

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI O AOTEAROA

SC 106/2025
[2026] NZSC 45

BETWEEN WHETU MARAMA KAKA
Applicant

AND TRUSTEES OF MIRIA MARAE
Respondents

Court: Ellen France, Miller and Cooke JJ

Counsel: Applicant in person
No appearance for Respondents

Judgment: 5 May 2026

JUDGMENT OF THE COURT

- A The application for an extension of time to apply for leave to appeal is granted.**
- B The application for leave to appeal is dismissed.**
- C There is no order as to costs.**
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REASONS

[1] In November 2024, the Māori Land Court dismissed an application by Ms Kaka for an injunction preventing the trustees of Miria Marae from proceeding with planned development, and in particular, from relocating the whare tūpuna.¹ In August 2025, the Māori Appellate Court declined leave to appeal out of time, on

¹ *Kaka v Miria Marae Trustees – Motatau 2 Section 21A* (2024) 283 Taitokerau MB 165 (283 TTK 165) (Judge Williams). The Court also dismissed an application by Ms Kaka for a review of the trust.

the basis that Ms Kaka failed to provide a valid explanation for the delay,² there was a need for finality,³ and the proposed appeal was unmeritorious.⁴

[2] Ms Kaka now seeks leave to appeal from the decision of the Māori Appellate Court. She submits that the decision was procedurally unfair and contrary to both tikanga Māori and Te Ture Whenua Māori Act 1993. For essentially the same reasons, Ms Kaka contends that there are exceptional circumstances warranting a leapfrog appeal directly to this Court.⁵

[3] We do not accept that any such circumstances exist. Even if the proposed appeal raised issues of general or public importance as Ms Kaka suggests,⁶ there is no reason why those issues could not be dealt with in the Court of Appeal.⁷

[4] Ms Kaka applied for leave to appeal within 20 working days of the Māori Appellate Court decision, but the application was rejected for filing on procedural grounds. Her amended application, filed several days later, was outside the 20 working day period. In the circumstances, we extend time for seeking leave.⁸

[5] However, the application for leave to appeal is dismissed.

[6] The respondents did not file submissions in this Court. Accordingly, we make no order as to costs.

² *Kaka v Miria Marae – Motatau 2 Section 21A* [2025] Māori Appellate Court MB 423 (2025 APPEAL 423) (Deputy Chief Judge Coxhead, Judges Wara and Mullins) at [15].

³ At [22] and [24].

⁴ At [33].

⁵ Under s 58A of Te Ture Whenua Māori Act 1993, determinations of the Māori Appellate Court may be appealed, as of right, to the Court of Appeal. Under s 58B, upon which Ms Kaka relies, determinations of the Māori Appellate Court may be appealed directly to this Court only where there are exceptional circumstances that justify bypassing the Court of Appeal. See also Senior Courts Act 2016, s 75.

⁶ Senior Courts Act, s 74(2)(a).

⁷ See *Port Otago Ltd v Environmental Defence Society Inc* [2020] NZSC 38, [2020] ELHNZ 73 at [9]; and *Samuels v Proprietors of Matauri X Inc* [2006] NZSC 91, (2006) 18 PRNZ 401 at [2].

⁸ Supreme Court Rules 2004, r 11(4).