

Whangaparua v Public Trust 20/9/02, Judge Adams, DC Gisborne FP016/109/02

Preliminary issue as to whether Family Court has jurisdiction to make orders affecting disposition of Maori freehold land in proceedings under Family Protection Act 1955 - at issue was the gift by will of Maori freehold land to one of the three daughters of the deceased.

Held, s 102 Te Ture Whenua Maori Act 1993 confirms the jurisdiction of the High Court on probate and administration matters, but is silent on issues of Family Protection and on any matter concerning Family Court Jurisdiction - s 101 Te Ture Whenua Maori Act 1993 requires a Court, which is dealing with family protection issues, to abide by s 106(2) Te Ture Whenua Maori Act 1993 - there is no underlying purpose apparent in Part IV Te Ture Whenua Maori Act 1993 which would oust the jurisdiction of the Family Court to hear a family protection case - order granted that Family Court has jurisdiction to hear family protection cases.