

I TE KOOTI PĪRA MĀORI O AOTEAROA
I TE ROHE O WAIKATO MANIAPOTO
In the Māori Appellate Court of New Zealand
Waikato Maniapoto District

A20200004983
APPEAL 2020/3

WĀHANGA <i>Under</i>	Section 58, Te Ture Whenua Maori Act 1993
MŌ TE TAKE <i>In the matter of</i>	Harataunga West 2B 2A 1 (Te Paea O Hauraki Maori Reservation)
I WAENGA IA <i>Between</i>	JOHN THORNTON MCLEOD Kaitono pīra <i>Appellant</i>
ME <i>And</i>	NGA URI A MAATA NGAPO CHARITABLE TRUST Nga Kaiurupare pīra <i>Respondents</i>

Kooti:
Court

Judge C T Coxhead
Judge S F Reeves
Judge T M Wara

Whakataunga:
Judgment date

23 September 2021

TE WHAKATAUNGA Ā TE KOOTI
Judgment of the Court

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Hei tīmatanga kōrero

Introduction

[1] On 20 May 2020, John Thornton McLeod appealed under section 58 of Te Ture Whenua Māori Act 1993 against the Māori Land Court’s decision at 198 Waikato Maniapoto MB 5-34 relating to Harataunga West 2B 2A 1 block. By notice published in the New Zealand Gazette, 21 March 2002, No. 26 page 743, the Māori freehold land known as Harataunga West 2B 2A 1 Block, containing an area of 2670 square metres more or less, was set apart as a Māori Reservation for the purpose of a Marae for the common use and benefit of the Ngāpō whānau and Kennedy Bay community. The reservation was to be known as Te Paea O Hauraki Māori Reserve.

[2] Mr McLeod’s appeal concerned a decision of the Māori Land Court dated 12 February 2020¹ in which the judge dismissed his application under section 338 (5)(c) to change the purpose of the Māori Reservation.

[3] The appeal was set down for hearing in Hamilton on 3 August 2020, but on 24 July 2020² the hearing was adjourned sine die pending the outcome of mediation.

[4] At Thames on 23 October 2020 and 30 July 2021 Judge Wainwright engaged with the parties in mediation. On the second day the parties agreed on an outcome. Judge Wainwright as mediator has provided a report to the Chief Judge confirming that the parties have agreed on an outcome that resolved the dispute that was the subject of the appeal.

[5] Counsel for parties to the mediation confirmed this in a joint memorandum of counsel dated 12 August 2021 and set out the terms of the agreement.

[6] Given Judge Wainwright was the mediator she was no longer able to preside and was replaced on the coram.

¹ *McLeod v Nga Uri a Maata Ngapo Charitable Trust – Harataunga West 2B2A1* (2020) 198 Waikato Maniapoto MB 5 (198 WM 5).

² [2020] Māori Appellate Court MB 280 (2020 APPEAL 280).

Kupu whakakapi

Outcome

[7] Having considered Judge Wainwright’s report and the joint memorandum of counsel the orders that follow implement the parties agreement.

[8] The Court congratulates the parties and makes orders pursuant to Te Ture Whenua Māori Act 1993 as follows:

- (a) Section 56(1)(b) – annul the 12 February 2020 order of the Māori Land Court to dismiss John McLeod’s section 338(5)(c) application³ and substitute the orders below;
- (b) Sections 338(5)(c) and 338(5)(d) – change the name of the Māori reservation to Harataunga West 2B 2A 1 Reserve, and change the purpose of the reservation to Marae for the common use and benefit of the Ngāpō whānau.

I whakapuaki i te 10.00am i Waiāriki, te rua tekau mā toru o ngā rā o Mahuru i te tau 2021.

C T Coxhead
PRESIDING JUDGE

S F Reeves
JUDGE

T M Wara
JUDGE

³ *McLeod v Nga Uri a Maata Ngapo Charitable Trust – Harataunga West 2B2A1* (2020) 198 Waikato Maniapoto MB 5 (198 WM 5).