## IN THE SUPREME COURT OF NEW ZEALAND

SC 63/2006 [2006] NZSC 91

BETWEEN STEVEN BRENT SAMUELS

Appellant

AND THE PROPRIETORS OF MATAURI X

**INCORPORATION** 

Respondent

Court: Blanchard, Tipping and McGrath JJ

Counsel: Appellant in Person

D A Watson and B Henry for Respondent

Judgment: 18 October 2006

## JUDGMENT OF THE COURT

## The application for leave to appeal is dismissed.

## **REASONS**

- [1] This is an application under s 58B of the Te Ture Whenua Maori Act 1993 for leave to appeal directly to this Court from a decision of the Maori Appellate Court. There is a right of appeal against a determination of the Maori Appellate Court under s 58A of the 1993 Act, to the Court of Appeal. The applicant seeks to bypass it. The proposed direct appeal is subject to s 14 of the Supreme Court Act 2003. As subs (3) of s 58B makes clear, this Court must not give leave for an appeal to it directly unless satisfied that there are exceptional circumstances that justify the by-passing of the Court of Appeal.
- [2] We can discern no such circumstances in relation to the proposed appeal. Essentially, the applicant is challenging the voting procedure at a meeting of the Matauri X Incorporation concerning the adoption of new objects of the

incorporation. It is said for the applicant that the existence of an alleged breach of natural justice (the lack of an opportunity for the applicant to be heard before the Maori Land Court) considered in the light of Te Tiriti O Waitangi and the special relationship between the British Crown and Maori constitutes exceptional circumstances. But we do not see that proposed argument, upon the merits of which we express no view, as providing any basis for a departure from the normal process whereby a case comes to this Court only after it has been considered and ruled upon by the Court of Appeal.

Solicitors:

MacDonald Pilcher Partnership, Auckland for Respondent