

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI

**SC 93/2021
[2021] NZSC 134**

BETWEEN

WAIRARAPA MOANA KI POUĀKANI
INCORPORATION
Applicant

AND

MERCURY NZ LIMITED
First Respondent

WAITANGI TRIBUNAL
Second Respondent

ATTORNEY-GENERAL
Third Respondent

NGĀTI KAHUNGUNU KI WAIRARAPA
TĀMAKI NUI-Ā-RUA SETTLEMENT
TRUST
Fourth Respondent

RAUKAWA SETTLEMENT TRUST
Fifth Respondent

TE KOTAHITANGA O NGĀTI
TŪWHARETOA
Sixth Respondent

POUĀKANI CLAIMS TRUST
Seventh Respondent

RYSHELL GRIGGS AND MARK PHILLIP
CHAMBERLAIN
Eighth Respondents

THE TRUSTEES OF THE RANGITĀNE
TŪ MAI RĀ TRUST
Ninth Respondents

BETWEEN

RYSHELL GRIGGS AND MARK PHILLIP
CHAMBERLAIN ON BEHALF OF NGĀI
TŪMAPŪHIA-Ā-RANGI HAPŪ
Applicants

AND

WAITANGI TRIBUNAL
First Respondent

ATTORNEY-GENERAL
Second Respondent

MERCURY NZ LIMITED
Third Respondent

WAIRARAPA MOANA KI POUĀKANI
INCORPORATION
Fourth Respondent

NGĀTI KAHUNGUNU KI WAIRARAPA
TĀMAKI NUI-Ā-RUA SETTLEMENT
TRUST
Fifth Respondent

TAKERE LEACH ON BEHALF OF TE
HIKA O PĀPĀUMA
Sixth Respondent

HAAMI TE WHAITI ON BEHALF OF
NGĀTI HINEWAKA
Seventh Respondent

KINGI WINIATA SMILER
Eighth Respondent

THE TRUSTEES OF THE RANGITĀNE
TŪ MAI RĀ TRUST
Ninth Respondent

RAUKAWA SETTLEMENT TRUST
Tenth Respondent

TE KOTAHITANGA O NGĀTI
TŪWHARETOA
Eleventh Respondent

POUĀKANI CLAIMS TRUST
Twelfth Respondent

Hearing: 1 October 2021

Court: Winkelmann CJ, William Young, Glazebrook, O'Regan and Williams JJ

Counsel: P J Radich QC and M K Mahuika for Wairarapa Moana ki Pouākani Inc
J E Hodder QC, L L Fraser and R M A Jones for Mercury NZ Ltd
M R Heron QC and H P Graham for Attorney-General
M G Colson QC for Ngāti Kahungunu ki Wairarapa Tāmaki Nui-ā-Rua Settlement Trust
F B Barton and A L Clark-Tahana for Raukawa Settlement Trust
P V Cornegé, F E Geiringer, K H Dixon and A S Castle for Ms Griggs and Mr Chamberlain

Judgment: 11 October 2021

JUDGMENT OF THE COURT

- A The applications for extensions of time to apply for leave to appeal in SC 93/2021 and SC 127/2021 are granted.**
- B Leave to appeal in SC 93/2021 and SC 127/2021 is granted (*Mercury NZ Ltd v The Waitangi Tribunal* [2021] NZHC 654).**
- C The approved question in each appeal is whether the High Court's decision was correct.**
-

REASONS

[1] Mercury NZ Ltd should advise the Court by 20 October 2021 whether it also wishes to pursue a direct appeal to this Court on the question of its standing before the Waitangi Tribunal.

[2] Counsel are requested to liaise with the Registrar to obtain a suitable fixture for the appeal.

[3] Leave is reserved to all parties to seek such further directions as may be required.

Solicitors:

Kāhui Legal, Wellington for Wairarapa Moana ki Pouākani Incorporation

Chapman Tripp, Christchurch for Mercury NZ Ltd

Crown Law Office, Wellington for Waitangi Tribunal and Attorney-General

Fitzherbert Rowe, Palmerston North for Ngāti Kahungunu ki Wairarapa Tāmaki Nui-ā-Rua Settlement Trust

Anderson Lloyd, Dunedin for Raukawa Settlement Trust

Annette Sykes & Co Ltd, Rotorua for Pouākani Claims Trust

Dixon and Co Lawyers, Auckland for Ms Griggs and Mr Chamberlain

McCaw Lewis Ltd, Hamilton for the Trustees of the Rangitāne Tū Mai Rā Trust