

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI O AOTEAROA

SC 121/2023
SC 123/2023
SC 124/2023
SC 125/2023
SC 126/2023
SC 127/2023
SC 128/2023
SC 129/2023
[2024] NZSC 33

BETWEEN

WHAKATŌHEA KOTAHITANGA WAKA
(EDWARDS)

NGĀTI MURIWAI HAPŪ

KUTARERE MARAE

TE ŪPOKOREHE TREATY CLAIMS
TRUST ON BEHALF OF TE
ŪPOKOREHE IWI

ATTORNEY-GENERAL

CROWN REGIONAL HOLDINGS
LIMITED

TE KĀHUI TAKUTAI MOANA O NGĀ
WHĀNAU ME NGĀ HAPŪ O TE
WHAKATŌHEA

NGĀTI RUATAKENG
Applicants

AND

TE KĀHUI TAKUTAI MOANA O NGĀ
WHĀNAU ME NGĀ HAPŪ O TE
WHAKATŌHEA

WHAKATŌHEA MĀORI TRUST BOARD

NGĀI TAI AND RIRIWHENUA HAPŪ

TE ŪPOKOREHE TREATY CLAIMS
TRUST ON BEHALF OF TE
ŪPOKOREHE IWI

TE RŪNANGA O NGĀTI AWA

WHAKATŌHEA KOTAHITANGA WAKA
(EDWARDS)

NGĀTI RUATAKENGA

LANDOWNERS COALITION
INCORPORATED

NGĀTI MURIWAI HAPŪ

KUTARERE MARAE

TE RŪNANGA O TE WHĀNAU ON
BEHALF OF TE WHĀNAU-Ā-APANUI

BAY OF PLENTY REGIONAL COUNCIL

CROWN REGIONAL HOLDINGS
LIMITED

ŌPŌTIKI DISTRICT COUNCIL

SEAFOOD INDUSTRY
REPRESENTATIVES

WHAKATĀNE DISTRICT COUNCIL
Respondents

AND

ATTORNEY-GENERAL

TE RŪNANGA O TE WHĀNAU ON
BEHALF OF TE WHĀNAU-Ā-APANUI

SEAFOOD INDUSTRY
REPRESENTATIVES

CROWN REGIONAL HOLDINGS
LIMITED

ŌPŌTIKI DISTRICT COUNCIL

BAY OF PLENTY REGIONAL COUNCIL

WHAKATĀNE DISTRICT COUNCIL

LANDOWNERS COALITION
INCORPORATED

TE RŪNANGA O NGĀTI AWA
Interested Parties

Court: Glazebrook, Ellen France and Williams JJ

Counsel: R J B Fowler KC and B M Cunningham for Whakatōhea
Kotahitanga Waka (Edwards)
M J Sharp for Ngāti Muriwai Hapū and Kutarere Marae
J S Cooper KC, B R Lyall and H L B Swedlund for Te Ūpokorehe
Treaty Claims Trust on behalf of Te Ūpokorehe Iwi
G L Melvin and Y Moinfar-Yong for Attorney-General
M H Hill for Crown Regional Holdings Ltd and Ōpōtiki District
Council
K S Feint KC, A T I Sykes, T H Bennion, M S Smith and
C M T Linstead-Panoho for Te Kāhui Takutai Moana o Ngā
Whānau me Ngā Hapū o Te Whakatōhea
K S Feint KC and N A T Udy for Ngāti Ruatakenga
No appearance for Whakatōhea Māori Trust Board, Ngāi Tai and
Ririwhenua Hapū, and Landowners Coalition Inc
D M Salmon KC, H K Irwin-Easthope and R K Douglas for
Te Rūnanga o Ngāti Awa
M K Mahuika and N R Coates for Te Rūnanga o Te Whānau on
behalf of Te Whānau-ā-Apanui
R M Boyte for Bay of Plenty Regional Council
B A Scott, T D Smith and R J J Wales for Seafood Industry
Representatives
A M B Green and E S Greensmith-West for Whakatāne District
Council

Judgment: 17 April 2024

JUDGMENT OF THE COURT

The applications for leave to appeal are granted (*Whakatōhea Kotahitanga Waka (Edwards) v Te Kāhui and Whakatōhea Māori Trust Board* [2023] NZCA 504) on the question of the correctness of the judgment of the Court of Appeal.

REASONS

[1] Leave to appeal has been granted in general terms. However, following release of this judgment there will be consultation with the parties with a view to refining the

issues on which the Court is particularly interested. It may be that the terms of leave will be amended after that consultation.

Solicitors:

Ngātahi Law, Auckland for Whakatōhea Kotahitanga Waka (Edwards)

Te Aro Law, Wellington for Te Ūpokorehe Treaty Claims Trust on behalf of Te Ūpokorehe Iwi

Whāia Legal, Wellington for Te Rūnanga o Ngāti Awa

Te Haa Legal, Ōtaki for Ngāti Muriwai Hapū and Kutarere Marae

Annette Sykes & Co, Rotorua for Te Kāhui Takutai Moana o Ngā Whānau me Ngā Hapū o Te Whakatōhea and Ngāti Ruatakenga

Te Tari Ture o te Karauna | Crown Law Office, Wellington for Attorney-General

Kāhui Legal, Wellington for Te Rūnanga o Te Whānau on behalf of Te Whānau-ā-Apanui

Chapman Tripp, Wellington for Seafood Industry Representatives

Cooney Lees Morgan, Tauranga for Crown Regional Holdings Ltd, Ōpōtiki District Council and Bay of Plenty Regional Council

Brookfields Lawyers, Auckland for Whakatāne District Council