

**IN THE HIGH COURT OF NEW ZEALAND
AUCKLAND REGISTRY**

**I TE KŌTI MATUA O AOTEAROA
TĀMAKI MAKĀURAU ROHE**

CIV 2024-404-488

UNDER Part 18 of the High Court Rules 2016

IN THE MATTER OF An application (1) under ss 112 and 114 of the Trusts Act 2019 and the inherent jurisdiction of the Court to remove and replace the trustees of the Ngā Maunga Whakahii o Kaipara Development Trust and appoint interim independent trustee(s); and (2) under the Court's inherent jurisdiction for declarations

BETWEEN HOANI NERI PORTER, GLENDITH MERCIA SAMSON and EVE BRIAR STEENSON
Plaintiffs

AND RANGIMARIE NAIDA GLAVISH,
MARGARET TANIA TUKERANGI,
TRISYA MARIA HEMANA
Defendants

Continued...

On the papers

Counsel: V T M Bruton KC, N L Walker and T T H Hullena for the beneficiary plaintiffs
I T F Hikaka, H E McQueen and M S Bowie for the Majority Marae Trustees

Date: 3 December 2024

MINUTE OF CAMPBELL J

AND

TRACY DAVIS, CHERIE DAWN POVEY,
MARY JANE SHERARD, TAMAKI
MERCER AND DEBRA STAR BREWER as
trustees of the Ngā Maunga Whakahii o
Kaipara Development Trust
Defendants

AND

BETWEEN

MARGARET TANIA TUKERANGI, TRISYA
MARIA HEMANA, TRACY DAVIS and
DEBRA STAR BREWER
Counterclaim Plaintiffs

AND

HOANI NERI PORTER, GLENDITH
MERCIA SAMSON, EVE BRIAR
STEENSON, RANGIMARIE NAIDA
GLAVISH, CHERIE DAWN POVEY, MARY
JANE SHERARD and TAMAKI MERCER
Counterclaim Defendants

[1] In my judgment dated 21 November 2024, at [165], I reserved leave to any party to seek further directions at short notice.

[2] The Majority Marae Trustees sought further directions in a memorandum dated 27 November 2024. The memorandum was supported by an affidavit of Trisya Hemana of the same date. The plaintiffs responded by filing an affidavit of Julia Steenson dated 3 December 2024. The Majority Marae Trustees filed a short memorandum in reply to that affidavit.

[3] I consider, for the reasons set out in the first memorandum filed on behalf of the Majority Marae Trustees, that I should make all the directions sought. It is necessary to add only a few comments.

[4] First, my judgment left it to the trustees to decide whether the election should proceed at an AGM or an SGM. The trustees have decided that it should proceed at an AGM (noting that Dame Naida did not engage in that decision). The further directions reflect that decision.

[5] Secondly, Ms Steenson raised concerns in her affidavit as to how the trustees will comply with certain requirements for an AGM (such as presentation of an annual plan). I have already determined (judgment at [143]) that the validity of the election will not depend on compliance with those requirements. To be clear, however, the existing directions and the further directions do not affect those requirements (other than adjusting the quorum).

[6] Thirdly, the directions allow Ms Hemana and Ms Tukerangi to deal directly with Election Services (or to do so through one of two Trust kaimahi). I make this direction not because of the way that Ms Steenson responded to the directions made in my judgment (on which it is unnecessary for me to comment), but rather because of Ms Steenson's request that (because of personal grievances) she be given instructions only by Dame Naida. The unfortunate reality is that that does not appear to be a practical option at present. I hope, however, that the Majority Marae Trustees may be able to work out, either through Election Services or the other two kaimahi, a

way of taking up Ms Steenson's offer of assistance to Election Services in respect of the registration tasks on the day of the AGM.

[7] Accordingly, I make the directions sought at [28] of the memorandum of counsel for the Majority Marae Trustees dated 27 November 2024.

A handwritten signature in black ink, appearing to read 'Neil Campbell', written over a horizontal line.

Campbell J