IN THE MĀORI LAND COURT OF NEW ZEALAND
TĀKITIMU DISTRICT

A20180002998

UNDER	Sections 237, 239 and 338, Te Ture Whenua Māori Act 1993
IN THE MATTER OF	Kakiraawa 2B 2F 3 and other blocks (Mihiroa Marae)
BETWEEN	KARANEMA BARTLETT, WAKITERANGI HARRIS, KENNETH JONES, GANESH NANA, PAMELA REO, DAVID STONE AND RUKU TE HUIA AS TRUSTEES OF MIHIROA MARAE MĀORI RESERVATION Applicant

Hearing: 7 June 2018, 69 Tākitimu MB 225-236
(Heard at Hastings)

Appearances: L Watson for Applicant

Judgment: 30 November 2018

JUDGMENT OF JUDGE L R HARVEY

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Introduction

[1] On 4 November 2010, Kakiraawa 2B2F3, being Māori freehold land, and two blocks of General land, Kakiraawa 2B2F2B and Section 33 Block III Te Mata Survey District, were set aside as a Māori Reservation for Mihiroa Marae for the common use and benefit of Mihiroa hapū, residents of Paki community and residents of Heretaunga, including kōhanga and schools.[1] The original trustees were David Stone, Albert Horsfall and Karanema Bartlett.[2] The existing trustees are Ruku Te Huia, Kenneth Jones, Wakiterangi Harris, Pamela Reo, David Stone, Karanema Bartlett and Ganesh Nana.[3]

[2] When the Māori reservation was created, the lands were owned by the estate of Pukepuke Tangiora and vested in trustees.[4] During the original application it was noted that Mihiroa Marae was an established marae which had never been gazetted and the creation of the reservation accorded with the wishes of the descendants of Pukepuke Tangiora and the trustees of the estate.

[3] The trustees of the Mihiroa Marae now seek a recommendation to redefine the class of beneficiaries of the marae and to reduce the number of trustees, due to the passing of David Stone and the resignation of Ganesh Nana. In addition, the trustees seek directions from the Court to confirm that the original establishment of the marae was valid.

Procedural history

[4] The application to redefine the class of beneficiaries of the Māori reservation and to reduce the trustees was filed by the Mihiroa Marae trustees on 18 April 2018. As foreshadowed, the application also sought directions regarding the validity of the establishment of the Māori reservation.

[5] The case was heard on 7 June 2018.[5] At the conclusion of the hearing, I granted the application and made orders reducing the trustees and recommending the class of

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1 "Māori Freehold Land and General Land Set Aside as a Māori Reservation" (4 November 2010) 148 *New Zealand Gazette* 3679 at 3742
2 3 Tākitimu MB 162-165 (3 TKT 162-165)
3 32 Tākitimu MB 251-252 (32 TKT 251-255)
4 185 Napier MB 58-59 (185 NA 58-59)

beneficiaries be redefined. The recommendation was subject to a notice being published in *Hawkes Bay Today* allowing any submissions on the matter to be filed with the Registrar within one month. If no submissions were received, orders were to issue. I also confirmed that written reasons would follow regarding the establishment of the Mihiroa Marae as a Māori reservation.

Submissions

[6] Mr Watson set out the background to the establishment of the Māori reservation, noting that the land comprising Mihiroa Marae was originally held by Pukepuke Tangiora under her Will. During 2008-2009, a series of wānanga were held with the beneficiaries of the estate regarding the future of Mihiroa Marae, based on the following key considerations:

(a) The marae land and buildings needed to be protected from any possibility of alienation in the future, to ensure that it remained a taonga for future generations;

(b) The estate assets would include the marae land and buildings, which are to be distributed five years following the death of the last surviving life beneficiary, Hariata Baker;

(c) There was a desire to have the marae land and buildings retained in the collective hapū of Ngāti Mihiroa; and

(d) Neighbouring land, also held by the estate, should be included in the Māori reservation so there could be opportunities for income to support the marae in the long term.

[7] An estate annual general meeting was held on 25 September 2009 and the beneficiaries present agreed to the establishment of the marae reservation trust. There was no record of any objection to the proposal. Mr Watson noted that during the planning of the reservation, two categories of beneficiaries were discussed:

(a) Those who are descendants of Pukepuke Tangiora, who would be the primary beneficiaries; and

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[5] 69 Tākitimu MB 225-236 (69 TKT 225-236)

(b) Others within the wider community who could "benefit" from the marae facilities.

[8] However, these two categories became blurred and both were ultimately named as beneficiaries of the marae. Mr Watson submitted that this was not what was intended, and the effect is that those within the wider community are entitled to vote on issues of importance, even if they do not have whakapapa to Ngāti Mihiroa hapū.

[9] A further AGM was then held on 17 February 2018, where a resolution was passed to amend the current marae charter and to apply for an amendment to the class of beneficiaries named in the gazette to "Ngāti Mihiroa hapū, being the descendants of Pukepuke Tangiora, namely the children and successors of Te Akonga Te Mohi and Peeti Pirihi Kaihote".[6] Mr Watson noted that the broader category of those within the community who might benefit from the marae facilities have been referred to in the revised cl 8.5 of the charter. Counsel submitted that the new beneficiary class aligned with the beneficiaries under the Will.

[10] Mr Watson also submitted that a query had been raised at the AGM by a beneficiary, as to whether the establishment of the Māori reservation was permissible under the terms of Pukepuke Tangiora's Will. Mr Watson argued that there was no issue regarding the validity of the reservation and that it is entirely consistent with the terms and intention of the Will. He contended that s 338(4) of Te Ture Whenua Māori Act 1993 allows land to be set apart as a Māori reservation even when it is vested in trustees and notwithstanding any provisions of the Act, or any other Act, as to the disposition or administration of the land.

[11] Counsel further submitted that s 338(4) therefore overrides both the potential terms of the Will, the alienation provisions in the Act and any other nuance placed on the Will by the relevant Māori Purposes Acts. However, for the avoidance of doubt, the trustees seek confirmation that the creation of the reservation was consistent with the Will and was valid at law, despite not every beneficiary of the estate being present at the 2009 AGM or otherwise providing their consent.

The Law

[12] The relevant parts of s 338 provide as follows:

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6 Meeting minutes, Mihiroa Marae Māori Reservation Trust dated 17 February 2018.

338 Maori reservations for communal purposes

(1) The chief executive may, by notice in the *Gazette* issued on the recommendation of the court, set apart as Maori reservation any Maori freehold land or any General land—

(a) for the purposes of a village site, marae, meeting place, recreation ground, sports ground, bathing place, church site, building site, burial ground, landing place, fishing ground, spring, well, timber reserve, catchment area or other source of water supply, or place of cultural, historical, or scenic interest, or for any other specified purpose; or

(b) that is a wahi tapu, being a place of special significance according to tikanga Maori.

(2) The chief executive may, by notice in the *Gazette* issued on the recommendation of the court, declare any other Maori freehold land or General land to be included in any Maori reservation, and thereupon the land shall form part of that reservation accordingly.

(3) Except as provided in section 340, every Maori reservation under this section shall be held for the common use or benefit of the owners or of Maori of the class or classes specified in the notice.

(4) Land may be so set apart as or included in a Maori reservation although it is vested in an incorporated body of owners or in the Māori Trustee or in any other trustees, and notwithstanding any provisions of this Act or any other Act as to the disposition or administration of that land.

(5) On the recommendation of the court, the chief executive, by notice in the *Gazette*, may, in respect of any Maori reservation made under this section, do any 1 or more of the following things:

(a) exclude from the reservation any part of the land comprised in it:

(b) cancel the reservation:

(c) redefine the purposes for which the reservation is made:

(d) redefine the persons or class of persons for whose use or benefit the reservation is made.

(6) No notice under this section shall affect any lease or licence, but no land shall be set apart as a Maori reservation while it is subject to any mortgage or charge.

(7) The court may, by order, vest any Maori reservation in any body corporate or in any 2 or more persons in trust to hold and administer it for the benefit of the persons or class of persons for whose benefit the reservation is made, and may from time to time, as and when it thinks fit, appoint a new trustee or new trustees or additional trustees.

(8) The court may, on the appointment of trustees under subsection (7), or on application at any time thereafter, set out the terms of the trust, and subject to any such terms, the Maori reservation shall be administered in accordance with, and be subject to, any regulations made under subsection (15).

…

[13] The relevant principles concerning Māori reservations are summarised in *Bristowe – Section 4C1 Block II Tuatini Township* and *Gibbs v Te Runanga o Ngāti Tama*, referred to more recently in *Grace – Ngarara West A25B2A*.[7]

[14] Māori reservations convey a special status and enable the concept of communal ownership to be applied to areas of special significance, which are generally held for the whānau, hapū or iwi traditionally associated with the land. Only in rare circumstances will Māori reservations be set aside for the common use and benefit of others. While the legal estate of a Māori reservation vests in the trustees, the beneficial estate remains with the original owners or their successors, and all that is passed over is a licence as to occupation, use and enjoyment of the land and benefits while the reservation status remains. It is therefore important to maintain the underlying beneficial ownership of the land as consultation with such owners will be necessary on important matters such as adding or excluding land from the reservation, amending the purposes or redefining the beneficiaries.

[15] In terms of the requirements for making a recommendation, the Court will generally consider the purposes for which the land is to be set aside, whether the class of beneficiaries is appropriate and the levels of support or opposition to the proposal.[8] The overall objectives and kaupapa of the Act, as set out in the Preamble, ss 2 and 17 are also relevant.

Discussion

[16] The principal issue regarding the creation of the Māori reservation appears to be whether it was valid at law and in terms of the Will of Pukepuke Tangiora.

The Will of Pukepuke Tangiora

[17] A trustee is required to administer the trust in accordance with the trust instrument and the general law.[9] For testamentary trustees, the trust instrument is necessarily the will. It is therefore necessary to consider the Will of Pukepuke Tangiora.

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7 *Bristowe – Section 4C1 Block II Tuatini Township* (2002) 151 Gisborne MB 250 (151 GIS 250); *Gibbs v Te Runanga o Ngāti Tama* (2011) 274 Aotea MB 47 (274 AOT 47); *Rautangata Grace – Ngarara West A25B2A* (2014) 317 Aotea MB 268 (317 AOT 268)

8 See *Graham – Parish of Komakorau Lot 240B 2* (2014) 80 Waikato Maniapoto MB 260); *Tipene – Kaikou Lot 3 13B2* (2015) 114 Taitokerau MB 45 (114 TTK 45); and *Thompson – Omahu 4C4* (2016) 48 Tākitimu MB 249 (48 TKT 249)

[18] The Will states:

> 8. I GIVE AND DEVISE all my real estate of whatsoever kind and wheresoever situate and all my property over or in respect of which I may have any power of disposition and all the rest and residue of my personal property unto my Trustees UPON the TRUSTS and with the powers and subject to the declarations and conditions hereinafter contained.
>
> 9. IN TRUST as to my property at Pakipaki known as KAKIRAAWA TWO (2) B TWO (2) F and my property known as KAKIRAAWA TWO (B) SECTION ONE (1) for my son TE AKONGA MOHI and his children now born or hereafter born, Tikouru Hunia, Turuhira Hunia and the children of the said Pimia Orikena deceased living at the date of the execution hereof as joint tenants during the life of each of the said beneficiaries respectively and after the death of the survivor of them, to the successors then living of the said Te Akonga Mohi absolutely according to Native Custom AND I DIRECT that **the said property shall not be partitioned sold leased mortgaged charged nor encumbered during the lifetime of any of the said beneficiaries** living at the date aforesaid it being my desire that both of the said properties shall remain as a home for the said beneficiaries so long as any of them shall live AND I FURTHER DIRECT that the said properties and the buildings and improvements thereon shall from time to time and at all times during the lifetime of the said beneficiaries be repaired and maintained in a good and tenantable order and condition by my Trustees and the cost thereof shall be charged against the income received by my Trustees from my real and personal estate.

[19] On its face, there is nothing in cl 9 which specifically prevents the trustees from creating a Māori reservation. That clause prevents the land from being partitioned, sold, leased, mortgaged, charged or encumbered during the lifetime of any of the beneficiaries. The clause otherwise declares that the land should be held in trust ultimately for the successors of Te Akonga Mohi, Pukepuke Tangiora's son.

[20] The estate of Pukepuke Tangiora was also provided for in several Māori Purposes Acts.[10] Section 17(7) of the Māori Purposes Act 1943:

> **17 Estate of Pukepuke Tangiora, deceased**
>
> To give effect to the recommendation of the Maori Affairs Committee of the House of Representatives upon petition numbered 52 of 1942, of Tahatera Mohi Tomlins and others, concerning the estate of Pukepuke Tangiora, of Pakipaki, deceased, probate of whose will (hereinafter in this section referred to as the will) was granted by the Maori Land Court on 8 December 1936:
>
> Be it enacted as follows:
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> …
>
> (7) For the purpose of providing a residential building site for any beneficiary under the will, the court may from time to time, on the application of the trustees or of a beneficiary, order that any part of the land comprised in the trust estate, including the lands known as Kakiraawa 2B 1 and Kakiraawa

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9 Chris Kelly and Grey Kelly *Garrow and Kelly Law of Trusts and Trustees* (7th ed, Lexis Nexis, Wellington, 2013) at [20.1]

10 Māori Purposes Act 1943, s 17; Māori Purposes Act 1946, s 16; Māori Purposes Act 1948, s 19; Māori Purposes Act 1951, s 37; Māori Purposes Act 1963, s 19; Māori Purposes Act 1976, s 26; and Māori Purposes Act 2011

> 2B 2F, and not for the time being subject to any lease, licence, mortgage, or charge, shall be transferred to such beneficiary upon or subject to such terms and conditions as the court thinks equitable, and upon any land being so transferred it shall be deemed to be freed and discharged from the trust:
>
> provided that no land comprised in the trust estate shall be so transferred to any beneficiary under the will, not being a child of Te Akonga Mohi or a person presumptively entitled to an absolute interest in the residuary trust estate referred to in the will, save that any part of the aforesaid lands known as Kakiraawa 2B 1 and Kakiraawa 2B 2F may be transferred to any of the persons who are presently entitled to those lands as the joint tenants thereof.

[21] In accordance with this provision, in 1945 an application was made to the Court for orders partitioning and vesting the lands under cl 9 of Will in the beneficiaries, on a family basis.[11] The Court minutes record that Kakiraawa 2B1 was to be vested in the Orikena whānau, along with part of Kakiraawa 2B2F, to be called 2B2F1. A further part of Kakiraawa 2B2F was to be vested in the Hunia whānau, to be called 2B2F2. The final part of Kakiraawa 2B2F was to be vested in the Mohi whānau, to be called 2B2F3. Orders were accordingly made under s 17 of the Māori Purposes Act 1943. Importantly, s 17(7) of the Māori Purposes Act 1943 provided that on the land being transferred in accordance with that section, it was deemed to be freed and discharged from the trust.

[22] Subsequently, the Māori Purposes Act 1963 provided further for Kakiraawa 2B2F3:

> **19 Pukepuke Tangiora Estate**
>
> For the purpose of giving effect to the recommendation of the Maori Affairs Committee of the House of Representatives on Petition numbered 42 of 1962 of Tahatera Tomlins and others: Be it enacted as follows:
>
> (1) Upon the commencement of this Act, the land known as Kakiraawa 2B 2F 3 balance, situated in Block III, Te Mata Survey District, containing 1 acre 2 roods 29 perches and two-tenths of a perch, more or less, and being the whole of the land comprised and described in certificate of title, Volume 127, folio 230, Hawke's Bay Registry, shall, without any transfer or other instrument of assurance, vest in the trustees of the estate of Pukepuke Tangiora, deceased, appointed pursuant to section 17 of the Maori Purposes Act 1943 free from the right, title, estate or interest of any other person.
>
> (2) The District Land Registrar shall, on the application of the aforesaid trustees, make such amendments to the register as are necessary to give effect to this section.
>
> (3) The aforesaid trustees may use any money coming into their hands in the course of administration of the said estate for the purpose of repairing, restoring, and maintaining any of the buildings on the said land, and may apportion the money so spent as between capital and income as in their absolute discretion they see fit.
>
> (4) Nothing in subsection (7) of section 17 of the Maori Purposes Act 1943 shall apply to the land to which this section relates.

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[11] 86 Napier MB 135-139 (86 NA 135-139)

[23] The Land Information New Zealand records show the issue of a new title in the names of the estate trustees at that time.[12] The Māori Purposes Act 1976 then provided:

> **26 Pukepuke Tangiora Estate**
>
> For the purpose of giving effect (with some modifications) to the recommendation of the Maori Affairs Committee of the House of Representatives on Petition numbered 44 of 1974 of Allan Gerald Sievers and Brian Grossman concerning the estate of Pukepuke Tangiora, of Pakipaki, deceased: Be it enacted as follows:
>
> (1) In addition to the powers conferred upon them by section 17 of the Maori Purposes Act 1943, section 16 of the Maori Purposes Act 1946, section 19 of the Maori Purposes Act 1948, section 37 of the Maori Purposes Act 1951, and section 19 of the Maori Purposes Act 1963, the trustees of the said estate of Pukepuke Tangiora, of Pakipaki, deceased, may, for the purpose of erecting a dining and meeting hall on the piece of land owned by the Estate and known as Kakiraawa 2B2F3 Block,—
>
> (a) expend any money held by the trustees on behalf of the Estate:
>
> (b) borrow any further amount of money that may be necessary for the purpose.
>
> (2) Without limiting subsection (1), the trustees may expend any such money for the purposes of site investigations, surveys, the preparation of plans, the supervision of construction, the purchase and installation of fittings and fixtures, and any other purposes ancillary to the erection and completion of the hall.
>
> (3) The trustees may give such security, whether by way of mortgage, pledge, or otherwise, in respect of any money borrowed by them under this section, and upon such terms and subject to such conditions, as they think fit.
>
> (4) The provisions of this section shall apply notwithstanding any of the provisions of the enactments referred to in subsection (1) and notwithstanding anything in the will of the said deceased.

[24] This provision authorised the trustees to expend money for the purpose of erecting a dining and meeting hall on that land. While cl 9 of the Will noted Pukepuke Tangiora's desire that the land remains as a home for the beneficiaries, it was then vested in the beneficiaries and freed from the trust, vested again in the estate trustees, following which the trustees were authorised to spend money to erect a "dining and meeting hall" on the land. The description of such buildings could arguably align with marae buildings and this provision may then have effectively approved of the land being used for that purpose. In such situation, the consent of the original beneficiaries under cl 9 could have been required. However, based on the results of the general meetings, I accept that, even if it were required, directly or implicitly that approval is evident from the outcomes of the wananga and the meetings. In any event, no objections appear to have been raised or received.

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[12] Certificate of Title HBB2/855

[25] Taking these matters into account, I consider that the Will does not prevent the trustees from seeking to establish a Māori reservation in the manner that has occurred.

The provisions of Te Ture Whenua Māori Act 1993

[26] Having reviewed the Will of Pukepuke Tangiora, I now consider whether the setting aside of the Māori reservation was in accordance with the Act. As noted, s 338 provides that the Court can recommend that land should be set aside as a Māori reservation for communal purposes. In considering such applications, the Court will generally look at the purposes for which the land is to be set aside, whether the class of beneficiaries is appropriate and the levels of support or opposition to the proposal.

[27] The application to set aside the land as a Māori reservation was made in 2010.[13] The purpose of the Māori reservation was as a marae, which is one of the specific purposes referred to in s 338. While there were some subsequent issues with the beneficiary class defined at the time, in that the class was wider than what was intended, the class did include the relevant hapū and residents of the area, which is commonly provided for in Māori reservation applications. However, as foreshadowed, the main issue is the level of support for the Māori reservation.

[28] On the issue of support, I note that there are no specific provisions regarding the level of support required to recommend land be set aside as a Māori Reservation. In *Tamati – Horotiu and Puketapu urupā* the Court noted:[14]

> Application for recommendations that Māori freehold land be set apart as Māori reservations are fairly common in the Māori Land Court. As a rule of practice the Court, save in exceptional circumstance, requires the consent of owners holding the majority of the shares in the block sought to be set apart as a Māori reservation.

[29] In *Thompson – Omahu 4C4*, the Court considered whether there was enough support from the beneficial owners to set aside the land as a Māori reservation for an urupā.[15] The Court referred to the decision in *Tamati* and noted in that case that neither the trustees of the existing ahu whenua trust nor the majority of the beneficial owners agreed to the creation of the Māori reservation and therefore the proposal was not well-supported. In such circumstances, the Court declined to make a recommendation.

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13 A20100005008
14 *Tamati – Horotiu and Puketapu* (1980) 84 Taranaki MB 70 (84 TAR 70)
15 *Thompson – Omahu 4C4* (2016) 48 Tākitimu MB 249 (48 TKT 249)

[30] The hearing to set aside the Māori reservation in 2010 records the details of the relevant blocks, including that they were held by trustees for the estate of Pukepuke Tangiora. The minutes also confirm that the application was in accordance with the wishes of the descendants and trustees of the estate, referring to the AGM held in 2009. The AGM minutes confirm that the reservation status of the land was discussed, and it was agreed that all the marae lands should be accorded that status. The attendance list shows several attendees along with several apologies. At the hearing, one of the estate trustees confirmed that the marae had been in place for more than 57 years and there were no known objections to the land being set aside as a Māori reservation. In those circumstances, the Court was justified in finding there was sufficient support for the making of the recommendation.

[31] In terms of whether testamentary trustees can consent to such action, the alienation provisions in the Act must also be considered. Section 4 of the Act defines the term "alienation", which includes every form of disposition of Māori land and the making or grant of a trust over or in respect of Māori land. While exceptions are made for such dispositions effected by order of the Court, Māori reservations are unique in that they are effected by gazette notice. The Court simply makes a recommendation and the Māori reservation is not created until the gazette notice is published.[16]

[32] The alienation of Māori land is governed by Part 7 of the Act. Section 147 provides for the necessary consents required to alienate the whole or part of a block of land and states:

> **147 Alienation of whole or part of block**
>
> (1) Subject to this Act,—
>
> (a) the sole owner of a block of Maori freehold land has the capacity to alienate the whole or any part of the land; and
>
> (b) the joint tenants of a block of Maori freehold land acting together have the capacity to alienate the whole or any part of the land; and
>
> (c) the owners in common of a block of Maori freehold land have the capacity to alienate the whole or any part of the land in accordance with section 150C; and
>
> (d) the trustees of a trust constituted under Part 12 have the capacity to alienate the whole or any part of Maori freehold land vested in them, in accordance with section 150A; and
>
> (e) a Maori incorporation has the capacity to alienate the whole or any part of Maori freehold land vested in it, in accordance with section 150B.

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[16] See *Mato – Nukutaurua 3C3B* (1987) 32 Gisborne Appellate MB 217 (32 APGS 217); *Muraahi v Phillips – Rangitoto Tuhua 5521B and 551BA2 (Manu Ariki Marae)* [2013] Māori Appellate Court MB 528 (2013 APPEAL 528); *Yates – Te Kōhanga Lots 1, 3-27* (2013) 63 Taitokerau MB 299 (63 TTK 299); and *Raumati – Urenui Pa (Lot 2 of Part Subdivisions 3 of Section 24 Block IV Waitara Survey District)* (2017) 374 Aotea MB 252 (374 AOT 252)

[33] In *Manning – Kirikiri Pawhaoa B2A1* the Māori Appellate Court considered whether testamentary trustees could alienate land in terms of s 147, in the context of a sale.[17] The Court noted that testamentary trustees hold the legal title to the land and are therefore owners in terms of s 147. The trustees have the capacity to alienate, which is governed by their terms of trust. The Court also noted in that case that, while the sale was not in accordance with the testamentary trusts under the Will, it was in accordance with the arrangement made and agreed to by the beneficiaries.

[34] I also note the following:

(a) Mr Watson's memorandum records that wānanga were held with the beneficiaries during 2008-2009 regarding the marae and key considerations included protection of the marae land from future alienation and protection of marae lands from effects of distribution. It would appear therefore that the effect of the Māori reservation status was understood and agreed to by the beneficiaries;

(b) There is no record of an objection to the reservation since it was established in 2010;

(c) If any of the beneficiaries disagreed with the decision of the trustees, they could have sought to review that decision under s 68 of the Trustee Act 1956.

[35] In any case, counsel referred to s 338(4) of the Act, which he says dispenses with any doubt regarding the validity of the recommendation and overrides the alienation provisions under the Act and any other potential nuances placed on the Will by the Māori Purposes Acts. That section states:

> (4) Land may be so set apart as or included in a Maori reservation although it is vested in an incorporated body of owners or in the Māori Trustee or in any other trustees, and notwithstanding any provisions of this Act or any other Act as to the disposition or administration of that land.

[36] I am satisfied that all necessary formalities, bar one, appear to have been completed and that the orders sought should be granted. That said, it also appears that there is nothing on file to confirm whether Mr Watson has published the notice required in *Hawkes Bay Today* or, if so, whether any submissions were received within the one-month period. This should be clarified forthwith.

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[17] *Manning – Kirikiri Pawhaoa B2A1* [2011] Māori Appellate Court MB 215 (2011 APPEAL 215) at [38], [46]

Decision

[37] The creation of the Māori reservation for Mihirao Marae was valid.

[38] The class of beneficiaries is redefined as per the application, subject to gazettal.

[39] The change in trustees set out in the application is confirmed.

Pronounced at 4.55pm in Rotorua on Friday this 30th day of November 2018

L R Harvey
JUDGE