

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI O AOTEAROA

**SC 44/2026
[2026] NZSC 114**

BETWEEN

**TUAHUROA TAMATI CAIRNS, TOHU
RANGIKAUWHATA HAA, TAUHOPA
TE WANO HEPI, TORIWAI ROTARANGI
AND ANTHONY RALPH MATARA
ROTARANGI
First Applicants**

**POUAKANI CLAIMS TRUST
Second Applicant**

AND

**MERCURY NZ LIMITED
First Respondent**

**ATTORNEY-GENERAL
Second Respondent**

**MĀORI LAND COURT
Third Respondent**

**RAUKAWA SETTLEMENT TRUST
Fourth Respondent**

**TE KOTAHITANGA O NGATI
TŪWHARETOA
Fifth Respondent**

Court: Ellen France and Kós JJ

Counsel: M S Smith KC, A T I Sykes and H Z Yáng for Applicants
J E Hodder KC, L L Fraser and T Li for First Respondent
D A Ward, Y Moinfar-Yong and U D Herath for Second
Respondent
H K Irwin-Easthope for Third Respondent
No appearance for Fourth Respondent
K S Feint KC and H Ranaweera for Fifth Respondent

Judgment: 25 August 2026

JUDGMENT OF THE COURT

- A** Leave to appeal and cross-appeal is granted (*Mercury NZ Limited v Māori Land Court* [2026] NZCA 91).
- B** The approved question is whether the Court of Appeal was correct (1) to dismiss the applicants' appeal and cross-appeal, (2) to allow the first and second respondents' appeals in part, and (3) to reinstate paragraphs [30(c)] and [30(d)] of the applicants' amended statement of claim.
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REASONS

[1] Leave is granted in general terms, but parties will be expected to focus on the issues of law posed in [17] of the notice of application for leave to appeal and [2] of the notice of application to cross-appeal.

[2] Leave is also being granted in *Carter v Attorney-General*.¹ That appeal raises issues overlapping those in the present appeal. The appeals are to be heard together.

[3] Counsel in the two appeals are directed to confer to manage presentation of written and oral submissions in the most efficient manner possible, including by preparing a joint issues list. A case management conference is directed for 9.30 am on Friday, 9 October 2026.

Solicitors:

Annette Sykes & Co, Rotorua for Applicants

Chapman Tripp, Auckland for First Respondent

Te Tari Ture o te Karauna | Crown Law Office, Wellington for Second Respondent

Whāia Ltd t/a Whāia Legal, Wellington for Third Respondent

Gibson Sheat, Wellington for Fifth Respondent

¹ *Carter v Attorney-General* [2026] NZSC 113.