IN THE SUPREME COURT OF NEW ZEALAND

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SC 124/2017
[2018] NZSC 14

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BETWEEN	TUI'IMALO MATAMU, TALAOALI'I NASERI, MALIELEGAOI AUMUA, SAENI PITA AND TOFA TOFIA TOFA Applicants
AND	VA'AIMALU SI'ITIA, MARY McEWING, ALISA LASI AND SALAPO RAPITI TUIA Respondents

Court:	Elias CJ, William Young and Glazebrook JJ
Counsel:	O Woodroffe for Applicants R S Pidgeon for Respondents
Judgment:	14 February 2018

JUDGMENT OF THE COURT

A   **The application for leave to appeal is dismissed.**

B   **Costs of $2,500 are awarded to the respondents.**

REASONS

Background

[1]   In December 2013 the Parish Council of the Avondale Union Parish passed resolutions excluding a group of parishioners (including the applicants) from further use of the Parish's facilities. This was on the basis that the group had already abandoned its commitment to, and membership of, the Parish.

[2]   The applicants unsuccessfully challenged the validity of the resolutions in the High Court.[1] The Court of Appeal's decision dismissed the appeal.[2] The applicants seek leave to appeal against the Court of Appeal decision.

Our assessment

[3]   The arguments the applicants seek to raise essentially amount to a challenge to the factual findings of the High Court and in large part repeat the arguments made in the Court of Appeal which were fully considered by that Court. There are no issues of general public importance. Further, nothing raised by the applicants suggests any risk of a miscarriage of justice.[3]

Result

[4]   The application for leave to appeal is dismissed.

[5]   Costs of $2,500 are awarded to the respondents.

Solicitors:
Woodroffe Law Partnership, Auckland for Applicants
Pidgeon Law, Auckland for Respondents

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[1]   *Matamu v Si'itia* [2016] NZHC 2516 (Moore J).
[2]   *Matamu v Si'itia* [2017] NZCA 482 (Clifford, Simon France and Toogood JJ).
[3]   *Junior Farms Ltd v Hampton Securities Ltd (in liq)* [2006] NZSC 60, (2006) 18 PRNZ 369 at [4]–[5].