

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI

SC 9/2021
[2021] NZSC 88

BETWEEN TE WARENA TAUA, GEORGE HORI
WINIKEREI TAUA, NGARAMA
WALKER, HAMUERA TAUA AND
MIRIAMA TAMAARIKI AS TRUSTEES
OF TE KAWERAU IWI TRIBAL
AUTHORITY
First Applicants

AND TE WARENA TAUA, GEORGE HORI
WINIKEREI TAUA, NGARAMA
WALKER, HAMUERA TAUA AND
MIRIAMA TAMAARIKI AS TRUSTEES
OF TE KAWERAU IWI SETTLEMENT
TRUST
Second Applicants

AND TAHI ENTERPRISES LIMITED
First Respondent

AND DIANNE LEE
Second Respondent

Hearing: 18 May 2021

Court: William Young, Glazebrook and Williams JJ

Counsel: K J Crossland, M K Mahuika and J S Langston for Applicants
M Heard and C Upton for Respondents

Judgment: 15 July 2021

JUDGMENT OF THE COURT

**A Leave to appeal is granted (*Taua v Tahi Enterprises Ltd*
[2020] NZCA 639).**

**B The approved question is whether the Court of Appeal was
correct to dismiss the appeal.**

REASONS

[1] The objective of the High Court Rules 2016, pursuant to which the discovery orders at issue in this appeal were made, is to secure the just, speedy and inexpensive determination of proceedings.¹ This Court is empowered to make any order or grant any relief that would have been available to the Court of Appeal.² That Court, in turn, is empowered to make any order which ought to have been made in the High Court and to make any other orders the case may require.³ Having heard from the parties in relation to leave, this Court is of the view that questions of who is entitled to speak for whom are inherent in the issues arising in the appeal. It may, therefore, be necessary for the Court to consider whether the matter of representation orders first considered by Lang J⁴ should now be revisited; that is, whether representation orders may provide a more just and speedy means of resolving the real controversy between the parties than would discovery orders.

[2] This Court will be assisted by hearing from counsel in relation to that matter when the appeal is heard, in addition to any other submissions counsel may wish to advance.

[3] This Court will be sitting in Auckland during the week beginning 15 November 2021. It is appropriate that this appeal be heard in Auckland. The Registrar is requested to set this appeal down for a one-day fixture during that week.

Solicitors:
Shieff England, Auckland for Applicants
Lee Salmon Long, Auckland for Respondents

¹ High Court Rules 2016, r 1.2.

² Senior Courts Act 2016, s 79(1)(a).

³ Section 56(2); and Court of Appeal (Civil) Rules 2005, r 48(4).

⁴ *Tahi Enterprises Ltd v Taua* [2018] NZHC 516.