

MĀORI LAND COURT OF NEW ZEALAND

PRACTICE NOTE – CITATION OF DECISIONS OF THE MĀORI LAND COURT AND MĀORI APPELLATE COURT

15 November 2013

Citation Format

1. The New Zealand Law Style Guide¹ sets out the manner in which decisions of the Māori Land Court and the Māori Appellate Court should be cited. This format was agreed to at a Judges' Conference held in 2008 and is as follows:

a) Uncontested Cases

Cases should be cited in the following manner:

- Surname of the first applicant only, italicised;²
- Followed by an m-dash and the subject matter, usually the block or Trust name, and italicise i.e. “ – *block name*”;
- The year of the judgment (parentheses);
- The minute book volume number;
- Full reference to the minute book (e.g. Taitokerau; or Rotorua)
- Minute Book to simply be MB;
- The folio number; and
- The MLIS reference in parentheses.

Examples:

Uncontested Cases post-2010:

Martin – Whangaroa Ngaiotonga Trust (2008) 127 Whangārei MB 144 (127 WH 144).

Uncontested Cases pre-2010:

Trustees of Pukeroa Oruawhata – Pukeroa Oruawhata (2003) 277 Rotorua MB 285 (277 ROT 285).

b) Contested Cases

In contested cases, as set out in the New Zealand Law Style Guide:

- Surname of the first applicant only, italicised;
- Followed by a 'v';

¹ Geoff McLay, Christopher Murray and Jonathon Orphin *New Zealand Law Style Guide* (2nd ed, Thomson Reuters, Wellington, 2011).

² The format for citing parties' names has been updated in the New Zealand Law Style Guide 2011, and differs from that agreed to at the 2008 Judges' Conference. Where there is more than one applicant or respondent the accepted format, used by all Courts, requires only the name of the first applicant and first respondent to be included in a citation. The phrase '& ors' is no longer used.

- Then the surname of the first respondent only, also italicised;
- Followed by an m-dash and the subject matter, usually the block or Trust name, italicised i.e. “ – *block name*”;
- The year of the judgment (in parentheses);
- The minute book volume number;
- Full reference to the Minute Book (e.g. Waiariki; or Whangārei)
- Minute Book to be simply MB;
- The folio number;
- Followed by the MLIS reference in parentheses.

Examples:

Contested Cases post-2010:

Naera v Fenwick – Whakapoungakau 24 Block (2010) 11 Waiāriki MB 191 (11 WAR 191).

Contested Cases pre-2010:

Matchitt v Livesey – Parekura Hei Roadway (2003) 81 Ōpōtiki MB 178 (81 OPO 178).

Citation of Decisions Organised by Year

2. Following the introduction of the new minute book series in 2010 decisions of the Māori Appellate Court and the Chief Judge’s minute book are now organised by year rather than by district, which makes these citations repetitious.
3. The format for these citations will be updated and brought in line with the New Zealand Law Style Guide’s format for decisions in series organised by year.
4. The key change is that the year of judgment will be bracketed by square brackets instead of round, so decisions will be cited like so:

Davis v Mihaere – Torere Reserves Trust [2012] Māori Appellate Court MB 641 (2012 APPEAL 641).

White v White – Mourea Papakainga 3E 14D1 Block [2011] Chief Judge's MB 280 (2011 CJ 280).

5. Māori Appellate Court decisions issued prior to 2010 will retain the former citation format, using round brackets:

Eriwata v Trustees of Waitara SD s6 and 91 Land Trust – Waitara SD s6 and 91 Land Trust (2007) 15 Aotea Appellate MB 261 (15 WGAP 261).

Applications filed by Chief Registrar or Deputy Registrar

6. The New Zealand Law Style Guide currently advises that decisions involving applications filed by the Chief Registrar or Deputy Registrar be cited as follows:

Chief Registrar v Māori Land Court (2005) Chief Judge’s MB 276 (2005 CJ 276).

7. This format is undesirable as it fails to specify the land block that the decision refers to and would result in a large number of decisions all with the same name. This is to be updated so that these citations are the same as uncontested citations:

Deputy Registrar – Lot 1 DP 2811 (2013) 18 Te Waipounamu MB 276 (18 TWP 276).

Applications Involving Succession

8. There is no specific format for citation of succession cases. Cases of this nature do not usually involve a specific block of land, and instead they relate to the distribution of a deceased's estate and therefore succession to interests in a number of blocks. It may be contested or uncontested. The following form of citation has become the norm for these cases, and this is to be included in the New Zealand Law Style Guide:

Martin – Estate of Jackie Te Ratu Tio (2013) 305 Aotea MB 1 (305 AOT 1).


Davis v Davis – Estate of Charles Richard Davis (2008) 137 Otorohanga MB 57 (137 OT 57).

Applications with no 'subject matter'

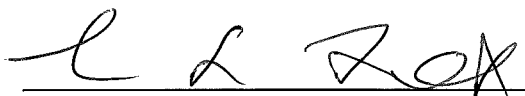
9. Some applications filed with the Court will not necessarily address a specific subject matter. Applications of this nature are usually filed pursuant to ss 26 and 30 and should be cited in the same manner as contested cases, but without reference to a subject matter. For example:

Manuirangi v Nga Hapu o Nga Ruahine Iwi Inc [2010] Chief Judge's MB 355 (2010 CJ 355).

Wano v Ngati Hineuru Iwi Incorporated (2013) 24 Tākitimu MB 56 (24 TKT 56).



Chief Judge Wilson Isaac



Deputy Chief Judge Caren Fox



Judge Craig Coxhead