii. Hiriwera Karangi (1/9)
- viii. Parearohi Karangi (1/9)

25. The shareholding of Ngamotu Paora in Tuaropaki A (60.00000 shares) is derived from former title **Pouakani B No. 6F Section 3A** on succession to Te Koti Paora at 68 Rotorua MB 296 on 20 January 1921. The minute is reproduced below:

Succession to Te Koti Paora (decd)
 Pouakani B6B 3A

⁵ Shares acquired by Te Kore Momo (1/6), Hiriwera te Momo (1/6) & Parearuhe te Momo (1/6) on succession to Hiko te Aonui at 87 Rotorua MB 97 dated 25 November 1936.

⁶ Additional shares acquired by Te Kore Momo (1/6), Hiriwera te Momo (1/6) & Parearuhe te Momo (1/6) on succession to Hiriwera te Aonui at 87 Rotorua MB 97 dated 25 November 1936.

See p. 194 & 283 (Taite te Tomo)
No Objections:

Succession order made in favour of: -

- | | | |
|----|-----------------|-------|
| a) | Karangī Te Koti | f.a |
| b) | Ruku Te Koti | f. 18 |
| c) | Ngamotu Paora | m.16 |

Trustee to be No1

26. The minute from 68 Rotorua MB 283 (7 September 1920) is reproduced below:

Succession to Te Koti Paora (decd)
In Pouakani 6C No. 8

Taite te Tomo (sworn)

The issues are:

- | | | |
|----|-----------------|------|
| 1. | Karangī te Koti | f.a |
| 2. | Ruku te Koti | F.18 |
| 3. | Ngamotu Paora | m.16 |
| | No Objections | |

Karangī te Koti is present agrees to Ngamotu who's adopted (???) coming in here and in the previous whakamaru case Re: Pouakani 6B 3A

Succession order made in favour of above 3 equally

Trustee to be No1.

27. The minute from 68 Rotorua MB 194 (19 August 1920) is reproduced below:

Succession to Te Koti Paora (decd)
In Whakamaru – Maungaiti F 3A

Taite te Tomo (sworn)

Te Koti Paora died 1919. No will, left issue: -

- | | | |
|----|-----------------|------|
| 1. | Karangī te Koti | f.a |
| 2. | Ruku te Koti | F.18 |
| 3. | Ngamotu Paora | m.16 |
| | No Objections | |

Succession order made in favour of above 3 equally

Trustee to be No1.

What happened to Tuaropaki D1 and Tuaropaki D2

Tuaropaki D1

28. At 40 Taupo MB 194 -195 (13 May 1966) Tuaropaki D1 was sold following the Court confirming a resolution to alienate the block to John Broughton for a consideration of £2,700 (\$5,400).

Tuaropaki D2

29. At 207 Rotorua MB 207 (7 November 1983) the Court heard an application for a combined partition and for the exchange of land with Waipapa 4A to rationalise their land boundaries. The resulting exchange amalgamated part of Waipapa 4A (79 hectares) with the balance of Tuaropaki D2 (following the exchange of 116 hectares) and was renamed **Tuaropaki E**.
30. Tuaropaki is still Maori freehold land (CFR 697416 and CFR 696791) and has a current ownership of 3040 owners (as at 26 September 2018)

Discussion

31. The 60.0000 shares under investigation in this application first appeared as a recorded shareholding in the ownerships lists of Tuaropaki A (9 April 1952).
32. According to the derivation these shares were comprised of interests formerly held in Pouakani B No. 6B Section 3A.
33. Derivation information shows that these interests were vested in Paora Ngamotu and two others on succession to Te Koti Paora at 68 Rotorua MB 296 on 20 January 1921. The other two successors are recorded as Ruku te Koti and Karangī te Koti.
34. Ruku te Koti appears in the 1952 ownership list of Tuaropaki A with a shareholding of 60.0000 shares (No. 238).
35. Hiriwera Karangī (also known as Hiriwera te Momo), Te Kore Karangī (also known as Te Kore te Momo) and Parearohe Karangī (also known as Parearohe te Momo) are all recorded on the 1952 ownership list for Tuaropaki A with shareholding equating to 20.16256 shares each. These three people are all recorded as children of Karangī te Koti.
36. Of the above shareholding 20.00000 shares each represent the shareholding held from former title Pouakani B No. 6B Section 3A (60.0000 shares in total). The remaining shares when combined (0.48768) represent the shares formerly held in Pouakani B No. 6B Sec 8. I note that "Paora Te Koti" is recorded in the same schedule as holding 0.48676 shares representing his shareholding in the same former title.
37. Parerukuwai te Koti and the descendants of Karangī Te Koti all hold additional shares (to those held by Paora te Koti aka Ngamotu Paora) by way of succession to several other individuals.
38. According to the whakapapa information provided by the applicant Ngamotu Paora died in 1918 and left three children: Karangī Te Koti, Parerukuwai Te Koti and Paora Te Koti.
39. The succession evidence recorded at 68 Rotorua MB 296 supports the above whakapapa and records that the deceased died in 1919 and left three children (Karangī, Ruku [aka Parerukuwai] and Ngamotu [aka Paora te Hiko or Paora te Koti]).

40. I find that the shares (60.0000) held by Ngamotu Paora and referred to by the applicant in her application belong to Ngamotu Paora who was also known as Paora te Hiko or Paora te Koti and was a child of Ngamotu Paora also known as Te Koti Paora.
41. Therefore, the applicant's claim that the shares belong to Ngamotu Paora¹, father of Paora te Hiko (also known as Ngamotu Paora² or Paora te Koti) fails.

Details of subsequent Orders affecting lands to which application this relates

42. No subsequent Orders have been entered on the basis that Order complained of is correct

Reference to areas of difficulty

43. There are no areas of difficulty.

Consideration of whether matter needs to go to full hearing

44. The Court research does not support the applicants claim and indicates that the shareholding belonged to the correct person "Paora Ngamotu" who was also known as Paora te Hiko or Paora te Koti. This Paora te Hiko was not applicant's grandfather.
45. The application should therefore be dismissed.

Recommendation of course of action to be taken

46. If the Chief Judge is of a mind to exercise his jurisdiction, then it would be my recommendation that:
 - a) A copy of this report be sent to **all affected parties, for whom we have contact details for, giving them an opportunity to comment or respond, in writing, within 28 days of the date of this Report**
 - b) The application be dismissed.
 - c) That the matter be set down for hearing, in Rotorua, to afford the parties further opportunity to present evidence on the matters raised above.

Procedural History

[6] On 14 March 2019, the Registrar's Preliminary Report and Recommendation was distributed to all affected parties, for whom addresses were known.

[7] On 10 May 2019, Miringa Kameta on behalf of Pollyanna Hepi filed a notice of intention to appear upon the application and submitted exhibits A, B, C of errors at paragraphs [19] i, ii, [20] – [23], [25], and [30] of the Registrar's Report.

[8] The application was heard before me in Rotorua on 14 May 2019, where the grandchildren of Paora Te Hiko, namely Meriata Te Hiko and Whakaora Te Hiko were present.

[9] Also present was Miringa Kameta who claims that Paora Te Hiko is a totally different person to Ngamotu Paora and Te Koti Paora. She claims that the derivation for Paora Te Hiko shows that he comes from a separate line as opposed to the derivation for Ngamotu Paora and Paora Te Koti.

[10] Meriata Te Hiko advised that Paora Te Hiko was known by the names identified by the Registrar. She advised that she knew him and Ruka Te Koti. The main issue for her was the whakapapa produced in the Registrar's Report. She understood that her grandfather descends from Ngamotu who came from Pakeke Taiari.

[11] I reserved my decision.⁷

The Law

[12] The Chief Judge's jurisdiction to amend or cancel an order of the Māori Land Court is set out in s 44(1) of the Act:

44 Chief Judge may correct mistakes and omissions

(1) On any application made under section 45 of this Act, the Chief Judge may, if satisfied that an order made by the Court or a Registrar (including an order made by a Registrar before the commencement of this Act), or a certificate of confirmation issued by a Registrar under section 160 of this Act, was erroneous in fact or in law because of any mistake or omission on the part of the Court or the Registrar or in the presentation of the facts of the case to the Court or the Registrar, cancel or amend the order or certificate of confirmation or make such other order or issue such certificate of confirmation as, in the opinion of the Chief Judge, is necessary in the interests of justice to remedy the mistake or omission.

[13] The principles that are applied to s 45 decisions have been previously set out in numerous decisions made by the Chief Judge and myself. These are to be found in the

judgments *Ashwell - Rawinia or Lavinia Ashwell (nee Russell)*⁸ and in *Tau v Nga Whanau O Morven & Glenavy - Waihao 903 Section IX Block*.⁹ I do not propose to repeat those principles again in this judgment.

[14] However, for the benefit of the parties, I note that s 44 explicitly refers to situations where the Court has made an incorrect decision due to a flaw in the evidence presented, or in the interpretation of the law, and it is necessary in the interests of justice to correct its record. For this reason, s 45 applications must be accompanied by proof of the flaw identified, either through the production of evidence not available or not known of at the time the order was made or through submissions on the law.

Issues

[15] The issues to determine in this case are:

- (a) Whether there was a mistake in the presentation of facts to the Court; and
- (b) If so, is it necessary in the interests of justice to remedy the mistake or omission.

Discussion

[16] As the evidence of *Miriata Te Hiko* raises uncertainty regarding the derivations, and given the evidence of *Miringa Kameta*, it is necessary to further clarify the whakapapa issue.

[17] Thus I am going to direct the Registrar to review the Court record to ascertain whether that additional evidence heard at hearing demonstrates any possibility that *Paora Te Hiku* is a totally different person to *Ngamotu Paora* and *Te Koti Paora*.

⁷ [2019] Chief Judge's MB 587-607 (2018 CJ 707-718)

⁸ [2009] Chief Judge's MB 209-225 (2009 CJ 209)

⁹ [2010] Maori Appellate Court MB 167 (2010 APPEAL 167)

Decision/Orders

[18] Having regard to the above, I decline to exercise my jurisdiction under s 45 of Te Ture Whenua Māori Act 1993 at this stage.

[19] The Case Manager is directed to provide a further report on the issues raised by the parties within 1 month.

[20] The Case Manager is also directed to send a copy of this decision to all parties.

Pronounced at 11.30 am in Gisborne on Monday this 4th day of November 2019.

C L Fox
DEPUTY CHIEF JUDGE