

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

**A20110002289
CJ 2011/6**

UNDER Section 45 of Te Ture Whenua Māori Act 1993

IN THE MATTER OF Valentine Wiremu Kingi Whānau Trust and
orders made at 108 Aotea MB 247-248 on 1
October 2011

BETWEEN CYRUS GREGORY TAUAHIKA HINGSTON
Applicant

AND STANLEY BERNARD ERUINI HIROTI
Respondent

Hearing: 17 June 2016, 143 Waiāriki MB 130-159
(Heard at Rotorua)

Judgment: 27 July 2016

RESERVED DECISION OF DEPUTY CHIEF JUDGE C L FOX

Introduction

[1] This application filed by Cyrus Hingston (the applicant) pursuant to section 45 of Te Ture Whenua Māori Act 1993 (the Act). The applicant seeks to amend an order dated 1 October 2001 to constitute the Valentine Wiremu Kingi Whānau Trust (the Trust) relating to the land interests held by Valentine Wiremu Kingi (the deceased).¹

[2] The applicant claims the said orders are incorrect because of a mistake, error or omission in the presentation of the facts of the case to the Court on the following grounds:

- (a) The land interests of Valentine Wiremu Kingi (whāngai) have been vested for the benefit of his natural whānau who have no whakapapa/hereditary ties to the land or tupuna;
- (b) The beneficiaries of the trust are not of the preferred class and have no association to the land; and
- (c) Even though Valentine Wiremu Kingi was a whāngai, we believe he should not have been able to vest those interests into a trust as he had no children of his own.

[3] The applicant claims that he has been adversely affected by the orders complained of as he has been disinherited from his hereditary rights.

[4] This application is made with the support of the whānau of Te Miri o Raukawa and Amereta Rangirauka Ehau (paternal grandparents) of Valentine Wiremu Kingi. In his statement to the Court, the applicant sets out his grounds as follows:

- (a) We are the whānau of Te Rangiao Te Miri's sisters (Ani, Pekawhero and Paretitirangi Te Miri).
- (b) Te Rangiao Te Miri had no issue and adopted Valentine Hiroti (Wiremu Kingi) as his son.
- (c) Valentine Wiremu Kingi had no issue himself.
- (d) These shares have now been put in a whānau trust for members of the Hiroti whānau.

¹ 108 Aotea MB 247 (108 AOT 247)

- (e) The Hiroti whānau have no ties through whakapapa to the above tupuna or lands received from Rangiao.
- (f) Valentine was excluded from succession to his natural mother's lands and shares but now the beneficiaries of this trust will be the same beneficiaries as those to his natural mother's land.
- (g) We have written to Stanley Hiroti (20 July 2010) and [sic] regarding this matter and received no response to our request for the return of these land interests. It is the whānau's belief that these land interest [sic] received from our tupuna should be returned from whence they came based on whakapapa and tikanga.

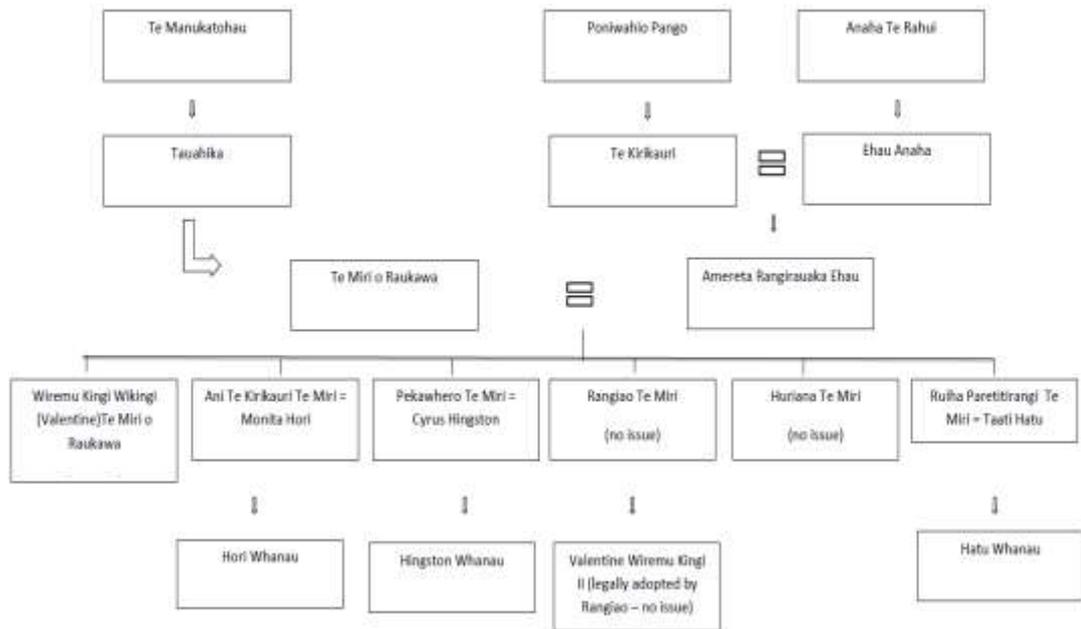
Background

[5] The Registrar's Report and Recommendation dated 16 February 2016 sets out the background to the application. The Report is reproduced in full as follows:

APPLICATION UNDER SECTION 45 OF TE TURE WHENUA MĀORI ACT 1993 REPORT AND RECOMMENDATION

Introduction

1. This application filed by Cyrus Hingston ("the applicant") pursuant to section 45 of Te Ture Whenua Māori Act 1993 ("the Act") seeks to amend an order dated 1 October 2001 at 108 Aotea MB 247-248 to constitute the Valentine Wiremu Kingi Whānau Trust ("the Trust") relating to the land interests held by Valentine Wiremu Kingi ("the deceased").
2. The applicant claims the said order is incorrect because of a mistake, error or omission in the presentation of the facts of the case to the Court on the following grounds:
 - a. The land interests of Valentine Wiremu Kingi (whāngai) have been vested for the benefit of his natural whānau who have no whakapapa/hereditary ties to the land or tupuna;
 - b. The beneficiaries of the trust are not of the preferred class and have no association to the land; and
 - c. Even though Valentine Wiremu Kingi was a whāngai, we believe he should not have been able to vest those interests into a trust as he had no children of his own.
3. The applicant claims that he has been adversely affected by the order complained of as he has been disinherited from his hereditary rights.
4. The applicant has provided whakapapa to assist the Court:



5. The applicant states that this application is made with the support of the whānau of Te Miri o Raukawa and Amereta Rangirauka Ehau (paternal grandparents) of Valentine Wiremu Kingi. In his statement to the Court, the applicant sets out his grounds as follows:
 - a. We are the whānau of Te Rangiao Te Miri's sisters (Ani, Pekawhero and Paretitirangi Te Miri).
 - b. Te Rangiao Te Miri had no issue and adopted Valentine Hiroti (Wiremu Kingi) as his son.
 - c. Valentine Wiremu Kingi had no issue himself.
 - d. These shares have now been put in a whānau trust for members of the Hiroti whānau.
 - e. The Hiroti whānau have no ties through whakapapa to the above tupuna or lands received from Rangiao.
 - f. Valentine was excluded from succession to his natural mother's lands and shares but now the beneficiaries of this trust will be the same beneficiaries as those to his natural mother's land.
 - g. We have written to Stanley Hiroti (20 July 2010) and [sic] regarding this matter and received no response to our request for the return of these land interests. It is the whānau's belief that these land interest [sic] received from our tupuna should be returned from whence they came based on whakapapa and tikanga.

Concise history of Order sought to be amended

6. On 2 May 2001 an application to constitute a whānau trust was filed by the deceased at the Māori Land Court Whanganui through his lawyers, Jack Riddet Tripe Solicitors of Whanganui. The deceased resided in Central Otago.
7. He signed a consent form dated 18 April 2001 setting out the Waiāriki land interests he wanted vested into the whānau trust. A copy is reproduced for this report as follows:

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OWNERS CONSENT FORM

Reference
Date: 1st April 2001

The Registrar
Maori Land Court
PO Box 7178
WANGANUI

Tena koe

VALENTINE WIREMU KINGI WHANAU TRUST:

I, **VALENTINE WIREMU KINGI** hereby consent to the inclusion of my land interests as described in the Schedule below in the above trust

Signed: V.W. Kingi

Address: 55 Bute St
Rangiora
C. OTAGO

LAND INTERESTS

| Maori Land Court District | Block/Incorporation | Shares |
|---------------------------|-------------------------------|----------|
| Wairariki | Haumingi 15 | 0.0578 |
| | Haumingi 13B | 0.4000 |
| | Kaitiao Rototokahaka 1R2D1 | 1.0000 |
| | Mangooewa Kaharoa A | 0.2000 |
| | Mokoiia | 1.3038 |
| | Okataina 6B 1 | 2.6000 |
| | Okataina 6B 2 | 2.6000 |
| | Okataina 10 | 2.6000 |
| | Paerangia North A 1 Section 2 | 12.8000 |
| | Pikirangi 9 | 14.7000 |
| | Pukerua Cruawhata | 3.1395 |
| | Ranana Maori School Site | 0.0333 |
| | Rotoiti 15 | 388.6800 |
| | Te Papa-a-Ruamoa | 0.6000 |
| | Te Tihitotonga A | 1.9000 |
| | Tuaropaki E | 17.0200 |
| | Waipapa 9 | 62.0000 |
| Whakapoungakau 6B 2D | 0.1714 | |
| Whakapoungakau 13B 5 | 41.3000 | |
| Whakapoungakau 14 | 0.8000 | |
| Whakapoungakau 15B10 | 1.0500 | |

8. The deceased submitted a sworn affidavit in support of his application. A copy is reproduced as set out below:

I, Valentine Wiremu Kingi of Central Otago, Shearer, swear:

That I am the applicant for the constitution of a whānau trust with respect to my interests in lands in the Wairariki district.

That my natural mother was Leah Maheno Hiroti and my natural brother is Stanley Bernard Eruini Hiroti.

That under the proposed declaration of trusts I am to receive income while I am alive. I do not have any children and because of my natural love and affection for my brother Stanley I want to benefit his family after I have died.

That it will be difficult for me to come to Wanganui from Central Otago and I ask the Court to accept this affidavit as an indication of my wishes with respect to this matter.

9. The matter was referred to the Rotorua office for actioning, however the deceased's solicitors requested that the matter to be heard in Whanganui and the application was adjourned [refer to 261 Rotorua MB 53 dated 4 September 2001]. Notice of the adjournment was sent to the deceased and his lawyers.
10. There is no evidence on the lower court file to show that notice was sent to any other persons affected by this application.
11. On 1 October 2001 at 108 Aotea MB 247-248, the matter was heard in Whanganui. A copy of the minute has been reproduced for this report as follows:

Valentine Wiremu Kingi Whānau Trust
214/93

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Present:
Mr A R Wallis, Counsel
Stanley Bernard Eruini Hiroti

Stanley Bernard Eruini Hiroti, sworn

I am Valentine's brother. I produce his affidavit dated the 23rd of August 2001. He has lodged an application to vest his interests in a Whānau Trust. The interests to be vested in the Whānau Trust are:

Waiāriki District

| <u>Blocks</u> | <u>Current Owner</u> | <u>Shares</u> |
|---------------------------------------|------------------------|---------------|
| Haumingi 15 | Valentine Wiremu Kingi | 0.057892 |
| Kaitao Rotohokahoka 1R2D1 | Valentine Wiremu Kingi | 1 |
| Mangorewa Kaharoa A | Valentine Wiremu Kingi | 0.2 |
| Okataina 6B 1 | Valentine Wiremu Kingi | 2.6 |
| Okataina 6B 2 | Valentine Wiremu Kingi | 2.6 |
| Okataina 10 | Valentine Wiremu Kingi | 2.6 |
| Rotoiti 15 | Valentine Wiremu Kingi | 188.68 |
| Tuaropaki E | Valentine Wiremu Kingi | 17.02 |
| Pikirangi 9 | Valentine Wiremu Kingi | 14.7 |
| Te Tihiotonga A (Aggregated in Error) | Valentine Wiremu Kingi | 7.939758 |
| Whakapoungakau 15B10 | Valentine Wiremu Kingi | 1.05 |
| Paengaroa North A 1 Section 2 | Valentine Wiremu Kingi | 12.8 |
| Ranana Māori School Site | Valentine Wiremu Kingi | 0.03333 |
| Mokoia | Valentine Wiremu Kingi | 1.30384 |
| Pukeroa Oruawhata | Valentine Wiremu Kingi | 3.1395 |
| Te Papa-a-Ruamoa | Valentine Wiremu Kingi | 0.6 |
| Waipapa 9 | Valentine Wiremu Kingi | 62 |
| Whakapoungakau 14 | Valentine Wiremu Kingi | 0.8 |
| Whakapoungakau 13B 5 | Valentine Wiremu Kingi | 41.3 |
| Whakapoungakau 6B 2D | Valentine Wiremu Kingi | 0.17143 |
| Haumingi 11B | Valentine Wiremu Kingi | 0.4 |

His consent has been filed.

Orders under Sections 214 and 219/93 are sought creating the Valentine Wiremu Kingi Whānau Trust and declaring the terms of Trust in accordance with the draft Whānau Trust Order submitted. The tupuna is Leah Maheno Hiroti.

Orders under Sections 222/93 and 220/93 are sought appointing myself:

| | <u>Name</u> | <u>Address</u> |
|---|-------------------------------|---------------------------|
| 1 | Stanley Bernard Eruini Hiroti | 31 Somerset Road Wanganui |

As trustee and vesting the various interests in my name as trustee of the Whānau Trust. My consent is filed.

Court

The Court makes Orders accordingly.

12. The deceased named his natural sibling, Stanley Bernard Eruini Hiroti as the sole beneficiary of the whānau trust even though he does not whakapapa to the Waiāriki lands. This is set out at paragraph (3) of the said whānau trust order as follows:

The beneficiaries shall be the descendants of Leah Maheno Hiroti as the tipuna through to her son Stanley Bernard Eruini Hiroti including the said Stanley Bernard Eruini Hiroti.

The descendants shall include:

- a. All persons born or to be born of the tipuna
- b. Any issue per stirpes of the tipuna
- c. Whāngai of any descendant of the tipuna

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- d. Persons adopted by the tipuna or a descendant of the tipuna
- e. Persons who may have been entitled but that they were adopted out by another person.

13. On 4 March 2002 at 111 Aotea MB 67 an amendment was made to the above order by:

- a. Removing *Te Tihiotonga A (Aggregated in error) block holding 7.939758 shares*; and
- b. Replacing it with *Paiaka (Amalgamation) block holding 3.019879 shares*.

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

13. The applicant has provided the following documents in support of his application:

- a. A covering letter from the applicant in support of his application;
- b. A letter setting out the grounds numbered 1-7; [refer paragraph 5]
- c. A certified copy of Death Certificate for Valentine Wiremu Kingi;
- d. A copy of an unsigned letter dated 20 July 2010 from Maryanne Hori-Kauhemo tu to Stanley Bernard Eruini Hiroti;
- e. A copy of an unsigned letter dated 23 August 2010 from Maryanne Kauhemo tu to Stanley Bernard Eruini Hiroti;
- f. A letter from the Māori Land Court dated 29 September 2010 to the applicant requesting a certified copy of the Death Certificate for the deceased;
- g. A copy of the Court minute and orders complained of (108 Aotea MB 247-248 dated 1 October 2001);
- h. A copy of a Court minute made at 111 Aotea MB 52 dated 12 December 2001 vesting further interests of the deceased into the Valentine Wiremu Kingi Whānau Trust;
- i. A copy of a Court minute made at 68 Aotea MB 70-72 dated 24 February 1997 upon succession to Leah Maheno Hiroti also known as Leah Puhirangi Matiu;
- j. A copy of a Court minute made at 115 Rotorua MB 136 dated 21 June 1961 upon succession to Tauranga Tahana;
- k. A copy of a Court minute made at 129 Whanganui MB 255 dated 13 April 1965 upon succession to Tauranga Rawinia;
- l. A copy of a court minute made at 136 Rotorua MB 268-269 dated 16 May 1967 upon succession to Te Rangiao te Miri or Oraukawa or Kingi or Raukawa or Kirikau te Miri or Kirikau;
- m. A copy of a Court minute made at 146 Rotorua MB 130 dated 12 March 1969 upon succession to Rangirauaka Amereta Ehau or Raukawa or Amerata Ehau or Amerata Te Miri or Amerata Te Rangirauaka;
- n. A copy of a Court minute made at 166 Rotorua MB 174 dated 19 May 1972 in the matter of funds held by the Māori Trustee in trust for Rangirauaka Amerata Ehau or Raukawa or Amerata Ehau or Amerata Te Miri or Amerata Te Rangirauaka;
- o. A copy of the Part IV Search Report dated 5 November 2001 for the deceased;
- p. An email from the applicant dated 11 August 2015 explaining that Valentine Wiremu Kingi was the son of Lovey Hiroti, who was either a niece or younger sister of Rangiao's wife. Whakapapa (as set out at para 4 of this report) was also attached;
- q. Two (2) further emails dated 18 August 2015 from the applicant in regards to the Kaitao Rotohokahoka 1R 2D1 block; and
- r. A sworn affidavit (2pgs) from Bernard Montgomery Hatu dated 31 August 2015 in support of the application before the Chief Judge and in respect of Kaitao Rotohokahoka 1R 2D1 block.

14. The Court research shows that the deceased received his Waiāriki and Aotea land interests from the following persons as set out in the table below:

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| | <u>Waiāriki Blocks</u> | <u>Shares</u> | <u>Derivation reference</u> | <u>Originated from</u> |
|----|---|----------------------|--|--|
| 1 | Haumingi 15 | 0.057892 | 171 Rotorua MB 152-153 on 18/12/1972 | Te Miri-O-Raukawa (adopted father) |
| 2 | Haumingi No.11B | 0.4 | 171 Rotorua MB 152-153 on 18/12/1972 | Te Miri-O-Raukawa (adopted father) |
| 3 | Kaitao Rotohokahoka 1R2D1 | 1.0 | 136 Rotorua MB 268-269 on 16/05/1967 | Te Rangiao te Miri (adopted father) |
| 4 | Mangorewa Kaharoa A | 0.2 | 136 Rotorua MB 268-269 on 16/05/1967 | Te Rangiao te Miri (adopted father) |
| 5 | Mokoia | 1.30384 | 174 Rotorua MB 294 on 06/03/1974 | Te Rangiao Te Miri (adopted father) |
| 6 | Okataina 10 | 2.6 | 136 Rotorua MB 268-269 on 16/05/1967 | Te Rangiao te Miri (adopted father) |
| 7 | Okataina 6B1 | 2.6 | 136 Rotorua MB 268-269 on 16/05/1967 | Te Rangiao te Miri (adopted father) |
| 8 | Okataina 6B2 | 2.6 | 136 Rotorua MB 268-269 on 16/05/1967 | Te Rangiao te Miri (adopted father) |
| 9 | Paengaroa North A No.1 Section 2 | 12.8 | 136 Rotorua MB 268-269 on 16/05/1967 | Te Rangiao te Miri (adopted father) |
| 10 | Pukeroa Oruawhata | 3.1395 | 136 Rotorua MB 268-269 on 16/05/1967 | Te Rangiao te Miri (adopted father) |
| 11 | Ranana Māori School Site | 0.03333 | 185 Rotorua MB 283 on 17/06/1981 | Te Rangiao Oraukawa (adopted father) |
| 12 | Te Papa-a-Ruamoā | 0.5 | 166 Rotorua MB 240 on 14/08/1972 | Hohepa te Rahui Ehau (adopted paternal granduncle) |
| | Te Papa-a-Ruamoā | 0.1 | 172 Rotorua MB 242 on 17/08/1973 | Poniwahio Pango (adopted paternal great-great grandfather) |
| 13 | Tuaropaki E (being Part Tuaropaki E Block, Lot 1 Deposited Plan South Auckland 80324 and Lot 1 Deposited Plan South Auckland 324394) | 17.02 | 174 Rotorua MB 294 on 06/03/1974 | Te Rangiao-o-Raukawa (adopted father) |
| 14 | Waipapa 9 | 62.0 | 185 Rotorua MB 283 on 17/06/1981 | Te Rangiao Te Miri (adopted father) |
| 15 | Whakapoungakau No. 9B Sec. 13, Whakapoungakau 15B 10, Whakapoungakau No 14, Whakapoungakau No.10B Sec 6A, Whakapoungakau No.11B Sec.6, Whakapoungakau No.13B Sec. 5, Whakapoungakau No.16 Sec.2B No.2G No.2E and Pikirangi 9 (Aggregated) | 3344.44577 | 136 Rotorua MB 268-269 on 16/05/1967 | Te Rangiao te Miri (adopted father) |
| 16 | Whakapoungakau No.6B No.2D | 0.17143 | 136 Rotorua MB 268-269 on 16/05/1967 | Te Rangiao te Miri (adopted father) |
| 17 | Section 2 Block IV Marotiri Survey District (Land acquired for Public Work re-vested back into the same owners in the Tuaropaki D2 block at that time) | 17.02 | 174 Rotorua MB 294 on 06/03/1974 | Te Rangiao-o-Raukawa (adopted father) |
| 18 | Haumingi 15 Note: Vested at 303 Rotorua MB 207-209 (13/11/2006) into whānau trust (see below) | 0.06 | 303 Rotorua MB 207-209 on 13/11/2006 | Amereta Rangirauaka Ehau (adopted paternal grandmother) |
| 19 | Te Papaiouru Note: Vested at 303 Rotorua MB 207-209 (13/11/2006) into whānau trust (see below) | 0.061994 | 303 Rotorua MB 207-209 on 13/11/2006 | Amereta Rangirauaka Ehau (adopted paternal grandmother) |
| 20 | Waitangi No. 3 Note: Vested at 303 Rotorua MB 207-209 (13/11/2006) into whānau trust (see below) | 255.2 | 303 Rotorua MB 207-209 on 13/11/2006 | Amereta Rangirauaka Ehau (adopted paternal grandmother) |
| | <u>Aotea Blocks</u> | <u>Shares</u> | <u>Derivation reference</u> | <u>Originated from</u> |
| 21 | Kauangaroa 3D (Cemetery) | 0.25 | 142 Whanganui MB 50 on 15/12/1978 | Rawinia Ropiha (adopted maternal grandmother) |
| 22 | Kauangaroa 3F | 1.0 | 129 Whanganui MB 255 & 257 on 14/04/1965 | Tauranga Rawinia (adopted mother) |
| | Kauangaroa 3F | 0.25 | 142 Whanganui MB 150 on 15/12/1978 | Rawinia Ropiha (adopted maternal) |

| | | | | |
|----|------------------|---------|--|--|
| | | | | grandmother) |
| 23 | Kauangaroa 3G13B | 1.6 | 129 Whanganui MB 255 & 257 on 14/04/1965 | Tauranga Rawinia (adopted mother) |
| 24 | Rakautaua 9 | 0.05556 | 97 Aotea MB 262-274 on 15/05/2000 | Parai Tarau (adopted maternal great-great-grandfather) |
| 25 | Te Kumuiti 4 | 2.1667 | 115 Rotorua MB 136 on 21/06/1961 | Taurangi Kingi (adopted mother) |
| | Te Kumuiti 4 | 0.6273 | On 05/01/1983 (no reference MLIS) | Purchase of shares from Māori Trustee |
| | Te Kumuiti 4 | 0.7940 | 149 Whanganui MB 325-326 on 26/02/1986 | Shares transferred by way of Vesting order in favour of David Hauparora Hiroti |

15. The above interests were vested into the Trust as follows:

- a. Blocks numbered 1 to 17 on 1 October 2001 at 108 Aotea MB 247-248;
- b. Blocks numbered 18 to 20 on 13 November 2006 at 303 Rotorua MB 207-209; and
- c. Blocks numbered 21 to 25 on 12 December 2001 at 111 Aotea MB 52

The Proprietors of Waerenga East & West Incorporation

16. Upon reviewing the Court minute at 171 Rotorua MB 152-153 dated 18 December 1972 it was noted that the deceased had also received shares in The Proprietors of Waerenga East & West Incorporation upon succession to his adopted father Te Miri-O-Raukawa.
17. On 28 January 2016 a letter was sent to the registered office of the incorporation at Deloitte Chartered Accountants, Rotorua requesting them to conduct a search of their records to see if the deceased is a shareholder. We are waiting for a response.

Rotohokahoka F Sec 3 block (Now Ngāti Whakaue Tribal Lands Incorporated)

18. Upon reviewing the Court minute at 146 Rotorua MB 130 dated 12 March 1969 it was noted that the deceased had received 0.2917 shares in Rotohokahoka F Sec 3 block upon succession to his adopted paternal grandmother Rangirauaka Amerata Ehau or Raukawa or Amerata Ehau or Amerata Te Miri or Amerata Te Rangirauaka or Rangirauaka Te Miri.
19. On 29 January 2016 a letter was sent to the registered office of the incorporation at Glen Hawkins & Associates Ltd, Rotorua requesting them to conduct a search of their records to see if the deceased is a shareholder. We are waiting for a response.

Rotoiti 15

20. The Court research found that the deceased is still shown as an owner in Rotoiti 15 block holding 188.68 shares. He received those shares as set out below:

| <u>Blocks</u> | <u>Shares</u> | <u>Derivation reference</u> | <u>Originated from</u> |
|--|---------------|--------------------------------------|--|
| Successions prior to amalgamation Rotoiti 15 | | | |
| Okataina 9B (converted shares upon amalgamation to Rotoiti 14) | 10.46 | 136 Rotorua MB 268-269 on 16/05/1967 | Te Rangiao te Miri or Amereta (adopted father) |
| Okataina 3B (converted shares upon amalgamation to Rotoiti 14) | 59.19 | 136 Rotorua MB 268-269 on 16/05/1967 | Te Rangiao te Miri or Amereta (adopted father) |
| Total shares amalgamated to Rotoiti 14 | 69.65 | | |
| Okataina 12 (converted shares upon amalgamation to Rotoiti 15) Okataina 12 came from Okataina 5 and 6B blocks | 28.71 | 136 Rotorua MB 268-269 on 16/05/1967 | Te Rangiao te Miri or Amereta (adopted father) |
| Total shares upon amalgamation of Okataina 12 and Rotoiti 14 to Rotoiti 15 | 98.36 | | |
| Blocks | | | |
| Successions to Rotoiti 15 after amalgamation | | | |
| Rotoiti 15 | 1.32 | 171 Rotorua MB 152-153 on 18/12/1972 | Te Miri-o-Raukawa (adopted paternal grandfather) |

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| | | | |
|--|--------------|----------------------------------|--|
| Rotoiti 15 | 1.90 | 172 Rotorua MB 48 on 08/05/1973 | Amerata Atanui Ehau (adopted paternal grandmother) |
| Rotoiti 15 | 87.10 | 174 Rotorua MB 294 on 06/03/1974 | Te Rangiao te Miri or Amereta (adopted father) |
| Total shares after amalgamation to Rotoiti 15 | 90.32 | | |
| Current shareholding in Rotoiti 15 | 188.68 | | |

21. Those shares were to have been included in the Trust and were omitted when the Trust was constituted. The Court can make the necessary administrative amendments to include the Rotoiti shares into the whānau trust.

Deceased's natural mother – Leah Maheno Hiroti

22. The deceased did not succeed to the land interests of his natural mother Leah Maheno Hiroti. Evidence of her succession was made at 66 Aotea MB 247-249 on 13 January 1997 and at 68 Aotea MB 70-72 on 24 February 1997.
23. At 68 Aotea MB 71 the Court makes reference to the deceased not being entitled to succeed to his natural mothers interests. An extract is reproduced as set out below:

Court: There are five children Nos (i)-(v) above mentioned in the Will. The other one Valentine succeeded to some of Tauranga's interests so he has not been left out altogether.

R N Hiroti: No, he's got more than all of us

Court: It's not appropriate that he should succeed twice in this side is it?

R N Hiroti: No Sir

Details of subsequent Orders affecting lands to which this application relates

24. On 13 November 2006 at 303 Rotorua MB 207-209 further land interests were vested into the Trust. These interests relate to land blocks in Waiāriki. The Waiāriki blocks referred to at this minute are affected and subject to this application, namely – Haumingi 15 (0.06 shares), Te Papaouru (0.061994 shares) and Waitangi No 3 (255.2 shares).

Details of payments made as a result of the Order

25. On 14 August 2015 letters were sent to the following administrators to place a hold over their client account for the Trust and to provide details of what payments (if any) have been made to the Trust to date.

| <u>Block</u> | <u>Administrators</u> | <u>Addresses</u> |
|---|---|--|
| Mangorewa Kaharoa A | Hori Montgomery Morrison Josephine Mokaimarutuna Scott Manu Hughes Pene Maxine Waiti Rennie | 12 Gemini Place Rotorua 15 Lake Road Rotorua 3 Beach Road Maketu Te Puke 3189 30 Kiharoa Street Ohinemutu Rotorua 3010 |
| Mokoia | Registered Office: | M Mohi Maxwell Road Awahou Rotorua |
| Paengaroa North A1 Section 2 | Registered Office: | NZ Guardian Trust Co Ltd PO Box 1040 Rotorua 3040 |
| Pukeroa Oruawhata | Registered Office: | Deloitte PO Box 12003 Rotorua 3045 |
| Tuaropaki E | Registered Office: | Tuaropaki PO Box 441 Taupo 3351 |
| Whakapoungakau 9B 13, 15B 10, 14, 10B 6A, 11B 6, 13B 5, 16 2B, 2G 2E and Pikirangi 9 (Aggregated) | Darin Haihaitu Pirika Kiri Tapsell Marie Te Tomo Moirā Pareraututu Hayward Rolleston Piwiki Heke Ruapeka Taikato | PO Box 7259 Te Ngae Rotorua 3042 79 Isles Road Lynmore Rotorua 55 Boundary Road Hamilton Lower Kaimai Tauranga 25 Porikapa Road Rotorua PO Box 7378 Te Ngae Rotorua |
| Whakapoungakau No 6B No 2D | Hikatarewa Wiringi Jackson White Joe Tuhakaraina Manu Pene | 70 Ford Road Rotorua 2A Larch Street Rotorua 40 Central Road RD2 Rotorua 3 Beach Road Maketu |
| The Proprietors of Waerenga East and West Blocks Incorporated | Deloitte Chartered Accountants | PO Box 12003 Rotorua 3045 |

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26. There was no contact address information on the Māori Land Information System for the registered office or the trustees for the Waipapa 9 Ahu Whenua Trust when the above letters were sent on 14 August 2015. A recent check now shows the following contact details:

| <u>Block</u> | <u>Administrator</u> | <u>Address</u> |
|-----------------|------------------------|---|
| Waipapa 9 Trust | Lawrence Hapeta Tawera | C/- Waipapa 9 Trust PO Box 1445 Taupō 3351 |

27. On 27 January 2016 a letter was sent to the administrator of the Waipapa 9 Ahu Whenua Trust to place a hold over their client account for the Trust and to provide details of what payments (if any) have been made to the Trust to date.
28. Tuaropaki Trust: On 20 August 2015 an email was received from Tuaropaki confirming that a hold has been placed on the Trust. Distributions made to the Trust are set out as follows:

| <u>Name</u> | <u>Shareholder Number</u> | <u>Shares held</u> | <u>Total Income received since 01/10/2001</u> | <u>Total Income paid out</u> | <u>Funds paid into Putea Account</u> |
|-------------------------------------|---------------------------|--------------------|---|------------------------------|--------------------------------------|
| Valentine Wiremu Kingi Whānau Trust | SH1904 | 17.02 | \$16,611.52 | \$16,571.52 | \$40.00 |

29. On 28 January 2016 a letter was sent to the administrator of the The Proprietors of Waerenga East and West Blocks Incorporated to conduct a beneficiary search of their records to confirm that the whānau trust is a shareholder.
30. At the date of writing this report, there have been no responses received from the trustees of the following blocks: Mangorewa Kaharoa A, Mokoia, Paengaroa North A1 Section 2, Pukeroa Oruawhata, Whakapoungakau 9B 13, 15B 10, 14, 10B 6A, 11B 6, 13B 5, 16 2B, 2G 2E and Pikirangi 9 (Aggregated) and Whakapoungakau No 6B No 2D.

Reference to areas of difficulty

31. The Court research found that the deceased is still shown as an owner in Rotoiti 15 block holding 188.680 shares. Those shares were to have been included in the Trust and were omitted when the Trust was constituted. The Court can make the necessary administrative amendments to include the Rotoiti shares into the Trust.
32. The Court research located evidence in the historical record to show that the deceased could have shares with the Proprietors of Waerenga East and West Blocks Incorporation and the Ngāti Whakaue Tribal Lands Incorporation. A letter has been sent to both incorporations requesting a beneficiary search of their records to see if the deceased is a shareholder. We are still waiting for a response from the Incorporations.
33. The tupuna of the Trust is the deceased's natural mother and the beneficiary is his natural brother. While they have a blood connection to the deceased that is not severed by the Adoption Act 1955, they do not have a blood connection to the land.

Consideration of whether matter needs to go to full hearing

34. The evidence in the historical record shows that the deceased was a legally adopted child of Te Rangiao te Miri and Tauranga Rawinia or Tahana. Evidence of his adoption is referenced in the Waiāriki record as Adoption Record File Number 631.
35. The search of the historical record shows that the deceased received his Waiāriki lands as an absolute interest from his adopted parents and other relatives of the adopted whānau.
36. In his application, the applicant set out his grounds as follows:
- The land interests of Valentine Wiremu Kingi (whāngai) have been vested for the benefit of his natural whānau who have no whakapapa/hereditary ties to the land or tupuna;
 - The beneficiaries of the trust are not preferred class and have no association to the land; and
 - Even though Valentine Wiremu Kingi was a whāngai, we believe he should not have been able to vest those interests into a trust as he had no children of his own.
37. In respect of the grounds made by the applicant, we must examine the legislation applied at the time to see if there was an error made on the part of the Court when the Trust was constituted.

Legislation – Te Ture Whenua Māori Act 1993

38. Section 214 (1) of the Act allows the Court to constitute a whānau trust in respect of any beneficial interests in Māori land or General land owned by Māori, or any shares in a Māori incorporation.
39. Section 214 (2)(a)(i) of the Act states that an application for the constitution of a whānau trust under this section shall be made by or with the consent of the owner (or all of the owners) of the interests or shares to which the application relates.
40. Section 214 (2)(b) of the Act states that an application may be made in respect of any interests in 1 or more blocks of land and in respect of 1 or more shares in an incorporation.
41. The deceased held an absolute interest in the Waiāriki land blocks that he received as a legally adopted child. The Act allows an owner to vest their interests into a whānau trust. In this case, the deceased gave his consent and applied to the Court to constitute a whānau trust.
42. Section 214(3) of the Act states that income derived from the land interests shall benefit the descendants of any tipuna (whether living or dead) named in the order.
43. In this case, the deceased chose to name as natural mother, Leah Maheno Hiroti, as the tipuna even though she did not whakapapa to the Waiāriki lands.
44. The deceased named his natural sibling, Stanley Bernard Eruini Hiroti as the sole beneficiary of the whānau trust even though he does not whakapapa to the Waiāriki lands. This is set out at paragraph (3) of the said whānau trust order as follows:

The beneficiaries shall be the descendants of Leah Maheno Hiroti as the tipuna through to her son Stanley Bernard Eruini Hiroti including the said Stanley Bernard Eruini Hiroti.

The descendants shall include:

- a. All persons born or to be born of the tipuna
 - b. Any issue per stirpes of the tipuna
 - c. Whāngai of any descendant of the tipuna
 - d. Persons adopted by the tipuna or a descendant of the tipuna
 - e. Persons who may have been entitled but that they were adopted out by another person.
45. There are provisions in the Act that allows an owner to constitute a whānau trust and to nominate the tipuna and beneficiaries. In this case, the deceased met those provisions and the Court was satisfied and made orders accordingly in terms of the legislation.
 46. Taking the above matters into consideration, there is no clear evidence to show where the Court had erred in making these orders and therefore it is recommended that this application be dismissed.

Recommendation of course of action to be taken

47. 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 those **affected parties for whom we have contact details for, to give them an opportunity to comment or respond, in writing, within 28 days of this Report.**
 - b. If no objections are received, then this application should be dismissed.
 - c. If objections are received, then the matter should be set down for hearing

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Procedure

[6] The Registrar's Report was distributed to parties on 16 February 2016 with written responses or objections to be filed at the Office of the Chief Registrar, Wellington no later than 18 March 2016.

[7] On 17 March 2016, the Court received an objection in response to the Report from the applicant, Cyrus Hingston. His grounds are set out below:

- (a) The Court failed to safeguard the interests of Māori land as taonga tuku iho for whānau and descendants by notifying the owners of the land in question;
- (b) The purpose of the Act is to prevent alienation of Māori land into the hands of people who are not of the lineage or hapū to the whenua; and
- (c) The use of a whānau trust to avoid the restriction on alienation out of the blood lines was not intended by the Act.

[8] On 5 May 2016, the Chief Judge delegated this application to me for completion.² I directed this matter be set down for hearing in Rotorua on Friday, 17 June 2016.

Section 45 hearing

[9] As noted in the report of the Registrar, Valentine Wiremu Kingi was legally adopted by Te Rangiao-o-Raukawa Te Miri and Tauranga Rawinia or Tahana. Evidence of his adoption is referenced in the Waiāriki Adoption Record File Number 631. Valentine died without issue.

[10] Before Valentine's death, his shares were vested in a whānau trust – the Valentine Wiremu Kingi Whānau Trust. The tīpuna of that trust was named as his natural birth mother, Leah Maheno Hiroti. It is common ground that she was not an owner, a member of the whānau, hapū, or a descendent of an owner associated with the land interests held by the Trust, that had been derived from Te Rangiao and his whānau.

² 2016 Chief Judge's MB 381 (2016 CJ 381)

[11] Valentine also named his natural brother, Stanley Bernard Eruini Hiroti, to be appointed the sole trustee, and again it is common ground that he was not an owner, a member of the whānau, hapū, or a descendent of an owner associated with the land interests held by the Trust, and that had been derived from Te Rangiao and his whānau.

[12] The trust order named the beneficiaries of the trust as the descendants of Leah Maheno Hiroti through her son Stanley Bernard Eruini Hiroti, and included as beneficiaries any persons adopted by Leah or her descendants, any whāngai of any of her descendants, and any person adopted out of the family who would otherwise have been entitled. This means that under the current trust order, it is possible for people who are not owners, members of the whānau, hapū or descendants of an owner associated with the land interests held by the Trust that had been derived from Te Rangiao and his whānau, to ultimately receive the benefit of those land interests.

Submissions for the Applicant

[13] At the hearing, I heard submissions for the applicant opposing the Registrar's report. It was contended that the Registrar's report had failed to take into account the intention of the Act, the Preamble and the manner in which it must be interpreted. It was submitted that the Registrar did not have regard to the duty of the Court to protect the interests of Māori land as a taonga of the whānau, hapū and descendants of those associated with these Waiāriki land interests.

[14] It was further contended that notice should have been given to all the land owners in the lands that were to be vested in the Valentine Wiremu Kingi Whānau Trust. This submission was later changed to be that notice should have been sent to the siblings of Te Rangiao-o-Raukawa Te Miri, or their descendants.

[15] The applicant was also concerned that because the matter was heard in Aotea District, the whānau in the Waiāriki District would not have received notice via the Pānui as per the Māori Land Court Rules 1994 (still in force at that date). I note that the application was in fact, heard unadvertised.

[16] It was submitted that more investigative work should have been done by the Registrar to ensure that the Court was advised in detail of the correct derivation of Valentine Kingi's land interests.

[17] At the hearing, Mr Bernard Hatu was called to give evidence for the applicant. He is the son of Ruiha Hatu, a sister to Valentine's adoptive father - Te Rangiao. His evidence was that Te Rangiao had five siblings. Of those siblings, only three of his sisters had children. He deposed that, at one time, Stanley Hiroti wanted to return all the shares held in the Trust to the descendants of Te Rangiao's whānau so long as he could retain the shares in Kaitao Rotohokahoka. Mr Hatu did not agree to this.

Submissions for Mr Hiroti

[18] Mr Hiroti could not recall whether he offered to keep any shares in Kaitao Rotohokahoka. Rather, he was at that time concerned that he was asked for money to assist with the payment of the rates. He also explained how Valentine came to be adopted by Rangiao and Tauranga. Tauranga was sister to Mr Hiroti's grandmother and that is the whakapapa link.

[19] Mr Hiroti pointed out that the Valentine Wiremu Kingi Whānau Trust was established so that he could help Valentine look after his land interests. He now wants the trust income to benefit young people.

[20] His daughter, Leanne Hiroti, requested that if the trust was to be terminated that they be able to decide which whānau the land should vest in. This is not possible given the result in this case, and as detailed below.

The Law

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

44 Chief Judge may correct mistakes and omissions

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- (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.

[22] Section 45 explicitly refers to situations where the Court has not made a correct decision due to a flaw in the evidence presented, or in the interpretation of the law. It also provides that the Chief Judge can cancel or amend an order where necessary in the interests of justice to correct any mistake or omission.

[23] The relevant law is s 214 of Te Ture Whenua Māori Act 1993. Section 214 of the Act provides:

214 Whānau trusts

- (1) The court may, in accordance with this section, constitute a whanau trust in respect of any beneficial interests in Maori land or General land owned by Māori or, subject to any minimum share unit fixed by its constitution, any shares in a Māori incorporation.
- (2) An application for the constitution of a whānau trust under this section—
 - (a) shall be made—
 - (i) by or with the consent of the owner or all of the owners of the interests or shares to which the application relates; or
 - (ii) by the administrator of an estate to give effect to a testamentary disposition purporting to constitute a whanau trust; or
 - (iii) by the administrator of an estate acting by and with the consent of the persons entitled to succeed to the interests or shares to which the application

relates; and

(b) may be made in respect of any interests in 1 block of land, or in any 2 or more blocks of land, or in respect of any shares in 1 incorporation or in 2 or more incorporations, or in respect of any such interests and any such shares; and

(c) may be made notwithstanding that the land or any part of it or the shares or any of them is or are already held for the purposes of any other kind of trust constituted under this Part.

- (3) The land, money, and other assets of a whānau trust shall be held, and the income derived from those assets shall be applied, for the purposes of promoting the health, social, cultural and economic welfare, education and vocational training, and general advancement in life of the descendants of any tipuna (whether living or dead) named in the order.
- (4) Notwithstanding anything in subsection (3), the court may, either on the constitution of a whānau trust or on application at any time thereafter, empower the trustees to apply any part of the trust income that is not required for the purposes of the trust (as described in that subsection), for Māori community purposes generally or for such Māori community purposes as the court may specify; and, in such a case, the trustees may apply any such part of the trust income in accordance with section 218.
- (5) In any case to which subsection (4) applies, the beneficiaries shall be,—
- (a) where the trust is constituted in respect of any interests in any block or blocks of land, the persons beneficially entitled to those interests at the time the trust is constituted, and their descendants; or
- (b) where the trust is constituted in respect of any shares in a Māori incorporation, the persons who are for the time being the beneficial owners of those shares, and their descendants.
- (6) While a whānau trust constituted under this section remains in existence, no person shall be entitled to succeed to any interests or shares vested in the trustees for the purposes of the trust.

[24] This provision was referred to by the Registrar in isolation from the Preamble and s 2 of the Act. The Preamble provides as follows:

Nā te mea i riro nā te Tiriti o Waitangi i motuhake ai te noho a te iwi me te Karauna: ā, nā te mea e tika ana kia whakaūtia anō te wairua o te wā i riro atu ai te kāwanatanga kia riro mai ai te mau tonu o te rangatiratanga e takoto nei i roto i te Tiriti o Waitangi: ā, nā te mea e tika ana kia mārama ko te whenua he taonga tuku iho e tino whakaaro nuitia ana e te iwi Māori, ā, nā tērā he whakahau kia mau tonu taua whenua ki te iwi nōna, ki ō rātou whānau, hapū hoki, a, a ki te whakangungu i ngā wāhi tapu hei whakamāmā i te nohotanga, i te whakahaeretanga, i te whakamahitanga o taua whenua hei painga mō te hunga nōna, mō ō rātou whānau, hapū hoki: ā, nā te mea e tika ana kia tū tonu he Te Kooti, ā, kia whakatakototia he tikanga hei āwhina i te iwi Māori kia taea ai ēnei kaupapa te whakatinana.

Whereas the Treaty of Waitangi established the special relationship between the Māori people and the Crown: And whereas it is desirable that the spirit of the exchange of kāwanatanga for the protection of rangatiratanga embodied in the Treaty of Waitangi be reaffirmed: And whereas it is desirable to recognise that land is a taonga tuku iho of special significance to Māori people and, for that reason, to promote the retention of that land in the hands of its owners, their whānau, and their hapū, and to protect wāhi tapu: and to facilitate the occupation, development, and utilisation of that land for the benefit of its owners, their whānau, and their hapū: And whereas it is desirable to maintain a court and to establish mechanisms to assist the Māori people to achieve the implementation of these principles.

[25] Section 2(1) provides that I must have regard to the intention of Parliament that the provisions of the Act (e.g. s 214) shall be interpreted in a manner that best furthers the principles set out in the Preamble.

[26] I must also have regard to s 2(2) of the Act which states that it is the intention of Parliament that powers, duties, and discretions conferred by this Act (including those exercised under s 45) shall be exercised, as far as possible, in a manner that facilitates and promotes the retention, use, development, and control of Māori land as taonga tuku iho by Māori owners, their whānau, their hapū, and their descendants.

Adoption Act 1955

[27] The Court was not advised in 2001 that Valentine Wiremu Kingi had been adopted and that the land interests he held were primarily interests derived from his adoptive whānau.

[28] Adoptions are governed by the Adoption Act 1955 and s 16 of that Act is relevant here. Section 16(2) provides that an adopted child is deemed to become the child of the adoptive parent, and the adoptive parent is deemed to become the parent of the child. Following the adoption, the adopted child is deemed to cease to be the child of his natural parents and they are deemed to cease to be his parents. That provision applies to all adoptions whether made before or after the enactment of the 1955 Act, as per s 16(3) of the 1955 Act. As noted by Her Honour Judge Milroy in the case *Evans – Tokata A14*,³ the effect of s 16 has been discussed in a number of cases:⁴

The effect of section 16 was discussed in the case *Re Walker (deceased), Clark v Walker and Others* [1973] 1NZLR449. The Judge in that case said (at page 452):

“The intention of section 16 of the Adoption Act 1955 is clear in that it declares an adopted person to be the child of the adoptive parent or parents and further declares that such adopted person shall cease to be the child of its natural child of parents. As a matter of law it must follow that such a child, by means of a legal but irrebuttable fiction is no longer the issue of its natural parents but becomes the issue of its adoptive parent or parents.”

Similarly in the case *W V Y* [1973] 2NZLR175 the Judge said (at page 178):

“ For the reasons I have given above I consider section 16(2)(b) proclaims that, subject to the stated exceptions, an adoption order severs the link with the natural parents and places on the adoptive parent or parents alone the complete responsibility for the adopted child.”

³ *Evans – Tokata A14* (2005) 82 Tauranga MB 151 (82 T 151).

⁴ At 155.

The present case is not one of the exceptions set out in the Adoption Act, nor is there any provision in Te Ture Whenua Maori Act 1993 which distinguishes between adopted children and other children.

Discussion

[29] Clearly s 214 of Te Ture Whenua Māori Act 1993 cannot be read in isolation from the Preamble and s 2. As noted by the Registrar, s 214(3) indicates that the land, money, and other assets of a whānau trust must be held, and the income derived from those assets must be applied, for the purposes of promoting the health, social, cultural and economic welfare, education and vocational training, and general advancement in life of the descendants of any tīpuna (whether living or dead) named in the order. In this case the named tīpuna was Valentine Wiremu Kingi's natural mother, Leah Maheno Hiroti.

[30] Any interests Valentine derived through his adoptive mother Tauranga or his natural mother can remain in the Trust. That is because his adoptive mother was a relative of Leah Maheno Hiroti and thus the association with the land as a whānau member of an owner is present. Nothing in the Adoption Act 1955 prevents that because his adoptive mother's whānau become his whānau again under s 16 of the 1955 Act, although admittedly in a newly constituted form.

[31] Therefore, the only interests that I am concerned with are those derived from Valentine's adoptive father, Te Rangiao-o-Raukawa Te Miri and his whānau. This includes the majority of Valentine's shares.

[32] In respect of those interests, the effect of s 16 of the Adoption Act 1955 was to replace Valentine's natural parents with his adoptive parents. Thus he became the full son of his adoptive father. As a result he could not set up a whānau trust over any interests that were derived from Te Rangiao or other members of his whānau for the benefit of the descendants of Leah Maheno Hiroti. That would contravene the principles in the Preamble, and the intention of Parliament as expressed in s 2 of Te Ture Whenua Māori Act 1993.

[33] The Preamble and s 2 make it clear that when the trust was constituted, the Court would have had to interpret s 214 in a manner that recognises that for the purposes of those

interests derived from Te Rangiao and other members of his whānau, they must be retained in the hands of that same whānau.

[34] I find that the decision of the Court to constitute the Valentine Wiremu Kingi Trust over all interests held by Valentine was erroneous in fact and in law due to the presentation of the facts of the case to the Court.

[35] Had the Court known that Valentine had been adopted, the outcome would have been different. Either the interests would have remained in Valentine's name to be succeeded to by the applicant's whānau, or a separate trust could have been established in Valentine's adoptive father's name.

[36] Such alternative results are entirely consistent with the tikanga of most whānau and hapū as they mean that the land eventually makes its way back into the hands of the owners, their whānau, hapū or descendants of owners associated with the land. Even the respondent, Mr Hiroti, had to agree that at least one of his iwi, Ngāti Apa, would not accept other iwi or hapū members have rights to the lands within their district of Whanganui, unless granted by them. That is as it should be.

[37] Thus it is also in the interests of justice and tikanga that the Trust should be amended to exclude those shares derived from the adoptive family of Valentine Wiremu Kingi, through Te Rangiao-o-Raukawa te Miri and his whānau.

Orders

[38] I hereby exercise my jurisdiction pursuant to section 44(1) of the Act making the following orders:

- (a) To amend the orders made at 108 Aotea MB 247-248 dated 1 October 2001 to only include the Aotea land interests vested into the Whānau Trust at 111 Aotea MB 52 dated 12 December 2001;
- (b) To cancel the order made at 303 Rotorua MB 207-209 dated 13 November 2006 pursuant to section 220 of the Act, where the Waiāriki interests of Valentine Wiremu Kingi were vested into the Whānau Trust; and

- (c) To cancel the order made at 111 Aotea MB 52 dated 12 December 2001 where the Aotea interests of Valentine Wiremu Kingi were vested into the Whānau Trust.

[39] There is an order in terms of section 47(4) of Te Ture Whenua Māori Act 1993 making all other consequential amendments as required.

[40] The foregoing orders are to issue forthwith pursuant to rule 7.5(2)(b) of the Māori Land Court Rules 2011.

[41] Those land interests derived from Te Rangiao-o-Raukawa Te Miri and his whānau are re-vested in the Estate of Valentine Wiremu Kingi, to be succeeded to by those entitled.

[42] The applicant should apply for succession accordingly. He will need to check that there was no will left by Valentine Wiremu Kingi. If there is no will, he should seek to have the application processed in the usual way as an intestate succession.

[43] The Registrar is directed to waive any fee accordingly.

The Case Manager is to distribute a copy of this decision out to all parties.

Dated at Gisborne this the 27th day of July 2016

C L Fox

DEPUTY CHIEF JUDGE