

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI

**SC 93/2021
[2021] NZSC 183**

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

Court: Glazebrook and O'Regan 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: 15 December 2021

JUDGMENT OF THE COURT

- A We extend time for the first respondent to apply for leave to cross-appeal in SC 93/2021.**
- B We grant leave to the first respondent in SC 93/2021 to cross-appeal.**
- C The approved question is whether the High Court’s decision on the first respondent’s claim in that Court was correct.**
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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