

**IN THE HIGH COURT OF THE COOK ISLANDS
HELD AT RAROTONGA
(LAND DIVISION)**

**APPLICATIONS: 308/2019
472/2019**

UNDER Section 409(f), Cook Islands Act 1915

IN THE MATTER OF The Tribal Title of Takatatia Mataiapo

BETWEEN NAEA ROBATI
First Applicant

AND LOUISA MAURANGI POILA
Second Applicant

AND MERETETAUTUA JOHN MATEARA ALSO
KNOWN AS MERE PEPE
Objector

Hearings: 2 and 11 November 2021 (via Zoom)

Appearances: T Browne and H Ellingham for First Applicant
M Henry for Second Applicant
T Nicholas for Objector

Judgment: 23 May 2022 (NZT)

JUDGMENT OF JUSTICE C T COXHEAD

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Introduction

[1] This decision concerns competing claims for appointment to the tribal title of Takatatia Mataiapo by Naea Robati and Louisa Maurangi Poila. Both applicants claim their appointments are supported by the Kopu Mataiapo and that they have been invested with the title in accordance with custom.

[2] The applications are opposed by Meretetautua John Mateara on the basis that neither applicant has followed the custom for appointment to the title.

Background

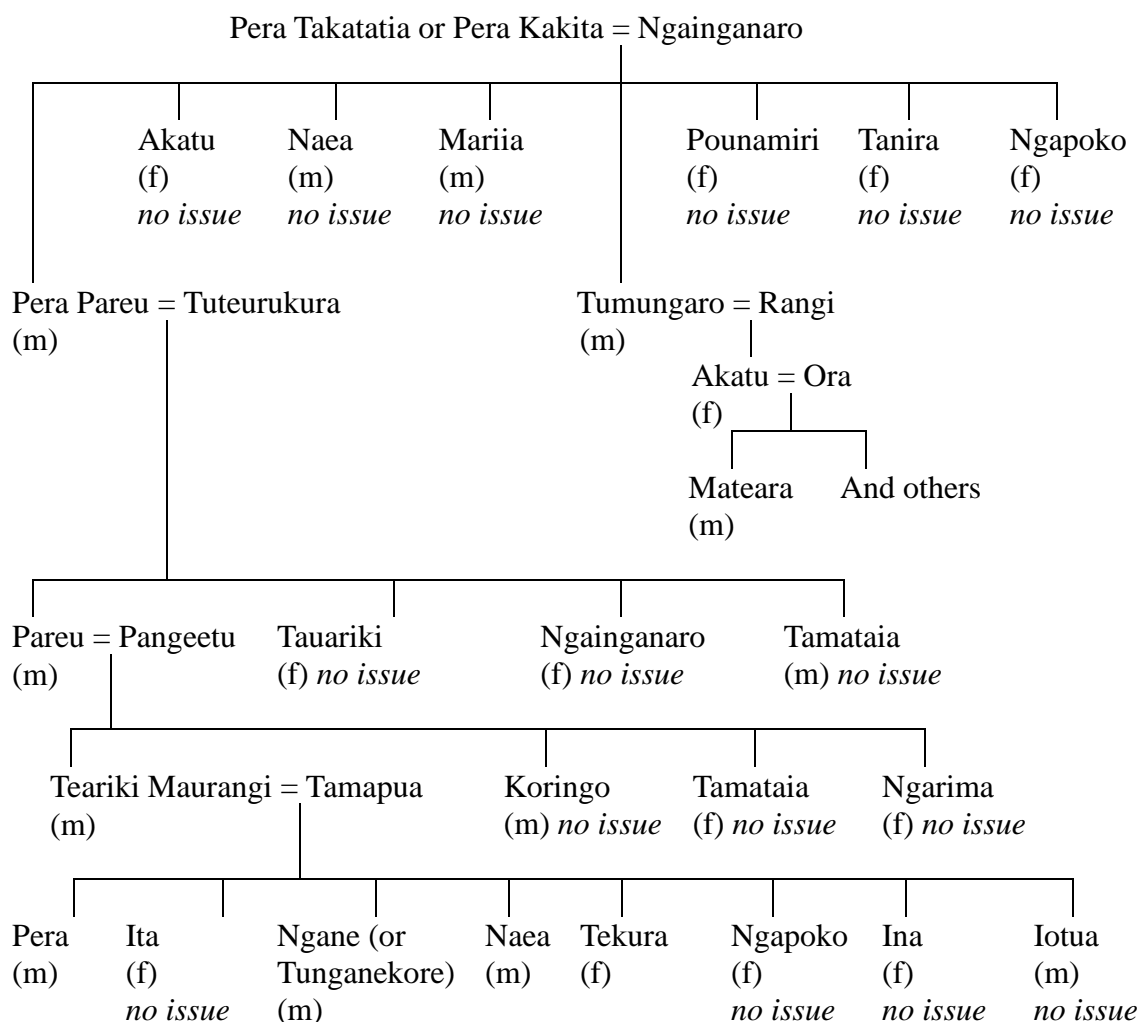
[3] The Takatatia Mataiapo title, also known as the Pera Takatatia Mataiapo title, the Pera Kerekere title and the Pera Komono title, is a Mataiapo title from the district of Puaikura. Tinomana Ariki is the Ariki of that district. According to the Court records, the previous holders of the Takatatia Mataiapo title are as follows:¹

- (a) Pera Takatatia
- (b) Pera Pareu
- (c) Akatu
- (d) Mateara
- (e) John Mateara
- (f) Maanga Mateara

[4] The papa'anga of Pera Takatatia was presented to the Court in 1941 by Pera Teariki Maurangi, when he filed an application to determine his right to the Mataiapo title of Pera Takatatia, and challenging the right of Mateara.² The papa'anga given is as follows:

¹ 14 Minute Book 153 (MB 14/153); 3 Registrar's Minute Book 144 (RB 3/144).; and order of Hingston J dated 2 March 2011 on Application 513/10.

² 14 Minute Book 153 (MB 14/153).



[5] The Court's decision with regard to Pera Teariki Maurangi's application was issued on 16 April 1941, where the Court found that Mateara retained the title for life and thereafter it would go to the senior line (Pera Pareu) unless the family decide otherwise.

Procedural History

[6] The application of Naea Robati was filed on 7 June 2019 followed by the application of Louisa Maurangi Poila on 29 August 2019. A notice disputing both claims was filed by Meretetautua John Mateara on 30 September 2019.

[7] A hearing was held for both applications on 2 November 2021. At that hearing, timetabling matters were discussed along with the issues for determination, before the applications were adjourned. The substantive hearing was then held on 11 November 2021. At the conclusion of that hearing, I directed closing submissions be filed within two weeks and I reserved my decision for issue in due course.

[8] Final submissions for the second applicant, Ms Poila, and the objector, Ms Mateara, were filed on 26 November 2021, with the final submissions of the first applicant, Ms Robati, filed on 10 December 2021.

Issues

[9] The issues for determination are:

- (a) What is the custom relating to the Takatatia Mataiapo title?
- (b) Has there been an agreement or arrangement to vary the custom?
- (c) Have either of the applicants been elected in accordance with the custom?

First applicant's submissions

[10] Mrs Browne appeared for the first applicant, Naea Robati. She submitted that the custom relating to the Takatatia Mataiapo title is that described in the judgment of the Court dated 16 April 1941. The holder of the title is to be selected from the senior line (Pera Pareu) unless the family decides otherwise, and the Kopu Mataiapo who are entitled to elect the title holder are the descendants of Pera Takatatia.

[11] Mrs Browne noted that both Ms Robati and the second applicant, Ms Poila, are descended from the senior line of Pera Pareu and both are therefore entitled to hold the title. She says the sole issue for determination is who has the support of the majority of the Kopu Mataiapo.

[12] Counsel submitted that Ms Poila initially contended the title holder should be elected from the line of Teariki Pera, he being the eldest son of Pera's line, with Pera being the eldest son of Teariki Maurangi and great grandson of Pera Pareu.³ However, Mrs Browne noted this is a departure from the custom enunciated in the 1941 judgment and the ruling of the chairman at a meeting held on 2 March 2019, that candidates should come from the Teariki Pera line and have majority support of that line, was accordingly erroneous. Ms Browne argued that Ms Poila can only demonstrate support from a majority of the Pera line and there is no detailed evidence of support from either the lines of Tunganekore, Tekura and Naea, being the other three lines descending from Teariki Maurangi, nor from the Tumungaro line. The support for Mrs Poila's election therefore falls short of support from the majority of the Kopu Mataiapo.

[13] Conversely, Mrs Browne submitted that Ms Robati has the support of the Tunganekore and Tekura lines and support from part of the Pera and Naea lines. Further, Ms Robati confirmed at the hearing that she had support from members of the Tumungaro line and that evidence was not disputed. Ms Robati therefore has the support of the majority of the Kopu Mataiapo and is entitled to be determined as the rightful person to hold the Takatatia Mataiapo title.

[14] With regard to the position of the objector, Ms Mateara, counsel submitted that she is not an applicant and no order can be made determining her right to hold the title. Her previous application for a determination was dismissed, and her claim that all previous title holders were from the Tumungaro line is contrary to the Court record. Mrs Browne further submitted that Mrs Mateara's contention that the genealogy accepted by the Court in 1941 has been "corrected" and now shows her line as the senior line, is flawed, as the judgment stands until it is cancelled by the Court. The custom enunciated in that judgment therefore stands and there is no evidence of the senior line agreeing to change the custom regarding election of the Takatatia Mataiapo.

³ The Pera line is the line of Pera Teariki Maurangi, a son of Teariki Maurangi and great grandson of Pera Pareu. The second applicant has also referred to Pera as Pera @ Pareu, to be distinguished from Pera Pareu, the son of Pera Takatatia. See papa'anga at MB 14/153 and the papa'anga attached to the affidavit of Louisa Maurangi Poila dated 29 August 2019.

Second applicant's submissions

[15] Ms Henry appeared for the second applicant, Louisa Maurangi Poila. She noted that both the applicants are of the Pareu kopu. It was also accepted that both are entitled to be elected, both are fit and suitable persons to hold the title, and each have conducted an investiture ceremony in accordance with Māori custom. Where the applicants are in dispute, however, is with regard to the circumstances surrounding their elections.

[16] Counsel agreed that the custom relating to the Takatatia Mataiapo title was determined by the Court in 1941. The Court relied on the papa'anga presented by Pera Teariki Maurangi showing the senior line as the descendants of Pareu and the junior line as the descendants of Tumungaro. In 1956, the Court affirmed that those entitled to elect to the Pera Takatatia Mataiapo title (also known as the Pera Kerekere title) were the descendants of Pera Takatatia, referring to the approved papa'anga. Accordingly, the relevant custom is that the holder of the title shall be selected from the senior line unless the family decides otherwise, and that those entitled to elect the title holder are the descendants of Pera Takatatia. Ms Henry submitted there was no evidence to show the family had collectively decided to depart from that custom.

[17] Ms Henry pointed out that a number of meetings were held by Ngati Pareu between October 2018 and April 2019 and the applicants were not the first candidates nominated. Ms Robati was nominated at a meeting held on 12 February 2019 and was purportedly confirmed on 25 February 2019, following the withdrawal of an earlier candidate. It was asserted however, that the meeting was not properly advertised and most of the family were unable to attend. Counsel argued that Ms Robati's nomination and election did not have sufficient support from the Pareu kopu and it was not clear whether she had sufficient support from the Tumungaro kopu.

[18] By contrast, Ms Henry submitted that Ms Poila was nominated by the Teariki Maurangi line and her appointment was endorsed by the majority of the Pareu kopu, including support from members of the Pareu kopu living overseas. She also has the support of the Tumungaro kopu, as she is a daughter of that kopu and the family gave messages of support during her investiture. Given that Ms Poila can demonstrate support from both the Pareu and Tumungaro kopu, it was submitted that she should be appointed to hold the title of Takatatia Mataiapo.

[19] With regard to the position of the objector, Ms Mateara, counsel noted that she had previously applied for the title in 2018 but her application was dismissed as she did not have the support of the Pareu kopu. She has taken no steps to file a further application and cannot therefore be considered a competing applicant in the present proceedings. Further, although Ms Mateara disputes the papa'anga accepted by the Court in 1941, no attempt has been made to properly challenge the Court's decision by way of an application pursuant to s 390A of the Cook Islands Act 1915.

The case for Meretetautua John Mateara

[20] Mr Nicholas appeared for Meretetautua John Mateara also known as Mere Pepe, who objected to both applications. Mr Nicholas submitted that neither of the applicants had the support of the Tumungaro line at the meetings where they were elected and they therefore did not follow the custom for appointment to the Takatatia Mataiapo title.

[21] Counsel submitted that, prior to 1941, the custom was that the Tumungaro line held the title and up until that time the Mataiapo all descended from that line. In 1941, the Court declared the custom to be that Mateara (from the Tumungaro line) would retain the title for his life and thereafter it would go to the senior line (Pera Pareu) unless the family agreed otherwise. In 1956, the Court further declared that those entitled to elect title holders (the Kopu Mataiapo) were the descendants of Pera Takatatia. Mr Nicholas noted that, despite the 1941 decision, the title has since been held by the descendants of the Tumungaro line with the consent of the Pera Pareu line and the Kopu Mataiapo. Therefore, the custom has diverted to the junior line by arrangement or agreement of the senior line.

[22] In addition, Mr Nicholas submitted that in 1995 workshop meetings were held between members of Ngati Pareu to discuss the custom of the title. A research committee was formed and concluded that the correct genealogy of Pera Takatatia was that presented to the Court by Willie Browne in 1941, which showed the Tumungaro line as the more senior line to Pareu. The corrected genealogy was subsequently approved at the workshop meetings. Mr Nicholas submitted that the Ngati Pareu meetings were attended by representatives from both lines and were therefore meetings of the Kopu Mataiapo. He says those meetings have not been challenged by the Pera Pareu line.

[23] Counsel submitted that Ms Mateara has a priority right to hold the title of Takatatia Mataiapo, given she descends from the Tumungaro line, now confirmed as the more senior line. However, while she originally sought determination of her right to hold the title in these proceedings, Mrs Mateara acknowledged that, although she is a fit and proper person to be appointed and was invested with the title on 28 January 2018 in accordance with the custom, the meeting where she was elected was not attended by representatives from the Pera Pareu line and therefore was not approved by the Kopu Mataiapo. Mr Nicholas submitted that a new meeting of the Kopu Mataiapo should therefore take place to decide who shall hold the title and to confirm the custom.

The Law

[24] Section 409(f) of the Cook Islands Act 1915 states:

409 Miscellaneous jurisdiction of Land Court

In addition to the jurisdiction elsewhere conferred upon [the Land Court] by this Act, that Court shall have jurisdiction –

...

- (f) To hear and determine any question as to the right of any person to hold office as an Ariki or other Native chief of any island.

[25] In *Wichman v Toeta*, the Court considered the nature of its jurisdiction pursuant to s 409(f) and referred to two 1948 decisions of the Native Appellate Court, *Re Makea Nui Takau* and *Re Tinomana*.⁴ In *Re Makea Nui Takau*, the Court stated:⁵

It is not the function of the Native Land Court itself to appoint an Ariki or other Native Chief to the office. Any such appointment can only be made by the persons entitled to make the appointment under the ancient custom and usages of the Natives of the Cook Islands.

[26] Similarly in *Re Tinomana*, the Court stated:⁶

The most that the Court can do is to declare for the guidance and assistance of the people what it believes to be the custom governing such an appointment...the most it could do if it found that Te Pai had not been properly elected according to custom would be declare that there had been no election, and then a fresh election would have been necessary.

⁴ *Wichman v Toeta – Tangiiu Rangatira Title* HC Cook Islands (Land Division), App 291/2013, 17 April 2015.

⁵ *Re Makea Nui Takau* (1948) Native Appellate Court of the Cook Islands, App 147, 16 October 1948.

⁶ *Re Tinomana* (1948) Native Appellate Court of the Cook Islands App 2. 14 October 1948.

[27] After considering the above decisions, the Court in *Wichman* went on to conclude:

[40] Therefore it is clear that s 409(f) does not give the Court jurisdiction to appoint an Ariki or Native Chief. The Court's role is limited to answering questions as to the right of a person to hold such office. This is done by consideration of the applicable custom and whether it has been followed.

[41] However, it is noted that in some situations, alternative agreements may be reached in relation to succession to a title. As observed by McHugh and Dillon JJ in a 1995 decision concerning Makea Nui Ariki title:⁷

Unless and until the people decide for themselves whether they wish to bind themselves to an arrangement or agreement then the established custom must be followed. In the absence of an arrangement or agreement, and this Court finds no such position presently obtains, established custom must prevail.

[42] Thus, the Court may also consider whether an arrangement or agreement has been made to diverge from custom.

Discussion

What is the custom relating to the Takatatia Mataiapo title?

[28] As noted, the Court dealt with the Takatatia Mataiapo title in its judgment dated 16 April 1941 in *Re Pera Tutara and Pera Takatatia Titles*, an application to determine a right to the title by Pera Teariki Maurangi, great great grandson of Pera Takatatia. In that decision, the Court stated:⁸

As to Pera Takatatia, the Court has no hesitation in supporting the appointment of Mateara which has been in place for over 30 years. It would seem, however, that after the death of Mateara, the title would revert to the senior line, unless the family decided otherwise. Willie Brown has shown very clearly that a Junior line can succeed, and the Court is in agreement. Where there is a contest, however, and other things being equal, the Court would look to the Senior line for successors.

...

The final conclusion is this – Mateara retains his title of Pera Takatatia for life and thereafter it goes to the senior line (Pera Pareu) unless the family decide otherwise. ...

[29] The papa'anga of Pera Takatatia had been given by Pera Teariki Maurangi at an earlier Court hearing held on 18 February 1941 at MB 14/153 and was accepted by the Court.

[30] In 1956, the Court again dealt with the Takatatia Mataiapo title (also known as the Pera Kerekere title) and the claim of Naea Maurangi to the title following the death of

⁷ *MacQuarie – Makea Nui Title* HC Cook Islands (Land Court), Apps 502/94, 138/95, 18 September 1995 at p 42.

⁸ 14 Minute Book 246-247 (MB 14/246-247).

Mateara.⁹ During that hearing, there was some debate over who was entitled to elect a title holder. On that point, the Court stated:

The persons entitled to elect the “Pera Kerekere” are the descendants of Pera Takatatia (MB 14/153). No one else.

[31] In dismissing the application, the Court noted:

It is clear that Naea Maurangi has not been elected by the family and his application is dismissed. This dismissal does not prevent the family from electing him if they wish to do so.

[32] All parties agree that the custom as declared in the 1941 decision was that, after Mateara’s death, the holder of the title would be selected from the senior line (Pera Pareu) unless the family decided otherwise. Further, although there were initially differing views on who constituted the Kopu Mataiapo, the closing submissions of all counsel confirm their agreement that the Kopu Mataiapo who are entitled to elect the title holder are the descendants of Pera Takatatia, as stated in the 1956 decision.

[33] However, Ms Mateara claims that the custom has since been altered with the agreement of the Pera Pareu line and the Kopu Mataiapo, with the result that the title has diverted to the Tumungaro line.

Has there been an arrangement or agreement to alter the custom?

[34] Ms Mateara submitted that an agreement or arrangement has been put in place by the family that departs from the custom set out by the Court in 1941, whereby candidates from the Tumungaro line can hold the title.

[35] Ms Mateara noted that when the Court considered the title in 1956, it had the opportunity to endorse the 1941 judgment that Pera Pareu was the senior line. However, the Court did not confirm which line could hold the title but instead declared who was entitled to elect the title holder. Ms Mateara argued that, despite the 1941 decision, the Kopu Mataiapo elected John Mateara from the Tumungaro line following the 1956 decision and he held that position until his death in 2006. After the death of John Mateara, his son Maanga Mateara (also known as Mateara Ora) sought election to the title and was invested with the title in 2010. The Court confirmed his appointment on 2 March 2011 and he held the title until his

⁹ 23 Minute Book 197-199 (MB 23/197-199).

death in 2017. Ms Mateara contended that the Court's decision in 2011 indicates acceptance of the papa'anga and list of previous title holders provided in Maanga's application and is either confirmation of a change in custom so that the Takatatia title remains with the Tumungaro line, or a departure from the custom to continue to elect candidates to the title from the Tumungaro line.

[36] Ms Mateara submitted that if the Pera Pareu line wanted to elect a candidate from their line they had the opportunity to do so in 1956, 2007 and 2017. They chose not to do so. Instead, members of the Pera Pareu line have attended the election meetings and investiture ceremonies of various Takatatia Mataiapo and supported the candidates elected from the Tumungaro line. She says therefore that an agreement or arrangement is in place to allow title holders from the Tumungaro line.

[37] Ms Mateara also submitted that the Court made an error in confirming the papa'anga of Pera Takatatia in 1941 and workshop meetings held by Ngati Pera in 1995 identified the correct papa'anga, which shows the Tumungaro line as the senior line to Pera Pareu. The corrected genealogy has been approved by Ngati Pera and was published in the Cook Island News in 1996. Ms Mateara contended that this also alters the custom from that declared in 1941.

[38] These submissions were rejected by the applicants. Counsel for Ms Poila submitted there is no evidence to show that the family, being both the Pareu and Tumungaro lines, have collectively decided to depart from the custom set out in 1941. She referred to the evidence of Ms Boggs, which noted the 1995 workshops did nothing more than bolster the Tumungaro line's claim to the title. She says the workshops did not resolve to depart from the custom set out in 1941 and the papa'anga provided by Willie Browne was rejected by the Court in 1941. Counsel argued that the evidence suggests that to a large extent the Tumungaro kopu assumed the title for themselves, to the exclusion of the Pareu kopu. She says this is evident when looking at the subsequent holders of the title since 1941 and the context in which they were appointed. The appointment of John Mateara showed no support from the Pareu kopu and there was an objection by Tauariki a Pera Maurangi; and the appointment of Maanga showed only a handful of family members and members of the Pareu kopu in attendance at election meetings. Further, both Mateara and John Mateara's appointments were expressed by the

Court to be for their lifetimes, indicating the title was only intended to be held for that individual's lifetime and not to remain with the descendants of Tumungaro.

[39] Counsel for Ms Robati submitted that the claim of Ms Mateara that the 1995 workshop meetings had "corrected" the genealogy accepted by the Court in 1941 was flawed, as that judgment has not been cancelled by the Court. The custom enunciated in that judgment therefore stands. She says there is no evidence of the senior line agreeing to change the custom.

[40] In *Ingram – Mataiapo Title of Te Pa* the Court considered the custom applicable to selection of the Te Pa Mataiapo.¹⁰ The Court found it was clear that a custom existed for the title to descend down the senior line and that the Court has followed that custom. As to departures from such custom, the Court stated:

The custom of following the senior line is not rigid and indeed has been changed by agreement of all those descending from the original title-holder. i.e. the extended family. This agreed departure from the custom of succession through the senior line was fully detailed in re Makea Nui Title case decided in 1995. Such an agreement must be by consent of all the family lines involved including the senior line.

[41] In *Hunt v De Miguel*, the Court of Appeal considered applications for appointment to the Makea Nui Ariki title and whether the primogeniture rule (where the eldest surviving child of an Ariki succeeds) was the custom for appointment to that title.¹¹ In that decision, the Court found the rule applied but that exceptions to the rule had been made because of arrangements between the parties, for a variety of reasons, and in cases where there has been an arrangement, succession reverts to the senior line when the arrangement terminates. The Court also noted that the Kopu Ariki must apply the primogeniture rule unless the Kopu Ariki have entered into an arrangement that varies that rule.

[42] In the recent decision of *Tipokoroa v Tuoro – Kaena Mataiapo Title*, the Court noted that to enable a divergence from established custom, those entitled would have to agree.¹²

¹⁰ *Ingram – Mataiapo Title of Te Pa* HC Cook Islands (Land Division), App 485/96, 27 August 1998.

¹¹ *Hunt v De Miguel – Makea Nui Ariki Title* CA Cook Islands, App 2/14, 3/14, 7/14, 8/14, 19 February 2016 at [126]-[135]. See also *MacQuarie – Makea Nui Title* HC Cook Islands, App 502/95, 138/95, 18 September 1995.

¹² *Tipokoroa v Tuoro – Kaena Mataiapo Title* HC Cook Islands (Land Division), App 214/17, 30 October 2018.

[43] I am not satisfied that there has been any agreement altering the custom relating to the Takatatia Mataiapo title as described in the Judgment of the Court dated 16 April 1941. While clearly there have been times when people not from the senior line (Pera Pareu) have held the title, this appears to have been on a case by case basis, given the circumstances at the time and with agreement for the appointment rather than agreement to diverge from the established custom.

Have either of the applicants been elected in accordance with the custom?

[44] Both applicants are descended from the Pera Pareu line and each accepted that the other was a fit and proper person to hold the title and that an investiture ceremony was held in accordance with custom. The central issue according to the applicants is who has the support of the majority of the Kopu Mataiapo.

[45] With regard to Ms Robati, she relied on five meetings held between 18 February 2019 and 10 April 2019. She submitted that, although there were some objections from the family, the majority of the Kopu Mataiapo elected her to the title. She was elected at a meeting held on 13 March 2019 and was invested with the title on 16 April 2019. In her initial submissions, Ms Robati noted that a majority of the Pera Pareu line had supported her appointment, being the kopu of Pera, Tunganekore, Naea and Tekura. At the hearing, Ms Robati stated that she also had support from members of the Tumungaro line.

[46] As for Ms Poila, she relied on three meetings held between 2 March 2019 and 14 March 2019. She submitted that she was elected by members of the Teariki Pera line at a meeting held on 10 March 2019 and her nomination was endorsed by Ngati Pareu at a meeting held on 14 March 2019. She also received wide endorsement from members of Ngati Pareu living overseas. She was invested with the title on 29 March 2019. In later submissions, Ms Poila noted she also had the support of the Tumungaro kopu, given she is a daughter of that kopu and the family gave messages of support during her investiture.

[47] Ms Mateara noted the initial positions of the applicants with regard to who comprises the Kopu Mataiapo and submitted that neither had the support of the Tumungaro line at the meetings where they were elected. Therefore, she submitted that neither applicant had the support of the majority of the Kopu Mataiapo and a further election needs to be held.

[48] Ms Mateara further noted that an integral part of the custom of the title is that the investiture of the candidate is carried out in accordance with the custom. She submitted that the Pera Takatatia Mataiapo title is a title that is answerable to Tinomana Ariki and therefore the title holder must be recognised by Tinomana Ariki. She says it is custom for the Ariki to preside over and crown the title holder at the investiture ceremony, which is held at Te Tangi o Te Tipi Marae where previous holders of the title have been invested. Ms Mateara noted that neither of the applicants held their investiture ceremonies on the correct marae and neither ceremony was presided over by Tinomana Ariki. She submitted that she herself is the only candidate who has been recognised by Tinomana Ariki.

[49] I agree that, given that Ms Robati and Ms Poila are both descendants from the senior line of Pera Pareu, both are therefore entitled to hold the title and the issue is whether either of them have the support of the majority of the Kopu Mataiapo.

[50] Having considered the various meeting minutes and submissions of counsel, I am unable to determine whether either of the applicants have a clear majority of Kopu Mataiapo support, as there does not appear to be a clear consensus across all of the kopu as to who should be the Mataiapo. In some cases it is difficult to identify who was actually present at several meetings and therefore difficult to determine whether the support is evenly split or who the majority of support is for.

[51] There is also no specific vote count of eligible voters recorded (those of the kopu), although I note that is often not helpful in dealing with these matters of custom as it is the consensus of those gathered at the meeting that informs the Court as to who is supported. The problem for me is that the evidence is not clear as to who the majority of the Kopu Mataiapo support.

[52] Ms Robati refers to support from the Tunganekore, Tekura and Tumungaro lines along with part of the Pera and Naea lines. Ms Poila refers to support from the Te Ariki Maurangi line and the Pareu and Tumungaro kopu. Based on the evidence before the Court, I am therefore unable to determine whether either of the applicants has the support of the majority of the Kopu Mataiapo and therefore has been elected according to custom.

[53] It is also not clear whether the matters referred to by Ms Mateara concerning the investiture ceremony are also part of the custom. Ms Mateara noted that the title holder must be recognised by Tinomana Ariki and that it is custom for the investiture ceremony to be presided over by Tinomana Ariki and held at Te Tangi o Te Tipi Marae. However, neither of the applicants made submissions addressing this issue.

Decision

[54] I find that there has not been any agreement altering the custom relating to the Takatatia Mataipo title as described in the Judgment of the Court dated 16 April 1941.

[55] Based on the evidence before the Court, I am unable to determine whether either of the applicants has the support of the majority of the Kopu Mataiapo and therefore has been elected according to custom.

[56] The applications are dismissed.

Dated at 1:00pm in Rotorua, Aotearoa/New Zealand on the 23rd day of May 2022.

C T Coxhead
JUSTICE