

IN THE SUPREME COURT OF NEW ZEALAND

SC 47/2015
[2015] NZSC 65

BETWEEN MITA MICHAEL RIRINUI
Applicant

AND LANDCORP FARMING LIMITED
First Respondent

ATTORNEY-GENERAL
Second Respondent

Hearing (via tele conference): 14 May 2015

Court: Arnold and O'Regan JJ

Counsel: A N Isac for Applicant
S A Barker for First Respondent
D J Goddard QC and J R Gough for Second Respondent

Judgment: 14 May 2015

JUDGMENT OF THE COURT

An order is made that the first respondent, Landcorp Farming Ltd, not proceed with the sale of the Wharere Farm until further order of the Court.

REASONS

[1] The first respondent, Landcorp Farming Ltd, has entered into an agreement to sell the Wharere Farm in the Bay of Plenty to a third party. The agreement is to be settled on or before 30 May 2015. The applicant, Mr Ririnui, challenged the sale agreement. Having been unsuccessful in the Court of Appeal,¹ he seeks leave to appeal to this Court.

¹ *Attorney General v Ririnui* [2015] NZCA 160.

[2] In conjunction with his application for leave to appeal, Mr Ririnui has filed an application for an interim order that Landcorp not proceed with the sale of the Wharere Farm until this Court has determined his application for leave to appeal.

[3] Landcorp opposes both applications. The Attorney General takes no position on the application for an interim order but opposes the application for leave to appeal.

[4] Given that settlement is possible under the agreement on or before 30 May 2015, we indicated to counsel that we were considering making an interim order and fixing an expedited timetable for dealing with the leave application, so that it would be resolved before 30 May 2015. The timetable we proposed is:

- (a) The applicant to file and serve his submissions in support of his applications for leave to appeal and for an interim order if leave is granted by 5 pm on Tuesday 19 May 2015.
- (b) The respondents to file and serve their submissions in respect of both applications by 5 pm on Friday 22 May 2015.
- (c) If necessary in respect of either application, an oral hearing on Tuesday 26 May 2015.

[5] Counsel indicated that they were able to accommodate this timetable, although Mr Goddard will be unable to attend an oral hearing on 26 May 2015.

[6] Given that counsel can accommodate the proposed timetable and that there will be no irremediable prejudice to Landcorp if the completion of the sale is deferred in the meantime, we think it clear that the balance of convenience favours an interim order.

[7] Accordingly, we direct that the parties file and serve their submissions in accordance with the time table set out at [4] above. If an oral hearing is necessary, it will commence at 1 pm on Tuesday 26 May 2015. We order that Landcorp not proceed with the sale of the Wharere Farm until further order of the Court.

[8] We envisage that the Court will determine the application for leave to appeal before 30 May 2015 and, if leave is granted, will also determine whether the interim order made in this judgment should continue pending the outcome of the appeal.

Solicitors:
Koning Webster Lawyers, Papamoa for Applicant
Buddle Findlay, Wellington for First Respondent
Crown Law Office, Wellington for Second Respondent